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Mr Tony Reed
General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Our ref: PP_2013_WAVER_001_00 (13/05170-1)
Your ref: A12/0220-02

Dear Mr Reed,

Planning proposal to amend Waverley Local Environmental Plan 2012

I am writing in response to your Council's letter dated 12 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 107 Macpherson Street, Bronte from B1 Neighbourhood Centre to R3 Medium Density Residential, include a local provision to limit the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre and permit registered clubs as an additional permitted use on the Bronte RSL Club site.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is advised that it has various options to achieve its intended outcome for the Bronte RSL Club site. Council may wish to rezone the subject site to R3 Medium Density Residential and use additional permitted uses to permit registered clubs on the site or it may rezone the subject site to B4 Mixed Use to permit registered clubs, as an alternative to using additional permitted uses. If one of the above approaches is supported, Council is to amend the planning proposal accordingly.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

I note that Council has not formally accepted plan making delegation, however has requested to be issued with delegations for the making of this proposal. Before Council can be issued with plan making functions for this proposal, it must formally accept plan making delegation and nominate the officers or employee of Council who will be granted the proposed delegation. Council is strongly encouraged to formally accept plan making delegation as soon as possible and advise the department that delegations have been accepted to enable locally significant proposals to be delegated back to Council.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Wayne Williamson of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Neil McGaffin 4.4.13.
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_WAVER_001_00): to facilitate various amendments to Waverley Local Environmental Plan 2012.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to rezone land at 107 Macpherson Street, Bronte from B1 Neighbourhood Centre to R3 Medium Density Residential, include a local provision to limit the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre and permit registered clubs as an additional permitted use on the Bronte RSL Club site should proceed subject to the following conditions:

1. Council is to consider rezoning the site of the Bronte RSL Club to R3 Medium Density Residential and using Schedule 1 to permit registered clubs on the site or rezoning the Club site to B4 Mixed Use to permit registered clubs, as an alternative to using additional permitted uses. If one of the above approaches is supported, Council is to amend the planning proposal accordingly.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include strategic reasoning behind limiting the size of retail premises in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre to 400sqm, given that a Local Village Centres Economic Assessment commissioned by Council and undertaken by Hill PDA in 2006 recommended that a mini mart with an area of up to 500sqm would be appropriate for the Macpherson Street Centre.
3. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to remove the draft local clause applying to land in the Macpherson and St Thomas Streets Bronte Neighbourhood Centre and instead is to provide a plain English explanation of the intention of the proposed clause.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW
 - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 4th day of April 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**