

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_WAVER\_001\_00):** to amend the Waverley Local Environmental Plan (LEP) 2012 as it applies to 122 Bronte Road, Bondi Junction by rezoning the land from SP2 Infrastructure to B4 Mixed Use, increasing the maximum floor space ratio and building height controls, and including the land on the Active Street Frontages Map.

I, the Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Waverley Local Environmental Plan (LEP) 2012* as it applies to 122 Bronte Road, Bondi Junction by rezoning the land from SP2 Infrastructure to B4 Mixed Use, increasing the maximum floor space ratio and building height controls, and including the land on the Active Street Frontages Map should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement prior to public exhibition:
  - (a) include a preliminary site investigation in accordance with the requirements of State Environmental Planning Policy No. 55 Remediation of Land;
  - (b) revise the proposed Zoning, Floor Space Ratio and Height of Buildings maps to ensure the proposed controls are aligned with the subject property boundaries and to remove Council's date stamps;
  - (c) include a proposed Active Street Frontages Map to show the extent of street frontages that will be subject to the application of Clause 6.5 of the Waverley Local Environmental Plan 2012;
  - (d) update the planning proposal to clearly state that active street frontage requirements form part of the proposal; this includes updating the relevant information in the 'Planning Proposal Key Details' section on page 4 of the document;
  - (e) include information in part 3.2 of the planning proposal to address Planning Priority E13 – *Supporting growth of targeted industry sectors* under the Eastern City District Plan;
  - (f) update the planning proposal to remove reference to repealed State Environmental Planning Policies (SEPPs):
    - SEPP No 6 – Number of Storeys in Buildings;
    - SEPP No 22 – Shops and Commercial Buildings;
    - SEPP No 32 – Urban Consolidation;
    - SEPP (Major Development) 2005; and
    - SEPP (Temporary Structures) 2007.
  - (g) update the project timeline in part 6 of the planning proposal.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Transport for NSW;
  - NSW Heritage, Department of Premier and Cabinet (former Office of Environment and Heritage);
  - Sydney Water; and
  - Ausgrid.

Each public authority/organisation 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 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

Dated 13 April 2020



**Malcolm McDonald**  
Executive Director, Eastern Harbour City  
Greater Sydney, Place and Infrastructure  
Delegate of the Minister for Planning and  
Public Spaces