



Mr Craig Swift-McNair  
General Manager  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 1360

Dear Mr Swift-McNair

**Planning proposal PP-2021-6330 to amend Woollahra Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the floor space ratio and maximum building height controls, and introduce a secondary height control for land at 252-254 New South Head Road, Double Bay.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also determined, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 Site Specific Provisions, requires further justification in accordance with the terms of the Direction.

The Gateway determination, amongst other items, requires further testing of the proposed floor space ratio of 2.6:1 to ensure it is achievable within the proposed height controls, taking into consideration the Apartment Design Guide controls. This may include further attention towards apartment depths and building separation distances.

The planning proposal is to be updated to contain a provision that a site-specific development control plan (DCP) is to be in place prior to the issuing of any development consent for the site. The DCP should address matters including built form and articulation, provision of deep soil zones to support tree canopy, notably the existing mature Jacaranda tree at the New South Head Road frontage, and screen planting to promote visual privacy. Apartment mix should be considered, as well as environmental impacts such as overshadowing, visual and acoustic privacy and view sharing.

The DCP may be prepared and exhibited concurrently with the planning proposal, but should not delay the proposal from meeting the timeframe conditions.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the proposal has been the subject of a rezoning review application.

The amending local environmental plan (LEP) is to be finalised within **eight months** of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made at least eight 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lawren Drummond, A/Senior Planning Officer, to assist you. Ms Drummond can be contacted on 9274 6185.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LR' or similar initials, written in a cursive style.

**Laura Locke**  
**Director, Eastern and South Districts**  
**Greater Sydney, Place & Infrastructure**

Encl: Gateway determination