



Mr Arthur Kyron
General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

14/15761

Dear Mr Kyron

Planning Proposal to amend Waverley Local Environmental Plan 2012

I refer to Council's letter 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 amend the *Waverley Local Environmental Plan 2012*. The proposed amendment seeks to repeal clause 4.4B Incentives for providing affordable rental housing.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. I have also agreed the planning proposal's inconsistency with s117 Direction 3.1 Residential Zones is justified as Council is pursuing alternative policy positions through Council's affordable housing program and VPA Policy to deliver housing choice. I encourage Council to continue to pursue these mechanisms.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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.

If you have any further enquiries about this matter, I have arranged for Ms Lauren Templeman of the Metropolitan Delivery office of the Department of Planning and Environment to assist you. Ms Templeman can be contacted on telephone number (02) 8575 4112.

Yours sincerely

Lee Mulvey
Director, Metropolitan Delivery
Planning Services