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Department Generated Correspondence (Y)

Contact: Wayne Williamson

Phone: (02) 9228 6111

Fax: (02) 9228 6244

Email: Wayne.Williamson@planning.nsw.gov.au

Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2011_WAVER_001_00 (11/08005)

Your ref: A11/0171

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

Dear Tony Reed,

Re: Planning Proposal to enable dual occupancy development to be permitted with consent within the R3 - Medium Density Residential zone in the Waverley (Bondi Junction Centre) LEP 2010

I am writing in response to your Council's letter dated 2 May 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 (Bondi Junction Centre) Local Environmental Plan 2010 to enable dual occupancy development to be permitted with consent within the R3 - Medium Density Residential zone in the Waverley (Bondi Junction Centre) LEP 2010.

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.

Council are to amend the planning proposal to use the term "Dual Occupancies" as per the Standard Instrument Order of 25 February 2011. Council should note that this definition includes both Dual Occupancies (attached) and Dual Occupancies (Detached).

The planning proposal is considered to be consistent with S117 Directions 3.1 Residential Zones, 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 6 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 Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand 1/6/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WAVER_001_00): to enable dual occupancy development to be permitted with consent within the R3 - Medium Density Residential zone in the Waverley (Bondi Junction Centre) LEP 2010.

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 (Bondi Junction Centre) Local Environmental Plan 2010 to enable dual occupancy development to be permitted with consent within the R3 - Medium Density Residential zone in the Waverley (Bondi Junction Centre) LEP 2010 should proceed subject to the following conditions:

1. Council are to amend the planning proposal to use the term "Dual Occupancies" as per the Standard Instrument Order of 25 February 2011. Council should note that this definition includes both Dual Occupancies (attached) and Dual Occupancies (Detached).
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 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)*.
3. No Consultation is required with State or Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
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 **6 months** from the week following the date of the Gateway determination.

Dated

1st

day of

June

2011.



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