



Ms Emily Scott
General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Dear Ms Scott,

Planning proposal PP-2021-4641 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 introduce alternative floor space ratio and building height and site-specific provisions for land at 99-117 Birrell Street, 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. No further approval is required in relation to this Direction.

The Gateway determination requires the planning proposal to be updated prior to exhibition. This includes updating the Explanation of Provisions to explain Council's intent to avoid the isolated development of the Birrell Street site, or the development of only some of the Birrell Street lots. Additionally, a plain English explanation of the high performance building standards should be provided in the body of the proposal. References to affordable housing contributions as they relate to *State Environmental Planning Policy No. 70 Affordable Housing (Revised Schemes)* and monetary payment are also to be removed.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority in this instance. This is due to the close relationship between this planning proposal and the proposal for the War Memorial Hospital Campus site (PP_2019_WAVER_003_00) recently exhibited by Council, which was the subject of a rezoning review.

The amending local environmental plan (LEP) is to be finalised within 9 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 for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight 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 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 Mr Simon Ip, Manager Place and Infrastructure to assist you. Mr Ip can be contacted on (02) 8289 6714.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LL' or 'Laura Locke', with a small red mark below it.

17 Sep. 21
Laura Locke
A/Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination