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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING*Plan Making and Urban Renewal***SUBJECT: PLANNING PROPOSAL / GATEWAY DETERMINATION REGARDING THE
LISTING OF DUNTRIM HOUSE, DARLING POINT AS A LOCAL HERITAGE ITEM****PURPOSE**

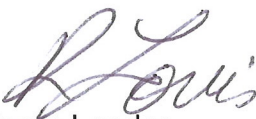
- To correct an error in the Gateway Determination relating to the listing of the former dwelling "Duntrim House", located at 37 Darling Point Road, Darling Point, as an item of local heritage significance.

RECOMMENDATION

- That the Deputy Director General **signs** the attached revised Gateway Determination and letter to Woollahra Council (Tag A), if approved.

CURRENT POSITION

- The Gateway Determination letter for the land at 37 Darling Point Road, Darling Point, was issued on 10 February 2011 (Tag B).
- The Determination contained an error in that it referred to the subject land as 37 Darling Point Road, Vaucluse.
- The correct address reference is 37 Darling Point Road, Darling Point.
- The new Determination corrects the error.


Team Leader
Sydney Region East
15-2-11


Deputy Director General
Plan Making and Urban Renewal
15/2/11

Contact Officer: Daniel Cutler
Sydney East Planning Teams
Phone: (02) 9228 6475

11/03184

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 2028

Dear Mr James

Re: Planning Proposal to amend the Woollahra Local Environmental Plan 1995 to list the former dwelling known as "Duntrim" and its grounds, located at 37 Darling Point Rd, Darling Point, as a local heritage item

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 heritage schedule and heritage map to include "Duntrim House" and grounds" located at 37 Darling Point Road, Darling Point as an item of local heritage significance.

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 is to clearly identify what the listing is intended to capture, and whether or not the entire grounds including trees, features or particular buildings and their contents are to be the subject of the listing. Council should consider including an additional map that identifies buildings that are to be included and buildings to be excluded from the listing.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway Determination. As it has been determined that this is a minor amendment, the Department will commence drafting the instrument immediately. The Regional Planning Team will remain your principal contact on this matter and will be able to advise on the progress of the draft LEP.

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



15/2/11

Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOOLL_001_00): to amend the Woollahra Local Environmental Plan 1995 heritage schedule and heritage map to include "Duntrim House and grounds" located at 37 Darling Point Road, Darling Point as an item of local heritage significance.

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 amend the heritage schedule and heritage map to include "Duntrim House and grounds" located at 37 Darling Point Road, Darling Point as an item of local heritage significance should proceed subject to the following conditions:

1. 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 **14 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Health
 - NSW Department of Planning – Heritage Branch

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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).

4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 15th day of February 2011.



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