

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-104):** to amend the *Waverley Local Environmental Plan 2012* to rezone a portion of the site at 50 Botany Street, Bondi Junction, from SP2 Infrastructure (Telecommunications) to R3 Medium Density Residential; introduce a minimum lot size control of 232m<sup>2</sup>; remove a redundant local heritage listing from the site; and permit the collection of affordable housing contributions.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 a portion of the site at 50 Botany Street, Bondi Junction, from SP2 Infrastructure (Telecommunications) to R3 Medium Density Residential; introduce a minimum lot size control of 232m<sup>2</sup>; remove a redundant local heritage listing from the site; and permit the collection of affordable housing contributions, should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 31 July 2025.

### Gateway Conditions

1. Prior to exhibition, the proposal is required to be updated to:
  - (a) Provide a plain English explanation of how the affordable housing contribution additional local provision will apply to the site and include a disclaimer that final wording will be subject to Parliamentary Counsel drafting.
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, August 2023) 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, August 2023).

3. 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:

- a) Telstra
- b) Relevant utility providers, including Ausgrid and Sydney Water.

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.

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 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).

Dated 11 October 2024



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**Director, Local Planning (North, East and**  
**Central Coast)**  
**Planning, Land Use Strategy, Housing and**  
**Infrastructure**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**