

Gateway Determination

Planning proposal (Department Ref: PP-2024-668): to amend Clause 4.4A 'Exceptions to floor space ratio' of the Waverley Local Environmental Plan 2012 to apply to development for the purpose of an 'attached dwelling' and 'semi-detached dwelling' on land zoned R2, R3 and R4.

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 expand Clause 4.4A Exceptions to floor space ratio to apply to development for the purpose of an 'attached dwelling' and 'semi-detached dwelling' on land zoned R2, R3 and R4 in the Waverley Local Government Area, 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 7 March 2025.

Gateway Conditions

1. Prior to exhibition, the proposal is required to be updated to:
 - (a) Remove all references to the proposed amendment to clause 4.5(3) of the Waverley LEP 2012.
 - (b) Include a disclaimer that the proposed provisions will be subject to Parliamentary Counsel drafting should the proposal proceed to finalisation.
 - (c) Include a plain English explanation of the potential impacts of the proposed LEP amendment on the existing R2, R3 and R4 residential zoned land within the Waverley LGA.
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. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the 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 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 May 2024



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Central Coast)
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Infrastructure
Department of Planning, Housing and
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Delegate of the Minister for Planning and
Public Spaces