
Planning Matters - 25 July 2017

ITEM 5.4 Draft Housekeeping Amendments to Bankstown LEP 2015

AUTHOR Planning

ISSUE

This report proposes housekeeping amendments to Bankstown Local Environmental Plan 2015.

RECOMMENDATION That -

1. Council delegate authority to the General Manager to prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.
2. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 59 of the Environmental Planning & Assessment Act 1979.
3. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition.

REPORT

Proposed housekeeping amendments

Bankstown Local Environmental Plan 2015 is the principal local planning document to regulate effective and orderly development in the former City of Bankstown. It came into effect in March 2015. A periodic review identifies the need for the following housekeeping amendments:

- **Land Use Table**

It is proposed to amend the Land Use Table by permitting home businesses 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.

Reason:

At the time that Council exhibited the Draft LEP, the Land Use Table listed home businesses as permitted with consent in the above zones. However, the Department of Planning and Environment required Council to remove home businesses from the Land Use Table prior to gazettal. The Department considered that home businesses could be carried out as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The issue is the growing number of cases where proposed home businesses cannot comply with the SEPP. Residents do not have the option of lodging a development application given that home businesses are not listed in the Land Use Table as permitted with consent. Should this issue continue, it would be inconsistent with an LEP aim to provide a range of business opportunities to encourage local employment. To address this issue, it is proposed to reinsert home businesses in the Land Use Table for certain zones.

- **Clause 4.1 (Minimum subdivision lot size)**

It is proposed to amend this clause by inserting an objective to ensure that lot sizes and dimensions reflect and reinforce the predominant subdivision pattern of the area, particularly in Zone R2 Low Density Residential.

Reason:

The proposed objective is an important matter for consideration when assessing subdivision proposals, and supports an LEP aim to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas.

- **Clause 4.1A (Minimum lot sizes and special provisions for dual occupancies)**

It is proposed to amend objective (a) to this clause to ensure that lot sizes and dimensions are able to accommodate development that is consistent with the objectives and planning provisions for dual occupancies.

Reason:

The proposed amendment is considered to better reflect the requirements for development to achieve the minimum lot width as well as the minimum site area.

- **Schedule 2 (Exempt development)**

It is proposed to amend Schedule 2 by deleting the reference to 'Subdivision (dual occupancies–Torrens Title and Strata)' as exempt development.

Reason:

From 2000, the former Council Bankstown permitted the subdivision of dual occupancies (Torrens Title and Strata) as exempt development. This has continued following amalgamation with the former Canterbury Council May 2016. The intended outcome was to allow the subdivision of older style dual occupancies built during the 1990s in the former City of Bankstown.

The issue is this type of exempt development is no longer relevant as Council no longer receives subdivision certificate applications to formalise the subdivision of older style dual occupancies built during this period.

For future dual occupancies, it is important to consider any proposed subdivision as part of the development application process to ensure the proposed lot sizes are consistent with the objectives and provisions applicable to dual occupancies.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

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ATTACHMENTS

Nil