



Contact: Daniel Cutler
Phone: (02) 9228 6111
Fax: (02) 9228 6244
Email: Daniel.Cutler@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2010_WOOLL_001_00 (10/10217)

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Dear Mr James,

Re: Planning Proposal to permit a limited range of non-residential uses on William Street, Paddington

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Woollahra Local Environmental Plan 1995 to permit a limited range of non-residential land uses for certain properties in William Street, Paddington.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The planning proposal as submitted is inconsistent with the basic principals of the Standard Instrument template which was introduced to provide simple, clear and transparent provisions and where, as far as possible, land uses are included in the appropriate land use tables. Council's proposal would have allowed five additional retail uses in any of the properties in William Street covered by the planning proposal and all of these additional uses would be outside the standard land use tables. In effect, this would have created a sub-zone in William Street.

It is understood that Council proposed these limited retail uses so as to reflect the small scale nature of the uses which have established in William Street and to acknowledge the existing boutique retailing environment. Nevertheless, there is nothing to suggest that limiting development to these five specific retail uses would present any significantly different outcome in terms of bulk, scale, amenity and heritage impact, than would result in the more flexible approach of allowing any number of other small scale retail uses.

The Gateway Determination which has been conditioned so that shops generally become permissible in William Street reflects the fact that almost 70 percent of existing properties in the street are currently used as retail/commercial premises. The provisions of clause 30 of Woollahra LEP 1995 afford Council the opportunity to control the scale and design of future development in relation to heritage and heritage architecture. This level of control would be lost if the planning proposal was approved as presented to the Gateway by Council.

As conditioned, the Gateway Determination provides for an LEP which is consistent with the Standard Instrument LEP. However, given that the majority of properties in William Street have already been converted to retail use, Council should consider whether the retention of the Residential zone is appropriate in its Standard Instrument LEP.

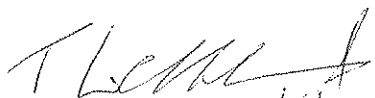
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Daniel Cutler of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

16/6/10

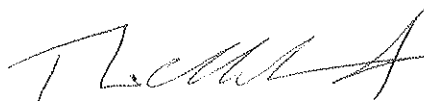
Gateway Determination

Planning Proposal (Department Ref: PP_2010_WOOLL_001_00): to permit a limited range of non-residential uses on William Street, Paddington and to amend Clause 30 of Woollahra LEP 1995..

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Woollahra Local Environmental Plan 1995 to permit a limited range of non-residential land uses for certain properties in William Street, Paddington and to amend clause 30 should proceed subject to the following conditions:

1. The planning proposal being amended to remove the five (5) specific retail uses proposed and replaced with "shop" as a permissible land use.
2. The provisions of Clause 30 of Woollahra LEP 1995 continuing to apply to the subject land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of June 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning