



Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Dear Mr Swift-McNair

Planning proposal (PP-2021-6852) to amend Woollahra Local Environmental Plan 2014 to enhance provisions for earthworks and associated groundwater dewatering

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 enhance provisions to mitigate risk and adverse impacts from groundwater dewatering.

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

I acknowledge Council's intent to strengthen the planning provisions for considering earthworks and associated groundwater dewatering in the assessment of development across the Woollahra local government area (LGA). I also understand that the proposal has been informed by a technical study that assesses the geotechnical and hydrogeological impacts of development within the Double Bay area. As the above study relates specifically to Double Bay, Council is required to provide further justifications for the proposed amendments to the Woollahra Local Environmental Plan (LEP) 2014. This is especially important as Clause 6.2 *Earthworks* is a model provision and clear evidence is necessary to demonstrate that the amendment is warranted having regard to the geographical and planning context of Woollahra. Council should also consider obtaining further technical advice as appropriate.

I also note that Council has requested to be authorised as the local plan-making authority. I have determined not to authorise Council to be the local plan-making authority in this instance, as the proposal involves changes to a model clause and that further justification is required.

The amending local environmental plan (LEP) is to be finalised on or before 31 August 2022. 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 in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Industry and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government

agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Claire Mirow, Senior Planning Officer, Eastern and South districts, to assist you. Miss Mirow can be contacted on (02) 9274 6472 or at claire.mirow@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LR' or similar initials, with a stylized flourish.

21 December 2021

Laura Locke

**Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure**

Enclosed: Gateway determination