

## Planning, Design and Public Spaces

### Gateway determination report

<b>LGA</b>	Burwood
<b>PPA</b>	Burwood Council
<b>NAME</b>	Prohibiting the subdivision of Dual Occupancies in the R2 Zone
<b>NUMBER</b>	PP 2019 BURWO 002 00
<b>LEP TO BE AMENDED</b>	Burwood Local Environmental Plan 2012
<b>ADDRESS</b>	All land zoned R2 Low Density Residential under the Burwood LEP 2012
<b>RECEIVED</b>	16 September 2019
<b>FILE NO.</b>	IRF19/5812
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to amend the Burwood Local Environmental Plan (Burwood LEP) 2012 to prohibit the subdivision of dual occupancy development in the R2 Low Density Residential zone, except where each resulting lot would comply with existing Council controls for the subdivision of land. This planning proposal does not seek to prohibit dual occupancy development in any zone where it is already permitted.

On 6 April 2018, the new Low-Rise Medium Density Housing Code (the Medium Density Housing Code) was published and came into effect on 6 July 2019. This amended State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (The Codes SEPP). Burwood Council is one of 46 Council areas currently deferred from the operation of the Medium Density Code until 1 July 2020. The planning proposal has been lodged in response to the Medium Density Housing Code, which introduced Part 3B and Part 6 into the Codes SEPP to permit, of relevance to this proposal:

- Part 3B – the development of a one or two storey attached or detached dual occupancy development through a Complying Development Certificate (CDC); and

- Part 6 – the Strata and Torrens Title subdivision of a dual occupancy through a CDC – only where a CDC was issued for the original dual occupancy.

Burwood Council considers that the definition of a dual occupancy<sup>1</sup> in the standard instrument prohibits their subdivision, being “*two dwellings on one lot of land*”. This is reflected in the Burwood Development Control Plan 2012. Nonetheless, the standard instrument definition of a dual occupancy does permit its subdivision.

Consequently, as the Codes SEPP will now allow the subdivision of a dual occupancy through CDC, it is necessary for Council to introduce a prohibition into the Burwood LEP 2012 to reconcile Council’s existing position with that of the Medium Density Housing Code, being to prohibit the subdivision of dual occupancies.

The Medium Density Housing Code does not seek to permit development that is prohibited in a local environmental plan. Consequently, should the Medium Density Code no longer be deferred in the Burwood LGA, then a CDC could be obtained for a dual occupancy development, but not for the subdivision of that development.

## 1.2 Land affected by the planning proposal

The planning proposal relates to all land zoned R2 Low Density Residential under the Burwood LEP 2012. Council has provided updated numbers which should be reflected in the planning proposal prior to community consultation. These updated numbers are found in **Table 1** below.

**Table 1:** Data provided by Burwood Council of land affected by the planning proposal and approval details.

Lot Characteristics	Number of Lots/Approvals
Number of lots zoned R2 Low Density Residential under the Burwood LEP 2012	6,268
Number of lots on which dual occupancy with subdivision could be carried out in the R2 zone under the Codes SEPP.	2,082
Number of lots on which dual occupancy with subdivision could be carried out in the R2 zone under Council controls (these controls would be reflected in this LEP amendment).	76
Number of dual occupancies approved without subdivision over the last 5 years	13
Number of dual occupancies approved with subdivision over the last 5 years	4

## 1.3 Summary of recommendation

It is recommended that the proposal proceed subject to conditions on the basis that:

- it is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the relevant state environmental planning policies;

<sup>1</sup> **dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

- **dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.
- **dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

- it is consistent with the relevant 9.1 Ministerial Directions - 3.1 Residential Zones and 7.3 Parramatta Road Corridor Urban Transformation Strategy;
- Council has recently exhibited a local strategic planning statement and is preparing a local housing strategy which will review all land in the Burwood LGA. These strategies will enable Council to determine opportunities and locations for the delivery of additional housing and identify appropriate housing typology to achieve diversity across the LGA;
- it will ensure development is consistent with the intended low-density character identified in the objectives of the R2 Low Density Residential zone established in the Burwood LEP 2012. The planning proposal will assist in upholding residential amenity and retain the low-density character of the suburban neighbourhoods;
- it will continue to permit dual occupancies in the R2 zone, which can be carried out as complying development under the Codes SEPP or through a development application. This will still allow for the provision of additional dwellings, contribute to Council's housing target and housing diversity.
- it reconciles Council's position on the subdivision of dual occupancy and with the standard instrument definition which does permit the subdivision of dual occupancy development; and
- it would have minimal environmental, social and economic impacts.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The stated objectives and intended outcomes in the planning proposal are to prohibit Torrens Title, Community Title and Strata subdivision of dual occupancies within the R2 Low Density Residential zone. Under the proposed changes, only Torrens Title subdivision of a dual occupancy would be permitted if Council's existing controls that permit Torrens Title subdivision are satisfied.

Beyond reconciling Council's existing interpretation on the subdivision of dual occupancies with that of the Medium Density Housing Code, it is intended that this amendment will:

- protect the character of the R2 low-density residential areas by ensuring dual occupancy development is consistent and compatible with existing single detached dwelling typologies through subdivision controls;
- ensuring dual occupancy development as a form of medium density housing is delivered consistently with the objectives of the R2 low density residential zone – being to provide housing within a low-density residential environment; and
- be consistent with the community's expectations, expressed in the Burwood Community Strategic Plan, that areas outside of the LGAs centres be retained for lower density residential development.

The proposal also seeks to complement Council's existing DCP controls which seek to ensure that dual occupancy development is compatible with existing low-density residential development.

The objectives and intended outcomes are clear for the purposes of the planning proposal.

However, it is considered that the planning proposal should be amended prior to exhibition to allow Strata and Community Title subdivision if Council's existing planning controls are met.

This amendment is not considered to undermine the intent of the planning proposal, whilst it will facilitate subdivision and development options. Accordingly, a condition has been included in the Gateway determination.

## **2.2 Explanation of provisions**

In the Environmental Planning and Assessment Act 1979 (the Act) under Section 1.5 – Meaning of “development”, the subdivision of land is one of the defined forms of development. As such, the subdivision of land and its permissibility can be regulated by an environmental planning instrument.

The proposal states that a provision will be introduced to prohibit Torrens Title, Community Title and Strata subdivision of dual occupancies within the R2 Low Density Residential zone. Nonetheless, Torrens Title subdivision of a dual occupancy would be permitted if the following criteria are met:

- each lot has a minimum area as specified in Clause 4.1 of the Burwood LEP 2012;
- results in a separate dwelling on each lot; and
- each lot has a minimum frontage of 12m.

These criteria are drawn from existing planning controls for residential subdivision and are found in either Burwood LEP 2012 (minimum lot size) or Burwood DCP 2012 (12m frontage and wholly within its own lot). The inclusion of the 12m frontage in the LEP as a criteria to achieve subdivision is considered acceptable as several existing LEPs already include provisions requiring a particular lot width be satisfied to permit a particular form of development. Examples of existing provisions include:

- Clause 4.1A of the Ashfield LEP 2013 allows for the subdivision of certain identified land if each lot is 200m<sup>2</sup> in size, a semi-detached dwelling will be on each lot and each lot has a minimum 7m width; and
- Clause 4.1C of the Canterbury LEP 2012 requires that for a boarding house to be permitted in the R2, R3 and R4 residential zones, it must meet both the minimum lot size and lot width specified for that respective zone.

Similarly, the inclusion of the requirement that the subdivision result in a separate dwelling house on each lot is considered acceptable. This will result in development (i.e. detached dwelling houses) that are consistent with the low-density character of the R2 zone. This is also acceptable to be inserted into the LEP as the Blacktown LEP 2015 includes an identical provision in clause 4.1C(2).

In Part 6 of the Codes SEPP, only Strata and Torrens Title subdivision of a dual occupancy can be undertaken through complying development. Nonetheless, Council is also seeking to prohibit the Community Title subdivision of a dual occupancy. This is justified through Council's current interpretation of the definition of a dual occupancy, being that it prohibits all forms of subdivision.

This planning proposal seeks to only prohibit subdivision of a dual occupancy in the R2 Low Density Residential zone. Dual occupancy development is currently permitted in the following zones of the Burwood LEP 2012:

- R1 General Residential zone;
- R2 Low Density Residential zone; and
- R3 Medium Density Residential zone.

Council has clarified that dual occupancy subdivision is to be prohibited only in the R2 zone. This is to protect the character of its low-density areas, an intended outcome of the proposal.

For the purpose of the planning proposal, and subject to the amendments discussed above, the explanation of provisions are clear and give effect to the intended outcomes and objectives of the planning proposal.

The explanation of provisions should also be updated to include a savings transition provision to ensure that proposed amendments do not adversely affect any current development applications or appeal processes that are under assessment but not yet determined. A condition has been included in the Gateway determination accordingly.

Finally, and as discussed in **Section 2.1** of this report, the Gateway has been conditioned to allow Strata and Community Title subdivision of a dual occupancy if the minimum subdivision requirements are satisfied.

### **2.3 Mapping**

No changes to the Burwood LEP 2012 mapping are proposed. As the proposal seeks to prohibit the subdivision of a dual occupancy in the R2 zone, there is no need to amend or introduce any new LEP mapping.

## **3. NEED FOR THE PLANNING PROPOSAL**

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### **3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

On 27 November 2018, Council resolved potential impacts of the recent amendments to the Code. This planning proposal was prepared in response to this Council resolution. This proposal was endorsed by Council to proceed to the Department for a Gateway determination on 28 May 2019.

The amended Part 6 of the Codes SEPP will permit the subdivision of dual occupancies (subject to the applicable development standards) as Complying Development, provided subdivision is permitted in the local environment plan. This is contrary to Council's existing interpretation on the standard instrument definition of dual occupancies and their subdivision. Consequently, the only way to reconcile Council's position with the Codes SEPP is to introduce a prohibition into the Burwood LEP 2012.

The need to support liveability, housing supply and diversity, environmental amenity and other local needs will be considered and incorporated into the draft Burwood LSPS and a local housing strategy. The LSPS will be informed by urban design, local character, traffic and transport, open space and community facility, and other supporting technical studies to ensure that planning for housing supply and diversity is based on evidence, in suitable locations and appropriate infrastructure. This body of work will inform Council's ongoing position on this matter.

### **3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Department has indicated that there will be no further amendments to the Medium Density Code. Consequently, the only means to reconcile Council's interpretation on the subdivision of dual occupancies with the Codes SEPP is to introduce a prohibition into the Burwood LEP 2012.

As such, a planning proposal is the only means of achieving the objectives and intended outcomes of the planning proposal.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 District Plan**

The Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Eastern City District while improving the district's social, economic and environmental assets.

The plan sets a five-year housing target of 2,600 dwellings in the Burwood LGA. Council states it is aiming to meet these targets within the next 5 years, with any shortfalls to these targets projected to be met within 6 to 10 years.

#### *Planning Priority E5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport*

This planning priority seeks to provide greater housing supply, diversity and affordability. When discussing greater housing supply, the district plan includes discussion on local infill development and the missing middle. The plan considers that Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities.

Council is currently preparing its Local Housing Strategy and investigating opportunities for housing supply, diversity and choice amongst other matters. This strategy will review all land in the Burwood LGA and enable Council to outline opportunities and locations for the provision of additional housing and housing typology. The development of this housing strategy, which will be required to be endorsed by the Department, will assist in ensuring appropriate housing supply and diversity is achieved in the LGA.

This proposal will not prevent the approval of a dual occupancy development as either complying development or through a development application.

Therefore, this planning proposal will not reduce housing diversity as it does not seek to prohibit dual occupancy development in any zone where it is already permitted.

The proposal should also be updated to include discussion about the process for the Local Housing Strategy. This has been conditioned in the Gateway accordingly.

### **4.2 Local**

#### **Burwood 2030 Community Strategic Plan**

The Burwood 2030 Community Strategic Plan envisions a well connected, innovative, sustainable and safe community that embraces and celebrates its diversity.

The planning proposal is consistent with the objectives of the CSP in enabling a balance between housing choice and maintaining neighbourhood amenity.

#### **4.3 Section 9.1 Ministerial Directions**

The Planning Proposal is consistency with the following applicable Section 9.1 Ministerial Directions.

- 3.1 Residential Zones;
- 7.1 Implementation of A Plan for Growing Sydney; and
- 7.3 Parramatta Road Corridor Urban Transformation Strategy.

##### 3.1 Residential Zones

This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services to ensure that new housing has appropriate access to infrastructure and services. The Direction ensures that the impacts of residential development on the environment and land supply are minimised.

The planning proposal is consistent with this Direction as it does not seek to prohibit dual occupancy development, but rather seeks to prohibit the subdivision of them in the R2 residential zone unless they meet the existing requirements for Torrens Title subdivision. Consequently, the proposal maintains this form of housing choice and does not contain a provision which will reduce the permissible residential density of land, in this case being R2 Low Density Residential land.

Finally, Council is currently preparing its Local Housing Strategy and investigating opportunities for housing supply, diversity and choice amongst other matters. This strategy will review all land in the Burwood LGA and enable Council to outline opportunities and locations for the provision of additional housing and housing typology. The development of this housing strategy, which will be required to be endorsed by the Department, will assist in ensuring appropriate housing supply and diversity is achieved in the LGA.

##### 7.3 Parramatta Road Corridor Urban Transformation Strategy

This Direction seeks to give effect to the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The planning proposal affects R2 zoned land which is identified in the Burwood Concord Precinct, however this land is identified as being suitable for other land use zones in the PRCUTS.

The PRCUTS does not identify R2 Low Density Residential under the Burwood LEP 2012 for retention. As such, this proposal is consistent with the PRCUTS.

#### **4.4 State environmental planning policies (SEPPs)**

The Planning Proposal is consistency with the following applicable SEPPs.

##### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The Medium Density Housing Code introduced Part 3B and Part 6 into the Codes SEPP, which are of relevance to this planning proposal. These amendments aim to provide greater housing choice and facilitate faster housing approvals for medium-density housing. The Medium Density Housing Code will allow one-storey and two-storey dual occupancies, manor houses and multi dwelling (terraces) to be

undertaken as complying development and also allow for their subdivision under complying development. Nonetheless, the Code does not permit development where it is currently prohibited by a local environment plan.

As the Code SEPP allows for the subdivision of dual occupancies, the Burwood LEP 2012 needs to be amended to reconcile Council's existing position with the Code SEPP, thereby continuing to prohibit dual occupancy subdivision. This planning proposal does not propose any amendments to the Code SEPP.

The planning proposal also includes a comparison of Council's existing controls for subdivision and the standards for complying development subdivision of a dual occupancy under Part 6 of the Code SEPP. **Table 2** below, compares the planning controls for the subdivision of dual occupancy developments.

**Table 2:** Comparison table of planning controls for the subdivision of Dual Occupancy development

Control	Burwood LEP 2012	Burwood DCP 2012	The Code SEPP
Minimum Lot Size for a dual occupancy development	500m <sup>2</sup> (attached dual occupancy) – Clause 4.1A  600m <sup>2</sup> (detached dual occupancy) – Clause 4.1A	Specified in Clause 4.1A of BLEP 2012	As specified in Clause 4.1A of the Burwood LEP 2012
Minimum lot size for subdivision of a dual occupancy	<u>Torrens Title subdivision</u>  Minimum lot size specified in Clause 4.1 of BLEP 2012 – 400m <sup>2</sup> in R2 zone  <u>Strata Subdivision</u>  Prohibited in the R2 zone  <u>Community Title subdivision</u>  Prohibited in the R2 zone	<u>Torrens Title subdivision</u>  Minimum lot size specified in Clause 4.1 of BLEP 2012 – 400m <sup>2</sup> in R2 zone  <u>Strata Subdivision</u>  Prohibited in the R2 zone  <u>Community Title subdivision</u>  Prohibited in the R2 zone	<u>Torrens Title subdivision</u> <ul style="list-style-type: none"> <li>Attached dual occupancy – 300m<sup>2</sup> for each lot (Clause 6.4 of the Code SEPP); and</li> <li>Detached dual occupancy – 360m<sup>2</sup> for each lot (Clause 6.4 of the Code SEPP); and</li> <li>there must only be 1 dwelling on each resulting lot at the completion of the development; and</li> <li>each resulting lot must be in Zone RU5, Zone R1, Zone R2 or Zone R3.</li> </ul> <u>Strata Subdivision</u>  In the case of a dual occupancy where no part of a dwelling is located above any part of another dwelling or multi dwelling housing (terraces), the strata area (being the area of the ground floor of all dwellings) is not less than 180m <sup>2</sup> .  <u>Community title subdivision</u>



Control	Burwood LEP 2012	Burwood DCP 2012	The Code SEPP
			The Code does not allow CDC Community title subdivision.
Minimum Lot Width and frontage controls	Not specified in the Burwood LEP 2012 for any form of subdivision	<u>Torrens Title subdivision</u> 15m for duplex 24m for duplex involving Torrens Title subdivision <u>Strata Subdivision</u> Prohibited in the R2 zone <u>Community Title subdivision</u> Prohibited in the R2 zone	<u>Torrens Title subdivision</u> Each resulting lot must be at least 6m wide (measured at the building line) and have lawful access, and frontage to, a public road. <u>Strata Subdivision</u> <ul style="list-style-type: none"> <li>Each dwelling must have lawful frontage to a public road (other than a lane), and</li> <li>no dwelling must be located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot), and</li> <li>Each resulting lot must have a minimum width (measured at the building line) of 6m.</li> </ul> <u>Community Title subdivision</u> The Code does not allow CDC Community title subdivision.

The comparison table provided in the planning proposal incorrectly references requirements for a dual occupancy under Part 3B and Part 6 of the Codes SEPP. Specifically, the minimum lot size required for each lot resulting in the subdivision of a dual occupancy, whether Torrens Title or Strata subdivision is not correctly referenced.

A condition has been included in the Gateway determination requiring this table be updated prior to community consultation to accurately reflect the current controls in each of the plans as this is inaccurately referenced. A condition has also been included to ensure the associated quantitative figures accurately reflect these controls.

Therefore, as the planning proposal does not seek to prohibit development which is currently permitted under Council's controls nor seek to amend the Codes SEPP, the planning proposal is consistent with the Codes SEPP.

#### State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 of SEPP 55 requires the planning authority to be satisfied that the land is suitable, or can be made suitable, for all the uses permissible in the zone. The

planning proposal does not seek to amend the zoning or change the land use, but only allow subdivision of a dual occupancy if existing planning controls are attained. As such, the subject land (R2 Low Density Residential zone) is suitable for its intended use. Any future development applications will nonetheless need to consider SEPP No 55.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Environmental**

There are no known critical habitats, threatened species or ecological communities that would be impacted by the proposal.

The planning proposal is unlikely to result in any adverse environmental impacts given the intended outcome of the proposal is to prohibit the subdivision of dual occupancies.

### **5.2 Social**

The proposal aims to retain the low-density character of the R2 Low Density Residential zones and ensure that development remains consistent with the level of access to social and utility infrastructure.

Council contends unplanned growth resulting from the Code will impact on Council infrastructure such as stormwater and traffic. Currently, there is an infrastructure backlog within the LGA, and Council contends unplanned growth further add to the existing issues.

### **5.3 Economic**

The Department recommends that affected landowners be informed of the planning proposal and its exhibition and be given suitable time to make their own assessment on the matter.

The issues raised will then be considered as part of the finalisation of the planning proposal, including reconsideration of section 9.1 Direction 3.1 Residential Zones and the impacts of the Medium Density Housing Code.

## **6. CONSULTATION**

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### **6.1 Community**

Given the nature of the planning proposal, which has been prepared in response to the Medium Density Code, it is recommended approval be sought from the Department before commencing community consultation.

A Gateway condition is included requiring Council to write to all affected landowners at exhibition of the proposal explaining the proposed changes and what they mean for the landowner.

An exhibition period of 28 days is considered acceptable to allow all affected landowners to review the material, seek their own advice and make a submission to Council.

### **6.2 Agencies**

Consultation with other state agencies is not considered necessary. The proposal will not increase demands on infrastructure, nor does it have the potential to impact on the natural environment or heritage values.

## **7. TIME FRAME**

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Council anticipates a 7 month timeframe to make the local environment plan. The Department considers a 12 month time frame to be more appropriate as extensive community consultation is required.

This does not preclude the making of the LEP sooner.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested local plan making authority under section 3.34 of the Act. The Department recommends that Council should be authorised to be the local plan-making authority. The proposal is considered to be of local significance.

## **9. CONCLUSION**

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It is recommended that the proposal proceed subject to conditions on the basis that:

- it is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the relevant state environmental planning policies;
- it is consistent with the relevant 9.1 Ministerial Directions - 3.1 Residential Zones and 7.3 Parramatta Road Corridor Urban Transformation Strategy;
- Council has recently exhibited a local strategic planning statement and is preparing a local housing strategy which will review all land in the Burwood LGA. These strategies will enable Council to determine opportunities and locations for the delivery of additional housing and identify appropriate housing typology to achieve diversity across the LGA;
- it will ensure development is consistent with the intended low-density character identified in the objectives of the R2 Low Density Residential zone established in the Burwood LEP 2012. The planning proposal will assist in upholding residential amenity and retain the low-density character of the suburban neighbourhoods;
- it will continue to permit dual occupancies in the R2 zone, which can be carried out as complying development under the Codes SEPP or through a development application. This will still allow for the provision of additional dwellings, contribute to Council's housing target and housing diversity.
- it reconciles Council's position on the subdivision of dual occupancy and with the standard instrument definition which does permits the subdivision of dual occupancy development; and
- it would have minimal environmental, social and economic impacts.

## **10. RECOMMENDATION**

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It is recommended that the A/ Director Eastern and South Districts, as delegate of the Minister for Planning and Public Spaces, determine that the planning proposal should proceed subject to the following conditions:

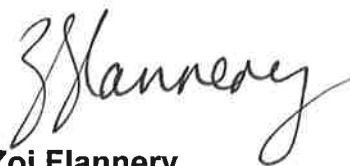
1. Prior to community consultation, the planning proposal is to be updated as follows:

- (a) update the planning proposal with the latest figures of number of dual occupancies approved over the last 5 years – including those approved with and without subdivision;
  - (b) ensure the indicative development figures within the planning proposal accurately reflect the Codes SEPP minimum lot size controls;
  - (c) update the planning proposal to also allow the Strata and Community Title subdivision of a dual occupancy subject to meeting the specified subdivision requirements;
  - (d) update the planning proposal to correctly compare the existing planning controls in the Burwood LEP 2012 and Burwood DCP 2012 with those in Part 3B and Part 6 of the Codes SEPP;
  - (e) update the planning proposal to include discussion about the process for Council's Local Housing Strategy;
  - (f) include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeals processes;
  - (g) remove reference to agency consultation; and
  - (h) update the project timeline.
2. Community consultation is required under 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 relevant planning 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, explaining the effect of the proposed changes.
3. Consultation is not required with any public authorities/organisations under section 3.34(2)(d) of the Act.
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 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.

6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.



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