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Our ref: PP_2013_WAVER_003_00 (13/09163)
Your ref: PP-3/2013

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

Dear Mr Reed,

Planning proposal to amend Waverley Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 May 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 (Amendment No. 2) which makes various housekeeping amendments to the Waverley Local Environmental Plan (LEP) 2012 and implements the outcomes of the Bondi Junction Urban Design Review.

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.

It is noted that as part of the amendments proposed to Waverley LEP 2012, Council seeks to permit office premises as an additional permitted use on land at 91 Ebley Street, Bondi Junction. Although the proposal to permit office premises via additional permitted uses on the land is supported, Council is encouraged to consider allocating an appropriate zone which permits the intended land use. This can be achieved by extending the B4 Mixed Use zone to include land at 91 and 93 Ebley Street. It is noted that this position is consistent with the Bondi Junction Urban Design Review, which includes an option to extend the mixed use zoning to include the southern side of Ebley Street. If Council supports this position, the planning proposal is to be amended to reflect the above approach prior to undertaking public exhibition.

The planning proposal also proposes to rezone land at 344-354 Oxford Street, Bondi Junction from B3 Commercial Core to B4 Mixed Use. It is noted that a Gateway determination is also being issued for planning proposal PP_2013_WAVER_002_00 (Amendment No. 3) which also proposes to rezone the subject land at Oxford Street to B4 Mixed Use. To simplify administrative processes and ensure a clear and consistent approach is undertaken for the rezoning of the subject land, Council is encouraged to consolidate this planning proposal with PP_2013_WAVER_002_00. Alternatively, if Council wishes to retain separate planning proposals, it is encouraged to place both proposals on public exhibition concurrently.

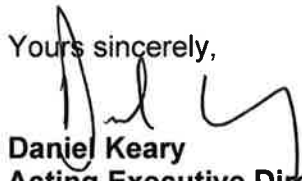
I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is justified as it is supported by a study. No further approval is required in relation to this Direction.

The amending LEP is to be finalised within 9 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 section 54(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,

 20/6/13
Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WAVER_003_00): to make various housekeeping amendments to Waverley LEP 2012.

I, the Acting Executive Director, Metropolitan 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 Bondi Junction to B4 Mixed Use; permit registered clubs (North Bondi Returned Services Club only) as an additional permitted use on the North Bondi RSL Sub Branch Club site; rezone land at 91 Ebley Street, Bondi Junction to R3 Medium Density Residential and permit office premises as an additional permitted use on the site; rezone land at 36A Flood Street, Bondi to SP2 Infrastructure (educational establishments); rezone land at 362 Birrell Street, Tamarama to RE1 Public Recreation; include land at 180 Campbell Parade, Bondi Beach in item C2 - Bondi Beach Conservation Area – General; remove 23 Brown Street, Bronte from the Heritage Map and Schedule 5 – Environmental Heritage and include clause 6.7 'Solar access to public spaces in Bondi Junction' in the LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include current and proposed land zoning maps, which are at an appropriate scale, clearly identify the subject site and show the surrounding zoning.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 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 2013).
3. 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.

4. 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).



5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 20th day of JUNE 2013.

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

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