



Contact: Charlene Nelson  
Phone: (02) 9228 6111  
Fax: (02) 9228 6244  
Email: Charlene.Nelson@planning.nsw.gov.au  
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP\_2010\_WAVER\_001\_00 (10/03544)  
Your ref: A08/0278

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

Dear Mr Reed,

**Re: Waverley Local Environmental Plan 1996 Amendment No. 33**

I refer to the letter from Waverley Council ("the Council") to the Department, dated 22 April 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") for the draft Waverley Local Environmental Plan 1996 Amendment No. 33 ("draft LEP") that had previously been exhibited by Council.

I am writing to notify you that I have determined, as the delegate of the Director-General, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore, I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 59(1) of the EP&A Act for the making of this draft LEP. The draft LEP may be submitted to the Minister subject to the Council satisfying the following requirements:

- a) All land to which Waverley (Bondi Junction Centre) LEP 2010 applies should be removed from the draft plan (Am. 33), including all draft heritage listings and conservation areas which are already in the Bondi Junction LEP.
- b) Schedule 5 of the plan will need to be updated as it is inconsistent with the latest SI formatting advice. Items of local heritage significance need to be notated in Column 5 of the Schedule. Items of state heritage significance and listed on the State Heritage Register currently identified with an asterisk will need to be notated as being of "State" significance in Column 5 of the schedule. Column 6 of the schedule will need to be corrected so that a number is provided in the column for each item and prefixed by "I" (Heritage Item), "C" (Conservation Area) or "A" (Archaeological Site).
- c) Mapping will need to be amended in accordance with the updated Schedule 5 and the Standard Mapping Guidelines.
- d) Council will need to provide supplementary information to demonstrate that the proposed conservation areas will not affect its ability to meet the housing targets outlined in the Metropolitan Strategy, as requested in the Director General's authorisation letter of 27 March 2009. If this cannot be adequately demonstrated at this stage, consideration may be given to deferring the proposed conservation areas until adequate supplementary information has been submitted.



## Planning

Council is encouraged to finalise the LEP within 3 months of the week following the date of this letter. 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 Charlene Nelson of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

27/5/10