



## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_WAVER\_003\_00): to amend Waverley Local Environmental Plan (LEP) 2012 to facilitate redevelopment of the War Memorial Hospital and immediate adjoining sites, including introduction of new additional permitted uses, increase to the maximum building heights and floor space ratios for the land, and application of new site-specific provisions.***

I, the Acting 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 the Waverley Local Environmental Plan (LEP) 2012 to facilitate redevelopment of the War Memorial Hospital 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) remove the indicative zoning map from the planning proposal to avoid confusion, as the proposal no longer involves any zoning map changes;
  - b) section 2.1 *Draft Development Standards* is to be revised to clearly state that the additional permitted uses (that is, seniors housing, community facilities, centre-based child care facility) only apply to the SP2 zoned land and are not “across the site”, as these uses are already permissible in the R3 zoned land;
  - c) references to the provision of open space and public access on the site must clearly state that these will be achieved through the site-specific Development Control Plan (DCP) and subsequent development applications, rather than a specific LEP provision or open space zone;
  - d) the findings and conclusion of the Phase 1 Environmental Site Assessment regarding site contamination are to be included in the planning proposal;
  - e) the affordable housing provision is to be removed from the planning proposal, as Council currently does not have an endorsed affordable housing contribution scheme;
  - f) the proposed high performance building standard provision is to be revised as an incentive clause, in order to avoid potential inconsistency with clause 8 of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
  - g) a site-specific DCP is to be prepared and exhibited concurrently with the planning proposal and address such matters as: scale and interface with the surrounding land uses as well as the heritage buildings and gardens within the

site, pedestrian access and through-site links, and provision of landscaped open space;

- h) further explanation is required to specifically describe how a minimum deep soil area provision will apply to the site, the proposed numerical standard and supporting analysis and justification;
  - i) justifications are to be provided that the site-specific provisions for minimum deep soil area, design excellence and high performance building standard, as amended by the requirements of this Gateway determination, are, or will be more broadly applied across the LGA to be consistent with section 9.1 Direction – 6.3 Site Specific Provisions;
  - j) the planning proposal is to be updated to address the new section 9.1 Direction – 2.6 Remediation of Contaminated Land;
  - k) the streetscape photomontages on page 60-68 are distorted and are to be replaced; the replacement images are to show the storey line;
  - l) the shadow diagrams on page 75-80 are to be revised to ensure the shadows are legible;
  - m) revise Part 5 *Community Consultation* to reflect the current notification and exhibition arrangements during the COVID-19 pandemic; and
  - n) include a revised project timeline.
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).

(Note: Pursuant to section 10.18 of the Act, exhibition documents are no longer required to be made available at a physical location during the COVID-19 pandemic. Council is now able to exhibit the planning proposal and associated documents on Council's website or the NSW Planning Portal, in lieu of displaying them in Council's Library and Customer Service Centre.)

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
- Transport for NSW;
  - NSW Health;
  - Sydney Water;
  - NSW Heritage – Department of Premier and Cabinet; 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. Given that the planning proposal was the subject of a rezoning review, Council is not authorised to be the local plan-making authority to make this plan.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 8<sup>th</sup> day of July 2020.



**David McNamara**  
**Acting Executive Director, Eastern**  
**Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**