

Gateway Determination

Planning proposal (Department Ref: PP-2024-1750): to amend the Waverley Local Environmental Plan 2012 to correct errors and anomalies, address issues with existing clauses and permit the 'display of goods on the footpath' as exempt development.

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 correct errors and anomalies, address issues with existing clauses and permit the 'display of goods on the footpath' as exempt development, 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 consultation the planning proposal is to be updated to:
 - (a) Include a plain English explanation of how the proposed amendment to Schedule 2 will apply and include a disclaimer that final wording is indicative only and will be subject to Parliamentary Counsel drafting, should the proposal proceed to finalisation.
 - (b) Remove indicative clause wording illustrating the proposed amendments to clause 6.14 Waste minimisation and recycling, and clarify the extent of the alterations and additions the proposed amendments will apply to.
 - (c) Remove all references to the proposed amendments to clause 4.3 Height of buildings of the Waverley LEP 2012.
 - (d) Ensure consistency of the proposed amendment to Schedule 2 of the Waverley LEP 2012 with the defined land uses in the SILEP to avoid confusion as to where the provision seeks to apply.
 - (e) Clarify whether the proposal also seeks to amend the height and FSR controls that currently apply to the site at 3A Tamarama Street, Tamarama, to align with the applicable development controls of the adjoining R2 zoned land.
 - (f) Clarify whether the proposal also seeks to amend the existing height and FSR controls that apply to the subject land located at the rear of 10 & 12 Mill Hill Road, Bondi Junction.
 - (g) Ensure the proposed Minimum Lot Size control mapping for land at 58 Military Road, Dover Heights, clearly shows that the proposed 500m² control will apply to the entire site.

- (h) Ensure the proposed heritage map and property description in Schedule 5 are consistent with the existing state heritage item listing at 470 Bronte Road, Bronte.
 - (i) Ensure the proposal and the supporting maps include complete street addresses (including suburbs), map legends, and clear map labelling (where relevant) to identify key features and ensure the proposal is suitable for community consultation.
 - (j) Address consistency with Direction 3.1 Conservation Zones.
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) Transport for NSW
 - (b) Crown Lands
 - (c) Heritage NSW (Department of Climate Change, Energy, the Environment and 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 6 January 2025



Jazmin van Veen
Director, Local Planning (North, East and Central Coast)
Planning, Land Use Strategy, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces