

Gateway Determination

Planning proposal (Department Ref: PP-2023-102): to amend the Waverley Local Environmental Plan 2012 by amending the land zoning, floor space ratio and height of buildings of the land at 20 Illawong Avenue, Tamarama.

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 (LEP) 2012 to change the zoning, floor space ratio (FSR) and height of buildings for land at 20 Illawong Avenue (also known as 5 Tamarama Street), Tamarama should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be revised to:
 - (a) Provide further explanation of the likely impacts on development potential for various types of residential uses, having regard to the development standards in the Waverley LEP 2012; the relevant controls in the Waverley DCP 2022, including but not limited to building envelope, setbacks, landscaping and car parking; and the applicable provisions in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2004; the existing discussion about potential traffic and parking impacts and overshadowing should be revised in response to the above;
 - (b) Ensure accuracy of the planning controls described in Table 3 of the planning proposal and rectify any errors, such as the relevant floor space ratio controls;
 - (c) Set out the objectives and intended outcomes of the planning proposal in plain English in accordance with the Department's Local Environmental Plan Making Guideline (September 2022), noting that the above are different from an explanation of provisions;
 - (d) Confirm the correct street address and property details of the subject site with supporting evidence, such as a subdivision plan registered with the NSW Land Registry Services, and update the planning proposal title accordingly;
 - (e) Include extracts of the existing and proposed land zoning, floor space ratio and height of buildings maps that clearly identify the subject site and the proposed mapping changes;
 - (f) Provide information to further address Objective 10 *Greater Housing Supply* of the Greater Sydney Region Plan, taking into consideration the types of residential uses that would be feasible on the site;
 - (g) Regarding the Eastern City District Plan,
 - i. Provide information to further address Planning Priority E5 *Providing housing supply, choice and affordability, with access to jobs, services and public transport*, taking into consideration the types of residential uses that would be feasible on the site; and
 - ii. Address Planning Priority E6 *Creating and renewing great places and local centres, and respecting the District's heritage*;
 - (h) Provide information to further address Planning Priority 6 *Facilitate a range of housing opportunities in the right places to support and retain a diverse*

community of the Waverley Local Strategic Planning Statement, taking into consideration the types of residential uses that would be feasible on the site, and ensure the discussions are coherent across different parts of the proposal;

- (i) Provide information to further address Priority H2 *Encourage a range of housing options to support and retain a diverse community* of the Waverley Local Housing Strategy, taking into consideration the type of residential uses that would be feasible on the site;
 - (j) Provide information to justify the inconsistency with Section 9.1 Ministerial Direction – 6.1 Residential Zones; and
 - (k) Update the project timeline in accordance with the timeframes stated in the Gateway determination.
2. 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 Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, 2022).
- Exhibition must commence within two months following the date of the Gateway determination.
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council is not authorised to exercise the functions of the local plan-making authority.
6. The LEP is to be completed within **seven months** of the date of the Gateway determination.

7. The planning proposal must be reported to Council for a final recommendation not more than five months from the date of the Gateway determination.

Dated 1 March 2023



Amanda Harvey
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South
Planning and Land Use Strategy
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Delegate of the Minister for Planning and
Homes