

Planning Proposal to amend Canterbury LEP 2012 to include a provision to permit the subdivision of a dual occupancy

Proposal Title : **Planning Proposal to amend Canterbury LEP 2012 to include a provision to permit the subdivision of a dual occupancy**

Proposal Summary : **The purpose of the Planning Proposal is to amend Canterbury Local Environmental Plan 2012 (the LEP) by inserting a provision to permit the subdivision of dual occupancy development to a minimum allotment size of 300m2 for each dwelling.**

PP Number : **PP_2013_CANTE_004_00** Dop File No : **13/13688**

Proposal Details

Date Planning Proposal Received : **08-Aug-2013** LGA covered : **Canterbury**

Region : **Sydney Region East** RPA : **Canterbury City Council**

State Electorate : **CANTERBURY
LAKEMBA
OATLEY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Whole of Canterbury LGA**

DoP Planning Officer Contact Details

Contact Name : **Douglas Cunningham**

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RPA Contact Details

Contact Name : **Lisa Ho**

Contact Number : **0297899377**

Contact Email : **council@canterbury.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro South subregion** Consistent with Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Canterbury LEP 2012 currently provides minimum allotment sizes for the subdivision of land as well as providing a minimum allotment size for new dual occupancy development. However there are no figures for the subdivision of completed dual occupancy developments, which was an unintentional omission by Council.

Previously, Canterbury DCP 14 permitted the subdivision of a dual occupancy development to a minimum lot size of 300m2 with a minimum frontage of 7.5 metres for each lot. The proposed provision would reflect the intention of this former control requiring the minimum allotment size to be 300m2 for each dwelling.

The current comprehensive DCP had controls which allowed for subdivision for occur on dual occupancy sites, this control was lost when the subdivision controls were moved into Canterbury LEP 2012.

The proposed amendment could be achieved by the additional of a sub-clause in clause 4.1 Minimum subdivision lot size which may read:

Despite the minimum lot size shown of the Lot Size map, development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy if:

- when the area of each lot resulting from the subdivision is equal to or greater than 300 square metres, and
- each of the lots will have one of the dwellings on it.

This would follow a similar precedent in Rockdale LEP 2011, which has the same wording in clause 4.1.

External Supporting Notes :

The Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council states that the objectives of the planning proposal are to amend Canterbury LEP**

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2012 to introduce a provision to permit the subdivision of dual occupancy developments to a minimum allotment size of 300m2 for each dwelling. This statement of objectives is considered adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Historically, Canterbury DCP 14 contained provisions for a minimum subdivision lot size for pre-existing dual occupancy developments. The Standard Instrument LEP template dictates that land subdivision provisions are now to be contained in the LEP. The Canterbury LEP 2012 currently provides minimum allotment sizes for the subdivision of land as well as providing a minimum allotment size for new dual occupancy development. However, there are no figures for the subdivision of completed dual occupancy developments. This was an unintentional omission by Council.**

Council has explained that the provision will allow for completed dual occupancy to be subdivided. Council's explanation is considered acceptable.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **Council advised that the planning proposal is not inconsistent with any applicable s.117 Directions or State Environmental Planning Policies.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Council has stated that the proposal is consistent with s.117 Directions 3.1 Residential Zones. The Department has also identified that the Planning Proposal is consistent with direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036.**

It is agreed with Council that the proposal is not inconsistent with any s.117 Directions or SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No mapping required, as the change will apply to the entire LGA.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **This planning proposal is to be exhibited in accordance with the Gateway Determination once issued by the Minister for Planning and Infrastructure. The Gateway determination should require a public exhibition for a period of no less than 14 days.**

Council will consult with relevant NSW agencies and authorities and other organisations undertaken in accordance with the Gateway determination.

Council's proposed approach is supported.

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Attachment 1 Infomation Checklist.pdf	Proposal	Yes
Attachment 2 Council Report.pdf	Proposal	Yes
Attachment 3 Evaluation Criteria.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported;**
- 2. That the planning proposal be considered as routine and exhibited for a period of 14 days;**
- 3. No consultation is required with any state agencies or public authorities;**
- 4. A public hearing is not required;**
- 5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The planning proposal is considered to be minor in nature and seeks to resolve inconsistencies between the previous DCPs and the current LEP. The insertion of this provision will permit the subdivision of dual occupancy development, to a minimum allotment size of 300m2 for each dwelling.**

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Signature: 

Printed Name: Michael Kokot Date: 26/9/13