

## Department of Planning, Housing and Infrastructure

Our ref: IRF25/37

Mr Andrew Pigott  
Director  
Willowtree Planning Pty Ltd  
Suite 204, Level 2, 165 Walker Street  
NORTH SYDNEY NSW 2060  
c/o Bondi Exchange Pty Ltd

Via email: [REDACTED]

22 January 2025

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**Subject: Gateway Review Request (GR-2024-13) - Planning proposal PP-2024-104 to amend Waverley Local Environmental Plan 2012**

Dear Mr Pigott,

I refer to your request of 29 November 2024, on behalf of Bondi Exchange Pty Ltd, for a review of the Gateway determination of the planning proposal for land at 50 Botany Street, Bondi Junction (PP-2024-104).

The proposal seeks to amend the *Waverley Local Environmental Plan 2012* to rezone part 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.

A Gateway determination to proceed to consultation, subject to conditions, was issued on 11 October 2024. It is noted that Waverley Council is the planning proposal authority for this proposal.

On 10 December 2024, after a preliminary review of the request, the Department requested additional information addressing the matters identified in the LEP Making Guideline (August 2023). In particular, it was request that the additional information clearly:

- Explain how the request meets the criteria for a Gateway review (as set out in the LEP Making Guideline).
- Justify why an alteration to the Gateway determination is warranted, including, where relevant, responses to issues raised by the original Gateway decision maker.
- Outline the proposed alteration to the Gateway determination that is being sought.

Additional information was submitted on 13, 17 and 20 December 2024.

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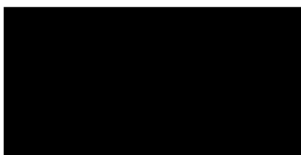
The Department has carefully considered your request for Gateway review and the supporting documentation provided, including the additional information. The Department has determined that the Gateway for the planning proposal for land at 50 Botany Street, Bondi Junction (PP-2024-104) be upheld without amendment as the Gateway review is not eligible for review and adequate justification has not been provided. Accordingly, the Gateway determination will not be altered.

The rationale for the Department's decision is outlined as follows:

- The Gateway review request is ineligible as it seeks to appeal an administrative condition 1(a) of the Gateway determination, on the grounds that the proponent objects to the proposed affordable housing contributions rate proposed for the site, which is a component of the planning proposal that does not form part of the Gateway determination conditions.
- The review request does not provide adequate justification as to why Condition 1(a) of the Gateway is considered inappropriate and should be reconsidered.
- The proposal adequately demonstrates strategic and site-specific merit and any inconsistencies with the applicable section 9.1 Directions have been justified in accordance with the terms of the Directions.
- The proposal will support the delivery of housing on underutilised land, ongoing use of the telecommunications tower on the eastern part of the site, and supply of affordable housing in the Waverley LGA.

Should you have any enquiries regarding this matter, I have arranged for Ms Claire Mirow to assist you. Ms Mirow can be contacted on [REDACTED]

Yours sincerely,



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