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Department Generated Correspondence (Y)

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Our ref: PP_2011_WOOLL_003_00 (11/20410)

Your ref: 1064.G

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

Dear Mr James,

Re: Planning Proposal to rezone the land from open space to 2(b) residential, reclassify the land from Community to Operational and apply a Floor Space Ratio of 0.625:1 and Height of 9.5 metres.

I am writing in response to your Council's letter dated 22 November 2011 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 rezone the land from open space to 2(b) residential, reclassify the land from Community to Operational and apply a Floor Space Ratio of 0.625:1 and Height of 9.5 metres.

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

It is noted that the subject site has the potential to be affected by contamination due to previous uses on the property. Council is required to prepare a Stage 1 Site Contamination Report consistent with the requirements of State Environmental Planning Policy (SEPP) – No 55 Remediation of Land for the entire site. The report should be completed prior to exhibition and should be included in the exhibition material.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway 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 Wayne Williamson of the Regional Office of the Department on 02 9228 6159.

Yours sincerely,



8/12/11
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOOLL_003_00): to rezone the land from open space to 2(b) residential, reclassify the land from Community to Operational and apply a Floor Space Ratio of 0.625:1 and Height of 9.5 metres. This is consistent with planning controls of the surrounding land.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Woollahra Local Environmental Plan 1995 to rezone the land from open space to 2(b) residential, reclassify the land from Community to Operational and apply a Floor Space Ratio of 0.625:1 and Height of 9.5 metres. This is consistent with planning controls of the surrounding land should proceed subject to the following conditions:

1. Council is required to prepare and exhibit a Stage 1 Site Contamination Report in accordance with the requirements of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land. The report is to address site contamination issues for the entire site.
2. 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 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)*.
3. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8th

day of

December

2011.



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