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Our ref: PP\_2015\_WOOLL\_001\_00 (15/01631)

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

Dear Mr James

### **Planning Proposal to amend Woollahra Local Environmental Plan 2014**

I am writing in response to Council's letter dated 16 December 2014, requesting a Gateway determination for a planning proposal at 83 and 83A Yarranabbe Road, Darling Point, which seeks to amend the floor space ratio, building height and foreshore building line controls on the site.

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

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation, and has requested delegation of this planning proposal. I have considered the nature of the proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan 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 as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office **6 weeks** prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, I have arranged for Mr James Sellwood of the Department's Metropolitan Region (East) branch to assist you. Mr Sellwood can be contacted on 02 8575 4122.

Yours sincerely



**Lee Mulvey**  
**Director**  
**Metropolitan Delivery (CBD)**  
**Planning Services**

23/1/15

**Delegate of the Minister for Planning**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2015\_WOOLL\_001\_00): to amend the floor space ratio, building height and foreshore building line controls for 83 and 83A Yarranabbe Road, Darling Point.***

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* ("the Act") that an amendment to the Woollahra Local Environmental Plan 2014 to amend the floor space ratio, building height and foreshore building line controls for 83 and 83A Yarranabbe Road, Darling Point, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include Site Identification, Height of Buildings, Floor Space Ratio, and Foreshore Building Line Maps which clearly show both the existing and proposed controls for the site.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment 2013).

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Environment 2013).
3. Consultation is required with Transport for NSW – Roads and Maritime Services under section 56(2)(d) of the EP&A Act. The agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least **21 days** to comment on the proposal, or to indicate that they will require additional time to comment.

Roads and Maritime Services may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from the agency, copies of any submissions must be included with the revised proposal.

4. Prior to undertaking public exhibition Council is to consult with the Foreshores and Waterways Planning and Development Advisory Committee under clause 30(1) of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Council planning proposal is to be revised to address any submission received from the Advisory Committee within 30 days after the date on which the planning proposal was forwarded to the Committee.

5. 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).
6. Prior to undertaking public exhibition, the planning proposal is to be revised to demonstrate consistency with 'A Plan for Growing Sydney', released on 14 December 2014.
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.
8. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act, 1979 is issued to Council in relation to the planning proposal.

Dated 23rd day of January 2015.



**Lee Mulvey**  
**Director**  
**Metropolitan Delivery (CBD)**  
**Planning Services**

**Delegate of the Minister for Planning**

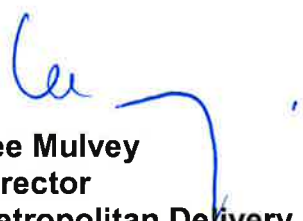
## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Woollahra Municipal Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                 |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2015_WOOLL_001_00 | Planning proposal to amend the floor space ratio, building height and foreshore building line controls for 83 and 83A Yarranabbe Road, Darling Point |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 23 January 2015



Lee Mulvey  
Director  
Metropolitan Delivery (CBD)  
Planning Services

Delegate of the Minister for Planning