

Mr John Clark
Acting General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Dear Mr Clark

Planning proposal PP-2021-3579 to amend Waverley Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the floor space ratio (FSR) and building height, and add an additional local provision at 203-231 Bronte Road and 94-98 Carrington Road, Waverley.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction.

The Department's Urban Design team reviewed the proposal and concept scheme and identified some opportunities for improved legibility and useability of the through site-links and central courtyard, including to:

- widen the minimum dimension for the primary through site lane way between Carrington Road and Bronte Road to allow alfresco uses and greater pedestrian movement in the laneway
- widen lane way entry locations to improve legibility, activate edges and facilitate foot traffic
- create direct visual sightlines, notably for the primary link between Carrington Road and Bronte Road, to improve safety and security
- consider opportunities to improve amenity to the lane ways and central courtyard, including solar access
- consider a staging plan to ensure appropriate phasing in light of there being multiple landowners and landholdings.

I encourage Council to consider these points and continue to work with the Proponent to develop the site-specific Development Control Plan (DCP). If revisions

are made to the scheme in light of the above comments, it is noted there may be a need to verify the gross floor area and FSR figures to inform the final planning proposal.

In order to improve the urban design and environmental outcomes of the future development, the planning proposal is to be updated to address various matters including:

- additional contamination information and study to address section 9.1 Direction 2.6 Remediation of Contaminated Land; and
- further information to ensure good amenity is provided in the future residential dwellings in terms of solar access and to ascertain impacts to nearby residential dwellings in terms of overshadowing.

Further, the site-specific DCP is to include design and amenity considerations relating to the courtyard and lane ways, and environmental impacts, such as overshadowing, solar access and visual and acoustic privacy.

During assessment it was identified that the ADG Compliance Analysis counted some apartments as cross-ventilated that should not have been as they have single aspect. Council may wish to seek updated information to ensure consistency with the interpretation of cross-ventilation in the Apartment Design Guide.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within **nine months** of 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 Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lawren Drummond to assist you. Ms Drummond can be contacted on 9274 6185.

Yours sincerely



Laura Locke
Director, Eastern and South Districts
Greater Sydney, Place & Infrastructure

Encl: Gateway determination