

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

PP-2022-1547 IRF22/1798

Via email: records@woollahra.nsw.gov.au

Dear Mr Swift-McNair

Planning proposal PP-2022-1547 to amend Woollahra Local Environmental Plan 2014

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and supporting information received on 29 April 2022 in respect of the planning proposal to list 53 and 55 Drumalbyn Road, Bellevue Hill as local heritage items.

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

Please be advised that the Gateway conditions require a revision to the planning proposal prior to public exhibition. The revision is to include commentaries on the heritage significance or key elements of the selected examples in the comparative analysis within the Assessment of Heritage Significance reports. Council may opt to amend the reports or to provide an addendum as appropriate. Additionally, the guideline for inclusion and exclusion against the historic criterion within the draft inventory sheet for No. 53 Drumalbyn Road should be completed.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 31 December 2022. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

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 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 Kavana Ramachandra, A/Senior Planning Officer and Simon Ip, Manager Place & Infrastructure to assist you. Mr Ip can be contacted on 8289 6714 and Ms Ramachandra on 9274 6402.

Yours sincerely

A handwritten signature in black ink, reading "Louise McMahon", is centered below the "Yours sincerely" text. The signature is fluid and cursive.

Louise McMahon
Director
Agile Planning and Programs

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-1547): to list 53 and 55 Drumalbyn Road, Bellevue Hill in the Woollahra local government area as local heritage items.

I, the Director, Agile Planning and Programs at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 list 53 and 55 Drumalbyn Road, Bellevue Hill within the Woollahra local government area as local heritage items should proceed subject to the following conditions:

1. Prior to public exhibition, the Planning Proposal is to be revised to:
 - (a) Provide commentaries on the heritage significance and/or key elements or features of each of the selected examples in the Comparative Analysis in section 8 of the Assessment of Heritage Significance reports for No. 53 and No. 55 Drumalbyn Road, Bellevue Hill. This may take the form of an amendment to the reports or as an addendum.
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 and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 and Environment, 2021).

Exhibition must commence within 2 months following the date of the gateway determination.

3. Consultation is required with the following public authorities/organisations and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Heritage NSW (Department of Planning and Environment)
 - National Trust of Australia (NSW)

Each public authority/organisation 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 30 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 EP&A 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The planning proposal should be reported to Council for a final recommendation not more than 5 months from the Gateway determination.
7. The LEP is to be completed on or before 31 December 2022.

Dated

16th day of June 2022.

A handwritten signature in black ink, appearing to read 'L McMahon', is written over a faint, circular official stamp.

Louise McMahon
Director
Agile Planning and Program
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes