

**PLANNING PROPOSAL TO AMEND  
CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012**

**BACKGROUND**

Council on 13 June 2013 considered a report which advised on the issue of appropriate standards in our LEP for the subdivision of a dual occupancy development.

At the meeting it was resolved that an amendment be prepared to insert a provision to permit the subdivision of dual occupancy development, to a minimum allotment size of 300m<sup>2</sup> for each dwelling.

**PART 1 OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the Planning Proposal are to amend the LEP 2012 to introduce a provision for the subdivision of dual occupancy development into the LEP.

**PART 2 EXPLANATION OF PROVISIONS**

**Minimum subdivision lot size for dual occupancy developments**

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 460m<sup>2</sup> (and 600m<sup>2</sup> for a battleaxe lot). The LEP also provides that a minimum lot size of 600m<sup>2</sup> 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 300m<sup>2</sup> for each lot (2 x 300m<sup>2</sup> = 600m<sup>2</sup>) 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 460m<sup>2</sup> 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 300m<sup>2</sup> minimum for each dual occupancy lot.

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

## **PART 3 JUSTIFICATION**

### **SECTION A: Need for the Planning Proposal**

**1. Is the planning proposal the result of any strategic study or report?**

No. The planning proposal is necessary to resolve an inconsistency to clarify a policy positions in relation to the subdivision of dual occupancy development.

**2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?**

The planning proposal is considered the best way of achieving the objectives. The objective and intended outcomes of the planning proposal relate to resolving any inconsistency and clarifying policy positions with the Canterbury LEP 2012.

**3. Is there a net Community benefit?**

Given the minor matters contained within this planning proposal, it is not considered that a net community benefit test be undertaken. The planning proposal will make a minor amendment to the LEP that will improve the operation of the LEP 2012, which will be of benefit to the wider community.

### **SECTION B: Relationship to strategic planning framework**

**1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?**

The Planning proposal is consistent with the Draft South Sub region Strategy and the Sydney Metro Strategy.

**2. Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plan?**

The Planning proposal is consistent with Council's Community Strategic Plan.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning proposal is consistent with the applicable SEPPs.

**7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

<b>Ministerial Direction</b>	<b>Requirement</b>	<b>Compliance</b>
3.1 Residential Zones	The planning proposal must: <ul style="list-style-type: none"> <li>• Broaden the choice of housing types and locations.</li> <li>• Make efficient use of existing infrastructure and services.</li> <li>• Reduce consumption of land.</li> <li>• Housing of good design.</li> <li>• Residential development not permitted until land is adequately serviced.</li> <li>• Not contain provisions that will reduce residential density.</li> </ul>	Consistent.

**SECTION C: Environmental, social and economic impact**

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

**9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likelihood of adverse environmental impact as a result of this planning proposal.

**10. How has the planning proposal adequately addressed any social and economic effects?**

The purpose of the planning proposal is to address an anomaly present within the LEP 2012. This will improve the operation of the LEP 2012 and provide positive social and economic outcomes for the whole community.

**SECTION D: State and Commonwealth interests**

**11. Is there adequate public infrastructure for the planning proposal?**

Yes. The planning proposal does not generate any need to upgrade or improve public infrastructure.

**12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with any State and Commonwealth public authorities has not yet been undertaken. Council will engage any such public authority if required in accordance with the Gateway Determination.

## **Part 5: Community Consultation**

The Planning proposal will be placed on public exhibition in accordance with the Gateway Determination.

Notice of the public exhibition on the planning proposal will be prepared and will involve the following:

- Advertisement to the local newspaper (ie Torch, Valley Times)
- Notification letters to relevant State Agencies and other authorities nominated by the Department, if required.
- Advertise the proposal on Council's website.
- Copies of the Planning Proposal to be available at Council's administration building.

## **PART 6: PROJECT TIMELINE**

This is outlined in the table below:

<b>Planning proposal stage</b>	<b>Timeframe</b>
Gateway determination issued by Department of Planning and Infrastructure	August 2013
Preparation for public exhibition	September 2013
Government agency consultation Public exhibition	September 2013
Public submissions report to Council	November 2013
Anticipated date the Council will make the plan (if delegated)	December 2013