

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-6330): 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***

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, 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 (LEP) 2014 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 should proceed subject to the following conditions:

1. The planning proposal (including attachments) is to be revised prior to public exhibition to address the matters set out below:
  - i. provide further testing to ensure the proposed floor space ratio (FSR) of 2.6:1 is achievable within the proposed height controls, taking into consideration the Apartment Design Guide including overshadowing of adjoining properties
  - ii. address the draft Woollahra Local Housing Strategy
  - iii. address Planning Priorities E1, E6, E10, E16 and E17 of the Eastern City District Plan
  - iv. address and justify the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions
  - v. clarify the street wall height in storeys to New South Head Road and ensure consistency between architectural drawings and images
  - vi. include an advisory upfront in section 5 'Explanation of provisions' that draft amendments to clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation
  - vii. include a table that clarifies the extent of overshadowing impacts to individual units in the adjoining residential properties
  - viii. update the existing and proposed maps in section 7 'Mapping' to ensure legibility and clarity
  - ix. correct the statement in section 9 'Project timeline' as Council has not been authorised as the local plan-making authority to exercise the functions under section 3.36 of the Act.
2. The planning proposal is to contain a provision that a site-specific development control plan (DCP) is to be prepared and in place prior to the issuing of any development consent for the site. The DCP should address matters including, but not limited to:
  - i. built form and articulations, including the building's interface with adjoining developments and presentation to New South Head Road
  - ii. provision of deep soil zones to support tree canopy and screen planting

- iii. apartment mix
  - iv. environmental impacts such as overshadowing, visual and acoustic privacy and view-sharing.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Ausgrid;
  - Sydney Water; and
  - Transport for NSW
- Each public authority/organisation 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.
5. 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).
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.
7. The planning proposal must be placed on exhibition no later than 4 months from the date of the Gateway determination.
8. The planning proposal must be reported to council for a final recommendation no later than 6 months from the date of the Gateway determination.

9. The time frame for completing the LEP is to be **8 months** following the date of the Gateway determination.

Dated 15 day of December 2021.



**Laura Locke**  
**Director, Eastern and South Districts**  
**Greater Sydney, Place and**  
**Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**