



Gateway Determination

Planning proposal (Department Ref: PP_2020_RYDEC_001_00): to remove multi dwelling housing as a permitted use in Zone R2 Low Density Residential and amend planning controls for dual occupancies (attached).

I, the Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Ryde Local Environmental Plan (2014)* (Ryde LEP) to remove multi dwelling housing as a permitted use in Zone R2 Low Density Residential and amend planning controls for dual occupancies (attached) should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - (a) clarify that the Low Rise Medium Density Housing Code (Code) under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* utilises the minimum lot size specified for dual occupancies and multi dwelling housing in an LEP;
 - (b) include the definitions for dual occupancies, manor houses and multi dwelling housing (terraces) in Ryde LEP, as well as an image depicting the spectrum of low rise medium density housing;
 - (c) demonstrate the planning proposal's consistency or justify its inconsistency with Direction 3.1 Residential Zones;
 - (d) provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply in Ryde LGA as follows:
 - i. the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the LGA;
 - ii. the number of multi dwelling housing and dual occupancy developments approved in Zone R2 Low Density Residential and Zone R3 Medium Density Residential in the LGA in the past five years;
 - iii. the number of lots that would be eligible for dual occupancies, manor houses and multi dwelling housing (terraces) under the Code in Zone R2 Low Density Residential and Zone R3 Medium Density Residential, taking into account the Codes SEPP exclusions (exclusions factored into the analysis should be listed); and
 - iv. the number of lots that would be eligible for dual occupancies, manor houses and multi dwelling housing (terraces) under the Code in Zone R2 Low Density Residential and Zone R3 Medium Density Residential, once the proposed changes sought by the planning

proposal have been implemented (SEPP exclusions should be taken into account); and

- (e) provide mapping that demonstrates the impact of the Code on affected lots and ensure this of an appropriate scale and resolution;
 - (f) include a new savings and transitional clause to ensure that proposed amendments do not affect any development applications or appeal processes; and
 - (g) revise the project timeline.
2. The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to public 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); 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.
 4. No consultation is required with public authorities/organisation 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.
 6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 1 June 2020



Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces