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Department Generated Correspondence (Y)

Contact: Wayne Williamson

Phone: (02) 9228 6159

Fax: (02) 9228 6244

Email: wayne.williamson@services.nsw.gov.au

Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2011_WAVER_002_00 (11/18264)

Your ref: A11/0575

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

Dear Mr Reed,

Re: Planning proposal to rezone 241-245 Oxford Street and 4-12 Waverley Street, Bondi Junction from B3 Commercial Core to B4 Mixed Use

I am writing in response to your Council's letter dated 27 September 2011 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 (Bondi Junction Centre) 2010 by rezoning 241-245 Oxford Street and 4-12 Waverley Street, Bondi Junction from B3 Commercial Core to B4 Mixed Use.

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

It is noted that Council recently commenced public exhibition of the draft Waverley LEP 2011. In order to provide clarity to the community, Council is to update the planning proposal prior to exhibition, to explain the relationship of this planning proposal to the draft comprehensive LEP and how the amendment would amend Council's Principal Plan should that be made before the subject planning proposal is finalised. In doing so, Council is to map the amendment as if it was amending the draft Waverley LEP 2011 and include this in the exhibition material.

Prior to exhibition, Council is to revise the draft LEP Land Use Zone Map to show that Hollywood Avenue land immediately east of the subject land is included as subject land rezoned to B4 Mixed Use as a result of the spot rezoning. In doing so, Council is to ensure the draft Map is clearly legible and prepared in accordance with the Department's Standard Technical Requirement for LEP maps for the purposes of the public exhibition.

The Director General's delegate has determined that the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. The Director General's delegate has also agreed that the planning proposal is consistent with S117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. No further approval is required in relation to these Directions.

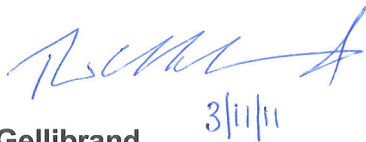
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this

determination. Council's request for the Department to draft and finalise the LEP should be made six (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 Sydney Region East Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WAVER_002_00): to rezone 241-245 Oxford Street and 4-12 Waverley Street, Bondi Junction from B3 Commercial Core to B4 Mixed Use

I, the Deputy Director General, Plan Making & Urban Renewal 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 (Bondi Junction Centre) 2010 to rezone 241-245 Oxford Street and 4-12 Waverley Street, Bondi Junction from B3 Commercial Core to B4 Mixed Use should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to exhibition to explain the relationship between this planning proposal and the draft Waverley LEP 2011 and how the subject land will be rezoned in the comprehensive LEP.
2. Council is to include mapping of the proposed rezoning as an amendment to Waverley LEP 2011 to ensure the proposed rezoning of the land can proceed irrelevant of the timing of Council's comprehensive LEP.
3. Prior to exhibition, Council is to revise the draft LEP Land Zoning Map to include Hollywood Avenue land immediately east of the subject site within the subject land to be rezoned to B4 Mixed Use. In doing so, Council is to ensure the draft Map is clearly legible and prepared in accordance with the Department's Standard Technical Requirement for LEP maps for the purposes of the public exhibition.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 **9 months** from the week following the date of the Gateway determination.

Dated 3rd day of November 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure