

Gateway Determination

Planning proposal (Department Ref: PP-2021-3786): to introduce floor space ratio (FSR) standards for low density residential development within the R2 and R3 zones and new urban greening provisions across the Woollahra local government area.

I, the Director, Eastern and South Districts at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to introduce floor space ratio (FSR) standards for low density residential development within the R2 and R3 zones and new urban greening provisions across the municipality should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be revised to:
 - a) Include a comparison of the amount of gross floor area achievable under the existing floor plate controls in the Woollahra Development Control Plan 2015 and the proposed FSR standards.
 - b) Explain how the sliding scale FSRs and yield standards for small lots have been established, including an account for any difference from the site testing results.
 - c) Explain how the FSR for the Wolseley Road area has been established, having regard to urban design and urban greening outcomes.
 - d) Provide further evidence to demonstrate that a 0.5:1 FSR for dual occupancies will not affect the viability of this development type in the R3 Medium Density Residential zone
 - e) Address the Planning Priority E5 within the Eastern City District Plan and Section 9.1 Direction 3.1 Residential Zones, based on information outlined in a) to d) above.
 - f) Include a plain English explanation of the findings of the site testing provided in part 10 of the planning proposal.
 - g) Include an advisory note referencing the Department's 'Employment Zones Reform' work, noting that the B1 Neighbourhood Centre and B2 Local Centre zones would likely align with the exhibited 'E1 Local Centre' zone, and the B4 Mixed Use zone with the 'MU1 Mixed Use' zone.
 - h) Address the Draft Woollahra Local Housing Strategy.
 - i) Amend the terminology to refer dual occupancies and semi-detached dwellings as 'medium density' residential developments, in lieu of 'low density'.
 - j) Provide a plain English explanation of the intended effects of the proposed amendments, including changes to the Aims of Plan, objectives of the

relevant zones and Clause 4.4 *Floor space ratio*, and the proposed local provision relating to urban greening. Include an advisory to clarify that the draft clauses are indicative only and will be subject to drafting by Parliamentary Counsel's Office, should the proposal progress to finalisation.

- k) Remove the definitions for 'urban heat island effect', 'urban greening', 'tree crown' and 'canopy tree' from the proposal, as it is more appropriate to include these in the DCP.
 - l) Update the mapping to annotate the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas, which are excluded from the proposed FSR controls.
 - m) Update the project timeline based on the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Ausgrid,
 - Sydney Water,
 - Transport for NSW, and
 - State Emergency Services.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 5. Given the nature of the planning proposal, Council is not authorised as the local plan-making authority to make this plan.
- 6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

7. The planning proposal must be reported to Council for a final recommendation no more than 7 months from the date of the Gateway determination

Dated 31 day of August 2021.



Laura Locke
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Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces