

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-676):** to rezone the land at 34 Flood Street, Bondi, from SP2 Infrastructure (Educational Establishment) to R3 Medium Density Residential under the Waverley Local Environmental Plan 2012.

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 rezone the land at 34 Flood Street, Bondi, from SP2 Infrastructure (Educational Establishment) to R3 Medium Density Residential, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - a) apply a minimum lot size control of 325m<sup>2</sup> consistent with 'D' of the Waverley Local Environmental Plan 2012 Lot Size Map Sheets to the site;
  - b) include clear mapping to illustrate the existing and proposed land use zone and minimum lot size for the site, to enable the community to clearly understand the intended outcomes;
  - c) include an assessment against the Waverley Local Housing Strategy and the Waverley Community Strategic Plan;
  - d) remove references to repealed State Environmental Planning Policies (SEPPs) and include an assessment against applicable SEPPs, including but not limited to:
    - i. SEPP (Transport and Infrastructure) 2021;
    - ii. SEPP (Resilience and Hazards) 2021; and
    - iii. SEPP No. 65 – Design Quality of Residential Apartment Development.
  - e) remove references to repealed Section 9.1 Ministerial Directions and include an assessment of the proposal against all current applicable Directions (with the exception of Direction 4.4 which must be addressed prior to finalisation).
2. Prior to finalisation, the planning proposal is to be updated to include information that demonstrates consistency with, or that any inconsistent is justified and/or of minor significance in relation to Section 9.1 Direction 4.4. Remediation of Contaminated Land.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition must commence within 4 months following the date of the gateway determination.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - i. NSW Department of Education
  - ii. Schools Infrastructure NSW
  - iii. Waverley Council
  - iv. Transport for NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. 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 EP&A Act. This does not discharge the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the proposal, the Sydney Eastern City Planning Panel is not authorised to be the local plan-making authority.
7. The timeframe for completing the LEP is 6 months from the date of the Gateway determination.

Dated 18th of November 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 and**  
**Homes**