



Council Ref: 22/7940

8 April 2022

Mr Laura Locke
Director, Eastern and Southern Districts
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms Locke,

**Planning Proposal – Establishment of FSR controls for specific
types of residential development and new urban greening
provisions**

I refer to the above planning proposal and the gateway determination dated 31 August 2021. We apologise for the delay in providing our response.

Council staff have now amended the planning proposal in accordance with the conditions of the determination, and have enclosed it for review.

A summary of amendments made in response to each condition is provided below:

Gateway condition	Summary of Council staff amendments
1(a) - Include a comparison of the amount of gross floor area achievable under the existing floor plate controls in the Woollahra Development Control Plan 2015 and the proposed FSR standards.	A comparison of the floor area achievable under the existing controls and proposed FSR has been provided in Part 6.3 of the planning proposal. To illustrate this in the document, ten previously approved applications have been used to compare floor space yields.
1(b) - Explain how the sliding scale FSRs and yield standards for small lots have been established, including an account for any difference from the site testing results.	A detailed explanation of the small lot sliding scale FSRs has been provided in Part 6.1 . It includes a summary of the process and analysis of the site testing results used to form the controls.
1(c) - Explain how the FSR for the Wolseley Road area has been established, having regard to urban design and urban greening outcomes.	An explanation of the Wolseley Road provisions has also been included in Part 6.1 . A particular emphasis has been placed on localised design and greening outcomes.
1(d) - Provide further evidence to demonstrate that a 0.5:1 FSR for dual occupancies will not affect the viability of this development type in the R3 Medium Density Residential zone	Council staff have modelled the smallest possible site for dual occupancies in this zone, being the minimum 460sqm lot size required. As such, the total number of lots capable of accommodating a dual occupancy will not change. Further details are available in Part 6.1

1(e) - Address the Planning Priority E5 within the Eastern City District Plan and Section 9.1 Direction 3.1 Residential Zones, based on information outlined in a) to d) above.	Planning Priority E5 and Direction 3.1 have been addressed in Part 6.2 and Schedule 2 respectively. The written responses make explicit reference to information included for Conditions 1(a) to 1(d).
1(f) - Include a plain English explanation of the findings of the site testing provided in part 10 of the planning proposal.	A plain English explanation has been provided for all site testing in Part 10 .
1(g) - Include an advisory note referencing the Department's 'Employment Zones Reform' work, noting that the B1 Neighbourhood Centre and B2 Local Centre zones would likely align with the exhibited 'E1 Local Centre' zone, and the B4 Mixed Use zone with the 'MU1 Mixed Use' zone.	An advisory note for the Employment Zones Reform work has been included in Part 5.2 . References to the expected timeline of this work, and the insertion of a local centres provision, have also been included.
1(h) - Address the Draft Woollahra Local Housing Strategy.	The <i>Woollahra Local Housing Strategy 2021</i> , which has now been endorsed by Council, is addressed in Part 6.2 .
1(i) - Amend the terminology to refer dual occupancies and semi-detached dwellings as 'medium density' residential developments, in lieu of 'low density'.	The terminology has been adjusted to avoid referring to dual occupancies and semi-detached dwellings as low density developments.
1(j) - Provide a plain English explanation of the intended effects of the proposed amendments, including changes to the Aims of Plan, objectives of the relevant zones and Clause 4.4 Floor space ratio, and the proposed local provision relating to urban greening. Include an advisory to clarify that the draft clauses are indicative only and will be subject to drafting by Parliamentary Counsel's Office, should the proposal progress to finalisation.	A plain English explanation of the intended effects for each component has been provided in Parts 5.1 to 5.7 . An advisory note to regarding the clause drafting has been included at the start of Part 5.1 .
1(k) - Remove the definitions for 'urban heat island effect', 'urban greening', 'tree crown' and 'canopy tree' from the proposal, as it is more appropriate to include these in the DCP.	It is noted that both the 'urban heat island effect' and 'urban greening' feature in the proposed LEP aims and objectives, and therefore Council staff recommend their definition should be included in the planning proposal. However, in respond to the conditions of the Gateway determination, these definitions have been removed to comply with the condition. These definitions are now included in the DCP amendments and will be publically exhibited concurrently with the planning proposal.
1(l) - Update the mapping to annotate the Paddington, Woollahra and	The mapping has been updated.

Watsons Bay Heritage Conservation Areas, which are excluded from the proposed FSR controls.	
1(m) - Update the project timeline based on the Gateway determination.	The project timeline has been updated.

In addition to the changes specified above, Council staff have included references to the consolidated SEPPs, revised 9.1 directions and the new name of the Department of Planning and Environment (DPE). A summary of floor space ratio controls used by other Councils has also been inserted to provide additional context for the proposal.

As discussed with Simon Ip on 23 December 2021, Council is seeking confirmation from the DPE that the following paragraph of the gateway cover letter is addressed prior to exhibition:

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 3.1 - Residential Zones. Council should ensure this occurs prior to public exhibition

It would be greatly appreciated if the DPE could provide feedback to Council by **29 April 2022**. Please find attached:

- Amended planning proposal to introduce FSR standards for specific residential development and urban greening provisions dated January 2022.
- Project chronology, summarising the history of the project.
- Proposed amendments to Chapter B3: General Development Controls of Woollahra DCP 2015.
- Proposed amendments to Chapter E3: Tree Management of Woollahra DCP 2015.
- Woollahra: Greening our LGA prepared by Lyndal Plant, Urban Forester Pty Ltd dated 30 June 2020.

Additionally, Council staff request that the DPE provide an extension to the dates specified in the Gateway conditions to allow for the exhibition and finalisation of this planning proposal. It is anticipated that a further four months from the date of the DPE's review will be required.

Council staff look forward to working with the DPE to finalise the necessary documentation so that this important planning proposal can proceed to public exhibition.

If you require any further information please contact Lyle Tamlyn, Strategic Planner, on (02) 9391 7145 or via lyle.tamlyn@woollahra.nsw.gov.au.

Yours sincerely



Anne White
Manager - Strategic Planning