

# Planning Proposal



## **Minimum lot size for dual occupancy (attached) development**

Prepared March 2020



[20/41194]



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# 1 Introduction

## 1.1 Description of the planning proposal

The objective of the planning proposal is to minimise the potential impact of dual occupancy (attached) development on the natural environment, residential amenity and the desired future character of the R2 Residential Zone (R2 zone) of the *Woollahra Local Environmental Plan 2015* (Woollahra LEP 2014). The desired future character of the R2 zone is to maintain and complement the existing local character of low scale residential uses which respond to the topography, protect views and reinforce the landscaped setting. The desired future character was established in consultation with the local community.

The purpose of the planning proposal is to amend Clause 4.1A 'Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings' of the Woollahra LEP 2014, to increase the minimum lot size required for development consent of dual occupancy (attached) development in the R2 zone from 460 square metres (sqm) to 800sqm.

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning, Industry and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- 2 Existing site and surrounding context
- 3 Existing planning controls
- 4 Objective of planning proposal
- 5 Explanation of provisions
- 6 Justification
- 7 Mapping
- 8 Community consultation
- 9 Project timeline

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are discussed in detail in parts 6.1 to 6.4 of the planning proposal, and summarised below.

1. The planning proposal seeks to reduce the potential adverse impacts of dual occupancy (attached) development on residential amenity and the existing and desired future character of the R2 zone.
2. The planning proposal is of minor significance in terms of the potential housing development in the LGA.
3. The planning proposal maintains the permissibility of variety and choice of housing types, particularly dual occupancy (attached) development, to cater for existing and future housing needs.
4. The planning proposal will not impact on the efficient use of existing infrastructure and services in the LGA and ensures that new housing has appropriate access to infrastructure and services.

5. The planning proposal is comparable in scope to recent planning proposals by other Councils. A similar planning proposal resulted in the amendment of the *Sutherland Shire Local Environmental Plan 2015* on 1 February 2019. Several other planning proposals are currently awaiting finalisation or a gateway determination.
6. The planning proposal is generally consistent with the relevant objectives and actions contained in applicable State, regional, district and local plans and strategies.

## 1.2 Background

### 1.2.1 Minimum lot size standards of 800sqm for dual occupancy (attached) development

#### 1. Council notice of motion – 8 July 2019

On 8 July 2019, in response to a notice of motion Council resolved, in part:

- *THAT Council:*
  - A. *Receives a report, as a matter of urgency, in relation to amending its current Local Environmental Plan 2014 (“LEP”) to provide a minimum lot size of 800 square metres or other for dual occupancy (attached) developments in R2 Low Density Residential zones within the municipality.*
  - B. *Considers other amendments to its planning and development controls to give effect to the above, as soon as reasonably practicable, given the introduction of the Low Rise Medium Density Housing Code (part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) (“Code”) on 1 July 2019.*

The notice of motion was accompanied by the following background notes:

- *In October 2016 the Department of Planning and Environment exhibited a Draft Medium Density Housing Code for public comment, which proposed that dual occupancies, manor houses and multi dwelling housing, known as low rise medium density housing, be approved under a Complying Development Approvals pathway and without need for Council approval. The main aim of this was to fast track development and increase housing supply in Greater Sydney.*
- *The Complying Development Approvals process does not provide sufficient opportunity for community consultation on proposed development, and may result in more rapid densification of the municipality with significant impact and pressure on current infrastructure, which may not be able to keep pace.*
- *Council’s current development and planning controls are delivering housing, sufficient to meet the Greater Sydney State Government Housing target without the need for the Code.*
- *Council’s role as a planning authority is to accommodate the required level of growth in a balanced way. Growth needs to be carefully managed so that it responds to community expectations and is consistent with the desired future character of neighbourhoods. The operation of the Code will severely impact on this.*
- *In response to a Notice of Motion passed on 21 May 2018, Council obtained a 12-month exemption to the operation of the Code. This exemption will expire on 1 July 2019.*

- *When the Code commences operation, the mandated minimum lot size for development of a dual occupancy (attached) in an R2 Low Density Residential Zone will be the greater of 400 square meters, or whatever is provided for in Council's LEP. Under the current LEP, that minimum lot size is 460 square meters.<sup>1</sup>*
- *Being able to construct dual occupancy (attached) development in R2 Low Density Residential Zones through a Complying Development Approvals process may severely impact on the desired and future character of many of the municipality's neighbourhoods, most especially in Vacluse, Rose Bay and Bellevue Hill.*
- *A way of improving planning outcomes for dual occupancy attached housing is the increase of lot sizes required for this type of development. This is because larger lot sizes generally allow for greater flexibility in design, resulting in less visually intrusive development. Also, larger lots can better accommodate ancillary elements that add bulk.*
- *On smaller lots, the impacts of dual occupancy attached development in the low-density neighbourhoods are intensified. The low-density neighbourhoods of Woollahra have a distinctive sense of place, which flows from a strong landscape character. The redevelopment of smaller lots to higher density generally fails to achieve an appropriate landscaped context, and magnifies the impacts of change within neighbourhoods. Achieving a balanced outcome for landscaping and quality design on small narrow lots is difficult because there is less area to resolve site-specific design issues. With the doubling or tripling of ancillary features, there is less area for deep soil landscaping and little space for large-scale canopy trees to be maintained and planted on site. Such developments outcomes do not maintain the low-density neighbourhood character, which is an underlying objective of the zone.*
- *It is recommended that Council limit the extent of medium density development which the Code will allow in R2 Low Density Residential Zones to land sizes of 800 square meters or more in order to maintain the character of the low-density neighbourhoods of Woollahra and better reflect the concerns of its residents. As mentioned above, Council's role as a planning authority is to accommodate the required level of growth in a balanced way. Growth needs to be carefully managed so that it responds to community expectations and is consistent with the desired future character of neighbourhoods. It is therefore entirely appropriate that Council tailors its planning framework to achieve better outcomes in its lower density zones.*
- *The intention of the proposed amendment is not to stop redevelopment in the lower density neighbourhoods, it merely requires it to be undertaken on larger lots where there is sufficient room to plant trees in the front and rear setback, and reduce the apparent density of development. This will assist in reducing the impacts of medium density developments in the low-density zones of Woollahra.*
- *The R3 Medium Density Residential zone is tailored to multi dwelling housing. The R3 zone facilitates a more dense urban form than the R2 zone and provides a transition between areas of single dwellings and areas of residential flats. The strategy supports Council's obligation to provide for a mix of housing types. The R3 zone has been applied to those areas most suitable for a more intense form of development.*

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<sup>1</sup> *Woollahra Local Environmental Plan 2014, Part 4, 4.1A(2)*



### 1.2.2 Low Rise Medium Density Housing Code

The Low Rise Medium Density Housing Code (the Code) is a development code in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). The Code is relevant to the planning proposal in that its proposed commencement in the Woollahra LGA is a significant consideration in the notice of motion and resolution of Council on 8 July 2019. When the Code commences, the minimum lot size for dual occupancies (attached) under the Code in the LGA will be the same as that specified under the Woollahra LEP 2015.

The Code applies to three development types, limited to one or two storeys in height:

- Dual occupancy – being two dwellings either attached or detached on one lot of land.
- Manor house – being a type of residential flat building containing three or four attached dwellings.
- Multi dwelling housing (terraces) – being three or more attached dwellings on one lot of land, facing and generally aligned along one or more public roads.

*Note: For clarity and simplicity, in this report the terms:*

- *dual occupancy or dual occupancies refer to both dual occupancies (attached) and dual occupancies (detached), unless otherwise specifically stated as being either ‘(attached)’ or ‘(detached)’.*
- *terraces refers to multi dwelling housing (terraces).*

The Code permits dual occupancies, manor houses and terraces to be carried out under a “fast track” complying development approval process. A complying development approval may be issued in 20 days if the proposal complies with all the relevant requirements in the Codes SEPP. Associated changes to the planning system will also permit manor houses and terraces to be applied for as a development application (DA) if a council’s LEP permits multi dwelling housing. For simplicity, in this report the term ‘Code’ applies to all the amendments to the planning system relating to low rise medium density housing, i.e. both complying development and development that requires consent.

On 6 April 2018 amendments were made to the NSW planning system to facilitate implementation of the Code. The amendments came into effect on 6 July 2018. However, the commencement of the Code has been deferred for Woollahra Council (as one of 45 Councils) on three occasions:

1. In July 2018, the Code was deferred until **1 July 2019** to allow councils sufficient time to fully consider the potential impacts of the amendments.
2. In June 2019, the Code was deferred until **1 November 2019** to allow an independent review of the progress, impediments and pathways to the implementation of the Code.
3. In September 2019, the Code was deferred until **1 July 2020** as recommended by an independent review by Professor Roberta Ryan. The deferral is intended to allow councils to progress their strategic planning initiatives, demonstrate how they intend to meet their local housing needs and work with the Department of Planning, Industry and Environment (DPIE) to identify and map areas of exceptional local character.

When the Code commences, the minimum lot size for dual occupancies (attached) under the Code in the LGA will be the same as that specified under the Woollahra LEP 2015.



### **1.2.3 Examples of recent dual occupancy (attached) DAs**

The public response to two contentious DAs for dual occupancies (attached) were a significant consideration in the notice of motion and resolution of Council on 8 July 2019.

On 12 September 2019, the two DAs were approved by the Woollahra Local Planning Panel under the section 8.2 review pathway after an initial refusal on 21 February 2019 (DAs 347/2018/1 and 348/2018/1). The approvals are conditional on architectural and landscaping modifications to the proposed development. The DAs applied to two adjoining lots in the R2 zone, both with a street address of 12 Greycliffe Avenue, Vaucluse (Lots 28 & 29 DP 7253). The lots were approximately 684sqm and 639sqm in size, one with an existing single detached dwelling and the other vacant.

The DAs were the subject of significant community concern, attracting submissions from 24 objectors and an online petition with 324 signatures.

### **1.2.4 Council resolution to prepare a planning proposal – 4 November 2019**

On 4 November 2019, the Environmental Planning Committee (EPC) of Council considered a report identifying options to amend the current Woollahra LEP 2014 controls, including a minimum lot size of 800 sqm, or other size, for dual occupancy (attached) developments in R2 zone (**Appendix 1**).

On 11 November 2019, Council resolved, in part:

- C. *THAT a planning proposal be prepared to increase the minimum lot size of attached dual occupancies in the R2 zone to 800m2.*
- D. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- E. *THAT the advice of the Woollahra Local Planning Panel be reported back to the Environmental Planning Committee.*
- F. *THAT Council request the Minister for Planning and Public Spaces to exempt Woollahra Council from the commencement of the Low Rise Medium Density Housing Code for the Woollahra Local Government Area as it fails to deliver an increased diversity of housing.*
- G. *THAT Council advises the Minister that it does not agree with the independent review that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly within the Woollahra Municipality.*

### **1.2.5 Woollahra Local Planning Panel advice – 30 January 2020**

On 30 January 2020 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal. At that meeting the Woollahra LPP provided the following advice:

*THAT the Woollahra Local Planning Panel advises Council that:*

- A. It supports the planning proposal to amend clause 4.1A of the Woollahra Local Environmental Plan 2014 to increase the minimum lot size required for dual occupancy (attached) development in the R2 Low Density Residential Zone from 460 square metres to 800 square metres.*
- B. The planning proposal should proceed.*
- C. In the planning proposal include as appropriate reference to Item 2 of the opportunities listed in Section 8.3 minimum Lot size amendment in the report to the Environmental Planning Committee meeting on 4 November 2019.*
- D. Carry out an analysis of options for a range of lot sizes for dual occupancy development (attached) in order to support the justification for the minimum lot size of 800m<sup>2</sup> and, if beneficial, provide those options to the Department of Planning, Industry and Environment as part of the planning proposal.*

This planning proposal has been updated consistent with this advice

### **1.3 Related Council actions**

#### **1.3.1 Council request for an exemption to the Code and comment on community support**

On 13 December 2019, the Mayor of Woollahra Council wrote to the Minister for Planning and Public Spaces to request consideration of the 11 November 2019 Council resolution (**Appendix 2**). The letter stated that Council:

1. Requests that the State Government exempt the Woollahra Local Government Area (LGA) from the Code as it will not deliver an increased diversity of housing.
2. Does not agree with the independent review of the Code undertaken by Professor Roberta Ryan, that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly in the Woollahra LGA.

These points are discussed below.

#### **1. Request for exemption**

Council requests an exemption from the Code for the following reasons:

- a. The Code is designed to deliver diverse housing to meet the needs of a growing and changing population, and the Government's commitment to promoting more 'missing middle' development, such as low-rise dual occupancies, manor houses and terraces through a strategically led planning system.



However, the Code is not required in the Woollahra LGA for these purposes as medium density housing already accounts for more than 30% of all dwellings in the LGA, compared with a Greater Sydney average of approximately only 20%. Additionally, the proportion of medium density housing in the LGA increased by more than 1% from 2011 to 2016.

Housing diversity is also available in the Woollahra LGA as high density housing which accounts for more than 48% of all dwellings in the LGA, compared with a Greater Sydney average of approximately only 23.5%.

Source: Australian Bureau of Statistics 2016, NSW Department of Planning, Industry and Environment 2019, and .id 2019 based on 2016 Census, <https://profile.id.com.au/woollahra/dwellings>. Refer to **Table 1** below.

Note: The .id 2019 definition of medium density dwelling is consistent with the Code, including townhouses, terraces, villa units and semi-detached dwellings, flats in 1 and 2 storey blocks and flats attached to houses.

**Table 1: Dwelling structure in the Woollahra LGA**

Dwelling structure <span>export  reset </span>							
Woollahra Municipality - Dwellings (Enumerated)		2016		2011		Change	
Dwelling type		Number	% Greater Sydney	Number	% Greater Sydney		2011 to 2016
Separate house		5,220	19.9	5,833	22.5		-613
<b>a</b> Medium density		8,069	30.7	7,616	29.4		+453
<b>a</b> High density		12,632	48.1	12,273	47.4		+359
Caravans, cabin, houseboat		0	—	7	0.0		-7
Other		201	0.8	92	0.4		+109
Not stated		121	0.5	54	0.2		+67
Total Private Dwellings		26,243	100.0	25,875	100.0		+368

Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by .id, the population experts.  
Please refer to specific data notes for more information

- b. Council is working to complete a Housing Strategy and Local Character Statement in 2020. These planning studies will permit Council to determine the optimal type, quantity and location of additional housing, as opposed to the generalised approach offered by the Code.

The Housing Strategy will provide detailed and locally focussed options for potential additional housing in the Woollahra LGA and will include opportunities for further medium density housing which:

- align potential growth with existing and proposed local infrastructure and open space improvements,
- identify the right locations for growth, including areas that are suitable for significant change in the short to medium term, and
- coordinate the planning and delivery of local and State infrastructure.

- c. Council is concerned about the following consequences of allowing the Code to operate in the LGA:

- The Code would undermine the precinct-based, fine grain local planning controls developed in consultation with the local community.
- The Code and design Guide do not address the existing or desired future local character of the LGA, which were established in consultation with the local community.

- The Code does not allow for the assessment of amenity impacts on neighbouring land.
- The existing complying development framework has a significant number of shortfalls which will be amplified by the commencement of the Code.

## **2. Community support**

Council does not agree with the independent review of the Code that there is strong community support for new multi-dwelling housing in low density R2 zones, particularly in the Woollahra LGA.

- a. Section 2.4 of the independent review summarises the sources used to understand community views about the provision of medium density housing. These included a 2011 online survey of Sydney and Melbourne residents commissioned by the Grattan Institute (the Grattan Survey), a 2013 statistically representative phone survey of NSW residents by the University of Technology Sydney (the UTS survey), a 2016 online survey of residents Sydney and Melbourne by the Centre for Urban Transitions (the CUT survey), and a 2019 phone survey of Sydney residents by the Committee for Sydney (the CfS survey). The surveys asked respondents about preferred features and locations for low, medium and high density housing (the Grattan Institute, CUT, UTS and CfS surveys), and whether they wish to comment on development applications for different housing types (the UTS survey).

Although the independent review found that “there is strong support from communities for an increase in housing diversity”, the survey results do not reflect this finding. In all surveys, less than half of all respondents indicated a personal housing preference for medium density housing, being as low as 16% of respondents in the CUT survey. Additionally, the UTS survey was the only survey to gauge community expectations for input into the approval process for development. It reported that 62% of respondents expected an input into development applications for medium density housing.

- b. Council consistently receives strong community opposition to development applications for medium density housing, including dual occupancy development on small lots. As described earlier in this report, a recent example of this opposition was for two development applications for dual occupancy (attached) development on adjoining properties in Vacluse. Council received 39 individual submission and a 324 signature petition, all of which opposed the applications.

### **1.3.2 Minimum lot size standards of 700sqm for manor houses and terraces**

On 18 June 2018, Council resolved, in part, to undertake a review of the Woollahra LEP 2014 and Woollahra DCP 2015 in relation to the Code.

On 25 March 2019, as a consequence of the review, Council resolved, in part, to:

- A. *Prepare a planning proposal to amend clause 4.1A of Woollahra LEP 2014 by inserting minimum lot size standards for manor houses and terraces of 700sqm.*
- B. *Prepare a draft development control plan to amend various sections of the Woollahra DCP 2015, to insert references to manor houses and terraces.*
- C. *Refer the planning proposal and draft DCP to the Woollahra Local Planning Panel (WLPP) for advice.*

On 18 April 2019, the WLPP advised Council that it supported the planning proposal and draft DCP. On 13 May 2019, Council resolved, in part, to:

- C. *Forward a planning proposal to the Department of Planning and Environment requesting a gateway determination to allow public exhibition. The objective of the planning proposal is to amend Woollahra LEP 2014 to add minimum lot size standards of 700sqm for manor houses and terraces.*
- E. *Publicly exhibit an associated draft development control plan to amend various sections of the Woollahra Development Control Plan 2015, to insert references to manor houses and terraces.*

On 16 May 2019, the planning proposal was submitted to the DPIE requesting a gateway determination to allow public exhibition. The DPIE have explained that they are not willing to issue a gateway determination relating to two land use types (manor houses and terraces) which are not currently permitted with consent under Woollahra LEP 2014, and will not be permitted until the Code applies to the Woollahra LGA. Accordingly, the DPIE initially delayed issuing a gateway determination for the planning proposal pending the outcome of the independent review of the Code. As one of the outcomes of the review was to defer the commencement of the Code in the Woollahra LGA until 1 July 2020, the DPIE has further delayed issuing a gateway determination. However, the DPIE has advised Council staff that they will be monitoring the situation.

## 2 Background research

### 2.1 Similar planning proposals by other Councils

The independent review of the Code identifies that 17 planning proposals relating to the Code have been submitted to the DPIE from deferred councils, most commonly requesting to:

- Limit the permissibility of different types of multi dwelling housing in certain zones and/or locations, particularly dual occupancies and manor homes.
- Change development standards for some types of medium density housing, particularly minimum lot sizes, frontages, side and rear setbacks, parking, and building heights for dual occupancies and manor houses.
- Restrict the application of the Code to entire zones.

- Permanently exempt the Code from applying to existing residential zones whilst adopting some Code into LEP and DCP controls for these zones.

**Table 2** summarises examples of these planning proposals and their progress status. It is noted that most examples were, or are being, finalised by the DPIE 12-16 months after their submission date.

**Table 2: Current or recent planning proposals relating to the Code**

Council / LEP	Control	Status	Request to DPIE / Gateway determination
<b>Amendments to minimum lot size</b>			
<b>Camden</b> Camden LEP 2010	600sqm minimum lot size for dual occupancies (800sqm on corner lots) where they are permissible	Awaiting LEP finalisation	31 August 2018 18 October 2018
<b>Cumberland</b> Auburn LEP 2010 Holroyd LEP 2013	600sqm minimum lot size for dual occupancies in the R2 and R3 zone	Awaiting LEP finalisation	27 July 2018 6 September 2018
<b>Georges River</b> Hurstville LEP 2012 Kogarah LEP 2012	<ul style="list-style-type: none"> <li>- 650sqm minimum lot size for dual occupancies (increased from 630sqm)</li> <li>- prohibit dual occupancies and multi dwelling housing in the R2 zone and certain land specified in the Kogarah LEP 2012</li> </ul>	Awaiting LEP finalisation	26 June 2018 31 July 2018
<b>Kiama</b> Kiama LEP 2011	<ul style="list-style-type: none"> <li>- 300sqm minimum lot size for dual occupancies and terraces in all the R2 zones except Jamberoo</li> <li>- 400sqm minimum lot size for dual occupancies and terraces in the R2 zone in Jamberoo</li> <li>- 200sqm minimum lots size for all types of low rise medium density housing in the R3 zone</li> </ul>	Awaiting LEP finalisation	6 July 2018 31 July 2018
<b>Randwick</b> Randwick LEP 2012	Adopt the minimum strata and Torrens Title subdivision lot size standards of the Codes SEPP for subdivision of dual occupancies	PP approved / LEP made - 17 August 2018	27 April 2018 10 May 2018
<b>Sutherland</b> Sutherland Shire LEP 2015	<ul style="list-style-type: none"> <li>- 600sqm minimum lot size for dual occupancies in R2 zone</li> <li>- 1,200sqm minimum lot size for multi dwelling housing in R2 zone</li> </ul>	PP approved / LEP made - 1 February 2019	21 September 2017 6 December 2018
<b>The Hills</b> The Hills LEP 2012	900sqm minimum lot area for manor homes in the R3 zone	Awaiting LEP finalisation	24 October 2018 11 January 2019
<b>Wingecarribee</b> Wingecarribee LEP 2010	1,000sqm minimum lot size for dual occupancies in the R2 and R3 zones	Exhibition	9 April 2019 29 May 2019
<b>Amendment to land use permissibility</b>			
<b>Campbelltown</b>	Prohibit multi dwelling housing in R2 zone	Awaiting LEP finalisation	22 August 2018

Council / LEP	Control	Status	Request to DPIE / Gateway determination
Campbelltown LEP 2015			15 October 2018
<b>Canterbury-Bankstown</b> Bankstown LEP 2015	Prohibit multi dwelling housing in R2 zone	Awaiting LEP finalisation	8 May 2018 31 July 2018
<b>Lane Cove</b> Lane Cove LEP 2009	Prohibit multi dwelling housing in R2 zone	PP approved / LEP made 14 June 2019	10 May 2018 6 July 2018
<b>Northern Beaches</b> Manly LEP 2013 Pittwater LEP 2014	<ul style="list-style-type: none"> <li>- Prohibit dual occupancies and multi dwelling housing in the R2 zone under Manly LEP 2013</li> <li>- Prohibit dual occupancies in the R2 zone under Pittwater LEP 2014</li> </ul>	Pre-exhibition	27 June 2018 31 July 2018

A more detailed description of selected planning proposals is provided below.

### 2.1.1 Sutherland

On 1 February 2019, the *Sutherland Shire Local Environmental Plan 2015 (Amendment No 14)* introduced the following minimum lot size standards in Sutherland Shire:

- a minimum lot size of 600sqm for the construction of a dual occupancy in the R2 Low Density zone
- a minimum lot size of 1,200sqm for the construction of multi-dwelling housing in the R2 zone.

Sutherland Council noted that the 600sqm minimum lot size requirement had existed previously in Sutherland Local Environmental Plan 2006. The standard was removed in the Sutherland LEP 2015 to encourage additional housing diversity. However, a significant rise (almost a doubling) in dual occupancy DAs was observed on lots considered to be “small” (below 500sqm) following the removal of this standard. This increase in development impacted on residential amenity and local character of low density residential areas in terms of landscaping, privacy and building bulk.

Sutherland Council justified the amendment to minimum lot sizes by reasoning that it would:

- Achieve the objectives of the R2 zone by providing for housing needs in a low density residential environment.
- Improve built form outcomes by providing greater flexibility in design options.
- Lessen the residential amenity impact on neighbouring land.

The DPIE supported the planning proposal finding that it:

- Did not remove the ability to construct dual occupancies or multi dwelling housing.
- Did not alter the permissibility of any development type in the R2 zone.
- On balance would not impede Council's ability to provide housing supply and diversity (despite some implications for supply).
- Will facilitate improved built form outcomes.
- Will lessen the impact of these types of developments on adjacent lots.



### 2.1.2 Camden

On 31 August 2018, Camden Council submitted a planning proposal seeking to amend the *Camden Local Environmental Plan 2010* (Camden LEP 2010) by inserting the following new minimum lot size controls:

- dual occupancies:
  - 600sqm minimum lot size control and 800sqm for corner lots
  - 18m minimum street frontage control where dwellings are directly adjacent to each other or 22m where dwellings are directly behind one another
- multi-dwelling housing:
  - 1,500sqm minimum lot size control
  - 25m minimum lot frontage control

The DPIE issued a gateway determination on 18 October 2018.

Camden Council noted that the 600sqm and 800sqm minimum lot size requirement for dual occupancies currently exist in the *Camden Development Control Plan 2011*. Translating this control to a standard in the Camden LEP 2010 would introduce stronger planning controls and consistency to dual occupancy applications lodged as DAs and as complying development. The 1,500sqm standard for multi dwelling housing is based on a comparison of standards from other Sydney Councils including Blacktown, Canterbury-Bankstown and Liverpool and some areas controls by the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Council justified the amendment by including reasoning that it would:

- Introduce appropriate controls to effectively manage low-rise medium-density development when the Code comes into effect.
- Enable sustainable residential growth that is compatible with the character of the established and transitioning areas
- Ensure that sufficient space is provided to accommodate setbacks, private open space, ancillary buildings and driveway access while maintaining the amenity and character of established neighbourhoods.
- Satisfy the objectives of the Camden LEP 2010 to ensure Camden retains its valued character and scenic qualities.

The DPIE considered that the planning proposal was suitable to proceed to exhibition as it had the potential to:

- Provide certainty for the delivery of good urban design outcomes for dual occupancies and multi-dwelling housing.
- Provide a consistent approach to applying a minimum lot size and lot frontage for dual occupancies and multi-dwelling housing.
- Complement the provisions and best-practice principles of the Code.

### 2.1.3 Lane Cove

On 14 June 2019, the *Lane Cove Local Environmental Plan 2009* was amended to remove “multi dwelling housing” as a permissible use in the R2 Zone, so that manor houses and all multi dwelling housing types would not be permissible in the zone. However, dual occupancies are still permitted with development consent in the zone. The amendment was requested primarily in response to the anticipated introduction of the Code. The amendments to Lane Cove LEP 2009 brings it into line with the permissibility that currently exists in the R2 zone of Woollahra LEP 2014, in which “multi dwelling housing” is not permitted but dual occupancies are permitted.

The DPIE considered that the planning proposal was suitable to proceed to exhibition as:

- The previous LEP planning controls limited the scale of multi-dwelling housing development to a single storey with the intent to maintain the low-density character of the zone.
- The Code was not consistent with Council's intent for single storey villas in the R2 zone.
- Only one DA had been received for multi dwelling housing in the R2 Zone since 2010, therefore the proposal was likely to have a minor impact.

### 2.1.4 DPIE requirements for justifying planning proposals relating to the Code

In considering the justification of these planning proposals, the DPIE has generally requested the following supporting information from councils:

- The number of dual occupancy and multi-dwelling housing developments approved in the R2 and R3 zones in the LGA in the last 5 years.
- The total area of land (number of lots) currently zoned R2 and R3 Medium Density Residential (R3 zone) in the LGAs.
- The number of lots that would be eligible for low rise medium density housing development (i.e. dual occupancies, manor homes and multi dwelling housing) in the R2 and R3 zones under the Code, taking into account the SEPP exclusions, such as foreshore areas and sites below the minimum lot size.
- Whether the proposal is supported by a local housing strategy that has been developed in consultation with the community.

An analysis of dual occupancy development in the Woollahra LGA is provided below.

## 2.2 Analysis of dual occupancy development in the Woollahra LGA

An investigation of dual occupancy approvals in the Woollahra LGA, and the potential for dual occupancy approvals under the Code, is provided below.

### 2.2.1 Number of approved DAs for dual occupancy development

**Table 3** shows the number of approved DAs for dual occupancies in the R2 zone in the past 5 years (2014-2019). In summary:

- 17 dual occupancy (attached) DAs were approved during this period,
- 12 (71%) of the 17 approvals were on lots smaller than 800sqm,
- 5 (29%) of the 17 approvals were on lots 800sqm or larger.
- Only 1 dual occupancy (detached) DA was approved in this period.

**Table 3: Approved dual occupancies in the past 5 years (2014-2019)**

DAs	Attached	Detached	% attached
<800sqm	12	0	71%
≥ 800sqm	5	1	29%
<b>Total</b>	<b>17</b>	<b>1</b>	<b>100%</b>

*Note: 3 DAs for alterations and additions to dual occupancies were approved in the past 5 years (2014-2019).*

### **2.2.2 Permissibility of dual occupancy development in the Woollahra LGA**

Dual occupancies are currently permitted in the R2 and R3 zones under the Woollahra LEP 2014. The Code only permits complying development uses where the same use is already permitted by the LEP. Accordingly, the Code will permit complying development of dual occupancies in the R2 and R3 zones in the Woollahra LGA.

The Code also excludes complying development on certain land, including:

- Land that comprises, or on which there is a heritage item (state or local), a draft heritage item or land subject to an interim heritage order.
- Land in a heritage conservation area or a draft heritage conservation area.
- Land that is reserved for a public purpose.
- Land identified on the Acid Sulfate Soils Map as being Class 1 or Class 2.
- Land in the foreshore area (which is land between a foreshore building line and the mean high water mark).

Additionally, complying development under the Code is linked to certain standards in the Woollahra LEP 2014, including minimum lot size and gross floor area (GFA). Therefore, the minimum lot size and GFA specified for complying development under the Code will be the same as the standards of the LEP.

### **2.2.3 Lots where dual occupancy development is permitted**

**Table 4** shows the number of all R2 zoned lots in LGA, and those that are not exempted from complying development under the Code (Code lots), sorted by lot size. The table illustrates that:

#### **All R2 lots**

- 42% (26% + 16%) of all R2 lots are 460sqm or larger, permitting dual occupancy (attached) development as a DA. This would be reduced to 16% of lots if a minimum lot size control of 800sqm was introduced for dual occupancy (attached) development in the Woollahra LEP 2014.
- 38% (24% + 14%) of all R2 lots are Code lots that are 460sqm or larger, and will permit dual occupancy (attached) development as complying development. This would be reduced to 14% of Code lots if a minimum lot size control of 800sqm was introduced.

### **Code lots**

- 46% of all R2 lots are subject to the Code. It should be noted that this number will be further reduced once other site specific standards and restrictions are considered (such as battle-axe lots and minimum lot widths).
- 82% (52% + 30%) of R2 Code lots would permit dual occupancy (attached) development as complying development. This would be reduced to 30% of Code lots if a minimum lot size control of 800sqm was introduced.

**Table 4: Count of all R2 lots and lots to which the Code applies**

R2 zone lots and minimum size of lot	All R2 lots	All R2 lots %	R2 Code lots	R2 Code lots as % of all lots	R2 Code lots %
<460sqm	5,409	58	767	8	18
≥ 460sqm - <800sqm	2,444	26	2,241	24	52
≥ 800sqm	1,428	16	1,272	14	30
<b>Total R2 lots</b>	<b>9,281</b>	<b>100</b>	<b>4,280</b>	<b>46</b>	<b>100</b>

### **2.2.4 Summary of analysis of dual occupancies in the Woollahra LGA**

The tables show that the number of dual occupancy developments in the Woollahra LGA is low and an amendment to the minimum lot size controls for approval is unlikely to have a significant impact on development. A summary of the analysis reveals that:

- The number of dual occupancy DA approvals in the LGA in the past 5 years (2014-2019) is low at 17. Only 3 DAs for alterations and additions to dual occupancies were approved in the past 5 years (2014-2019).
- The number of all R2 lots on which dual occupancies are currently permitted as DAs is almost the same as the number of lots on which dual occupancies will be permitted under the Code, that is:
  - 42% compared to 38% on lots which are 460sqm or larger
  - 16% compared to 14% on lots which are 800sqm or larger

### **2.2.5 Development scale of dual occupancies**

The development scale achievable on a site can be expressed as a maximum GFA. There are different methods for calculating GFA for dual occupancy development in the WLEP 2014, Woollahra DCP 2015 and the Code.

GFA controls can be expressed as a formula, a specific number (sqm) or, as in most LEPs, as a ratio between GFA and lot size, known as a floor space ratio (FSR). For example, an FSR of 0.5:1 on an 800sqm lot would permit a GFA of 400sqm.

Currently, the GFA for DAs in the Woollahra LGA is determined by floorplate controls set out in the Woollahra DCP 2015. However, on 30 July 2019 staff submitted a planning proposal seeking a floor space ratio (FSR) control of 0.5:1 to apply to low density residential development (which includes dual occupancies) to the DPIE. The planning proposal seeks to amend the Woollahra LEP 2014, and the new FSR control would replace the floorplate

controls in the Woollahra DCP 2015. However, the DPIE has requested further information before it will provide a Gateway Determination. An update on the planning proposal was reported to the EPC on 28 October 2019.

The Code provides its own standards for the permissible GFA of dual occupancies. This is based on the formulae below:

- Dual occupancy (attached) (side by side)  
GFA = 25% of lot area + 300sqm to a maximum of 800sqm
- Dual occupancy (attached) (above and below)  
GFA = 25% of lot area + 150sqm to a maximum of 400sqm
- Dual occupancy (detached)  
GFA = 25% of lot area + 300sqm to a maximum of 800sqm

**Table 5** compares the development scale of dual occupancy development for complying development under the Code with that for DAs under the DCP floorplate controls and the proposed LEP FSR controls. For additional comparison, the GFA was calculated for the largest minimum lot size permitted for each type of land use listed below and for an 800sqm lot size:

- Dual occupancy (attached) (side by side) - 460sqm
- Dual occupancy (attached) (above and below) - 460sqm
- Dual occupancy (detached) - 930sqm

The table illustrates that the development scale of dual occupancy development under the Code is greater in almost all cases than that permitted under the existing DCP floorplate controls and proposed LEP FSR standard. This suggests that complying development under the Code will become more attractive to developers than DAs for dual occupancies, assuming developers will seek to maximise the GFA and financial returns on their developments. If this outcome is realised, the larger GFA complying development dual occupancies will undermine the existing and desired future character, residential amenity and landscaped environment of the R2 zone.

**Table 5: Maximum GFA for dual occupancy development in the R2 zone**  
(greatest GFA per type shown in bold)

Dual occupancy type	Lot size <sup>1</sup>	Code	WDCP 2015 (floorplate) <sup>2</sup>	WLEP 2014 (0.5:1 FSR) <sup>3</sup>
<b>Dual occupancy (attached)</b> (side by side)	460sqm	<b>415sqm</b>	253sqm	230sqm
	800sqm	<b>500sqm</b>	440sqm	400sqm
<b>Dual occupancy (attached)</b> (above and below)	460sqm	<b>265sqm</b>	253sqm	230sqm
	800sqm	350sqm	<b>440sqm</b>	400sqm
<b>Dual occupancy (detached)</b>	930sqm	<b>532.5sqm</b>	511.5sqm	465sqm
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. The minimum lot sizes permissible for complying development under the Code is the same as that permissible for development consent under Woollahra LEP 2014.</li> <li>2. The Woollahra DCP 2015 floorplate controls exclude outbuildings such as decks, sheds, garages and detached studios. The floorplate controls translate to the equivalent of an FSR of approximately 0.55:1.</li> <li>3. The GFA calculations for dual occupancies in the WLEP 2014 column is based on an FSR of 0.5:1, which is the subject of current planning proposal request to DPIE.</li> </ol>				

## 2.2.6 Impacts of the planning proposal on the R2 zone

The analyses above show that increasing the minimum lot size for dual occupancy (attached) development will have a minor significance. However, the development scale impact of retaining the existing minimum lot sizes could be significant in terms of larger complying development dual occupancies undermining the existing and desired future character, residential amenity and landscaped environment of the R2 zone. Therefore on balance, increasing the minimum lot size will result in an overall positive impact on the R2 zone.

## 2.3 Comparison with other Councils' LEPs

**Table 6** summarises a review of existing LEPs for various Sydney councils. The 14 LEPs vary in their minimum lot size standard for dual occupancies from 450sqm to 2 hectares in various zones and specific identified areas. Dual occupancies in the R2 zones vary from 450sqm to 1,000sqm.

The largest controls generally relate to the semi-rural areas such as the RU2 Rural Landscape and RU4 Primary Production Small Lots zones, or special areas defined by the LEPs, such as "Area G" and "Area K" in the Hurstville LEP 2012. However, generally the minimum lot size of dual occupancy (attached) development sits around the 600 to 700sqm range, including in LGAs with landscaped, large lot character similar to parts of the Woollahra LGA such as Bellevue Hill, Rose Bay and Vaucluse. The notable exception is the Pittwater LEP 2014 at 800sqm. Woollahra Council believes an increase in the minimum lot size for dual occupancy (attached) development is appropriate, based on achieving parity with other LGAs with a similar built form and landscape character, such as the former Pittwater LGA.

**Table 6: Review of LEPs with minimum lot sizes for dual occupancies**  
(sorted from largest lot size to smallest)

LEP	Zone / Area / Condition	Minimum lot size for dual occupancies	
		Attached	Detached
<b>Fairfield LEP 2013</b>	As mapped (Permitted in RU2, RU4, R2 and R4 zones)	600sqm, 900sqm or 2 ha	600sqm, 900sqm or 2 ha
<b>Kogarah LEP 2012</b>	As mapped (Permitted in R2 and R3 zones)	650sqm or 1,000sqm	650sqm or 1,000sqm Dual occupancies (detached) must have 2 road frontages
<b>Hurstville LEP 2012</b>	<ul style="list-style-type: none"> <li>R2 and R3 zone: Mapped Area G</li> <li>R2 zone: Mapped Area K</li> </ul>	<ul style="list-style-type: none"> <li>630sqm</li> <li>1,000sqm</li> </ul>	<ul style="list-style-type: none"> <li>630sqm</li> <li>1,000sqm</li> </ul>
<b>Woollahra LEP 2014</b>	<ul style="list-style-type: none"> <li>R2 zone</li> <li>R3 zone</li> </ul>	<ul style="list-style-type: none"> <li>460sqm</li> <li>460sqm</li> </ul>	<ul style="list-style-type: none"> <li>930sqm</li> <li>460sqm</li> </ul>
<b>Pittwater LEP 2014</b>	RU2, R2 and R3 zones	800sqm	800sqm
<b>Hunters Hill LEP 2012</b>	R2 and R3 zones	700sqm	900sqm
<b>Willoughby LEP 2012</b>	R2 and E4 zones	700sqm	900sqm
<b>The Hills LEP 2012</b>	R2 and R3 zones	600sqm	700sqm
	R4 zone	1,800sqm	1,800sqm
<b>Canterbury LEP 2012</b>	R2, R3 and R4 zones	600sqm	600sqm
<b>Bankstown LEP 2015</b>	R2 zone	500sqm - 15m lot width	700sqm - 20m lot width
<b>Blacktown LEP 2015</b>	R2 zone	500sqm	600sqm
<b>Burwood LEP 2012</b>	R1, R2 and R3 zones	500sqm	600sqm
<b>Ryde LEP 2014</b>	R2 zone	580sqm	Not permitted
<b>Randwick LEP 2012</b>	R2 zone	450sqm	No control
<b>North Sydney LEP 2013</b>	R2, R3, R4 and IN2 zones	450sqm	450sqm
<b>Hornsby LEP</b>	No clause	N/A	N/A
<b>Ku-ring-gai LEP 2015</b>	No clause	N/A	N/A
<b>Lane Cove LEP 2009</b>	No clause	N/A	N/A
<b>Manly LEP 2013</b>	No clause	N/A	N/A
<b>Mosman LEP 2012</b>	No clause	N/A	N/A
<b>Warringah LEP 2011</b>	No clause	N/A	N/A



### 3 Existing relevant planning controls

The existing relevant planning standards to the planning proposal contained in Clause 4.1A of the Woollahra LEP 2014, shown below.

#### **4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

- (1) *The objective of this clause is to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.*
- (2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.*

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Dual occupancy (attached)</i>	<i>Zone R2 Low Density Residential</i>	<i>460 square metres</i>
<i>Dual occupancy (detached)</i>	<i>Zone R2 Low Density Residential</i>	<i>930 square metres</i>
<i>Dual occupancy (attached)</i>	<i>Zone R3 Medium Density Residential</i>	<i>460 square metres</i>
<i>Dual occupancy (detached)</i>	<i>Zone R3 Medium Density Residential</i>	<i>460 square metres</i>
<i>Multi dwelling housing</i>	<i>Zone R3 Medium Density Residential</i>	<i>700 square metres</i>
<i>Residential flat building</i>	<i>Zone R3 Medium Density Residential</i>	<i>700 square metres</i>

### 4 Objectives of planning proposal

The objective of the planning proposal is to minimise the potential impact of dual occupancy (attached) development on the natural environment, residential amenity and the desired future character of the R2 zone. The desired future character of the R2 zone is to maintain and complement the existing local character of low scale residential uses which respond to the topography, protect views and reinforce the landscaped setting. The desired future character was established in consultation with the local community.

### 5 Explanation of provisions

The objective of the planning proposal can be achieved by an amendment to clause 4.1A of the Woollahra LEP 2014. Clause 4.1A deals with minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings.

Under clause 4.1A development consent for these three land uses can only be granted if the lot on which they are erected has a nominated minimum lot size. In the case of a dual occupancy (attached) in the R2 zone, the minimum lot size is currently 460 sqm. The proposed amendment will replace 460sqm with 800sqm.

The recommended amendments are shown as inserted text coloured in blue and underlined: inserted text and deleted text show in red strikethrough: ~~deleted text~~.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Dual occupancy (attached)</i>	<i>Zone R2 Low Density Residential</i>	<u>800</u> <del>460</del> square metres
<i>Dual occupancy (detached)</i>	<i>Zone R2 Low Density Residential</i>	930 square metres
<i>Dual occupancy (attached)</i>	<i>Zone R3 Medium Density Residential</i>	460 square metres
<i>Dual occupancy (detached)</i>	<i>Zone R3 Medium Density Residential</i>	460 square metres
<i>Multi dwelling housing</i>	<i>Zone R3 Medium Density Residential</i>	700 square metres
<i>Residential flat building</i>	<i>Zone R3 Medium Density Residential</i>	700 square metres

## 6 Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are discussed below in part 6.1 to 6.3.

### 6.1 Need for planning proposal

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

No. Council is currently developing a housing strategy for the Woollahra LGA as part of the LEP review process. When the housing strategy is endorsed by Council, it will be provided to the DPIE for review.

The planning proposal is the result of Council's goal to minimise the potential impact of dual occupancy (attached) development on the residential amenity and desired future character of the R2 zone of the Woollahra LGA. An explanation of how the planning proposal will achieve this goal while maintaining the opportunities to develop appropriate housing in the R2 zone is described below.

#### a. Residential amenity and desired future character

Dual occupancy (attached) development on lots smaller than 800sqm in size in the R2 zone, may result in an adverse impact on the residential amenity and the existing and desired future character of the R2 zone. The desired future character of the R2 zone is to maintain and complement the existing local character of low scale residential uses which respond to the topography, protect views and reinforce the landscaped setting. The desired future character was established in consultation with the local community.

The planning proposal seeks to reduce these potential impacts by ensuring larger lot sizes for the construction of dual occupancies (attached) in the R2 zone. The larger lot sizes will allow for greater flexibility in the design and siting of dwellings on a site, encourage larger building setbacks to which can mitigate privacy and noise impacts and ensure larger areas of deep soil landscaping than those on smaller sites. The larger landscaped areas will have greater capacity to accommodate large mature trees and other large plants which will:

- support biodiversity
- maintain and enhance landscaping and the urban tree canopy
- maintain the residential amenity of the R2 zone.

However, the amenity and desired future character impacts of DAs for dual occupancies (attached) will still be determined on a case by case basis.

**i. Methodology to identify appropriate lot sizes to achieve the desired future character with regard to mature trees**

As identified above, the desired future character of the R2 zone is to maintain and complement the existing local character of low scale residential uses which respond to the topography, protect views and reinforce landscape setting. Of particular importance is the capacity of a lot to facilitate landscaped areas which can sustain mature trees.

In order to identify an appropriate lot size for dual occupancies (attached) an analysis was carried out for conceptual built forms on a variety of lot sizes in the LGA. This conceptual built form analysis allowed the calculation of the:

- maximum potential number of mature trees
- maximum achievable number of mature trees

The analysis was based on the following three documents:

<i>Woollahra DCP 2015:</i>	The current setback and buildable area controls are set out in the Woollahra DCP 2015.
Chapter B3 – General Development Controls	In addition, the Woollahra DCP 2015 requires a minimum deep soil landscape area of 50% of non-buildable area. The minimum deep soil landscaped area determines the space for the potential trees that can be planted and sustained on a lot.  However, there are no controls that identify how many trees could or should be planted on a lot.
<i>Low Rise Medium Density Design Guide for Development Applications (2018) (DA Guide)</i>	The DA Guide is a DPIE document which provides consistent planning and design standards for low rise medium density housing across NSW. This document is relevant because it contains elements that are relevant to dual occupancies (attached).  In the absence of controls in the Woollahra DCP 2015 relating to the number and size of trees, this guide was used to inform the planning proposal in order to compare the minimum soil area required for different tree sizes.
Parts – 2.1 Design Criteria - Dual Occupancy – 3C Landscaped Area	

The minimum soil size guide for large, medium and small trees for dual occupancies is shown below:

Tree Size	Height	Spread	Min. soil area
Large	>12m	>8m	10 x 10m or equivalent
Medium	8-12m	4-8m	6 x 6m or equivalent
Small	5-8m	<4m	3.5 x 3.5m or equivalent

*Australian Standard AS 4970-2009 - Protection of trees on development sites (AS 4970)*  
Section 3.2

The standard provides guidance on the principles for protecting trees on land subject to development. This document is relevant because it identifies the minimum dimension required to support and sustain a mature tree.

The standard defines the Structure Root Zone (SRZ) as the area required for the stability of a viable mature tree. The minimum recommended diameter of the SRZ is 3 metres.

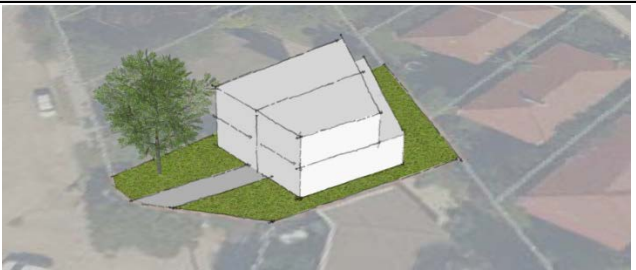

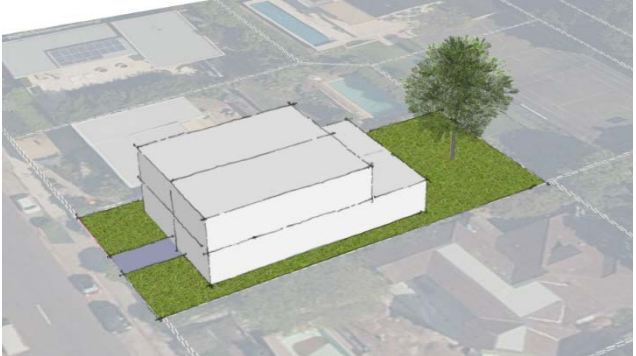

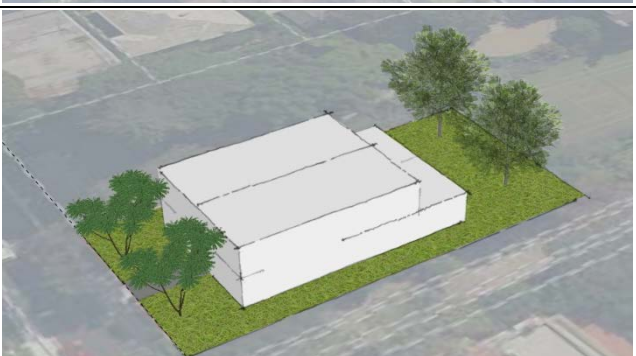
## ii. Built form analysis of dual occupancies (attached) on different size lots

Having applied the above control set, the:

- maximum potential number of mature trees was determined by dividing the minimum deep soil landscaped area of a lot under the Woollahra DCP 2015 controls, by the minimum soil area size required for each tree under the DA Guide.  
The 3m diameter recommended for the SRZ was not considered.
- maximum achievable number of mature trees was determined by considering the 3m diameter recommended for the SRZ.

**Table 7** below compares the maximum potential and maximum achievable mature trees that can be planted on various lot sizes. This conceptual analysis uses lot sizes and dimensions of existing sites in the R2 zone.

**Table 7: Maximum potential and achievable mature tree planting for various lot sizes**

Lot size	Mature tree number	Indicative achievable trees
<b>1. 460-500sqm</b>		
470sqm site		
Max. achievable trees	1 large	
Max. potential trees	1 large 1 medium	
<b>2. 500-600sqm</b>		
553sqm site		
Max. achievable trees	1 large	
Max. potential trees	1 large 1 medium 1 small	
<b>3. 600-700sqm</b>		
685sqm site		
Max. achievable trees	1 large	
Max. potential trees	2 large	
<b>4. 700-800sqm</b>		
727sqm site		
Max. achievable trees	2 large	
Max. potential trees	2 large 1 small	
<b>5. &gt;800sqm</b>		
905sqm site		
Max. achievable trees	2 large 2 medium	
Max. potential trees	2 large 2 medium	

### iii. Outcomes

The built form analysis above illustrates that on lots smaller than 800sqm, the maximum achievable number of mature trees is reduced from the maximum potential number due to the insufficient deep soil area dimensions required by the SRZ.

For example, in the third example from the Figure 1 (the 685sqm site), a maximum potential of 2 large trees could be provided on the lot, but the maximum achievable number of mature trees is reduced to only 1 large tree.

Therefore, development of dual occupancies (attached) on lots smaller than 800sqm will impact on the lot's ability to achieve an important attribute of the desired future character of the R2 zone, and the ability to maintain and enhance a mature tree canopy. Furthermore, the smaller lot sizes have reduced side setbacks (less than 3m), resulting in less space to plant screening trees which could reduce potential amenity impacts on privacy and noise.

A minimum lot size of 800sqm for dual occupancies (attached) is an appropriate size to achieve the objectives of the planning proposal as it increases a lot's ability to accommodate and sustain mature trees. Furthermore, a minimum lot size of 800sqm will minimise the potential impact of dual occupancy (attached) development on the natural environment, residential amenity and is consistent with the desired future character of the R2 zone.

#### b. Impact of the Code on the number and scale of dual occupancies (attached)

The adverse residential amenity and desired future character impacts of dual occupancy (attached) development will be exacerbated by the commencement of the Code in the Woollahra LGA. Under the Code dual occupancies (attached) will be permitted as complying development which is:

- issued in 20 days
- not subject to public exhibition, and
- generally allows a maximum gross floor area greater than that achievable as development consent under a DA.

In addition, the maximum gross floor area achievable for dual occupancies (attached) as complying development is generally greater than that achievable as development consent under a DA, for example on dual occupancies (attached) (side by side):

- On lots of 460sqm, the maximum achievable GFA for complying development is 415sqm compared with 253sqm for DAs
- On lots of 800sqm, the maximum achievable GFA for complying development is 500sqm compared with 440sqm for DAs

Refer to **Table 5** of this report for greater detail.

Under these conditions it is likely that complying development under the Code will become more attractive to developers than DAs. This assumes that developers will seek to reduce the time period and risk for approval and maximise the GFA and financial returns of their developments. Therefore, it is likely that these conditions will result in complying development for dual occupancies (attached) having a greater impact in terms of numbers and development size (GFA) on residential amenity and desired future character than development approved as a DA.

The minimum lot size for dual occupancy (attached) development under the Code is the same as that specified under the environmental planning instrument (EPI) that applies to the land. In the Woollahra LGA, this EPI is the Woollahra LEP 2014. As the minimum lot size for dual occupancies (attached) under the Code in the LGA will be the same as that specified under the Woollahra LEP 2015, the planning proposal will have the effect of minimising the amenity impact of complying development by requiring dual occupancies (attached) on lots 800sqm or larger, in line with development approved under a DA.

### **c. Minor impact of the planning proposal on overall housing development**

The planning proposal is of minor significance in terms of the overall achievable development of housing in the LGA, for the following reasons:

- Historically, the number of DAs approved for dual occupancies (attached) in the LGA is low and an amendment to the minimum lot size controls for approval is unlikely to have a significant impact on this trend. The number of DAs approved for dual occupancies (attached) for the past 5 years (2014-2019) on lots smaller than 800sqm was very low at 12 (24 dwellings) or just over 2 (4 dwellings) per year. During the same period, the number DAs approved for dual occupancies (attached) on lots 800sqm or greater was also very low at 5 (10 dwellings) or just over 1 (2 dwellings) per year. Refer to **section 2.2.1** of this report for greater detail.
- The planning proposal will only have a minor impact on potential to develop dual occupancies (attached) as complying development in the LGA, compared to development permitted under a DA. The number of R2 lots on which dual occupancies will be permitted under the Code is almost the same as the R2 lots on which dual occupancies are currently permitted under a DA. As a percentage of all R2 lots in the LGA (100%) the lots on which dual occupancies (attached) will be permitted are:
  - 42% as DAs compared with 38% under the Code (lots 460sqm or larger)
  - 16% as DAs compared with 14% under the Code (lots 800sqm or larger)

Refer to **section 2.2.3** for greater detail.

- The planning proposal will not reduce the permissible residential density of land. The potential number of dwellings in the R2 zone will not be reduced, as secondary dwellings are a permissible use in the zone and are not subject to a minimum lot size control. In this regard, a minimum of two dwellings will remain permissible on all lots in the R2 zone, whether they be dual occupancies or a combination of a principal dwelling and secondary dwelling.
- As a result of these considerations, the planning proposal is unlikely to impact on Council achieving the State government's five year housing target of 300 dwellings by 2021 identified in the *Eastern City District Plan*. Refer to **Table 8** for greater detail.



#### **d. Other considerations**

- The planning proposal maintains the permissibility of variety and choice of housing types, particularly dual occupancy (attached) development, to cater for existing and future housing needs.
- The planning proposal will not impact on the efficient use of existing infrastructure and services in the LGA and ensures that new housing has appropriate access to infrastructure and services.
- The planning proposal is comparable in scope to recent planning proposals by other Councils. A similar planning proposal resulted in the amendment of the *Sutherland Shire Local Environmental Plan 2015* on 1 February 2019. Several other planning proposals are currently awaiting finalisation or a gateway determination. Refer to **section 2.1** of this report for greater detail.

#### **2. *Is the planning proposal the best means of achieving the objectives, or is there a better way?***

Yes. The objective of the planning proposal is to minimise the potential impact of dual occupancy (attached) development on the natural environment, residential amenity and the desired future character of the R2 zone.

Increasing the minimum lot sizes for dual occupancies (attached) in the Woollahra LEP 2014 is the best means of achieving this objective, as larger lot sizes will generally allow for greater flexibility in design options, resulting in less intrusive residential development in terms of larger setbacks from neighbouring properties, greater area for landscaping and additional area for ancillary elements such as outbuildings. Requiring a larger lot size is considered to be a better, more practical and flexible method to manage the impacts of development than prescriptive DCP design controls

### **6.2 Relationship to strategic planning framework**

#### **3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?***

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) (the Sydney Region Plan) and the relevant actions of the *Eastern City District Plan* (2018) (the District Plan), as discussed below.

#### **Greater Sydney Region Plan: A Metropolis of Three Cities**

The Sydney Region Plan is the Greater Sydney Commission's 40-year vision for Greater Sydney. It is the regional strategic plan that is intended to guide growth and change to meet the needs of Sydney's growing population. The planning proposal is consistent with the objectives of the Sydney Region Plan. The actions and planning principles set out in the District Plans seek to ensure that all councils implement 'A Metropolis of Three Cities'. The Woollahra LGA is located in the Eastern City District.

## Eastern City District Plan

The planning proposal is generally consistent with the planning priorities and corresponding actions of the District Plan.

**Table 8** considers the Sydney Region Plan's directions and objectives and the District Plan's priorities and actions that are relevant to the planning proposal.

**Table 8: Consideration of Greater Sydney Region Plan: A Metropolis of Three Cities and Eastern City District Plan**

<b>Greater Sydney Region Plan</b>	<b>Eastern City District Plan</b>	<b>Comment on consistency</b>
<b>Directions and objectives</b>	<b>Priority and action</b>	
<b>Direction - Housing the city</b>  <i>Giving people housing choices</i>	<b>Liveability - Planning Priority E5</b>  <i>Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	<p>The proposal is generally consistent with the objectives for this priority.</p> <p>The planning proposal is unlikely to impact on Council achieving the five year housing target of 300 dwellings by 2021, and / or one of the longer term housing targets.</p>
Objective 10: Greater housing supply  Objective 11: Housing is more diverse and affordable	Action 16: Prepare local or district housing strategies that address the following: <ol style="list-style-type: none"> <li>the delivery of five-year housing supply targets for each local government area</li> <li>the delivery of 6-10 year (when agreed) housing supply targets for each local government area</li> <li>capacity to contribute to the longer term 20-year strategic housing target for the District</li> <li>the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:               <ol style="list-style-type: none"> <li>creating capacity for more housing in the right locations</li> </ol> </li> </ol>	<p>The number of dual occupancy (attached) development consents for the past 5 years (2014-2019) on lots smaller than 800sqm was very low at 12 or just over 2 per year. Refer to analysis of dual occupancies in the Woollahra LGA in <b>section 2.2</b> of this report.</p> <p>The planning proposal seeks to ensure the ongoing housing supply is provided in a range of housing types in the appropriate locations. The minimum lot size seeks to ensure that dual occupancies (attached) do not adversely impact on the residential amenity, liveability or local character of the R2 zone, while supporting Greater Sydney's growing population. While the introduction of a minimum lot size may require some sites to be amalgamated for development consent of dual occupancies (attached), it does not remove the ability or permissibility of any form of development.</p>
<b>Direction - A city of great places</b>	<b>Liveability - Planning Priority E6</b>	The proposal is generally consistent with the objectives and actions for this priority.

<b>Greater Sydney Region Plan</b>	<b>Eastern City District Plan</b>	<b>Comment on consistency</b>
<b>Directions and objectives</b>	<b>Priority and action</b>	
<i>Designing places for people</i>	<i>Creating and renewing great places and local centres, and respecting the District's heritage</i>	The plans acknowledge that Sydney's neighbourhoods each have a unique combination of people, built form and natural features creating places with distinctive identifies and functions. The residents of the Woollahra LGA value the existing local character of the R2 zone which consists of low scale residential uses which responds to the topography, protects views and reinforces a landscaped setting.
Objective 12: Great places that bring people together	<p>Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> <li>a. prioritising a people-friendly public realm and open spaces as a central organising design principle</li> <li>b. recognising and balancing the dual function of streets as places for people and movement</li> <li>e. recognising and celebrating the character of a place and its people</li> </ul>	<p>The planning proposal seeks to build on these values by aligning the objectives and action of the plans by permitting dual occupancies (attached) that will be well designed to maintain the existing and created the desired future character the desired by the residents.</p>
<b>Direction - A city in its landscape</b>	<b>Sustainability - Planning Priority E15</b>	The proposal is generally consistent with the objectives and actions for this priority.
<i>Valuing green spaces and landscape</i>	<i>Protecting and enhancing bushland and biodiversity</i>	The Sydney Region Plan notes that Greater Sydney is one of the world's most attractive and liveable regions with diverse, beautiful and iconic natural landscapes. The Woollahra landscape is iconic in that it is one recognised locally, nationally and internationally as part of the backdrop for significant cultural events such as the New Year's Eve fireworks, the Sydney to Hobart yacht race and countless images of Sydney Harbour used to promote tourism. The character of the R2 zone is generally one of a mixture of large dwelling immersed in a landscaped setting.
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>Action 62: Protect and enhance biodiversity by:</p> <ul style="list-style-type: none"> <li>a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors</li> <li>b. managing urban bushland and remnant vegetation as green infrastructure</li> <li>c. managing urban development and urban bushland to reduce edge-effect impacts</li> </ul>	<p>Apart from public open spaces, the majority of landscaped areas, mature trees, remnant vegetation and bushland</p>

<b>Greater Sydney Region Plan</b>	<b>Eastern City District Plan</b>	<b>Comment on consistency</b>
<b>Directions and objectives</b>	<b>Priority and action</b>	
<b>Direction - A city in its landscape</b> <i>Valuing green spaces and landscape</i>	<b>Sustainability - Planning Priority E16</b> <i>Protecting and enhancing scenic and cultural landscapes</i>	<p>edges are contained in the landscaped areas of large lots in the R2 zone. This vegetation is often found in front and back yards, on rocky outcrops and along the Sydney Harbour foreshore.</p> <p>The planning proposal recognises this and seeks to build on characteristic by requiring larger lot sizes for the construction of dual occupancies (attached) in the R2 zone. The larger lot sizes will allow for greater flexibility in the design and siting of dwellings on a site. This flexibility will allow for greater areas of deep soil landscaping on sites where large canopy trees and other large plants can be accommodated. This will allow development which will align with the objectives and priorities of both plans in terms of:</p> <ul style="list-style-type: none"> <li>• Supporting biodiversity conservation.</li> <li>• Reducing edge-effect impacts.</li> <li>• Protecting the cultural and scenic landscapes of the LGA, including views from Sydney Harbour.</li> <li>• Maintaining and enhancing the urban tree canopy.</li> </ul>
Objective 28: Scenic and cultural landscapes are protected	Action 63: Identify and protect scenic and cultural landscapes. Action 64: Enhance and protect views of scenic and cultural landscapes from the public realm.	
<b>Direction - A city in its landscape</b> <i>Valuing green spaces and landscape</i>	<b>Sustainability - Planning Priority E17</b> <i>Increasing urban tree canopy cover and delivering Green Grid connections</i>	
Objective 30: Urban tree canopy cover is increased	Action 65: Expand urban tree canopy in the public realm.	

#### **4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is broadly consistent with Council's local strategies and strategic plans.

#### **Woollahra – 2030: Our community, our place, our plan**

The planning proposal is broadly consistent with Council's Community Strategic Plan *Woollahra – 2030: Our community, our place, our plan* (Woollahra CSP). The Woollahra CSP identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The community vision is that:

*Woollahra will continue be a great place to live, work and visit where places and spaces are safe, clean and well-maintained.*

*Our community will offer a unique mix of urban villages with a good range of shops, services and facilities.*

*We will make the most of the natural beauty, leafy streetscapes, open spaces, views and proximity to the water and the city.*

*We will be a harmonious, engaged and connected community that looks out for each other.* (page 6)

Council has been committed to maintaining local character and residential amenity through appropriate urban planning controls. This commitment is measured in Council's annual community surveys and under the categories of:

- The community is more satisfied with the way we regulate the design and quality of new development.
- The community is more satisfied with the way we assess and determine applications for development.

Notably, the planning proposal meets the following strategy goals in the 'Quality places and spaces' theme of the strategy:

- Goal 4: Well-planned neighbourhood

4.1 Encourage and ensure high quality planning and urban design outcomes

The planning proposal will provide the potential to enable a high quality, well designed, urban design outcome which maintains and enhances the existing and desired future character of the R2 zone.

4.4 Encourage diversity in housing choice to suit a changing population

The planning proposal will not affect the permissibility of any housing type in the R2 zone.

- Goal 5: Liveable places

5.4 Protect trees, streetscapes and landscapes

The planning proposal will provide the potential to enable protect trees on private land, streetscapes and landscapes in the R2 zone.

5.5 Enhance the physical environment of our local suburbs, neighbourhoods and town centres

The planning proposal will provide the potential to maintain and enhance the physical environment of the R2 zone by requiring development to preserve the existing local character of low scale residential uses which responds to the topography, protects views and reinforces a landscaped setting.

## **Draft Woollahra Local Strategic Planning Statement**

The planning proposal is broadly consistent with the *Draft Woollahra Local Strategic Planning Statement* (Draft Woollahra LSPS).

The Draft Woollahra LSPS is Council's 20-year land use vision for the local area. It contains the planning priorities, strategies and actions for implementing our 20-year vision as well as the *Eastern City District Plan*, linking local strategic planning to regional planning for Greater Sydney.

The planning proposal relates in particular to Planning Priority 4 under the theme of 'Liveability':

#### ***Planning Priority 4***

*Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.*

The vision for the planning priority (as at 22 January 2020) states that:

*Our area is home. It supports our lifestyle and allows people of all capabilities and all ages to participate in community life and live in health and comfort.*

*Housing is designed to be the right fit for the character, heritage, landscape, and village scale of our area. It is located in well-planned places which are close to villages, services, and public transport hubs. Everything is on our doorstep – shops, cafes, markets, libraries, parks, our foreshore, schools, health services, aged care facilities, and more.*

*Diverse and affordable housing options in accessible locations provide for a range of needs and incomes. Council collaborates with government agencies, other councils, and organisations on affordable housing programs.*

*Development that creates new dwellings or commercial buildings contributes to funding upgrades and improvements that enhance the liveability, infrastructure, and amenity of our area. Factors that contribute to the amenity of a neighbourhood include access to green and open space, water and air quality, safety, accessibility, pleasant streetscapes, local villages and opportunities for recreation and social interaction.*

*Housing developments in and around our villages respect their character and important role in community life. They do not decrease space for employment, community activities, connections, or green spaces. Buildings and sites are designed to enhance the amenity of residents, including noise and light attenuation measures, provision of tree canopy and soft landscaping, and suitable on-site areas to facilitate servicing, storage and deliveries.*

*Council plans for new housing and renewal using a place-based approach which prioritises our lifestyle, heritage, local character, and scenic landscape. Fine-grain human scale design protects our village character whilst delivering new housing that is the right fit for our area.*

*The Woollahra Housing Strategy (expected in 2020) will set out where new housing will be located and identifies investigations for longer-term housing outcomes. Sustainable housing is carefully planned so that it is the right fit and is located on suitable, highly accessible and well-serviced sites.*

The planning proposal will ensure that dual occupancies (attached) will be directed to locations which be the right fit for the existing and desired future character, heritage, landscape, and village scale of the Woollahra LGA.

#### **5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?***

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies. A detailed compliance table is in **Schedule 1**.

**6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?***

Yes. The planning proposal is consistent with the terms of direction 3.1 Residential zones, in that it will:

- Not affect the choice of building types and locations available in the housing market.
- Not reduce the efficient use of existing infrastructure and services.
- Not reduce or impact on the consumption of land for housing and associated urban development on the urban fringe.
- Not impact on the design of development.
- Only apply to the R2 zone in the Woollahra LGA, which is generally adequately serviced.
- Not contain provisions which will reduce the permissible residential density of land. The proposal will not reduce the potential number of dwellings in the R2 zone, as secondary dwellings are a permissible use in the zone and are not subject to a minimum lot size control. In this regard, a minimum of two dwellings will remain permissible on all lots in the R2 zone, whether they be dual occupancies or a combination of a principal dwelling and secondary dwelling.

The planning proposal is consistent with all other applicable section 9.1 directions. A detailed compliance table is in **Schedule 2**.

**6.3 Environmental, social and economic impact**

**7. *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. The planning proposal seeks to increase the minimum lot size required for consent of dual occupancy (attached) development in the R2 zone. The LEP amendment will have no impact on any critical habitats to threatened species. It will result in larger lot sizes for the construction of this form of development, allowing more landscaped areas to be maintained across the R2 zone. This will maintain and potentially improve and / or increase the available vegetation and tree canopy habitat for existing ecological communities.

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

No. There are no likely adverse environmental effects associated with the planning proposal. The proposed amendments are administrative in nature and unlikely to result in any environmental effects. Development applications based on the proposed changes to the Woollahra LEP 2014 will be subject to a detailed assessment, where the environmental effects are considered. This assessment will consider consistency with the desired future character of the neighbourhood.



**9. *Has the planning proposal adequately addressed any social and economic effects?***

Yes. The planning proposal will have a positive social and economic effect. The planning proposal will allow Council to meet the objective of Clause 4.1A of the Woollahra LEP 2014 to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood. Council seeks to maintain the existing local character and achieve the desired future character of the R2 zone, as described in the Woollahra DCP 2015, as one in which development preserves the existing local character of low scale residential uses which responds to the topography, protects views and reinforces a landscaped setting. The desired future character statements in the Woollahra DCP 2015 were created in cooperation with extensive community engagement, therefore undertaking actions to achieve the desired future character will have a positive social effect.

It is not anticipated that the planning proposal will have any adverse social and economic effects which need to be addressed as part of the proposal.

## **6.4 State and Commonwealth interests**

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

Yes. It is unlikely that the proposal will directly impact on the provision of public infrastructure or significantly increase demand.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

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

No consultation has been carried out with State and Commonwealth public authorities. Any public authorities identified by the DPIE will be consulted during the public exhibition of the planning proposal.

## **7 Mapping**

The purpose of the planning proposal is to amend the Woollahra LEP 2014 to increase the minimum lot size required for consent for dual occupancy (attached) development in the R2 Low Density Residential Zone from 460sqm to 800sqm. There are no mapping amendments proposed or required to Woollahra LEP 2014.

## 8 Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A notice to local community and business groups such as the Double Bay Residents' Association, West Vaucluse Residents' Association and the Sydney East Business Chamber.
- A notices to any parties who have made a submission to Council about previous reports about the Code or amendment of the minimum lot sizes for dual occupancy, manor house or terraces.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, such as all consultant reports and relevant Council reports.

## 9 Project timeline

If Council is authorised to exercise the local plan-making functions under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Local Planning Panel advice	30 January 2020
Council resolution to proceed	9 March 2020
Gateway determination	April 2020
Completion of technical assessment	Usually none required
Government agency consultation	May 2020
Public exhibition period	Same time as agency consultation
Submissions assessment	June 2020
Council assessment of planning proposal post exhibition	July 2020
Council decision to make the LEP amendment	August 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	September 2020
Forwarding of LEP amendment to DPIE for notification	October 2020
Notification of the approved LEP	November 2020

## 10 Schedules

### 10.1 Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No 19 – Bushland in Urban Areas	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. See section 6.3 of the planning proposal for more information.
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Affordable Rental Housing) 2009	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (Building Sustainability Index: BASIX) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences) 2018	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable. Consistent. There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable. There are currently no potential urban renewal precincts in the Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land in the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p>

## 10.2 Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The planning proposal does not apply to any business or industrial zones.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land in an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Applicable. Consistent. The planning proposal does not affect any coastal protection provisions.
2.3	Heritage conservation	Applicable. Consistent. The planning proposal does not affect any heritage conservation provisions.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.</p> <p><b>Objectives</b></p> <p>(1) The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul>

**Planning proposal –  
Compliance with section 9.1 directions**

Direction		Applicable/comment
		<p><b>What a relevant planning authority must do if this direction applies</b></p> <p>The direction states that:</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul> <p><b>Consistency</b></p> <p>The planning proposal is consistent with the direction in that it will:</p> <ul style="list-style-type: none"> <li>• Not affect the choice of building types and locations available in the housing market.</li> <li>• Not reduce the efficient use of existing infrastructure and services.</li> <li>• Not reduce or impact on the consumption of land for housing and associated urban development on the urban fringe.</li> <li>• Not impact on the design of development.</li> <li>• Only apply to the R2 zone in the Woollahra LGA, which is generally adequately serviced.</li> <li>• Not contain provisions which will reduce the permissible residential density of land. The proposal will not reduce the potential number of dwellings in the R2 zone, as secondary dwellings are a permissible use in the zone and are not subject to a minimum lot size control. In this regard, a minimum of two dwellings will remain permissible on all lots in the R2 zone, whether they be dual occupancies or a combination of a principal dwelling and secondary dwelling.</li> </ul>
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.



Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable. Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land in a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable. Consistent. The planning proposal will not create, remove or alter a zone or provision that affects flood prone land.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	<p>Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>, particularly the following objectives:</p> <ul style="list-style-type: none"> <li>• Objective 10: Greater housing supply</li> <li>• Objective 11: Housing is more diverse and affordable</li> <li>• Objective 12: Great places that bring people together</li> <li>• Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</li> <li>• Objective 28: Scenic and cultural landscapes are protected</li> <li>• Objective 30: Urban tree canopy cover is increased</li> </ul> <p>Refer to Schedule 1 of this report and direction 7.1 of this table.</p>

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Not applicable. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal is not intended to allow a particular development to be carried out. The proposal will permit flexibility in the design of future development proposals and does not impose site specific standards which will restrict development to a particular development outcome.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	<p>Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>, particularly the following objectives:</p> <ul style="list-style-type: none"> <li>• Objective 10: Greater housing supply</li> <li>• Objective 11: Housing is more diverse and affordable</li> <li>• Objective 12: Great places that bring people together</li> <li>• Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</li> <li>• Objective 28: Scenic and cultural landscapes are protected</li> <li>• Objective 30: Urban tree canopy cover is increased</li> </ul> <p>Refer to Schedule 1 of this report and direction 5.10 of this table.</p>
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable. This strategy does not apply to the Woollahra LGA.

## 11 Supplementary material

Appendix	Document
1	Report to the EPC meeting of 4 November 2019 – Low Rise Medium Density Housing Code - Local Housing Strategy, Special Local Character Areas and Minimum lot size standards for attached dual occupancies (Annexures removed)
2	Letter to Minister of Planning and Public Spaces dated 13 December 2019