

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Canterbury Bankstown
<b>RPA</b>	Canterbury Bankstown Council
<b>NAME</b>	Housekeeping amendments (0 dwellings, unknown number of jobs)
<b>NUMBER</b>	PP_2017_CBANK_003_00
<b>LEP TO BE AMENDED</b>	Bankstown Local Environmental Plan 2015
<b>ADDRESS</b>	Various sites within the local government area.
<b>DESCRIPTION</b>	Various sites within the local government area.
<b>RECEIVED</b>	The planning proposal was subject to additional information requests, with final information provided by Council on 22 November 2017.
<b>FILE NO.</b>	17/11449
<b>QA NUMBER</b>	qA417132
<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.

## INTRODUCTION

### Description of Planning Proposal

The proposal seeks to make four amendments to the Bankstown Local Environmental Plan 2015, as follows:

- permit 'home business' with consent in Zones RU4 Primary Production Small Lots, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential and B1 Neighbourhood Centre;
- insert an additional objective in clause 4.1 to support lot sizes and dimensions in low density residential areas that reflect the prevailing subdivision pattern of the area;
- amend clause 4.1A to strengthen the objective's consideration of the prevailing suburban character and amenity; and
- remove dual occupancy subdivisions from the exempt development schedule in Bankstown LEP 2015.

### Site Description

Various sites within the local government area.

### Recommended Conditions

Prior to community consultation, the planning proposal is to be amended, as follows:

- under Part 2 – Explanation of Provisions (p.2), the first dot point is to be amended to indicate that it is proposed to permit 'home businesses' with consent;
- under Part 2 – Explanation of Provisions (p.2), the second dot point is to be clarified by removing the words: 'lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential' and replaced with the words: 'subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area';
- under part 2 – Explanation of Provisions (p.2), the third dot point is to be amended by removing the word 'dimensions';
- under Part 3 – Justification, within the schedule headed Clause 4.1 (Minimum subdivision lot size) (p.4), remove the words: 'lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential' and replaced with the following words: 'subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area';
- under Part 3 – Justification, within the schedule headed Clause 4.1A (minimum lot sizes and special provisions for dual occupancies) (p.4), remove the word 'dimensions', where appearing, and clarify that this amendment proposes to replace the words: 'area of a lot' with the words 'lot size';
- under Section B – Relationship to strategic planning framework (p.5), include advice of the consistency of the proposal with the Revised Draft South District Plan (October 2017) and the Draft Greater Sydney Region Plan (October 2017); and
- include an updated project timeline.

## PROPOSAL

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### Objectives or Intended Outcomes

The intended outcome is to implement certain housekeeping amendments following Council's periodic review of Bankstown Local Environmental Plan 2015.

### Explanation of Provisions

To achieve the intended outcome, it is proposed to make the following amendments to Bankstown Local Environmental Plan 2015:

Land Use Table: Permit home businesses with consent in the following zones: Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential and Zone B1 Neighbourhood Centre.

Clause 4.1 (Minimum subdivision lot size): Insert an additional objective to ensure that lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area in Zone R2 Low Density Residential.

Clause 4.1A (Minimum lot sizes and special provisions for dual occupancies): Amend clause 4.1A(1)(a) to ensure that lot sizes and dimensions can accommodate development that is consistent with the objectives and planning provisions for dual occupancies.

Schedule 2: Delete the 'Subdivision (dual occupancies–Torrens Title and Strata)' provision from the schedule.

## **NEED FOR THE PLANNING PROPOSAL**

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### Permit 'home business' with consent in Zones RU4, R2, R3, R4 and B1

Bankstown LEP 2015 currently prohibits 'home business' in the RU4, R2, R3, R4 and B1 Zones. Home businesses are currently only permitted in these zones as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

Council has identified that some home business proposals fall outside the standards specified in the Codes SEPP. By permitting home businesses in these zones with consent, Council will be able to accept and consider a proposal on its merits outside the current parameters of the Codes SEPP. This is consistent with the approach adopted by many councils across the State.

This amendment is considered reasonable and no objection is raised.

### Insert an objective to support lot sizes and dimensions that reflect the prevailing subdivision pattern of the area.

Council proposes to include an additional objective to clause 4.1 Minimum subdivision lot size to help support and guide development opportunities in low density residential areas that are compatible with the prevailing suburban character and amenity.

It is noted that similar type objectives existing currently in the Ballina and Ku-ring-gai LEPs. Council has also confirmed that the objective will only apply to low density residential areas. The current proposal is unclear in this regard and the Gateway should require this matter be clarified prior to community consultation.

This amendment is considered reasonable and no objection is raised.

### Amend clause 4.1A to strengthen the objective's consideration of the prevailing suburban character and amenity

Clause 4.1A specifies the minimum lot sizes and special provisions for dual occupancies. Council has advised that the primary outcome of this amendment is to replace the words 'area of a lot' with 'lot size' within objective 1(a) of clause 4.1A to be consistent with the wording in a number of other LEPs. The current proposal is unclear in this regard and the Gateway should require this matter be clarified prior to community consultation.

This amendment is considered reasonable and no objection is raised.

### Remove dual occupancy subdivisions from the Bankstown LEP 2015 exempt development schedule

Bankstown LEP 2015, Schedule 2 Exempt development, currently contains an additional exempt subdivision provision not specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The provision was originally included to facilitate the subdivision of older style dual occupancies built during the 1990s.

Council's review of the current LEP has identified that this provision is no longer required and can be removed as the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are adequate.

This amendment is considered reasonable and no objection is raised.



## STRATEGIC ASSESSMENT

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### State

The proposal is consistent with the Metropolitan Plan 'A Plan for Growing Sydney'. It particularly fulfils direction 1.4 of A Plan for Growing Sydney "Transform the productivity of Western Sydney through growth and investment" by enabling the potential for permeable, localised businesses through the Bankstown LGA. It will also bring a mix of jobs closer to people which will also contribute to following this direction.

To address the current strategic draft, however, it is recommended that the planning proposal be amended by Council to address the Draft Greater Sydney Region Plan (October 2017). A suitable determination condition is recommended.

### Regional / District

The proposal is consistent with the aims and directions of the Draft South District Plan. To address the current draft, it is recommended that the planning proposal be amended prior to community consultation to address the Revised Draft South District Plan (October 2017). A suitable determination condition is recommended.

### Local

This planning proposal is the result of a periodic review of Bankstown Local Environmental Plan 2015 as reported to the Ordinary Meeting of 25 July 2017. It is also consistent with local planning strategy and the amendments strengthen and clarify home business and subdivision requirements and core aims regarding amenity and character in suburban areas for areas covered by the Bankstown LEP.

### Section 117(2) Ministerial Directions and State Environmental Planning Policies

The proposal is considered to be consistent with all relevant State Environmental Planning Policies and s117 Directions.

## SITE SPECIFIC ASSESSMENT

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### Social

The proposal seeks to protect the amenity of low residential areas and will contribute to the liveability of these localities. The proposal will also assist in providing local jobs closer to home.

### Environmental

There are no foreseen adverse environmental impacts.

### Economic

The proposed changes will partly assist in promoting local economic activity.

## CONSULTATION

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### Community

Council has proposed a 28 days exhibition period. There is no objection to this period.

### Authorities

Given the nature of the proposal, it is not considered that consultation with authorities is not necessary.

## **TIMEFRAME**

Council has indicated an indicative time-frame of seven months to complete the proposal. Given the nature of the proposal, it is recommended that the finalisation period be 9 months.

## **DELEGATION**

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Taking into consideration the nature of the proposal and the level of justification, it is recommended that authorisation be issued to Council to exercise the plan making function.

## **CONCLUSION**

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The planning proposal is supported to proceed with conditions as it:

- Will provide the potential for a mix of jobs close to home in suburban areas; and will stimulate local economic activity and growth.
- Will strengthen Council controls regarding the character of low density areas through ensuring consistency in lot size.
- Will strengthen Council's ability to control dual occupancy subdivisions in low density residential areas, again ensuring consistent character and amenity for suburban areas.

## **RECOMMENDATION**

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council be authorised to exercise delegation to make this plan.
4. Prior to community consultation, the planning proposal is to be amended, as follows:
  - under Part 2 – Explanation of Provisions (p.2), the first dot point is to be amended to indicate that it is proposed to permit 'home businesses' with consent;
  - under Part 2 – Explanation of Provisions (p.2), the second dot point is to be clarified by removing the words: 'lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential' and replaced with the words: 'subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area';
  - under part 2 – Explanation of Provisions (p.2), the third dot point is to be amended by removing the word 'dimensions';
  - under Part 3 – Justification, within the schedule headed Clause 4.1 (Minimum subdivision lot size) (p.4), remove the words: 'lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential' and replaced with the following words:

- 'subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area';
- under Part 3 – Justification, within the schedule headed Clause 4.1A (minimum lot sizes and special provisions for dual occupancies) (p.4), remove the word 'dimensions', where appearing, and clarify that this amendment proposes to replace the words: 'area of a lot' with the words 'lot size';
  - under Section B – Relationship to strategic planning framework (p.5), include advice of the consistency of the proposal with the Revised Draft South District Plan (October 2017) and the Draft Greater Sydney Region Plan (October 2017); and,
  - include an updated project timeline

Further, the delegate note that the relevant council officer has agreed that these amendments meet the intention of the planning proposal and has offered no objections to these proposed amendments.

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 8/12/17  
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