

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

Our ref: IRF22/3999

Via email: info@waverley.nsw.gov.au

Dear Ms Scott

Planning proposal PP-2022-3853 to amend Waverley Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to amend Waverley Local Environmental Plan (LEP) 2012 to change the land use zone from R3 Medium Density Residential to R2 Low Density Residential, decrease the height of buildings control to 8.5m and decrease the floor space ratio (FSR) control to 0.55:1, in respect to land in the Mill Hill Heritage Conservation Area (HCA).

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should not proceed. In reaching this decision, I have carefully considered the merit and rationale of the proposal.

The Department understands Council's concerns regarding a recent development approval for a medical centre within the HCA, which triggered a resolution to review the zoning of the area. However, the proposal has not established the need for amendments to the existing zoning and development standards applicable to the HCA, especially given the diverse housing types, built forms and the presence of non-residential uses that characterise the area.

At a strategic level, the proposal is not considered to meet the relevant priorities of the Eastern City District Plan, Waverley Local Strategic Planning Statement and Local Housing Strategy, due to the potential impacts on housing diversity and delivery in a location that is within close proximity to the Bondi Junctions strategic centre.

There is a lack of evidence to suggest that the existing planning controls would result in adverse impacts on the heritage significance of the Mill Hill HCA. The proposal would also affect the ability of landowners to undertake alterations and additions to existing buildings due to the reduction to the development standards.

I note Council officer's recommendation in the report to the Strategic Planning and Development Committee meeting of 5 April 2022 to not pursue a rezoning of the Mill Hill HCA, and that the Waverley Local Planning Panel has also advised against the planning proposal due to the lack of strategic and site-specific merit.

In light of the above, the Department does not support the planning proposal. However, I encourage Council to explore alternative planning pathways, such as provisions and guidance in the Development Control Plan, to ensure high-quality design and amenity outcomes are achieved for infill developments within the HCA.

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 8289 6714.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda', with a stylized flourish at the end.

Amanda Harvey
Executive Director, Metro East and South
Planning and Land Use Strategy
13 December 2022

Encl: Gateway determination