

Gateway Determination

Planning proposal (Department Ref: PP-2025-1038): FSR Housekeeping

I, the Director of Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan 2014 to update FSR controls in the R2 and R3 zones should proceed.

Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 5 June 2026.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to include the following:
 - (a) Include 2-3 mock examples of non-residential development on land in the R2 zone outside of the Paddington, Watsons Bay and Woollahra HCAs that demonstrate a comparison between the proposed approach and current approach under the DCP floorplate controls, neighbouring LGA FSRs, and that the proposed FSR is appropriate for the locality.
 - (b) Include a statement addressing consistency with Section 9.1 Ministerial Direction 3.9 Sydney Harbour Foreshore and Waterways and 4.2 Coastal Management.
 - (c) Include an advisory note confirming that recent NSW Government housing policies, particularly the Low and Mid-Rise Housing Policy, apply to the subject land and prevail over local planning controls.
 - (d) An amended timeline.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) The planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline (August 2023)* and must be publicly available for a minimum of 20 working days; and
 - (b) The planning proposal must comply with the notice of requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline (August 2023)*.
3. Consultation is required with Transport for NSW under section 3.34(2) of the Act:

Transport for NSW is to be provided with a copy of the proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).

Dated 3 October 2025



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
Infrastructure

As delegate for the Minister for Planning
and Public Spaces