

Gateway Determination

Planning proposal (Department Ref: PP_2018_CUMBE_002_00): to amend the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
 - (a) amend the objectives to justify the planning proposal on the basis of demonstrated urban design outcomes and maintaining local character rather than mitigating the impacts of complying development;
 - (b) update the explanation of provisions to remove the suggested legal drafting and include a plain English explanation that clearly outlines the intent of the planning proposal;
 - (c) complete further analysis of current lot sizes in the R2 Low Density Residential and R3 Medium Density Residential zone to demonstrate that the proposed minimum lot size is appropriate. This should include confirming the total number of lots within the LGA that are capable of accommodating dual occupancies under:
 - i. a 400m² minimum lot size scenario under the Low Rise Medium Density Housing Code;
 - ii. Council's current controls; and
 - iii. the proposed 600m² lot controls.
 - (d) include a summary of the number of dual occupancy developments approved under Council's current 450m² (Auburn), 500m² (Holroyd) and 600m² (Parramatta) controls in the past five years, the minimum development lot size and the number of dual occupancies produced;
 - (e) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
 - (f) include a new saving transition clause to ensure that the proposed amendments do not affect any development applications or appeal processes.
2. The revised planning proposal is required to be referred to the Department for review and approval prior to exhibition.

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;
 - (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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016);
 - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition; and
 - (d) Council is to write to the City of Parramatta Council advising of the planning proposal.
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
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. The LEP is to be completed by 1 July 2019.

Dated 6th day of September 2018.



Stephen Murray

**Executive Director, Regions
Planning Services**

Department of Planning and Environment

Delegate of the Greater Sydney Commission