

Our Reference: 10618

Ann-Maree Carruthers
Director Sydney Region (West)
NSW Department of Planning and Environment
SYDNEY NSW 2001

31 July 2018

Dear Ann-Maree,

REQUEST FOR GATEWAY DETERMINATION – DUAL OCCUPANCY MINIMUM LOT SIZE PLANNING PROPOSAL

Council is seeking a Gateway Determination for a planning proposal to amend the Wollondilly Local Environmental Plan 2011 by introducing a clause to prescribe a minimum lot size for the construction of a dual occupancy within the R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use Zones in the Shire.

The Planning Proposal is in response to the proposed commencement of the Low Rise Medium Density Housing Code

At its Ordinary Meeting on 18 June, 2018 Council resolved the following:

1. *That Council prepare a Planning Proposal to amend Wollondilly Local Environmental Plan 2011 to ensure that the minimum lot size to subdivide an existing dual occupancy in a residential zone under clause 4.1A of LEP 2011 is also the minimum lot size required to construct a new dual occupancy.*
2. *That the minimum lot size as shown on the map for that area and the minimum lot size for the construction of a new Dual Occupancy on land within the R2, R3 or B4 zones meet the following lot sizes:*
 - (a) *in the case of an attached Dual Occupancy - 800 square metres.*
 - (b) *in the case of a detached Dual Occupancy - 975 square metres.*

Despite the above, a dual occupancy cannot be undertaken on any lot greater than 1,400 square metres.

3. *That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.*

4. *That Council request the Greater Sydney Commission to grant Council delegation to make amendments to Wollondilly Local Environmental Plan 2011 in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.*

A full copy of the Council Resolution is attached to this letter for your reference. In accordance with the resolution Council requests the Minister to grant delegation to make this amendment to WLEP 2011 in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.

In accordance with the above resolutions, Council now requests a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Council also requests delegation to make the amendment to WLEP 2011 under section 3.36 of the EP&A Act.

I have included the following documents to inform this request:

- Planning Proposal Document;
- The report considered by Council at its June 2018 Council Meeting in respect of the matter;
- The Council Meeting Minutes (Resolution) in respect of the matter;
- Evaluation Criteria for the delegation of plan making functions.

Should you have any questions or wish to discuss this matter please contact me on (02) 46 77 9551 or at carolyn.whitten@wollondilly.nsw.gov.au.

Yours faithfully,



Carolyn Whitten
Acting Manager Sustainable Growth