

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3853):** to amend the Waverley Local Environmental Plan (LEP) 2012 by changing 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, as applying to land in the Mill Hill Heritage Conservation Area.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2012 to change the land use zone from R3 Medium Density Residential to R2 Low Density Residential, decrease the maximum height of buildings control to 8.5m and decrease the maximum floor space ratio control to 0.55:1 in respect to land in the Mill Hill Heritage Conservation Area, should not proceed.

The reasons for the Gateway determination are:

1. The planning proposal has not demonstrated adequate strategic merit as:
  - a) The proposal has not demonstrated the need for the rezoning and amendment to the FSR and height of buildings standards.
  - b) The inconsistency with the following Planning Priorities of the Eastern City District Plan, which gives effect to the Greater Sydney Region Plan, is unresolved due to the potential impact on housing diversity and supply in an accessible location close to the Bondi Junction strategic centre, and that a more restricted range of commercial uses would result from the rezoning:
    - i. E3 *Providing services and social infrastructure to meet people's changing needs;*
    - ii. E5 *Providing housing supply, choice and affordability, with access to jobs, services and public transport;* and
    - iii. E10 *Delivering integrated land use and transport planning and a 30-minute city.*
  - c) The proposal does not adequately address consistency with the Waverley Local Strategic Planning Statement (LSPS). The inconsistency with the following Planning Priorities in the LSPS remains unresolved due to the potential impacts on housing supply and diversity in an accessible location close to the Bondi Junction strategic centre and public transport:
    - I. Priority 6 *Facilitate a range of housing opportunities in the right places to support and retain a diverse community;* and
    - II. Priority 8 *Connect people to inspiring and vibrant places, and provide easy access to shops, services and public transport.*
  - d) The proposal is inconsistent with the following priorities of the Waverley Local Housing Strategy for the above-mentioned reasons:
    - I. H1 *Manage housing growth sustainably and in the right location;* and
    - II. H2 *Encourage a range of housing options to support and retain a diverse community.*

- e) The inconsistency with Section 9.1 Ministerial Directions – 5.1 Integrating Land Use and Transport and 6.1 Residential Zones is not adequately justified and remains unresolved.
2. The planning proposal has not demonstrated adequate site-specific merit as:
- a) The proposal is inconsistent with the existing medium density residential uses, built form and local character of the Mill Hill HCA;
  - b) There is a lack of justification that the existing zoning and development standards would result in detrimental impacts on the heritage significance of the Mill Hill HCA;
  - c) The proposal would unreasonably limit the ability of landowners to make alterations and additions to their properties; and
  - d) The proposal would result in negative social and economic impacts by discouraging housing diversity and prohibiting certain commercial uses that could service the local community.
3. The planning proposal has not adequately explained the intended amendments to the LEP with sufficient clarity.

Dated 13th day of December 2022.



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**