

Gateway Determination

Planning proposal (Department Ref: PP-2022-4024): minimum lot sizes for dual occupancies and semi-detached dwellings.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bayside Local Environmental Plan 2021 to introduce new minimum lot size, minimum subdivision lot size and minimum lot width controls across the R2 zone for dual occupancy and semi-detached dwellings should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a. Include the Bayside LEP 2021 definitions for the following land uses:
 - i. Dual occupancy;
 - ii. Dual occupancy (attached);
 - iii. Dual occupancy (detached); and
 - iv. Semi-detached dwellings.
 - b. Clarify the land use term 'dual occupancy' in the proposed provisions subsequently would apply to both attached and detached dual occupancy developments.
 - c. Provide further urban design analysis and justification for the 'Area A' lot size controls being less than the balance of the R2 zoned land in the Bayside Local Government Area.
 - d. More simply explain the comparison of the current controls against those being amended by this proposal, linked to which locations, to clearly demonstrate the changes and where the new controls apply.
 - e. Include how the new and retained controls in the recent draft DCP relevant for dual occupancies and semi-detached dwellings interact with the proposed controls sought by the subject planning proposal.
 - f. Provide a straight comparison of what R2 lots in the LGA comply with the current controls and which lots will comply with those proposed by the planning proposal, removing any prediction/s of market take up.
 - g. Demonstrate how fewer dual occupancy and semi detached dwellings would be developed under the proposed provisions, despite the reduced lot sizes sought by this proposal.
2. The planning proposal is to be submitted to the Department for endorsement to proceed to exhibition.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
- (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition should commence within 3 months following the date of the Gateway determination.

- 4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Heritage;

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

- 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 EP&A 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. Prior to finalisation, the planning proposal must be updated to address any matters raised by agencies during consultation under Condition 3.
- 7. The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority.
- 8. The LEP should be completed on or before 2 December 2023.

Dated 2 day of March 2023.



Amanda Harvey
Executive Director
Metro East and South
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes