

Attachment 2: Council Report 13 June 2013

4 SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT

FILE NO: T-29-153

REPORT BY: DIRECTOR CITY PLANNING

Summary:

- Our controls for the subdivision of land, including dual occupancy development, have historically been contained in our development control plans.
- The advent of the new Local Environmental Plan (LEP) format has seen controls for the subdivision of land now contained in the LEP.
- While our new LEP does contain provisions regulating the subdivision of land, it is silent on appropriate standards for the subdivision of dual occupancy development. This is an unintended omission that resulted from the standard wording of the relevant clause.
- It is recommended that a planning proposal be prepared to introduce provisions for the subdivision of dual occupancy development into the LEP.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Balanced Urban Development.

Report:

Provisions for the subdivision of land, including dual occupancy developments, have historically been contained in our development control plans. The Standard Instrument LEP template dictates that land subdivision provisions are now to be contained in the LEP.

Our new LEP does this and provides that the minimum allotment size for the subdivision of land is 460m² (and 600m² for a battleaxe lot). The LEP also provides that a minimum lot size of 600m² is required for new dual occupancy development. The LEP, however, remains silent on the subdivision of completed dual occupancy developments. This is an unintentional omission.

The subdivision of dual occupancy development was previously dealt with through DCP 14. This permitted the subdivision of a dual occupancy development to a minimum of 300m² for each lot (2 x 300m² = 600m²) with a minimum frontage of 7.5 metres for each lot.

This has now become an issue as the subdivision of a dual occupancy development is essentially the subdivision of land. The current provisions in the LEP stipulate a minimum lot size of 460m² for land subdivision. As dual occupancy subdivision is essentially the subdivision of land, there is an inconsistency between this standard and our previous DCP control of a 300m² minimum for each dual occupancy lot.

Research of a number of LEP's prepared under the Standard Instrument template reveal that there are a number of councils which also do not appear to have provisions to regulate the subdivision of a dual occupancy development.

SUBDIVISION OF DUAL OCCUPANCY DEVELOPMENT (CONT.)

This is tied to the fact that once completed and subdivided, a dual occupancy dwelling becomes a single dwelling house (class 1A building).

An amendment to the LEP is therefore necessary to resolve this situation.

RECOMMENDATION:

THAT an amendment to LEP 2012 be prepared to insert a provision to permit the subdivision of dual occupancy development, to a minimum allotment size of 300m2 for each dwelling.

**CITY DEVELOPMENT COMMITTEE
RESOLUTION - 13 JUNE 2013**

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Min. No. 189 RESOLVED (Councillors Robson/Hawatt)

THAT an amendment to LEP 2012 be prepared to insert a provision to permit the subdivision of dual occupancy development, to a minimum allotment size of 300m2 for each dwelling.