

Gateway Determination

Planning proposal (Department Ref: PP-2021-6852): Amendment to the Woollahra Local Environmental Plan 2014 to enhance provisions for earthworks and associated groundwater dewatering.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning, 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 (LEP) 2014 to enhance provisions for earthworks and associated groundwater dewatering, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be revised as follows:
 - (a) Provide further justification and explanation for applying the proposed amendment to the Woollahra LEP 2014 across the whole Woollahra local government area, noting that the hydrogeological and geotechnical impacts assessment informing the planning proposal relates specifically to the Double Bay area;
 - (b) In Section 4 'Explanation of provisions', provide a plain English explanation of the proposed amendment to Woollahra LEP 2014, and include an advisory clearly stating that the proposed wordings for the amended Clause 1.2 *Aims of Plan* and Clause 6.2 *Earthworks* of the LEP are indicative only, and that the future provision will be subject to drafting by the Parliamentary Counsel's Office should the proposal progress to finalisation;
 - (c) Update Section 1.2 'Background' to reflect the current status of the recent amendment to the Woollahra Development Control Plan 2015 regarding groundwater (hydrogeology) (amendment 18);
 - (d) In Section 5 'Justification', address the consistency of the proposal with Objective 13 and 25 of the Greater Sydney Region Plan – *A Metropolis of Three Cities* (2018);
 - (e) In Section 5 'Justification', address the consistency of the proposal with Planning Priority E6 and E14 of the Eastern City District Plan (2018);
 - (f) In Schedule 1, address the new State Environmental Planning Policy (SEPP) (Housing) 2021 and removal reference to the repealed housing-related SEPPs; and
 - (g) In Schedule 2, address the consistency of the proposal with section 9.1 Ministerial Direction 4.3 Flooding.

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 Guidelines (Department of Planning, Industry and Environment, 2021) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 Local Environmental Plan-Making Guidelines (Department of Planning, Industry and Environment, 2021).

Exhibition must commence within **4 months** following the date of the gateway determination.

3. Consultation is required with the following public authorities/government agencies under section 3.34(2)(d) of the Act:
 - Water Group of the NSW Department of Planning, Industry & Environment;
 - Water NSW; and
 - Environment, Energy and Science (EES) Group of the NSW Department of Planning, Industry & Environment.

Each public authority/agency is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 21 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 or if reclassifying land).
5. The LEP should be completed on or before **31 August 2022**.
6. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.

Dated 21 December 2021



Laura Locke
Director, Eastern and South Districts
Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning