



Mr Luke Johnson  
General Manager  
Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Dear Mr Johnson

**Planning proposal PP\_2018\_WOLLY\_002\_00 to amend the Wollondilly Local Environmental Plan (LEP) 2011**

I refer to the Minister for Planning's recent decision to defer the Wollondilly local government area from the Low Rise Medium Density Housing Code and Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Wollondilly Local Environmental Plan (LEP) 2011 to include minimum and maximum lot size provisions for dual occupancy housing.

I understand that Council's desire, as part of the planning proposal, is to ensure existing development controls relating to dual occupancy construction are strengthened to maintain the existing local character of the Wollondilly towns and villages. Further, the controls reflect the limited capacity of infrastructure provision in the LGA.

The Department of Planning and Environment considers that the proposal has the potential to deliver good outcomes for medium-density housing in the Wollondilly area and complement the provisions and best-practice principles of the Code.

However, the Department considers that further investigations are required to demonstrate the potential impact of the proposed controls in terms of housing delivery, how the proposed compliance with both the dual occupancy minimum lot size and the Lots Size Map was derived and further analysis on the extent of the impact.

As such, as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The Department would like to work with Council to ensure the planning proposal is undertaken in a timely manner, there is a full understanding of the implications of changing the planning controls for dual occupancy housing in the R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use Zones, and to understand how this form of housing contributes to housing diversity.

The Gateway conditions require a comprehensive community consultation process to enable all landowners affected by the proposal to have their say on the proposal.

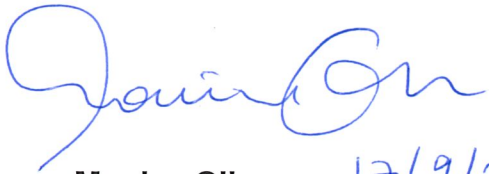
Please note that Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal will need to be finalised by 1 July 2019, in time for the end of the deferral period for the Code. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible.

Should you have any further enquiries about this matter, I have arranged for Ms Ann-Maree Carruthers, Director Sydney Region West, to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely



**Monica Gibson** 17/9/2018.  
**Acting Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_WOLLY\_002\_00): to amend the Wollondilly Local Environmental Plan (LEP) 2011 to include minimum and maximum lot size provisions for dual occupancy housing.***

I, the Acting 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 Wollondilly Local Environmental Plan (LEP) 2011 to include minimum and maximum lot size provisions for dual occupancy housing should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - (a) remove the need for compliance with the Lot Size Map;
  - (b) provide a quantitative analysis in relation to land under Wollondilly LEP 2011 to assess the impacts of the proposal on housing diversity and supply as follows:
    - i. the total number of lots within the LGA eligible for dual occupancies applying the 400m<sup>2</sup> minimum lot size scenario under the Low Rise Medium Density Housing Code;
    - ii. the total number of lots within the LGA eligible for dual occupancies applying Council's proposed controls; and
    - iii. the number of dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in this area in the past five years.
  - (c) include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.
2. The revised planning proposal is required to be updated in accordance with condition 1 and forwarded 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); and



- (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.
4. Consultation with Sydney Water is required 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 17<sup>th</sup> day of September 2018.



**Monica Gibson**  
**Acting Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**