



Mr Ross McLeod
General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Dear Mr McLeod

Planning proposal PP_2019_WAVER_003_00 to amend Waverley Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to facilitate redevelopment of the Waverley War Memorial Hospital and immediate adjoining sites. The proposal seeks to introduce new additional permitted uses, increase to the maximum building heights and floor space ratios for the land, and application of new site-specific provisions.

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

I note that the planning proposal requests a provision be included in Waverley Local Environmental Plan (LEP) 2012 to require a proportion of housing on the site to be affordable. This requirement is not supported at this time as Council is required to have an affordable housing contribution scheme completed and endorsed by the Department prior to including affordable housing provisions in the Waverley LEP. Council may wish to enter into a voluntary planning agreement with the proponent to deliver the affordable housing.

Council will also need to provide further information to address the requirements of section 9.1 Directions 6.3 Site-specific Provisions and 2.6 Remediation of Contaminated Land. Council should ensure this occurs prior to public exhibition.

The planning proposal makes reference to a site-specific Development Control Plan (DCP) to address specific matters. The Gateway determination includes requirements for any draft site-specific DCP to be exhibited concurrently with the planning proposal.

I note that Council has not stated whether it seeks delegation for plan making powers. In light of this and the fact that the proposal was the subject of a rezoning review, Council is not authorised to be the local plan making authority in this instance.

The amending local environmental plan (LEP) is to be finalised within 12 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, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Derryn John, Principal Planning Officer, to assist you. Mr John can be contacted on 9274 6160.

Yours sincerely



8 July 2020

David McNamara
Acting Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination