

15 November 2022

Our Ref: F21/387
Contact: Nigel Riley – 02 9562 1781

Kendall Clydesdale
Manager, Infrastructure and Planning
Eastern and South Districts, Planning and Land Use Strategy
NSW Department of Planning and Environment
Locked Bag 5022
PARAMATTA NSW 2124

Dear Mr Clydesdale,

Re: Request for Gateway Determination – Planning Proposal: Minimum Lot Sizes for Dual Occupancies and Semi-Detached Dwellings

At its ordinary meeting of 28 September 2022, Council considered a report in relation to a Council-led draft Planning Proposal to amend *Bayside Local Environmental Plan 2021* by introducing new minimum lot size and width controls (subdivision and construction) for Dual Occupancy and Semi-Detached Dwelling developments in the R2 Low Density Residential zone.

This report recommended that a preferred Option 1 be supported, being:

Location	New Minimum Lot Size (for construction of Dual Occupancies)	New Minimum Lot Size (for subdivision of Dual Occupancies or construction of Semi-Detached Dwellings)	New Minimum Lot Width (for Dual Occupancies)	New Minimum Lot Width (for subdivision of Dual Occupancies or construction of Semi-Detached Dwellings)
On R2-zoned land in the localities of Mascot, Botany, Rosebery and Eastlakes, identified as 'Area A'	500 sqm	250 sqm	15m for lots with single road frontage 12m for lots with multiple road frontages	7.5m for lots with single road frontage 6m for lots with multiple road frontages
On all other R2-zoned land	600 sqm	300 sqm		

Council resolved:

1. That, pursuant to s3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), a draft Planning Proposal comprising the proposed planning controls as identified as new Option 4 being:
 - Minimum lot size Area A – 550 sqm. Minimum for subdivision 275 sqm. Widths unchanged as per Option 1.

- *Remainder of R2 zone – 650 sqm. Minimum for subdivision 325 sqm. Widths unchanged as per Option 1.*

be submitted to the Department of Planning and Environment for a Gateway Determination.

2. *That, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.*
3. *That the Rockdale Development Control Plan 2011 (RDCP 2011) and Botany Bay Development Control Plan 2013 (BBDCP 2013) be reviewed concurrently with the draft Planning Proposal, to ensure consistency between controls contained in these documents and the draft Planning Proposal.*
4. *That, should a Gateway determination be issued, a future report be tabled to Council to consider any proposed amendments to the RDCP 2011 and BBDCP 2013, which would be exhibited concurrently with the draft Planning Proposal.*

Council now requests that the Department considers the Planning Proposal, in the form endorsed by Council, and issues a Gateway Determination pursuant to Section 3.34 of the EP&A Act.

A Sharepoint folder containing all relevant information has been prepared for your convenience, which is provided in the email that includes this letter. The folder includes the following documents:

- Council Resolution 28 September 2022
- Council Report 28 September 2022
- Draft Planning Proposal (Option 1) as recommended by staff, including:
 - Council resolution endorsing Bayside Local Housing Strategy (10 March 2021);
 - Department Letter of Approval of Bayside Local Housing Strategy;
 - Planning Proposal Map of 'Area A';
 - Analysis of Historical and Forecast Supply; and
 - R2 Zone Comparison Maps;

This request for a Gateway Determination meets Requirement 4c of the Department's Letter of Approval of Bayside's Local Housing Strategy (LHS), issued on 30 June 2021:

To ensure housing diversity is achieved by 2026, Council is to expedite the following investigations and obtain Gateway for Planning Proposals by December 2022:

- a) the introduction of dwelling sizes and mix controls;*
- b) the review and update of medium density controls; and*
- c) the review and update of dual occupancy controls.***

The Draft Planning Proposal (Option 1) – as recommended by staff – is supported by an assessment against the relevant strategic and statutory planning frameworks and the Department's *Local Environmental Plan Making Guideline*. It is also supported by an analysis of recent approvals issued for these housing types and a short-term approvals forecast, which meets Requirement 9 of the DPE's approval of Bayside's LHS:

As housing diversity is a key objective in the LHS, Council is to provide a comprehensive evidence base in relation to the delivery of medium-density housing, including Dual Occupancy and

associated controls, particularly if Council will request an exemption from the Low Rise Housing Diversity Code. This should include:

- a) Historical and forecast supply of medium-density housing, including statistics on range of housing types approved over the last five years (DA and CDCs) and anticipated future take-up rates.*
- b) Recommended controls outlined in LHS for medium-density housing in the implementation plan, including current status and timeline for implementation.*

As Council has resolved to submit the Planning Proposal with certain amendments made to the form recommended by staff, this may necessitate certain changes to the above analysis in support of the proposal. Council requests that any necessary changes to the Planning Proposal and supporting material identified by the Department be required as conditions of a Gateway Determination.

Council considers this to be a 'Standard' category Planning Proposal and requests a timeframe consistent with this categorisation. Council also requests to be authorised as Local Plan-Making Authority.

If you have any questions, or require further information to assist with your assessment of this Planning Proposal, please contact Nigel Riley, Senior Urban Planner on 9562 1781 or nigel.riley@bayside.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Clare Harley', with a stylized flourish at the end.

Clare Harley
Manager Strategic Planning