

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

Dear Ms Scott

Planning proposal PP-2023-102 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) on 17 January 2023 in respect of the planning proposal to amend the Waverley Local Environmental Plan (LEP) 2012 by changing the land zoning, floor space ratio (FSR) and height of buildings in relation to land at 20 Illawong Avenue (also known as 5 Tamarama Street), Tamarama.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I advise, as delegate of the Secretary, the inconsistency of the planning proposal with Ministerial Direction - 6.1 Residential Zones under section 9.1 of the Act remains unresolved. Council may still need to obtain the agreement of the Secretary to comply with the requirements of the direction. Council should ensure this occurs prior to public exhibition.

The Gateway determination requires revision to the planning proposal to further address the relevant objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans. Further explanation is required to demonstrate any likely impacts on the development potential for various types of residential uses as a result of the proposal. The Gateway conditions also require administrative changes to the proposal to facilitate consultation with the community.

Considering the nature of the planning proposal I have determined not to authorise Council to be the local plan-making authority in this instance.

The amending local environmental plan (LEP) is to be finalised within **seven months** of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and Gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Simon Ip, Manager Place and Infrastructure to assist you. Mr Ip can be contacted on 8289 6714.

Yours sincerely



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

1 March 2023

Encl: Gateway determination