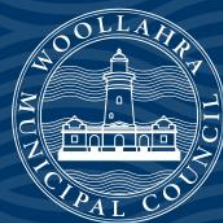


Planning Proposal



Introduction of floor space ratio standards for specific types of residential development and new urban greening provisions

August 2022



Acknowledgement of Country

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

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Supporting information (separately attached)

1. Project chronology
2. Proposed amendments to Chapter B3: General Development Controls of Woollahra Development Control Plan 2015
3. Proposed amendments to Chapter E3: Tree Management of Woollahra Development Control Plan 2015
4. Woollahra: Greening our LGA prepared by Lyndal Plant, Urban Forester Pty Ltd, 30 June 2020

Part 1 – Introduction

This planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to apply floor space ratio (FSR) standards to residential development which comprises dwelling-houses, dual occupancies and semi-detached dwellings. However, this aspect of the planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The work on the FSR standards has been combined with proposed urban greening provisions. Accordingly, this planning proposal also seeks to amend Woollahra LEP 2014 by enhancing the existing provisions relating to conserving and enhancing urban greening, in particular tree canopy. Certain elements of the urban greening provisions will apply generally across the Woollahra Municipality whilst certain provisions will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

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

The planning proposal will amend Woollahra LEP 2014 by introducing the following provisions:

- a) A maximum FSR standard of 0.5:1 for dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- b) A maximum FSR standard of 0.75:1 for dwelling houses, semi-detached dwellings and dual occupancies in the Wolseley Road, Point Piper area (see Figure 6 in Part 7 of this document).
- c) A range of maximum FSR standards for dwelling houses, semi-detached dwellings and dual occupancies on small sites in the R2 Low Density Residential zone and R3 Medium Density Residential zone.
- d) A local provision to conserve and enhance tree cover in the R2 Low Density Residential zone and R3 Medium Density Residential zone.
- e) Amendments to clause 1.2 Aims of Plan and Land Use Table zone objectives addressing matters of urban greening, heat island effect and climate change.

The proposed amendments to Woollahra LEP 2014 require a number of consequential and administrative amendments to *Chapter B3: General Development Controls* and *Chapter E3: Tree Management* of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) as indicated in **Attachments 2 and 3** respectively. The amendments to Woollahra DCP 2015 include the deletion of the maximum floor plate controls and site depth controls, introduction of a tree canopy control, changes to the deep soil landscape controls and new definitions of urban heat island effect, urban greening, tree canopy, canopy tree and tree crown.

A draft DCP will be exhibited concurrently with the planning proposal.

A project chronology has been included in **Attachment 1** with summaries and website links to the relevant meetings of the Environmental Planning Committee, Woollahra Local Planning Panel and Council.

Part 2 – Background

2.1 Woollahra Council actions

In preparing Woollahra LEP 2014, FSR standards were not applied to specific types of residential development. It was considered that the Standard Instrument (SI) definition for gross floor area (GFA), and consequently FSR, would produce buildings of greater bulk because certain building elements, such as voids, mezzanine areas, large balconies and the thickness of external walls are not included in the definition of GFA.

Instead of an FSR standard in Woollahra LEP 2014, a maximum floorplate control was introduced in Woollahra DCP 2015.

The floorplate control applies to a dwelling house, dual occupancy or semi-detached dwelling and is currently determined via a two-step methodology:

1. The buildable area is established by applying the front, rear and side setbacks.
2. The maximum amount of development permitted on the site is then determined by multiplying the buildable area by a factor of 1.65 (165%).

This is the maximum permitted total floorplate, which is measured across each level of the development.

However, an ongoing concern with the existing floorplate control is the complexity associated with calculating the permissible floor area and development potential for the site. This issue has been consistently raised by Council staff, customers and practitioners, particularly for sites with irregular boundaries and battle axe allotments.

Over the last five years, and in collaboration with a practitioner working party (comprising four external consultants), Council staff have been researching an appropriate suite of controls to apply to the abovementioned residential uses. The focus of this research was the introduction of floor space ratios.

The primary conclusions of this work were:

- Delete the current floorplate control from Woollahra DCP 2015, and replace it with an FSR standard of 0.55:1 in Woollahra LEP 2014 for specific types of residential development in the R2 Low Density Residential zone and R3 Medium Density Residential zone.
- Introduce an FSR of 0.75:1 for specific types of residential development in an area of Wolseley Road, Point Piper.
- Introduce a range of FSRs for small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.

On 4 March 2019, the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR standard for specific types of residential development. On 11 March 2019, Council resolved:

THAT the matter be deferred for a period of one (1) month to allow staff to prepare a further report to the Environmental Planning Committee which addresses:

- *the re-examination of the Gross Floor Area (GFA) calculations (pre and post the commencement of Woollahra LEP 2014 including the preparation of a comparison table);*
- *the re-examination of deep soil landscaping controls (following re-examination of GFA calculations);*

- the Notice of Motion relating to canopy trees (Action 4.1.1.21); and
- whether 35% deep soil landscaping could become a development standard in Woollahra LEP 2014.

On 15 April 2019, the EPC considered a further report providing additional data and explanations regarding the matters identified in the resolution.

On 29 April 2019, Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
 1. *A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*
 2. *A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in Figure 1 in the report to the Environmental Planning Committee meeting on 4 March 2019.*
 3. *A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.*
 4. *Specific objectives and other associated amendments to facilitate 1, 2 and 3.*
The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.*
- C. *THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in Annexure 2 of the report to the Environmental Planning Committee meeting on 15 April 2019.*
- D. *THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.*
- E. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- F. *THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

On 27 June 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal and provided the following advice:

THE Panel has considered the Council staff report including the proposed planning proposal and amendments to the Woollahra DCP 2015 and evidence provided by submitters at the meeting. The panel generally supports the deletion of the building floorplate controls and their replacement with an FSR control. Based on the Council staff reports and work undertaken with the practitioner working group, the panel considers that a baseline FSR of 0.55:1 for sites 400m² or greater is appropriate.

The Panel in principle support the small sites sliding FSR scale, with a maximum GFA yield, but considers that further work and testing needs to be done by staff to ensure that the numerical FSR controls proposed in the table are appropriate.

Subsequently the Woollahra LPP resolved the following:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Supports the planning proposal to amend the Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to the amendment of the FSR to 0.55:1 for low density residential development on sites of 400m² and greater.*
- B. Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m². The panel requests that staff provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas.*
- C. Subject to staff adequately analysing and modelling the small sites sliding scale, the panel supports the planning proposal as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 (as amended in response to A and B) being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
- D. Supports the amendments to the Woollahra Development Control Plan 2015 as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to:*
 - i. B3.1.3: Inserting a colon at the end of the second sentence (instead of a full stop)*
 - ii. B3.1.5: Deleting the word “Note” from the final paragraph*
 - iii. B3.7.1: Amend Objective 2 to read as follows:*
 - To ensure that lot widths facilitate a built form with a bulk and scale that is*
 - consistent with the desired future character of the area*
 - iv. B3.8: Deleting the word “Note” from C3*
 - v. Amending chapter to ensure consistency by referring to “neighbouring properties” where relevant rather than “adjoining residents” or “adjoining properties”.*

On 15 July 2019, the Environmental Planning Committee considered a report containing the advice from the Woollahra LPP and on 22 July 2019 Council resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 27 June 2019.*
- B. THAT Council proceeds with the planning proposal attached at **Annexure 1** subject to:*
 - i. a Floor Space Ratio (FSR) control of 0.50:1 for low density residential development on sites of 400m² or greater*
 - ii. any other consequential changes to **Annexure 1** and **Annexure 2** to ensure consistency with the 0.5:1 FSR and in relation to lots less than 400m² amend the table of proposed FSRs for small residential lots to ensure that the sliding scale FSRs are reduced to relate to a maximum FSR for lots over 400m² of 0.5:1 and that the table includes a maximum Gross Floor Area (GFA) for each lot size contained in the table.*

- C. *THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.*
- D. *THAT Council request the Minister for Planning authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan, under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- E. *THAT Council publically exhibit the draft development control plan to amend various sections of Woollahra Development Control Plan 2015, attached at **Annexure 2**, as amended to ensure consistency with a FSR of 0.5:1 for low density residential development on sites of 400m² or greater.*

As a result of the Council decision the planning proposal was amended so that it provided for:

- An FSR standard of 0.5:1 in Woollahra LEP 2014 for specific types of residential development in the R2 Low Density Residential zone and R3 Medium Density Residential zone.
- Consequential amendments to the FSRs for small sites in the R2 Low Density Residential zone and R3 Medium Density Residential zone.
- The introduction of an FSR of 0.75:1 for specific types of residential development in an area of Wolseley Road, Point Piper.

The planning proposal was submitted to the then Department of Planning, Industry and Environment (DPIE) on 30 July 2019 with a request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

On 2 September 2019, DPIE wrote to Council advising that further information was required in order to proceed to a Gateway determination. In summary, this letter advised that further information was required to support a maximum FSR of 0.5:1 for specific types of residential development in R2 Low Density Residential zone and the R3 Medium Density Residential zone, and a maximum FSR of 0.75:1 for the Wolseley Road area.

On the 28 October 2019, the EPC considered a report on the planning proposal seeking to introduce FSR development standards for low rise medium density development. Subsequently, on 11 November 2019 Council resolved:

- A. *THAT Council note the advice received from the Department of Planning, Infrastructure and Environment.*
- B. *THAT Council provide the additional information required by the Department of Planning, Industry and Environment and press for a gateway determination of Councils planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.*
- C. *THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 2020.*

On 27 September 2019, Lyndal Plant (consultant urban forester) was appointed to assist with developing potential tree canopy controls. Lyndal Plant undertook research on Australian and international best practice for protecting and enhancing tree canopy. She then recommended amendments to Council's existing policy and procedural framework for tree management including the current planning controls, information required for development applications, internal referral process, the nature of consent conditions and construction certification.

On 2 December 2019, a workshop was held to update Councillors on the progress on the tree canopy controls. One of the next steps identified in that workshop was the refinement of planning

recommendations, including landscape areas and consolidated deep soil areas to ensure they are consistent with the proposed FSR standards for low density residential land. A further workshop was held with Councillors on 15 June 2020.

On 6 July 2020, the EPC considered a report to introduce amendments to the Woollahra DCP 2015 including a new tree canopy control and deep soil landscaped area controls for specific types of residential development. Lyndal Plant's report *Woollahra: Greening our LGA (Attachment 4)* dated 30 June 2020 was presented. At this meeting, Councillors raised concerns with the proposed tree canopy control, the definition of a canopy tree and the potential impacts of tree canopy on views and overshadowing.

Subsequent to the EPC meeting of 6 July 2020, on 27 July 2020 Council resolved the following:

- A. *THAT Council note the report and annexures submitted to the Environmental Planning Committee on 6 July 2020 about the proposed introduction of FSR controls for low density residential development and urban greening provisions which includes a number of recommendations to facilitate best practice to sustain and enhance private landscaping and urban greening associated with new development.*
- B. *THAT staff organise another briefing of Councillors about the proposed tree canopy controls to allow further discussion and consideration of options to address Councillor concerns.*
- C. *THAT the outcomes of the Councillor briefing be reported to the Environmental Planning Committee on 7 September 2020 with the recommendation to full Council on 28 September 2020.*

In response to this resolution, on 19 August 2020 a further briefing was held with Councillors. At this briefing, a revised package of tree canopy controls was presented. This briefing was attended by representatives from DPIE and the Government Architect NSW:

- Steve Hartley: Executive Director - Green and Resilient Places, Department of Planning, Industry & Environment
- Barbara Schaffer: Principal Landscape Architect, Government Architect NSW

The proposed amended package of urban greening provisions was supported by the representatives and generally supported by Councillors.

On 7 September 2020, Council staff presented the amended package of controls to EPC and on 29 September 2020, Council resolved:

- A. *THAT Council note that the planning proposal attached as Annexure 1 proposes that Woollahra LEP 2014 be amended by introducing the following provisions:*
 - I. *A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*
 - II. *A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.*
 - III. *A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.*
 - IV. *New LEP objectives and local provisions to sustain and enhance urban greening.*
- B. *THAT the planning proposal attached as Annexure 1, and referred to in item A, be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the proposed amendments to Chapter B3: General Development Controls and E3: Tree Management of the Woollahra DCP 2015, attached as Annexures 2 and 3 be amended to include a tree canopy area of at least 35% of site area for low density residential development*

being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and also be referred to the Woollahra Local Planning Panel for advice.

- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.*
- F. *THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.*
- G. *THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.*

On 15 October 2020, the Woollahra LPP considered a report on the amended planning proposal and amendments to Woollahra DCP 2015.

The Woollahra LPP gave the following reasons for its decision:

Despite its earlier advice that an FSR standard of 0.55:1 for low density residential development was appropriate, the additional site testing that has been undertaken demonstrates the important relationships between FSR and deep soil landscaping and tree canopy/area. On this basis the panel supports, for the purpose of exhibition, the introduction of a maximum FSR standard of 0.5:1 and other amendments to the FSR standard. The importance of the relationship between FSR, deep soil landscaped area and tree canopy/area is strengthened by the introduction of the new clause 6.8: Urban Greening.

The panel also supports the removal of the floorplate controls from the Woollahra DCP 2015 and the strengthening of the controls in relation to deep soil landscaped area and tree canopy/area. The panel noted the degree of site testing relied upon to establish the tree canopy controls and the submissions requesting a 40% in lieu of 35% tree canopy control. Whilst it has concerns about the detail and complexity of how the proposed controls in section 3.6 will be understood, calculated, implemented and enforced/monitored; it considers it appropriate to exhibit the draft DCP amendments in its current form for the purpose of public comment.

Accordingly, the Woollahra LPP provided the following advice:

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports in principle the planning proposal (attached as Annexure 1) subject to the following amendments:*
 - I. *Amend and combine Clause 1.2 Aims of Plan (n & o) to read as follows:
To encourage urban greening and minimise the urban heat island effect.*
 - II. *Amend the objectives of the Land Use Table at Clause 2.3 to read as follows for Zone R2 Low Density Residential & Zone R3 Medium Density Development:*
 - III. *To ensure that development conserves and enhances the tree canopy/area.*
 - IV. *Amend Clause 4.4(1) (iii) by inserting the words "tree canopy/area" after deep soil planting.*
 - V. *Amend Clause 4.4(4) to read as follows:*
 - VI. *Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential for each site area shown in column 1 must not*

exceed the floor space ratio shown in column 2 or the maximum gross floor area shown in column 3, whichever is the lesser.

- VII. Amend Clause 6.8 Urban Greening (1) to read as follows:*
- VIII. The objective of this clause is to conserve and enhance tree canopy/area.*
- IX. Amend Clause 6.8 (3) so that the bullet points are alphabetical.*
- X. Ensure that all references in the planning proposal to FSR is referred to as a standard, not a control.*

- B. THAT the Woollahra Local Planning Panel advises Council that it supports the exhibition of the proposed amendments to the Woollahra DCP 2015 (Chapter B3: General Development Controls & Chapter E3: Tree Management.*

On 2 November 2020, Council staff reported advice from the Woollahra LPP to EPC and on 23 November 2020, Council resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 15 October 2020.*
- B. THAT the amended planning proposal, consistent with the advice of the Woollahra Local Planning Panel on 15 October 2020, and attached at Annexure 1 of the report to the Environmental Planning Committee on 2 November 2020, be forwarded to the Department of Planning, Industry and Environment requesting a gateway determination to allow public exhibition, subject to the references to 'Urban Greening' being consistent in both the LEP and DCP, i.e. 'Urban Greening to include reference to Tree Canopies in the area'.*
- C. THAT Council note the planning proposal referred to in B introduces the following provisions:*
 - I. A maximum floor space ratio (FSR) standard of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*
 - II. A maximum FSR standard of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.*
 - III. A range of maximum FSR standards for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.*
 - IV. New LEP aims, zone objectives and a new local provision to conserve and enhance urban greening.*
- D. THAT Council request the Minister for Planning and Public Spaces authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- E. THAT a draft development control plan be prepared and exhibited to amend Chapter B3: General Development Controls and Chapter E3: Tree Management of the Woollahra Development Control Plan 2015 (attached as Annexures 2 and 3 of the report to the Environmental Planning Committee on 2 November 2020) to include, among other provisions, a tree canopy area control of at least 35% of site area for low density residential development.*
- F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.*
- G. THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view to moving towards including a minimum tree canopy area of at least 40% of site area for low density residential development being dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.*

On 31 August 2021, DPIE issued a Gateway determination. This included a number conditions, requiring certain aspects of the planning proposal to be amended prior to exhibition. The requirements of these conditions have been included in this March 2022 revision of the planning proposal.

2.2 Use of FSR controls by other councils

Nearby councils with similar patterns of low density residential uses employ FSR controls to manage the scale of new developments. The below table summarises the approaches taken by other councils.

Table 1: Comparison of FSR Controls Used for Low Density Residential Development	
Council	FSR Control(s)
Mosman Council <i>Mosman Local Environmental Plan 2012</i>	<ul style="list-style-type: none"> 0.5:1 for majority of R2 Low Density Residential zone, with 0.4:1 applying to lots over 700m². 0.55:1 or 0.6:1 for majority of R3 Medium Density Residential zone.
Waverley Council <i>Waverley Local Environmental Plan 2012</i>	<ul style="list-style-type: none"> For lots with an area of 100m² to 550m², $[(550 - \text{lot area}) \times 0.0011] + 0.5$:1. For lots with an area greater than 550m², 0.5:1. <p>Note: These controls apply to residential zones only.</p>
Randwick Council <i>Randwick Local Environmental Plan 2012</i>	<ul style="list-style-type: none"> For lots more than 300m² but not more than 450m², 0.75:1. For lots more than 450m² but not more than 600m², 0.65:1. <p>Note: These controls apply to residential zones only.</p>
Northern Beaches Council (Former Manly Council Area) <i>Manly Local Environmental Plan 2013</i>	<ul style="list-style-type: none"> 0.4:1 or 0.45:1 for majority of R2 Low Density Residential zone. 0.5:1 or 0.6:1 for majority of R1 General Residential zone.

The table demonstrates that the proposed controls sought in this planning proposal generally align with those used in nearby LGAs.

Part 3 – Existing planning controls

The existing planning controls for residential development on land to which this proposal applies are contained in Woollahra LEP 2014 and Woollahra DCP 2015.

3.1 Woollahra LEP 2014

Relevant provisions for residential development are provided in various parts and clauses of Woollahra LEP 2014. These provisions address:

- Land use zones in which permissible and prohibited development is listed;
- Development standards for the:
 - Minimum subdivision lot sizes;
 - Minimum lot sizes on which buildings can be constructed;
 - Height of buildings;
- Flood planning;
- Development on foreshore areas; and
- Subdivision of dual occupancies

There are currently no FSR standards in Woollahra LEP 2014 that apply to specific residential development which is permitted on land to which this planning proposal applies. There are currently no standards in Woollahra LEP 2014 that apply to urban greening, urban heat, mitigation of climate change or tree canopy.

3.2 Woollahra DCP 2015

Relevant provisions for specific residential development are provided in various parts of Woollahra DCP 2015. Matters addressed include:

- Building envelope - setbacks and wall heights;
- Floor plate;
- Excavation;
- On-site parking;
- Landscaping and private open space;
- Amenity impact; and
- View sharing.

The implementation of the planning proposal will require a number of consequential changes to Woollahra DCP 2015, including the deletion of the maximum floor plate controls and site depth controls, introduction of a tree canopy control, changes to the deep soil landscape controls and new definitions of urban heat island effect, urban greening, tree canopy, canopy tree and tree crown. An amendment to Woollahra DCP 2015 has been prepared.

Part 4 – Objectives of the amendments to Woollahra LEP 2014

In regard to the land to which this planning proposal applies, the objectives of the amendment to Woollahra LEP 2014 are:

- To introduce development standards to control the amount of floor space permitted for specific types of residential development.
- To introduce provisions for urban greening, urban heat, the mitigation of climate change and the protection and enhancement of tree canopy.

This planning proposal, in conjunction with amendments to Woollahra DCP 2015, will:

- Ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of residential areas.
- Make it easier for land owners and applicants to understand the amount of development potential for land by removing the complicated floorplate controls and replacing them with an FSR standard.
- Ensure consistency with the Standard Instrument by using an FSR standard.
- Make the controls more consistent and effective for Council staff to assess development applications.
- Simplify the relationship between site size and development yield.
- Improve Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.
- Allow the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.

Part 5 – Explanation of provisions

This planning proposal seeks the following amendments to Woollahra LEP 2014. It applies to the land identified on the maps in **Part 7**.

It should be noted that all draft clauses are indicative only and will be subject to drafting by the Parliamentary Counsel's Office, should the proposal progress to finalisation.

5.1 Amended LEP aims

It is envisioned that the following amendments will be made to clause 1.2 Aims of Plan.

Insertions - identified in blue and underlined

- (a) *to ensure that growth occurs in a planned and co-ordinated way,*
- (b) *to promote the management, development, conservation and economic use of property,*
- (c) *to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,*
- (d) *to provide greater population densities in and around centres that are well serviced by public transport,*
- (e) *to facilitate opportunities, in suitable locations, for diversity in dwelling density and type,*
- (f) *to conserve and enhance built and natural environmental heritage,*
- (g) *to protect and enhance amenity and the natural environment,*
- (h) *to minimise and manage stormwater and flooding impacts,*
- (i) *to protect and promote public access to and along the foreshores,*
- (j) *to promote a high standard of design in the private and public domain,*
- (k) *to minimise and manage traffic and parking impacts,*
- (l) *to ensure development achieves the desired future character of the area,*
- (m) *to minimise excavation and manage impacts,*
- (n) *To encourage urban greening and minimise the urban heat island effect,*
- (o) *to mitigate climate change*

The insertion of the word 'enhance' into (f) and (g) reflects Council's aspiration to increase tree canopy and urban greening, which is articulated in the *Woollahra Local Strategic Planning Statement 2020* (LSPS). This increases the consistency of the Woollahra LEP 2014 with the Woollahra LSPS.

Additionally, inserting objectives (n) and (o) will link the concept of urban greenery to the issue of climate change mitigation. The reduction of the urban heat island effect is essential to managing warmer temperatures in the future.

It should be noted that Aim (m) may be amended to reference the groundwater regime under planning proposal PP-2021-6852. This change is likely to be finalised in the first half of 2022.

5.2 Amended zone objectives

The additional objectives are proposed to be inserted into clause 2.3 Zone objectives and the Land Use Table.

Insert the following objective into the objectives of *Zone R2 Low Density Residential* and *Zone R3 Medium Density Residential*

- *To ensure that development conserves and enhances the tree canopy/area.*

Insert the following objective into the objectives of *Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use, Zone SP2 Infrastructure, Zone SP3 Tourist and Zone RE2 Private Recreation*

- [To encourage urban greening](#)

The insertion of these zone objectives will help establish urban greening as a defining character of these zones. This will help ensure that greenery features prominently in future development.

It is noted that some zone names will likely change in 2022 as a result of the NSW employment zone reforms. The B1 Neighbourhood Centre and B2 Local Centre zones will likely align with the exhibited 'E1 Local Centre' zone, while the B4 Mixed Use zone will be the 'MU1 Mixed Use' zone. The changes are likely to be publically exhibited in May 2022, with finalisation due towards the end of 2022. A new local provision will also be introduced to maintain the current hierarchy of centres in the Woollahra LGA.

5.3 FSR standard for specific types of residential development

The planning proposal inserts an FSR standard of 0.5:1 for dwelling houses, semi-detached dwellings and dual occupancies in both the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (see Part 7, Area 2 and Area 3 below).

As previously indicated, the FSR standards will replace the current complex floorplate control in the Woollahra DCP 2015 and more uniformly manage building densities in the relevant zones. This increases consistency with the SILEP and helps to improve transparency and certainty within the development process for our community, landowners and developers.

5.4 FSR standard for the Wolseley Road area

For the Wolseley Road area, the planning proposal inserts an FSR of 0.75:1 for dwelling houses, semi-detached dwellings and dual occupancies (see Part 7, Area 1 below).

This will achieve similar outcomes to the also proposed 0.5:1 FSR, but will more appropriately respond to the denser built form in this precinct.

5.5 Exceptions for small sites

Consistent with the current floorplate controls in Woollahra DCP 2015, the planning proposal inserts a range of maximum FSRs for dwelling houses, semi-detached dwellings and dual occupancies on small lots.

On 29 April 2019, Council resolved to seek the advice of the Woollahra LPP in relation to this matter, and the best methods to apply FSR standards to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.

It was suggested that part of the Councillors' concerns with the small sites sliding scale was that by having a "stepped approach" a smaller site would have a greater permissible FSR and therefore could have a greater development potential than a larger site.

In response, staff prepared a new FSR table. This table identifies an FSR standard but also a maximum yield for each lot size. The permissible floor space is then determined by whichever is the lesser of the two standards. The yield standards are intended to prevent sites just below a specific site area range having access to a greater amount of gross floor area than those that are slightly larger. This is a consequence of the "stepped" control table.

For example, if a 349m² site redevelops it could have access to a GFA of 226.85m² under the 0.65:1 FSR control. However, if the site was 2m² larger (351m²) it would have access to a GFA of

only 193m². The 192.5m² yield standard for the 300 to <350m² range ensures that the smaller site does not unfairly benefit from the stepped FSR controls. The figure for this standard was established by multiplying the FSR for the category above by the minimum site area of the range (e.g. 0.55 x 350m²). The only exception to this is the maximum yield of 190m², which was established as a halfway point between 187.5m² and 192.5m², as the formula would produce a yield outside the site area range (195m²).

The table below identifies the recommended approach, and would apply to all small residential lots in the R2 Low Density Residential and R3 Medium Density Residential zones (see Area 2 and 3 in Part 7).

Table 2: proposed FSRs for small residential lots		
Site area (square metres)	Whichever is the lesser	
	Floor space ratio (FSR)	Yield (square metres)
350 to <400	0.55:1	200
300 to <350	0.65:1	192.5
250 to <300	0.75:1	190
200 to <250	0.85:1	187.5
150 to <200	0.95:1	170
Under 150	1.05:1	142.5

The inclusion of this table in Woollahra LEP 2014 will ensure that smaller sites can access a greater FSR to provide a dwelling house with sufficient internal amenity, while remaining consistent with the zone objectives. .

It should be noted that the sliding scale FSRs do not apply to the Wolseley Road area and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.

5.6 Anticipated amendments to clause 4.4 Floor space ratio

To accommodate the FSR standards identified above, it is envisioned that the following type of amendments could be made to clause 4.4 in Woollahra LEP 2014.

Insertions - identified in blue and underlined

~~Deletions – identified in red and scored through~~

Clause 4.4 Floor space ratio

(1) *The objectives of this clause are as follows:*

(a) *for development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential:*

(i) *to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*

- (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and
 - (iii) to ensure that development allows adequate provision on the land for deep soil planting, [tree canopy/area](#) and areas of private open space,
 - (b) for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

~~(2A) Despite subclause (2), the floor space ratio for a building on land shown on the Floor Space Ratio Map does not apply to a building that is a dwelling house, dual occupancy or semi-detached dwelling.~~

- (3) Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential is not to exceed:

- (a) 0.5:1, or
- (b) 0.75:1 for land in Area 1

- (4) Despite subclauses (2) and (3)(a), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential for each site area shown in column 1 must not exceed the floor space ratio shown in column 2 or the maximum gross floor area shown in column 3, whichever is the lesser.

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Site area</u>	<u>Floor space ratio</u>	<u>Gross floor area (square metres)</u>
<u>350m² to < 400m²</u>	<u>0.55:1</u>	<u>200</u>
<u>300m² to < 350m²</u>	<u>0.65:1</u>	<u>192.5</u>
<u>250m² to < 300m²</u>	<u>0.75:1</u>	<u>190</u>
<u>200m² to < 250m²</u>	<u>0.85:1</u>	<u>187.5</u>
<u>150m² to < 200m²</u>	<u>0.95:1</u>	<u>170</u>
<u>Under 150m²</u>	<u>1.05:1</u>	<u>142.5</u>

- (5) Subclauses (3) and (4) do not apply to land in the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.

5.7 Additional local provision for urban greening

It is proposed that the following type of local provision will be inserted into part 6 of Woollahra LEP 2014.

Clause 6.8 Urban Greening

- The objective of this clause is to conserve and enhance urban greening, and in particular tree canopy/ area.
- Subclause (3) applies to land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas)

3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
- a) is consistent with the objectives of this clause, and
 - b) provides an appropriate selection of and location for canopy trees, and
 - c) minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

Consistent with the vision established by the Woollahra LSPS 2020, this clause will help to ensure development makes appropriate provision for canopy trees in the placement of the building footprint and the overall building design. It will be supported by new urban greening requirements in the Woollahra DCP 2015. .

Part 6 – Justification

The planning proposal is the result of a five year strategic review of Woollahra Council's density controls for residential development, and the investigation and testing of planning controls that can be used to sustain and enhance tree canopy. The strategic merit of the two main components of this planning proposal, namely FSR and urban greening are discussed below.

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that:

- The planning proposal is consistent with applicable section 9.1 directions.
- The planning proposal is consistent with Premier's Priorities (March 2018).
- The planning proposal is consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- The planning proposal is consistent with the Standard Instrument and all other applicable State Environmental Planning Policies.
- The planning proposal is consistent with the vision and planning priorities of the *Woollahra Local Strategic Planning Statement 2020* as well as the objectives of the *Woollahra Local Housing Strategy 2021*.
- The planning proposal will work in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- The planning proposal was the result of collaboration between strategic planners, tree management officers, environment and sustainability officers, development assessment officers, a practitioner working party and a consultant specialising in urban forestry.
- The planning proposal is informed by *Woollahra: Greening our LGA* (June 2020) a report prepared by a consultant specialising in urban forestry.
- The planning proposal will simplify the planning controls, and make them easier for applicants to understand and staff to apply.
- The planning proposal does not apply to land identified with critical habitat areas, threatened species, populations or ecological community of their habitats.
- The planning proposal will allow a site's development yield to be more easily calculated.

These matters are further discussed below in part 6.1 to 6.3.

6.1 Need for planning proposal

6.1.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. This planning proposal is a result of the *Woollahra Local Strategic Planning Statement 2020* (LSPS) and a five year strategic review of Woollahra Council's density controls for specific types of residential development. The planning proposal is also the result of investigations and testing of planning controls that can be used to sustain and enhance tree canopy. The planning proposal is informed by *Woollahra: Greening our LGA*, a report prepared by Lyndal Plant, a consultant specialising in urban forestry. The following sections provide a summary of the key steps that were undertaken to inform this planning proposal.

6.1.1.a Woollahra DCP 2015 Working Party

On 27 April 2015, Council resolved to establish a working party to review *Chapter B3 General Development Controls* (Chapter B3) of Woollahra DCP 2015. In particular, the review would look at the controls relating to building bulk, scale and envelopes, floorplates, setbacks and site excavation. The working party consisted of staff from the planning and development team, Councillors and external four practitioners.

Concerns had been raised by development assessment officers, customers and private practitioners that the calculations for the existing floorplate control set in Woollahra DCP 2015 are complex and confusing. This was an issue highlighted for sites with irregular boundaries and battle axe allotments in particular.

Between 2015 and 2017 the working party met seven times, and provided a productive forum to discuss the strengths and weaknesses of the existing planning controls and advocate potential new approaches to controlling building bulk.

In response to these concerns and in preparation for the meetings of the working party, staff investigated alternatives to the floorplate control.

Having reviewed alternative controls, both staff and the practitioners supported the implementation of an FSR standard for specific types of residential development. The benefits of introducing a FSR standard are:

- It is familiar to and understood by customers, practitioners and development assessment officers.
- It is commonly used in LEPs in Sydney and across NSW.
- It is more consistent with the NSW SI LEP.
- It has statutory weight which is greater than the existing DCP floorplate controls.
- There is a direct and simple relationship between site area and development yield.

6.1.1.b Testing the small lots sliding scale

As identified in Part 2 above, the Woollahra LPP resolved on 27 June 2019 to support the concept of a sliding scale FSR, including maximum GFA yields for small lots with a site area less than 400m². However, the panel requested staff to provide Council with modelling of the recommended small lots sliding scales and an analysis of how these standards would effectively coordinate with relevant controls in the Woollahra DCP 2015, including the proposed amendments. Subject to staff adequately analysing and modelling the small sites sliding scale, the panel would support the planning proposal being forwarded to the Minister (or delegate) under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

In response, Council staff undertook modelling of the small lots sliding scale. A detailed overview of the modelling is included in Part 10.1 of this planning proposal.

In summary, Council staff modelled six scenarios, covering the range of lot sizes proposed for the sliding scale. The specific sizes, widths and depths were chosen based on a review of previously approved development applications to identify typical scenarios to use in the modelling.

For each scenario, Council staff modelled the achievable FSR and consistency with the following planning controls:

Woollahra LEP 2014 standards

- Maximum building height

Woollahra DCP 2015 controls

- Front, side and rear setbacks;
- Wall height and inclined planes;
- Onsite parking requirements; and
- Deep soil landscaped area.

This modelling identified the highest FSR for smaller lots allowing for compliance with the other applicable planning controls. In particular, deep soil zone requirements, as a compliant area is essential for supporting the growth of canopy trees. Increasing tree canopy and the leafy character of our residential areas is an important part of the vision and planning priorities established by the Woollahra LSPS 2020.

This modelling resulted in the proposed sliding scale. In formulating the draft provisions, minor rounding of the FSR and GFA figures was undertaken to achieve a uniform scale that will be simple to interpret and use. The scenarios served as specific examples only, designed to illustrate the broader use and intended effect of controls the provisions.

It should be noted that in Zone R2 Low Density Residential and outside the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas, over 90% of parcels are larger than 400m² and over 96% of parcels are larger than 300m².

Accordingly, the small lots sliding scale applies to relatively few parcels in this zone (see **Table 3** below).

Table 3: Number of small lots in Zone R2 Low Density Residential (excluding HCAs)										
Lot Size	Watsons Bay	Vaucluse	Rose Bay	Bellevue Hill	Point Piper	Woollahra	Double Bay	Darling Point	Total	
400>	19	1717	360	1379	188	115	71	27	3876	90%
350<400	2	56	15	45	3	12	7	2	142	3%
300>350	4	48	4	30	5	6	9	3	109	3%
250<300	3	32	5	32	3	1	8	1	85	2%
200<250	0	22	3	5	1	0	13	0	44	1%
150<200	0	8	0	0	0	0	16	0	24	1%
Under 150	0	0	0	0	0	0	9	0	9	0%

Notes:

- In Paddington and Edgecliff there are no lots in Zone R2 Low Density Residential outside of an HCA.
- Table does not include lots in the Wolseley Road area.

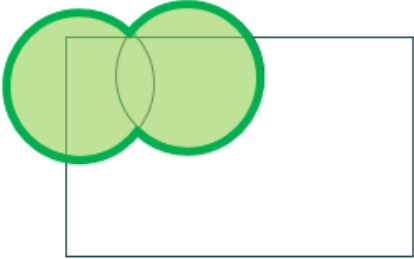
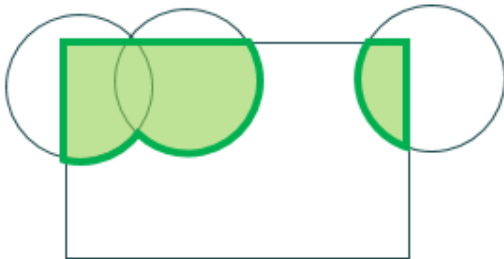
Having carried out the analysis and modelling on these small lots, Council staff are satisfied that the proposed small lots sliding scale (with a maximum GFA yield) in conjunction with Woollahra DCP 2015 controls, is an appropriate suite of controls for specific types of residential development on small lots. The built form outcomes are consistent with the desired future character of our low density residential areas, whilst allowing flexibility of design on smaller lots.

6.1.1.c FSR and urban greening study

As part of a collaborative approach involving Council staff (strategic planning, tree management, development control and environment & sustainability) and Lyndal Plant (consultant urban forester), site testing was undertaken in the R2 Low Density Residential zone and R3 Medium Density Residential zone (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).

In order to identify an appropriate FSR and tree canopy control for residential development the following tasks were undertaken:

- Low and medium density residential developments across different residential precincts approved and constructed since March 2015 were selected for testing.
- The approximate gross floor areas (GFA) and FSRs of the selected residential development were identified in accordance with the definitions of GFA and FSR in Woollahra LEP 2014.
- The residential developments were examined to assess their consistency with the desired future character of the precinct.
- The site coverage, deep soil landscaped area and tree canopy area of the selected residential developments were calculated using the landscape and architectural plans submitted. Tree canopy was calculated using the estimated crown spread of the proposed tree species at maturity.
- An 'improved' tree canopy area was then prepared for the selected sites by hypothetically locating canopy trees on the site (in the approved deep soil landscaped areas) in accordance with the best practice guidance developed by Lyndal Plant. In most cases, Lyndal Plant was able to accommodate more canopy trees on the sites than were identified in the approved landscape plans. The various 'improved' versions were then compared using two methods of calculation:

Table 4: Tree canopy calculation methods	
Method A	Method B
<p>The tree canopy area is measured from the overall extent of tree crowns of canopy trees planted on the site, and includes the area of the tree crown which extends beyond the subject site (See figure below)</p> 	<p>The tree canopy is measured from the overall extent of tree crowns of vegetation on the subject site, and includes neighbouring canopy that overhangs on the subject site. It excludes the tree crown which extends beyond the subject site (See figure below)</p> 

A summary of the site testing is included in Part 10.2.

The key findings of this study were:

1. For recently approved dwelling houses, the FSR was found to be directly related to the site coverage. That is, sites with higher FSRs occupied a larger area on the ground floor.

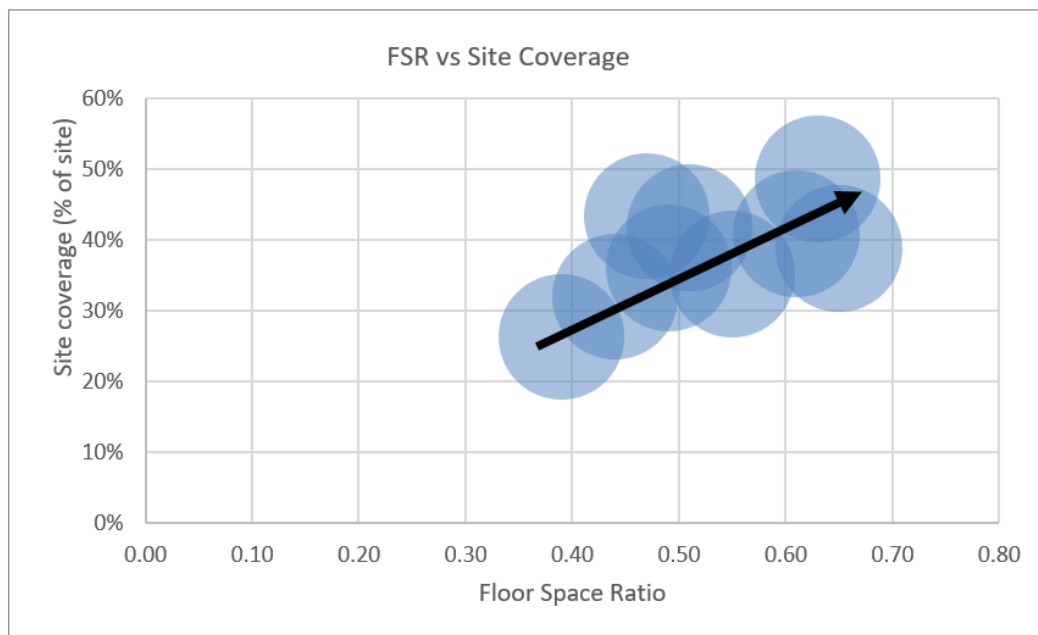


Figure 1: Graph illustrating the relationship between FSR and site coverage for dwelling houses.

2. For recently approved dwelling houses, the FSR was found to be inversely related to the deep soil landscaped area. That is, sites with higher FSRs had lesser deep soil landscaped areas.

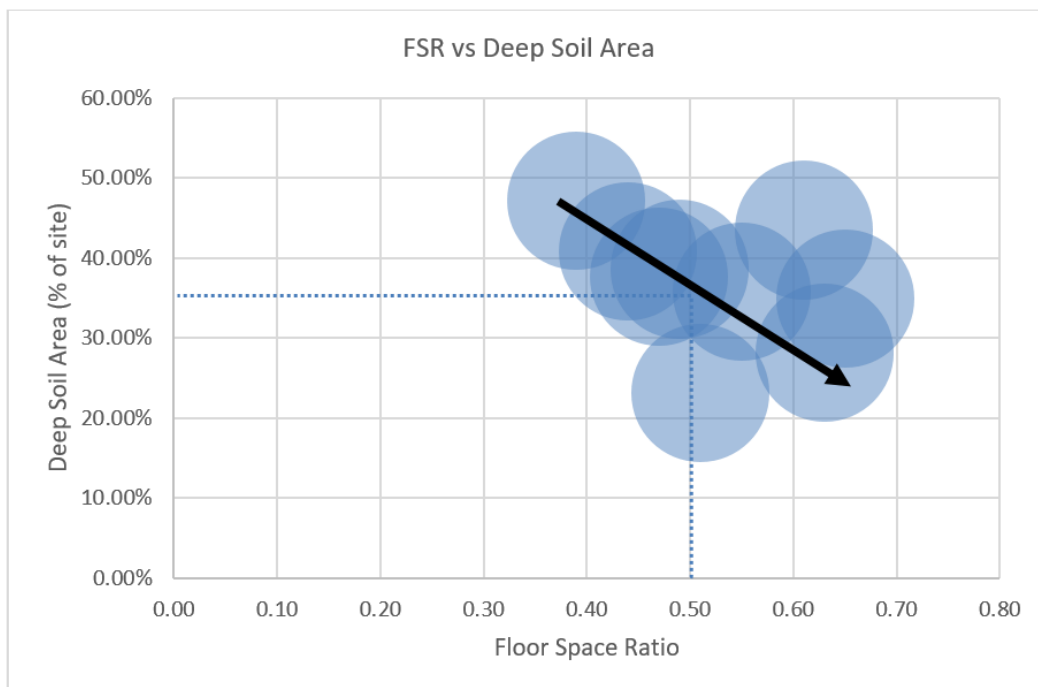


Figure 2: Graph illustrating the relationship between FSR and deep soil landscaped area for dwelling houses.

3. For recently approved dwelling houses, the site area was not found to be related to the deep soil landscaped area. That is, one deep soil landscaped area control could be applied to small lots as well as large lots.

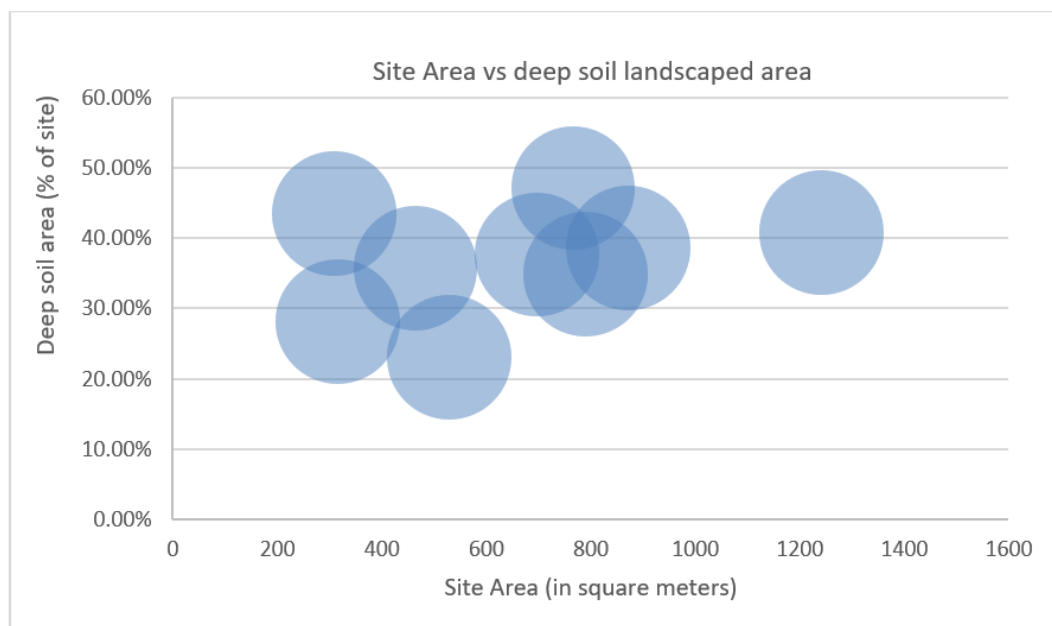


Figure 3: Graph illustrating the relationship between site area and deep soil landscaped area for dwelling houses on standard lot sizes.

4. For a number of applications investigated, the proposed deep soil landscaped areas were not of a sufficient dimension to sustain canopy trees, which highlighted the need for a control set that encourages consolidated deep soil areas to support canopy trees.

This testing illustrated that the combination of:

- A minimum deep soil landscaped area of 35% of the site area;
- Consolidated deep soil landscaped areas with minimum dimensions that support canopy trees; and
- A maximum FSR of 0.5:1 FSR on a site

Could achieve a desired tree canopy area of 35% to 40% of the site area for specific types of residential development (excluding the Wolseley Road area).

Based on best practice research and this site testing, a number of recommendations were proposed by Lyndal Plant in the report *Woollahra: Greening our LGA* (June 2020). The report recommends a shift in the regulatory controls to focus more on tree canopy management in Woollahra. These recommendations apply to Council's planning controls, the DA guide and internal administrative arrangements. A summary of the elements of the recommended shift are presented below.

Table 5: Elements of the proposed shift from current to proposed tree canopy controls	
Current landscaping controls	Recommended tree canopy controls
<i>Unclear line of sight between Woollahra landscape controls and canopy cover outcomes</i>	<i>Strong support for regional Sydney 40% canopy cover aspirations</i>
<i>Risk of development diluting the leafy Woollahra character</i>	<i>Focus on conserving and enhancing Woollahra's leafy character</i>
<i>Disconnect between deep soil areas and canopy cover outcomes</i>	<i>Deep soil areas linked to site area and land-use based canopy cover targets</i>
<i>Shortfall in community expectations for suitable quantity and quality of trees on development sites</i>	<i>Better balance between tree canopy quantity and quality outcomes- including urban cooling and urban forest resilience</i>
<i>Comparative or anecdotal controls content</i>	<i>Evidence and best practice basis for improving tree canopy outcomes</i>
<i>Focus on smaller and ornamental trees</i>	<i>Focus on larger longer-lived, functional canopy trees</i>
<i>Treatment of landscape and tree canopy outcomes in isolation from other built form controls</i>	<i>Integration of tree canopy controls with FSR amendments</i>
<i>Favour Aesthetic based landscape design</i>	<i>Promote multifunctional landscape design</i>

The key policy recommendation was to amend the Woollahra DCP 2015 to introduce a minimum tree canopy control of 35% of the site area and a minimum deep soil landscaped area control of 35% of the site area for specific types of residential development (excluding the Wolseley Road area). These controls were recommended to be accompanied by:

- New definitions of 'urban heat island effect', 'urban greening', 'tree crown', 'tree canopy area' and 'canopy tree';
- A list of trees species with their individual deep soil requirements and canopy areas at maturity in the DA Guide; and
- Urban greening controls and objectives across both the Woollahra LEP 2014 and the Woollahra DCP 2015.

In summary, the site testing and research into the proposed tree canopy and deep soil landscaped area controls supports a proposed FSR of 0.5:1 for specific types of residential development. Across most residential areas of the Woollahra LGA (excluding heritage conservation areas), an FSR of 0.5:1 ensures that development will provide sufficient deep soil area for canopy tree planting.

However, due to the unique conditions of the Wolseley Road area (see Part 7, Area 1 in this document) it is considered appropriate that it has a different suite of landscape and built form controls for this precinct. In summary, this is because properties along this road were found to have:

- Significant topographical differences across the site boundaries;
- Battle axe access that results in nil front setbacks;
- Foreshore access that encourages paved areas to facilitate access and reduces the area for 'rear gardens';
- Built form determined by mean high water mark, resulting in larger built forms; and
- Preference of harbour views over canopy trees.

Accordingly, Council staff studied the existing FSRs of developments in the Wolseley Road area, including those used for detailed site testing in Section 10. It was found that existing development had an average FSR of 0.75:1. Accordingly, it is considered appropriate to have an FSR standard that reflects the dominant built form and local context.

Due to a higher FSR for the Wolseley Road area, Council staff have also prepared a unique set of DCP landscaping controls for a tree canopy target of 25% and a deep soil control of 30%. The modelling indicates that this reflects the unique waterfront context of Wolseley Road, while still providing ample opportunities to green the foreshore area and contribute to the desired character of the Woollahra LGA.

Dual Occupancy viability

In the Gateway conditions, DPIE (now the Department of Planning and Environment, or DPE) have sought clarification on whether a 0.5:1 FSR will affect the viability of dual occupancies in the R3 Medium Density Residential zone. An analysis of GIS data and Council staff built form studies indicates that the viability of this land use will not be adversely affected by the planning proposal.

The Woollahra LEP 2014 requires that a minimum lot size of 460m² for dual occupancies (either attached or detached) in the R3 Medium Density Residential zone. Council data indicates that 1987 lots (over 50% of total lots) in the R3 Medium Density Residential zone meet this baseline requirement.

Council staff used this 460m² size to model an achievable attached dual occupancy development. An 'attached' dual occupancy scenario was used as they comprise 96% of dual occupancies approved by Council since 2015.

The modelling found that a dual occupancy with the following built form was achievable:

- A maximum building height of 9.5m (the lowest widespread height control in the zone);
- A maximum FSR of 0.5:1 (equating to a GFA of 230m²);
- A front setback of 4.5m and a side setback of 1.9m, complying with existing DCP controls;
- A rear setback of 7.7m, complying with the proposed DCP controls;
- A deep soil zone of 43% and tree canopy area of 42%, exceeding the proposed DCP control of 35% for both.

The GFA achievable meets the minimum 115m² internal size requirement for three bedroom developments specified in the *Low Rise Housing Diversity Design Guide*, assuming a mirrored design is utilised. As such, a 460m² lot is capable of delivering a dwelling with suitable amenity.

Figure 4 provides a three-dimensional rendering and indicative plan of an attached dual occupancy, not exceeding an FSR of 0.5:1, on a 460m² lot.

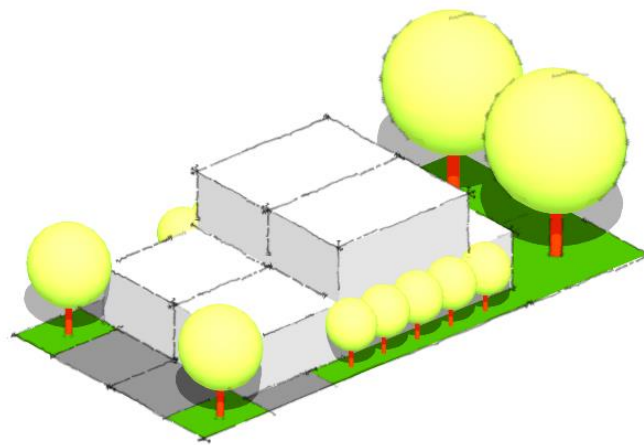
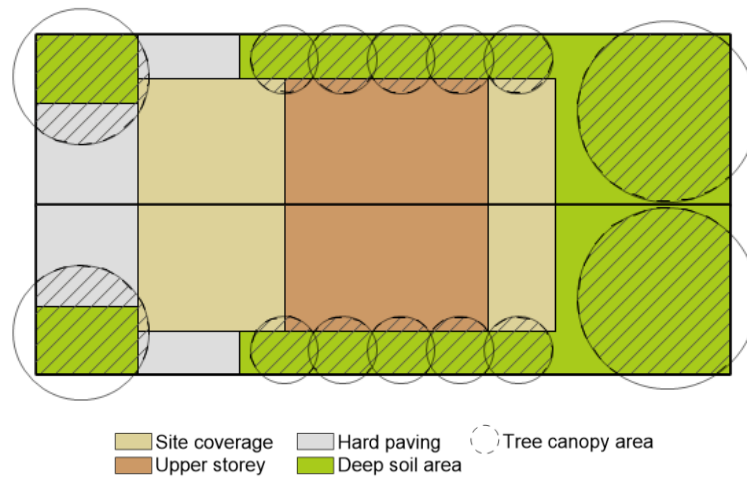


Figure 4: Built form outcome for dual occupancy (attached) on 460m² lot.

A built form compliant with the *Low Rise Housing Diversity Design Guide* can be achieved on a 460m² lot, which is the most constrained scenario. Accordingly, it can be reasonably concluded that the proposed suite of controls will not affect the viability of dual occupancy development in the R3 Medium Density Residential zone.

6.1.2 Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. This planning proposal is the best means of achieving the objectives.

Under the Standard Instrument approach, an FSR standard cannot be included in Woollahra DCP 2015. Therefore, a planning proposal is needed to apply a maximum FSR in Woollahra LEP 2014 for specific types of residential development. The Council, at its meeting of 29 April 2019, endorsed this approach.

On 11 November 2019, Council resolved to combine the justification for this planning proposal with urban greening and tree canopy controls. Since FSR and the resulting built form is integral to the character of a place, combining this with urban greening provisions will help ensure that future built form aligns with the desired leafy character of the area. This is a key priority out in the Woollahra LSPS 2020.

Accordingly, this planning proposal is the most appropriate way of achieving the intended outcome.

The inclusion of urban greening provisions in the Woollahra LEP 2014 will ensure the protection and enhancement of the natural environment to create resilient, sustainable and liveable neighbourhoods and provide greater weight to the proposed tree canopy and deep soil landscaped area controls in the Woollahra DCP 2015.

6.2 Relationship to strategic planning framework

6.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional 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) and the relevant actions of the *Eastern City District Plan* (2018).

The strategic alignment of the two components of this planning proposal, namely FSR and urban greening have been discussed in detail below.

6.2.1.a Greater Sydney Regional Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly:

- *Objective 12 – Great places that bring people together:* The use of FSR standards will simplify density controls for low density residential land whilst maintaining the place-based approach to planning.
- *Objective 30 - Urban tree canopy cover is increased.* The urban greening provisions of the LEP, complemented by new DCP controls, will help increase canopy cover in the Woollahra LGA.
- *Objective 40 – Plans refined by monitoring and reporting:* Over the last five years, and in collaboration with a practitioner *working party*, Council staff have been researching an appropriate suite of controls to apply to specific types of residential development. The planning proposal is the result of monitoring the application of the existing control set used in the Woollahra Municipality.

6.2.1.b Eastern City District Plan

The planning proposal is consistent with the priorities and actions of the Eastern City District Plan, specifically the following priorities:

- *Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.*

The proposed FSR standards and urban greening provisions will not adversely affect the supply of housing in the Woollahra LGA. As demonstrated in the modelling, the proposed FSR will allow similar GFA to the existing floorplate controls, especially once differences in the calculation of covered outdoor areas are considered.

The 0.5:1 FSR control is also applied in nearby councils, such as Waverley, Mosman and the Northern Beaches.

The suite of controls will not significantly affect the economic viability of dual occupancy developments in the R3 Medium Density Residential zone. On the smallest permissible lot, the 0.5:1 FSR control will still allow the development of a three bedroom dual occupancy that can comply with the minimum recommended size.

Additionally, the sliding scale FSRs and Wolseley Road area FSR respond to local context and site constraints by permitting higher FSRs. Properties in the identified area of Wolseley Road with larger than usual building forms will have a 0.75:1 FSR standard. This will ensure owners are able to redevelop their properties at the same scale as existing development in the area.

Small lots will be able to apply higher FSRs determined by a sliding scale. This will ensure that liveable, suitably sized dwellings can be constructed on smaller lots without compromising the ability to accommodate adequate canopy cover.

Having regard to the above matters, the planning proposal will not constrain the supply, choice or affordability of dwellings. The changes will help simplify the controls and provide improved amenity to residential neighbourhoods.

- *Planning Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections*

The proposed FSR standards and urban greening provisions have been developed in collaboration with a practitioner working party, a consultant urban forester and Council staff in order to come up with an appropriate suite of controls to apply to specific residential development. The use of FSR standards will simplify density controls for low density residential land whilst maintaining the place-based approach to planning in the Woollahra Municipality. The insertion of urban greening provisions to the Woollahra LEP 2014 will ensure the protection and enhancement of the green and leafy natural environment to create resilient, sustainable and liveable neighbourhood

6.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal will give effect to endorsed local strategies and plans. These are outlined under the headings below.

6.2.2.a Woollahra Local Strategic Planning Statement 2020

The planning proposal is consistent with the vision and planning priorities of the *Woollahra Local Strategic Planning Statement 2020*-

- *Vision: "Outstanding heritage, lifestyle, leafy, boutique villages and an unrivalled open, sunny harbour-side landscape in Sydney's east". The LSPS also states that "Our extensive gardens, tree canopy, parklands, and landscape provide a pleasant, clean and comfortable environment. We work to protect and maintain existing trees and enhance our tree canopy and urban forest" (Page 12).*
- *Planning Priority 4 - Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.*
- *Planning Priority 11 - Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*
- *Planning Priority 12 - Protecting and enhancing our scenic and cultural landscapes.*
- *Planning Priority 13 - Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.*
- *Planning Priority 14 - Planning for urban resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks.*

6.2.2.b Woollahra Community Strategic Plan – Woollahra 2030

The planning proposal will work in conjunction with the controls in Woollahra DCP 2015 and is consistent with Council's *Community Strategic Plan, Woollahra 2030* (June 2018):

- *Strategy 4.1 Encourage and ensure high quality planning and urban design outcomes.*

- *Strategy 4.6 Ensure that planning and building requirements are complied with.*
- *Strategy 4.2 Promote sustainable design in future private and public development*
- *Strategy 5.4 Protect trees, streetscapes and landscapes*
- *Strategy 5.5 Enhance the physical environment of our local suburbs, neighbourhoods and town centres*
- *Strategy 8.2 Monitor and strategically manage environmental risks and impacts of climate change*

6.2.2.c Woollahra Local Housing Strategy 2021

The planning proposal aligns with relevant objectives and actions of the *Woollahra Local Housing Strategy 2021*, which was endorsed by Council on 25 October 2021.

The proposal is consistent with Objective 1, in that it will sustain a diverse range of housing types and protect low density neighbourhoods and villages. The revised controls will not prohibit any residential land use, and will ensure all new developments adopt a density that is compatible with the desired future character of residential areas.

The proposed changes are also consistent with Objective 4, as they will ensure that new housing contributes to tree canopy and long-term sustainability outcomes. The proposed FSRs will ensure sufficient deep soil landscaping is provided to maintain and increase urban greening and tree canopy coverage. Other aspects of this objective will also be achieved, such as the encouragement of design that builds resilience to hazards like climate change. .

This proposal also directly supports Actions 1 and 5. It will support Action 1 by maintaining a diverse range of housing types in the land use zones established by the Woollahra LEP 2014 and protecting low density neighbourhoods and villages. Action 5 makes explicit reference to this planning proposal, stating the need to establish revised FSR controls and complementary urban greening provisions. The progression of this proposal will complete this action.

6.2.3 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 (refer to Schedule 1).

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

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to Schedule 2).

6.3 Environmental, social and economic impact

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

No. The planning proposal translates the existing floorplate controls in Woollahra DCP 2015 for specific residential development to an FSR development standard in Woollahra LEP 2014. The affected land is located in a previously developed part of Eastern Sydney.

The recommendation to include additional controls, aims and objectives relating to tree canopy and urban greening will have a positive effect on any critical habitat, threatened species, populations or ecological communities or their habitats.

The proposed controls are consistent *with Council's Biodiversity Conservation Strategy*. Further, *section 7 Biodiversity in Woollahra* acknowledges the importance of gardens with significant botanic values.

Woollahra Council's Biodiversity Conservation Strategy 2014-2025 lists climate change as a key threat to biodiversity, which is addressed by the proposed new aim (o) – *to mitigate climate change*.

Accordingly, conservation and enhancement of landscaping on private land, in particular tree canopy, will ensure a significant improvement to our biodiversity.

6.3.2 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 environmental effects that would arise as a result of the planning proposal. Further, the proposed urban greening controls and objectives will ensure the protection and enhancement of the natural environment to create resilient, sustainable and liveable neighbourhoods

Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

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

Yes. The planning proposal will have a positive social effect. The proposed urban greening controls, in combination with the FSR requirements, will protect established greenery and ensure new development contributes to the LGA's leafy character and tree canopy. This will also help to reduce the urban heat island effect and improve connectedness to the natural environment, promoting resident amenity and wellbeing.

The proposal will not result in significant economic impacts and will not reduce the permissible land uses in the R2 Low Density Residential or R3 Medium Density Residential zones.

The below table demonstrates the proposal will not unreasonably constrain the size of new developments. It compares the gross floor area achievable under the existing floorplate controls and the proposed FSR controls. The table includes data on 10 applications for dwelling houses that have received consent in the R2 Low Density Residential or R3 Medium Density Residential zones, comprising a range of lot sizes. The site addresses and application numbers have been omitted for privacy reasons.

Eg.	Description of Application	Lot size	Front setback	Rear setback	Avg. side Setbacks	Floorplate Area	GFA Under Floorplate	GFA under FSR
1	Construction of three storey dwelling house in Double Bay*	293m ²	3m	6.4m	1.1m	257m ²	198m ²	190m ²
2	Construction of two storey dwelling house in Double Bay*	315m ²	4.1m	8.2m	0.9m	260m ²	200m ²	193m ²
3	Construction of two storey dwelling house in Rose Bay.	543m ²	6.1m ²	11.8m ²	1.5m ²	386m ²	280m ²	272m ²

4	Construction of two storey dwelling house in Bellevue Hill.	557m ²	6.3m	14.2m	1.3m	404m ²	277m ²	279m ²
5	Construction of three storey dwelling house in Bellevue Hill.	595m ²	14.9m	3m	1.9m	380m ²	305m ²	298m ²
6	Construction of two storey dwelling house in Bellevue Hill.	697m ²	5.3m	15.2m	1.9m	512m ²	442m ²	349m ²
7	Construction of three storey dwelling house in Vacluse.	854m ²	6.7m	12.9m	2.7m	567m ²	419m ²	427m ²
8	Construction of three storey dwelling house in Vacluse.	898m ²	6m	21m	1.9m	601m ²	461m ²	449m ²
9	Construction of three storey dwelling house in Vacluse.	1110m ²	15.9m	12m	1.5m	804m ²	776m ²	555m ²
10	Construction of two storey dwelling house in Vacluse.	1502m ²	11m ²	18.7m ²	3.1m	1042m ²	901m ²	751m ²

*Small lot FSR provisions apply to site

The proposed FSR standards will reduce the maximum achievable gross floor area, as a median figure, to 97% of what would be possible under the existing floorplate controls. Accordingly, the proposed controls will allow most owners to achieve broadly the same intensity of development that is permitted under the existing floorplate controls.

As previously outlined, similar FSR controls are also used by other eastern Sydney councils. Accordingly, the scale of built form produced will be consistent with nearby neighbourhoods that have similar patterns of residential development. The FSR controls are also widely used and understood by the development industry, meaning they will simplify the process of preparing new development applications. They will also more transparently indicate the development potential of land to property owners.

6.4 State and Commonwealth interests

6.4.1 Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal seeks to ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of our residential areas. No uplift is proposed.

In accordance with the Gateway determination, consultation will be undertaken with specified agencies during the public exhibition.

6.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council staff have consulted on the proposed package of urban greening controls with representatives from both the DPE and the Government Architect NSW including:

- Steve Hartley: Executive Director - Green and Resilient Places, Department of Planning, Industry & Environment
- Barbara Schaffer: Principal Landscape Architect, Government Architect NSW

The proposed amended package of urban greening provisions was supported by these representatives.

Further consultation with public authorities will be conducted further, in accordance with the conditions of the Gateway determination.

Part 7 – Land Application Map

This planning proposal applies to the whole Woollahra LGA. However, some elements of this planning proposal only apply to certain parts of the Woollahra LGA. A summary table of these is below.

Table 7: Summary of planning proposal		
Planning Proposal Element	Land to which this applies	Figure reference
Amended LEP aims	Whole LGA.	See Woollahra LEP 2014 - Land Application Map
Amended zone objectives	Land in zone: R2 Low Density Residential R3 Medium Density Residential B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use SP2 Infrastructure SP3 Tourist RE2 Private Recreation	See Woollahra LEP 2014 - Land Zoning Maps
FSR standard of 0.5:1 for specific residential development.	The R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (excluding the Wolseley Road area and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).	See Area 2 and 3 below.
FSR standard of 0.75:1 for the Wolseley Road area	The Wolseley Road precinct.	See Area 1 below.
FSR exceptions for small sites.	The R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (excluding the Wolseley Road area and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).	See Area 2 and 3 below.
Additional local provision for urban greening.	The R2 Low Density Residential Zone and the R3 Medium Density Residential Zone excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.	See Area 2 and 3 below.

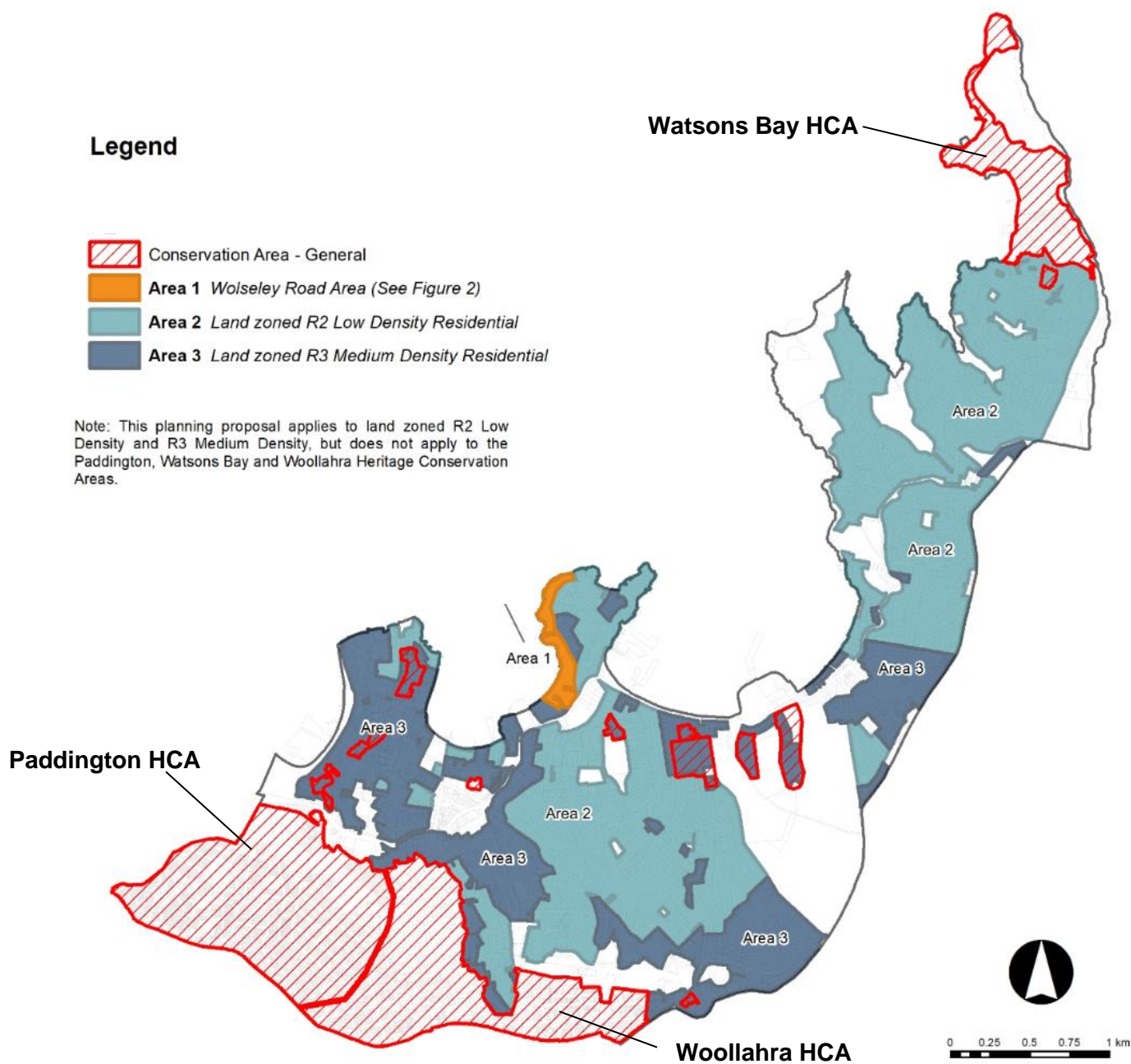


Figure 5: Map showing Area 1, 2 and 3

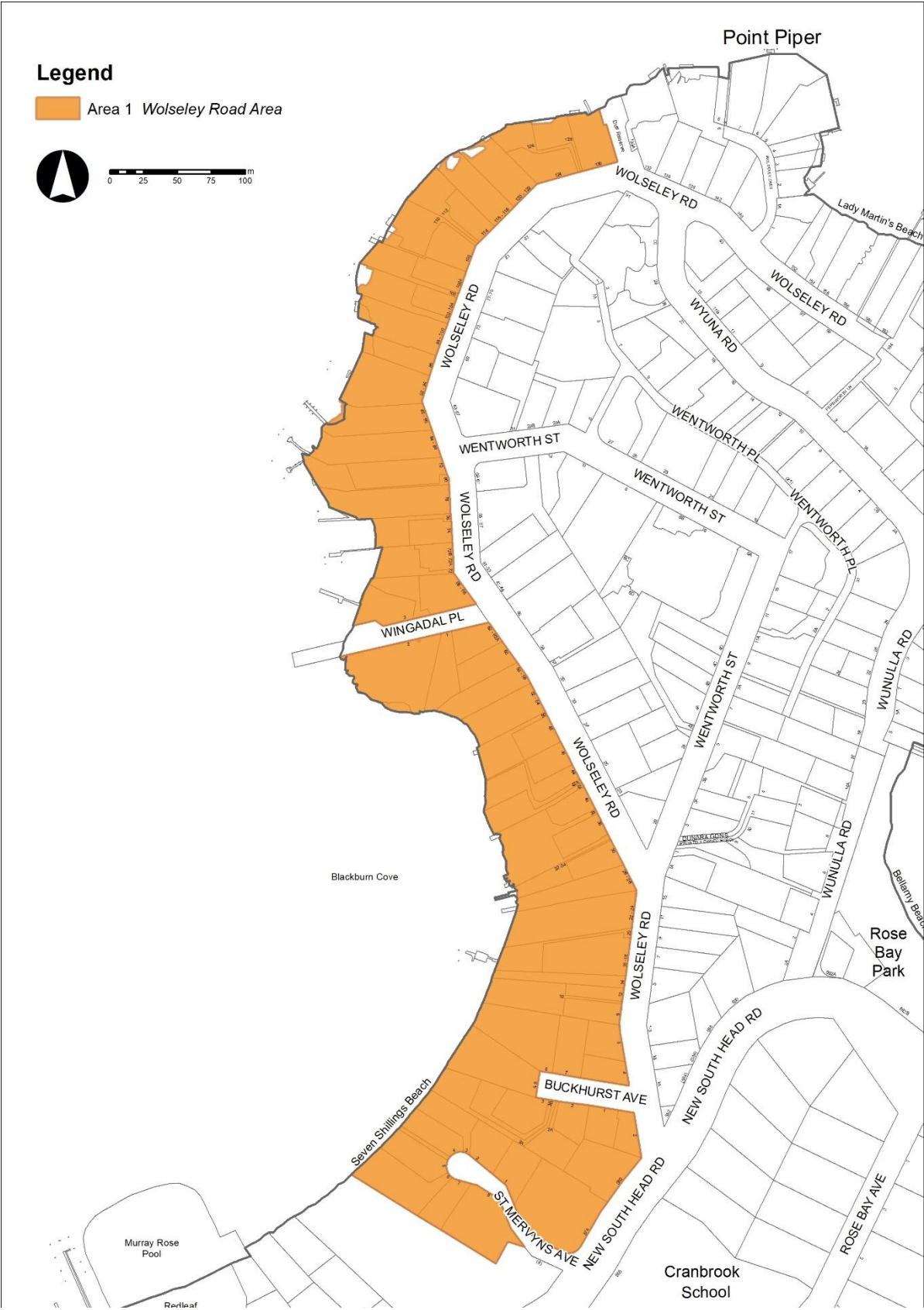


Figure 6: Wolseley Road Area.

Part 8 – Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the Department of Planning, Industry and Environment's 'Guide to Preparing Local Environmental Plans' and the conditions of the Gateway determination.

Public exhibition will also be undertaken in accordance with the *Woollahra Community Participation Plan 2019*.

The Act requires a minimum public exhibition period of 28 days unless otherwise specified in the Gateway determination. This is consistent with Council's standard practice for the exhibition of a planning proposal of this type. Accordingly, we recommend that the planning proposal is exhibited for a minimum of 28 days.

The draft DCP to amend Chapter B3 of Woollahra DCP 2015 will be placed on public exhibition concurrently with the exhibition of the planning proposal.

Public notification of the exhibition will comprise a:

- Weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- Notice on the Council's website.
- Notice to the members of the practitioner working party.
- Notice to local community, resident and business groups.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices (subject to public accessibility at the time of exhibition):

- The planning proposal, in the form approved by the Gateway determination.
- A copy of the Gateway determination.
- Information relied upon by the planning proposal, such as relevant Council reports, the Department of Planning and Environment's *Local Environmental Plan Making Guideline 2021* and a copy of Woollahra LEP 2014.
- Woollahra: Greening our LGA prepared by Lyndal Plant: Urban Forester (June 2020).
- A Draft DCP amending Chapter B3 and Chapter E3 of Woollahra DCP 2015.

Part 9 – Project timeline

The Minister for Planning (or delegate) is the local plan making authority for this planning proposal to exercise the functions under section 3.36 of the *Environmental Planning and Assessment Act 1979*. Accordingly, the proposed timeline for completion is as follows:

Table 8: Proposed project timeline	
Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	7 September 2020
Council resolution to prepare planning proposal	29 September 2020
Woollahra Local Planning Panel provides advice to Council	15 October 2020
Council resolution to proceed	23 November 2020
Gateway determination	31 August 2021
Completion of technical assessment	None anticipated
Government agency consultation	July 2022
Public exhibition period	July-August 2022
Submissions assessment	August 2022
Council assessment of planning proposal post exhibition	September 2022
DPE reviews finalisation package and instructs Parliamentary Counsel to draft LEP	October 2022
DPE prepares finalisation report and recommends to make LEP to Minister or delegate	October 2022
Notification of the approved LEP	November 2022

Part 10 – Site testing

10.1 Analysis and modelling of the small lots sliding scale

The site testing and modelling in this section demonstrates that compliant built forms can be achieved on smaller lots when a higher FSR control is used. This site testing and modelling is the basis for the proposed sliding scale FSR provisions.

Categories were identified based on site area. Each category is modelled using sites that were subject to approved development applications, and assesses compliance with key LEP and DCP controls. A summary of the assessment, including information on the surrounding built context, is provided to clarify how the controls were applied.

In summary the modelling in this section shows the following:

- Category 1 uses a scenario with a 383m² lot size. Producing an FSR of 0.57:1, the development still provides a 52% deep soil area, capable of supporting extensive landscaping and canopy tree planting. Category 2 comprises a lot of 344m², and achieves very similar outcomes to Category 1 utilising an FSR of 0.6:1. These categories produce GFA yields of 220m² and 210 respectively.
- Category 3 uses a lot size of 287m². Due to the surrounding context, the rear setback is comparatively smaller at 7 metres. However, a GFA yield of 200m² is achieved using an FSR of 0.69:1. Similar to the previous examples, the deep soil area remains in excess of the 35% control at 50%.
- Categories 4 and 5 have lot sizes of 222m² and 183m² respectively. In this size range, there is another reduction in setbacks, with a common front setback of 4 metres and rear setbacks between 5.8 and 6.5 metres. Category 4 achieves a yield of 189m² with a 0.85:1 FSR, while Category 5 has a smaller yield of 168m² associated with a 0.92:1 FSR.
- Category 6 has a front setback of 2 metres and rear setback of 10.7 metres, more similar to a terrace housing typology. Accordingly, it achieves a yield of 150m² on a site measuring 146m². This produces an FSR of 1.02:1. The deep soil area is the minimum required at 35%.

The modelled built forms align with Council's desired future character for the R2 Low Density Residential and R3 Medium Density Residential zones. This envisages future developments that provide generous landscaping and tree canopy coverage, contributing to the leafy character of the streetscape.

Category 1: Size area: 350 <400 m²

Site conditions: Area 383m², width 18m, depth 22 – 29m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 0.6:1 or max yield = 220m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (4m)
	E	Side setback = 2.3m	✓
	P	Rear setback 25% = 6.4m	✓ (9.5m)
	E	Wall height & inclined plane	✓
	P	On-site parking	✓
	P	Deep soil landscaped area (35% or 134.05m ²)	✓ (52%)

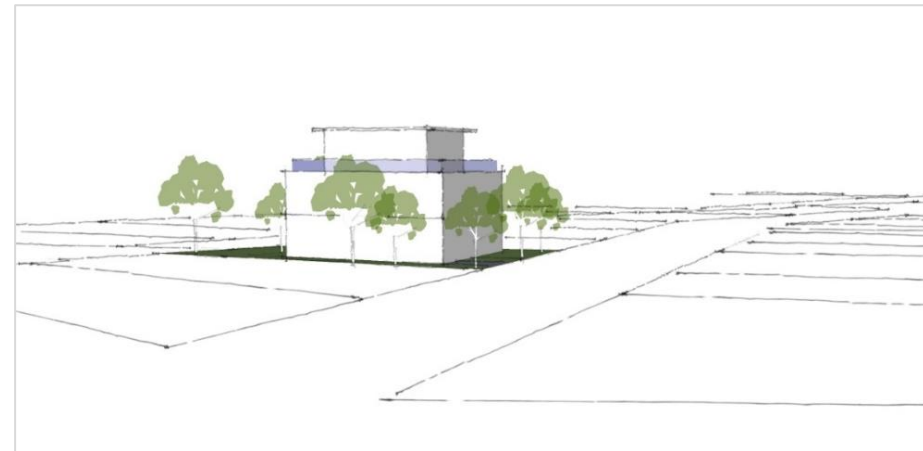
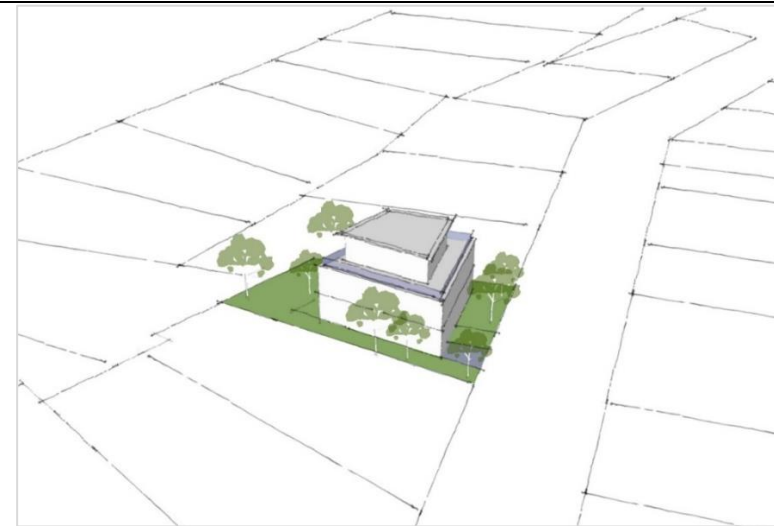
Calculations based on:

- Three storey dwelling house
- Front setback consistent with predominant front setback
- Parking for two cars proposed in building envelope

Assessment:

- 2-3 storey existing context
- 4-5m predominant front setback
- Average rear setback ranges from 4-10m
- Average side setback ranges from 1-4m
- Mix of contemporary and earlier dwelling houses.
- Mix of dwellings with pitched and flat roof character
- Built form is consistent with desired future character

Achieved Yield: 220m² FSR of 0.57:1



Category 2: Size area: 300 <350 m²

Site conditions: Area 344m², width 11.1m, depth 30m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 0.7:1 or max yield = 210m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (4m)
	E	Side setback = 1.3m	✓
	P	Rear setback 25% = 7.5m	✓ (10.5m)
	E	Wall height & inclined plane	✓
	E	On-site parking	✓
	P	Deep soil landscaped area (35% or 120.4m ²)	✓ (55%)

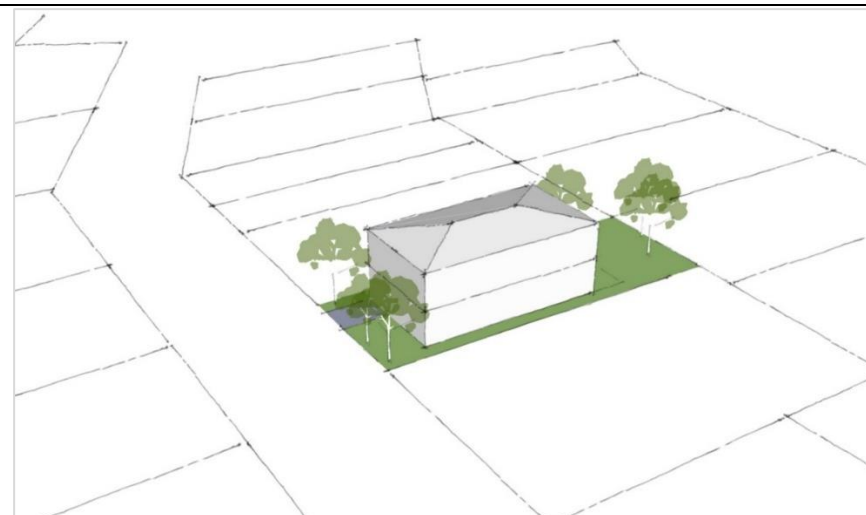
Calculations based on:

- Two storey dwelling house
- Front setback consistent with predominant front setback
- Parking for two cars proposed in building envelope

Assessment:

- 2-3 storey existing context
- 4-5m predominant front setback
- Average rear setback ranges from 4-10m
- Average side setback ranges from 1-4m
- Mix of contemporary and earlier dwelling houses
- Mix of dwellings with pitched and flat roof character
- Proposed built form is consistent with existing and desired future character

Achieved Yield: 210m² FSR of 0.61:1



Category 3: Size area: 250 <300 m²

Site conditions: Area 287m², width 10.8m, depth 28m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 0.8:1 or max yield = 200m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (6m)
	E	Side setback = 1.1m	✓
	P	Rear setback 25% = 7m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	✓
	P	Deep soil landscaped area (35% or 100.45m ²)	✓ (50%)

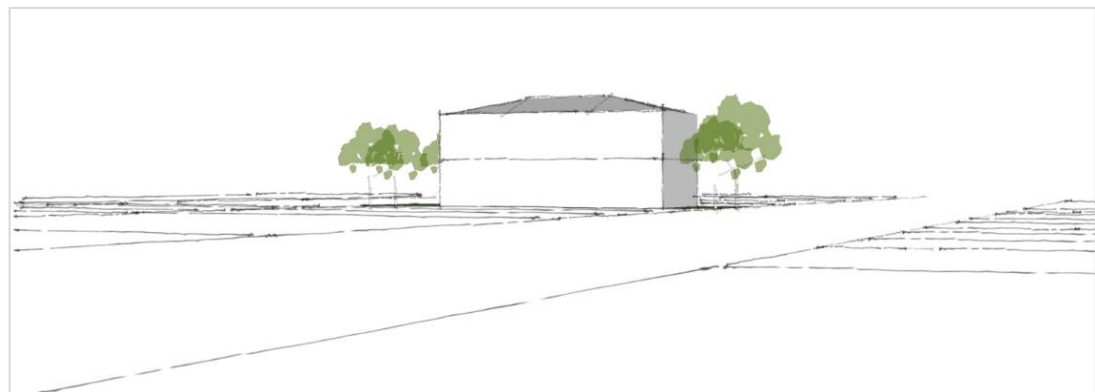
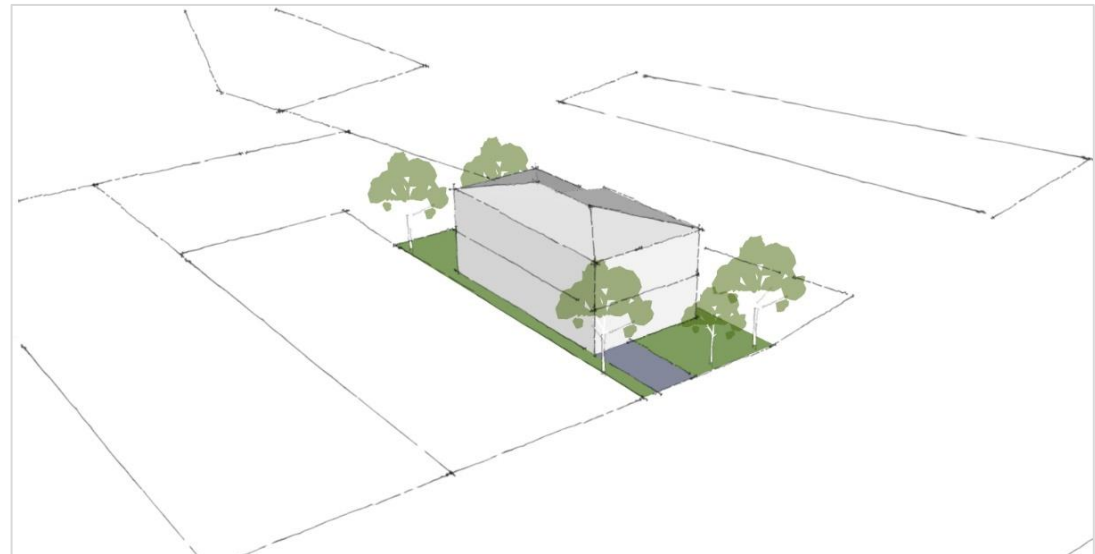
Calculations based on:

- Two storey dwelling house
- Front setback consistent with predominant front setback
- Parking for one car proposed in building envelope

Assessment:

- 2-3 storey existing context
- 5-8m predominant front setback
- Average rear setback ranges from 7-15m
- Average side setback ranges from 1-3m
- Immediate context consists of dwelling houses with pitched roof
- Proposed built form is consistent with existing and desired future character

Achieved Yield: 200m² FSR of 0.69:1



Category 4: Size area: 200 <250 m²

Site conditions: Area 222m², width 8.4m, depth 26m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 0.9:1 or max yield = 190m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (4m)
	E	Side setback = 0.9m	✓
	P	Rear setback 25% = 6.5m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (35% or 77.7m ²)	✓ (46%)

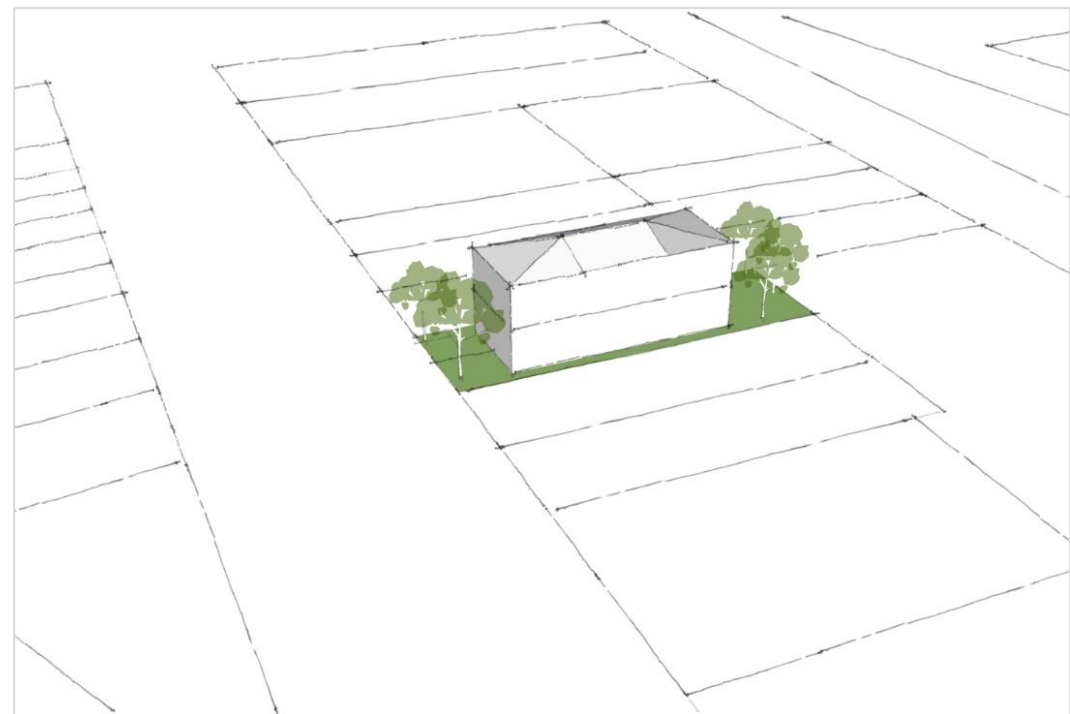
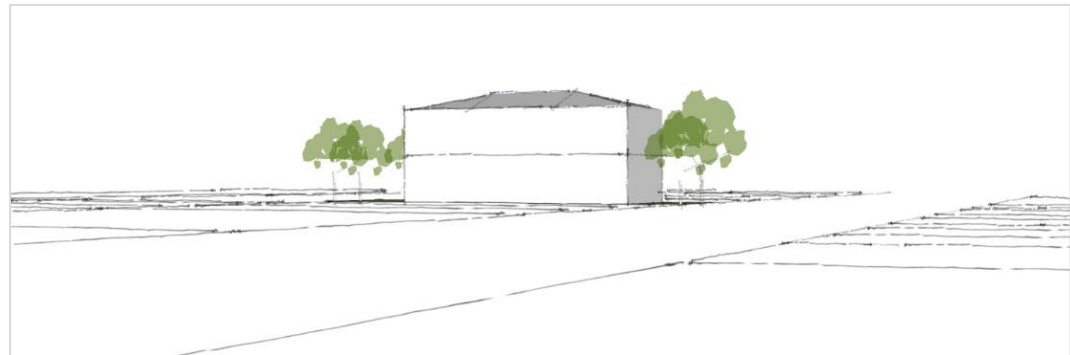
Calculations based on:

- Two storey dwelling house
- Front setback consistent with predominant front setback
- On-street parking (no parking on-site)

Assessment:

- 1-2 storey existing context
- 2-6m predominant front setback
- Average rear setback ranges from 2-7m
- Average side setback ranges from 0-2m
- Mix of dwelling houses, attached dwellings and semi-detached dwellings
- Proposed built form is consistent with existing and desired future character

Achieved Yield: 189m² FSR of 0.85:1



Category 5: Size area: 150 <200 m²

Site conditions: Area 183m², width 8.2m, depth 23m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 1.1:1 or max yield = 180m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (4m)
	E	Side setback = 0.9m	✓
	P	Rear setback 25% = 5.8m	✓
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (35% or 60.2m ²)	✓ (42%)

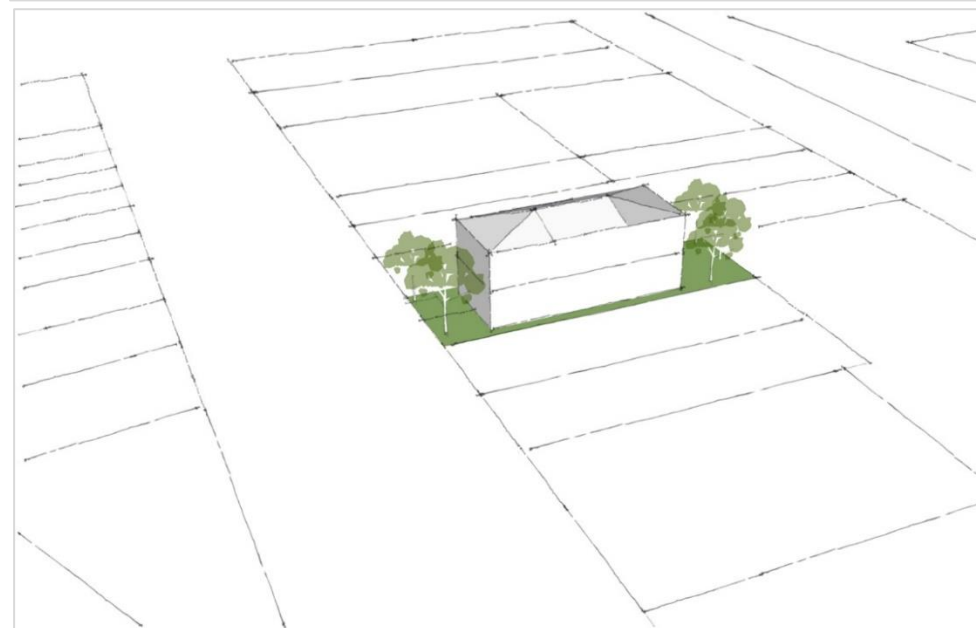
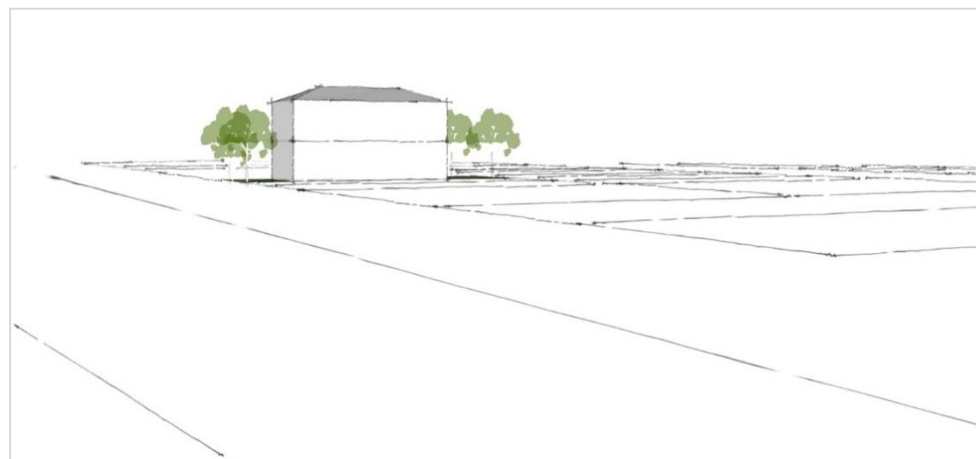
Calculations based on:

- Two storey dwelling house
- Front setback consistent with predominant front setback
- On-street parking

Assessment:

- 2-3 storey existing context
- 4m predominant front setback
- Average rear setback ranges from 4-7m
- Average side setback ranges from 0.9-2m
- Context consists of a mix of dwelling houses with pitched roofs (some with attic levels)
- Proposed built form is consistent with existing and desired future character

Achieved Yield: 168m² FSR of 0.92:1



Category 6: Size area: Under 150 m²

Site conditions: Area 146m², width 4.7m, depth 30m

Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014		Complies
	E	Height – 9.5m	✓
	P	FSR Control 1.1:1 or max yield = 150m ²	✓
	Woollahra DCP 2015		
	E	Front Setback	✓ (2m)
	E	Side setback = Nil	-
	P	Rear setback 25% = 7.5m	✓ (10.7m)
	E	Wall height & inclined plane	✓
	E	On-site parking	-
	P	Deep soil landscaped area (35% or 51.1m ²)	✓ (35%)

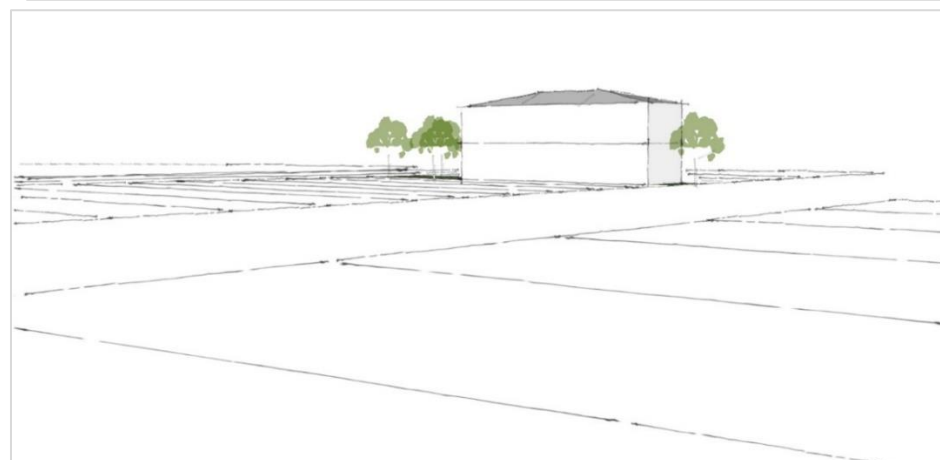
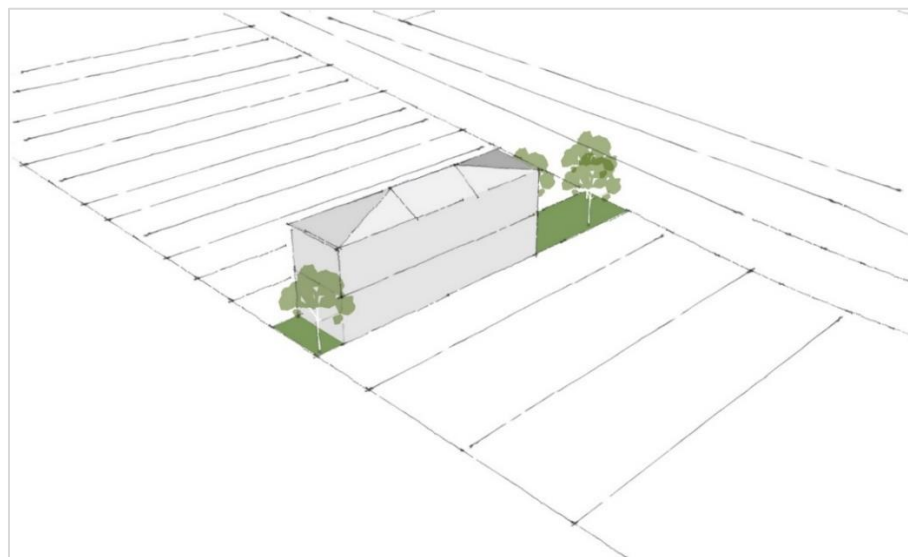
Calculations based on:

- Land use type: Attached dwelling
- Front setback consistent with predominant front setback
- Average setback to rear laneway 5-10m
- On-street parking (no parking on-site)

Assessment:

- 1-2 storey existing context
- 2-3m predominant front setback
- Nil side setback
- 10.7m rear setback
- Context consists of a mix of attached dwellings, semi-detached dwellings and dwelling houses with minimal side setbacks. Pitched roof character.
- Proposed built form is consistent with existing and desired future character

Achieved Yield: 150m² FSR of 1.02:1



10.2 Site testing of FSR and urban greening provisions

The site testing and modelling in this section provides an overview of examples used to develop the 0.5:1 FSR control. Each scenario includes information on the land use zone, street frontage layout and dwelling type, as well as excerpts from the approved landscape plan.

In each scenario, the site coverage, deep soil area and improved tree canopy coverage are compared. The tree canopy area is measured using Methods A and B. In summary,

- Method A includes the canopy cover produced by trees growing on the site only, irrespective of whether the canopy is completely contained within the site boundaries or not.
- Method B only counts tree canopy directly over the site, even it is partially from neighbouring trees.

Scenarios are provided for each of the following lot size ranges:

- Less than 400m²
- 400 – 500m²
- 500 – 600m²
- 600 – 700m²
- 700 – 800m²
- Greater than 800m²

The modelling shows that there is no relationship between site area and deep soil area. The deep soil percentages vary substantially across the data set. Each scenario also shows the tree canopy measurements are context-specific, with neighbouring tree canopy coverage significantly influencing Method B measurements.

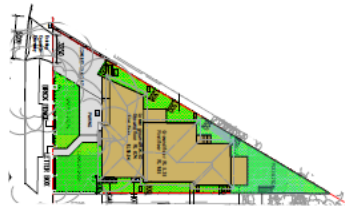
Further analysis of the applications used in the below data set demonstrated that a 0.5:1 FSR, at a minimum, was required to achieve the required amount of consolidated deep soil areas to support canopy tree growth.

1. <400M²

Property information

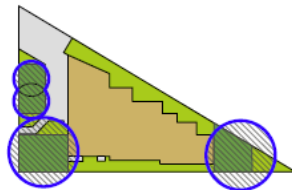
Zone	R3
Access	Single street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage (% of site)	40.89%
Deep Soil Area (% of site)	43.47%
Consolidated Deep Soil (% of site)	19.90%
Tree Canopy Area (% of site)	40.23%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	70.90%
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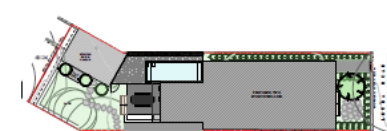


2. <400M²

Property information

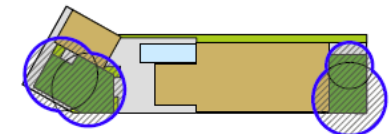
Zone	R3
Access	Dual street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



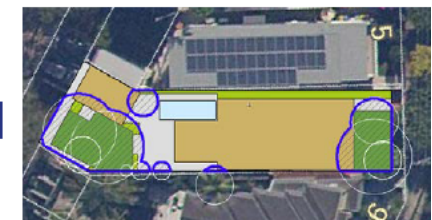
Tree canopy - Method A

Site Coverage (% of site)	48.60%
Deep Soil Area (% of site)	28.12%
Consolidated Deep Soil (% of site)	20.54%
Tree Canopy Area (% of site)	42.95%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	35.60%
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3. 400-500M²

Property information

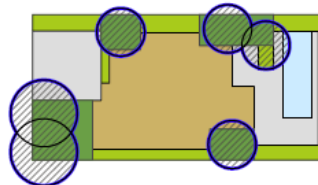
Zone	R2
Access	Dual street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



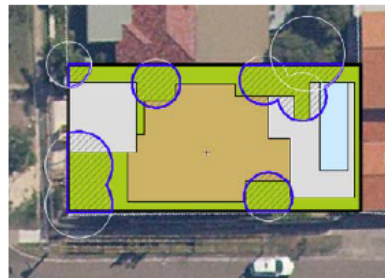
Tree canopy - Method A

Site Coverage (% of site)	35.17%
Deep Soil Area (% of site)	35.77%
Consolidated Deep Soil (% of site)	20.37%
Tree Canopy Area (% of site)	30.95%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	25.75%
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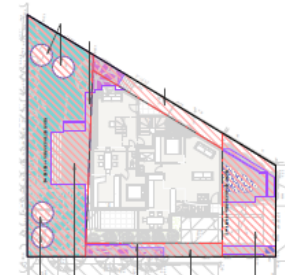


4. 400-500M²

Property information

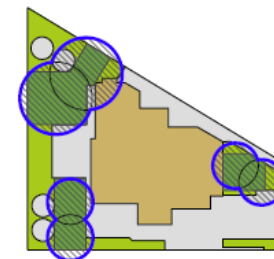
Zone	R3
Access	Single street frontage
Housing type	Dual occupancy

Approved Landscape Plan



Tree canopy - Method A

Site Coverage (% of site)	32.00%
Deep Soil Area (% of site)	33.99%
Consolidated Deep Soil (% of site)	16.50%
Tree Canopy Area (% of site)	30.82%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	41.17%
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5. 500-600M²

Property information

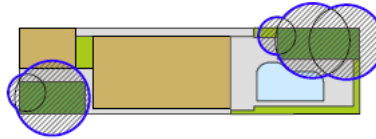
Zone	R3
Access	Single street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage (% of site)	41.72%
Deep Soil Area (% of site)	23.09%
Consolidated Deep Soil (% of site)	16.22%
Tree Canopy Area (% of site)	40.61%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	37.98%
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6. 500-600M²

Property information

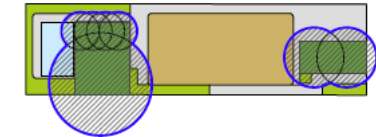
Zone	R3
Access	Single street frontage
Housing type	Dual occupancy

Approved Landscape Plan



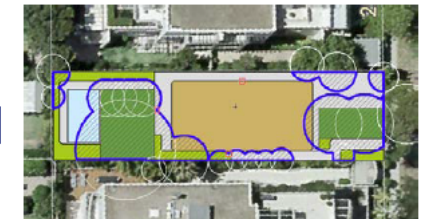
Tree canopy - Method A

Site Coverage (% of site)	33.58%
Deep Soil Area (% of site)	31.71%
Consolidated Deep Soil (% of site)	19.72%
Tree Canopy Area (% of site)	47.53%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	47.02%
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7.

600-700M²

Property information

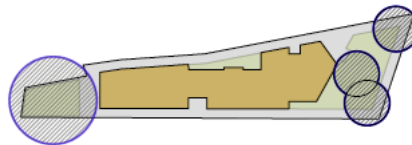
Zone	R3
Access	Single street frontage
Housing type	Residential flat building

Approved Landscape Plan



Tree canopy - Method A

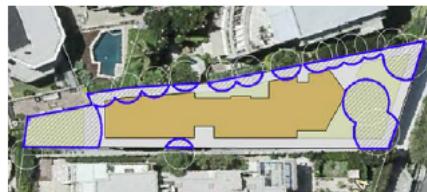
Site Coverage	39.27%
Deep Soil Area*	0%
Consolidated Deep Soil Area	0%
Tree Canopy Area	41.02%
Not calculated as Deep Soil	



* All proposed landscaping is above the podium level (1200mm depth of soil). Not counted as Deep Soil Area as per current definition.

Tree canopy - Method B

Tree Canopy Area (% of site)	33.91%
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8.

600-700M²

Property information

Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	43.42%
Deep Soil Area	37.68%
Consolidated Deep Soil Area	23.39%
Tree Canopy Area	30.42%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	30.27%
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9. 700-800M²

Property information

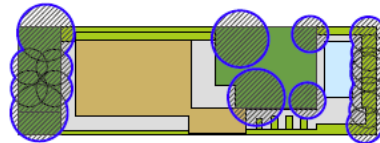
Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	26.35%
Deep Soil Area	47.15%
Consolidated Deep Soil Area	31.84%
Tree Canopy Area	47.33%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	44.56%
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10. 700-800M²

Property information

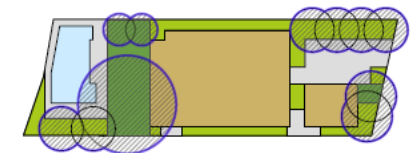
Zone	R2
Access	Dual street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	38.81%
Deep Soil Area	34.92%
Consolidated Deep Soil Area	13.59%
Tree Canopy Area	46.12%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	38.06%
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11.

>800M²

Property information

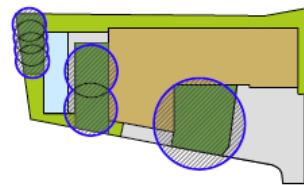
Zone	R2
Access	Battle Axe
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	36.04%
Deep Soil Area	38.60%
Consolidated Deep Soil Area	21.91%
Tree Canopy Area	33.34%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	38.26%
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12.

>800M²

Property information

Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

Proposed Landscape Plan



Tree canopy - Method A

Site Coverage	32.06%
Deep Soil Area	40.86%
Consolidated Deep Soil Area	30.74%
Tree Canopy Area	25.37%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	32.74%
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13.

>800M²

Property information

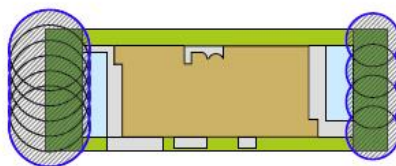
Zone	R2
Access	Dual street frontage
Housing type	Dual occupancy

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	40.60%
Deep Soil Area	37.35%
Consolidated Deep Soil Area	20.79%
Tree Canopy Area	43.44%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	24.32%
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14.

>800M²

Property information

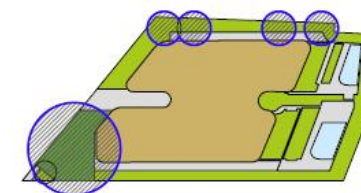
Zone	R3
Access	Single street frontage
Housing type	Residential flat building

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	42.59%
Deep Soil Area	33.66%
Consolidated Deep Soil Area	6.73%
Tree Canopy Area	23.29%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	24.54%
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Summary of FSR and Urban Greening Provisions Testing:

Wolseley Road area

The site testing and modelling in this section provides an overview of examples used to develop the 0.75:1 FSR control.

Similar to the last data set, each scenario includes information on the land use zone, street frontage layout and dwelling type, as well as excerpts from the approved landscape plan. A key difference for the Wolseley Road modelling is that there are more battle-axe lots and foreshore properties in this area. The site testing and modelling shows that this influences the building setbacks and configuration of landscaping.

Scenarios are provided for lots in the R2 Low Density Residential and R3 Medium Density Residential zones.

Like the previous examples, a tree canopy analysis has been provided using Methods A and B. However, unlike the previous examples, the tree canopy coverage using Method B is consistently less than Method A. This is a result of the lower canopy levels along Wolseley Road, due to building orientations designed to capture harbour views and site layouts that greatly constrain deep soil landscaping.

Further analysis of the applications reviewed indicated that a 0.75:1 FSR, at a minimum, was required to achieve the required amount of consolidated deep soil areas to support an appropriate level of canopy tree growth with consideration of the constraints in this precinct.

1.

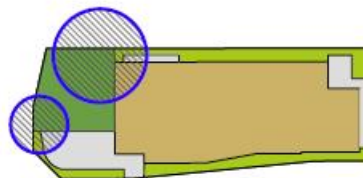
R3 LOT

Property information

Zone	R3
Access	Single Street frontage, foreshore access road
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	55.41%
Deep Soil Area	32.25%
Consolidated Deep Soil Area	15.66%
Tree Canopy Area	23.39%



Tree canopy - Method B

Tree Canopy Area	18.73%
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2.

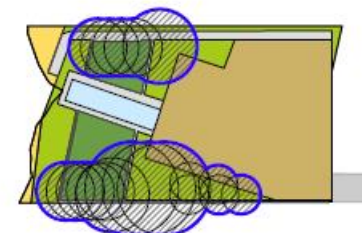
R3 LOT

Property information

Zone	R3
Access	Battle axe, foreshore access
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	45.78%
Deep Soil Area	33.54%
Consolidated Deep Soil Area	14.11%
Tree Canopy Area	42.07%



Tree canopy - Method B

Tree Canopy Area	30.96%
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3.

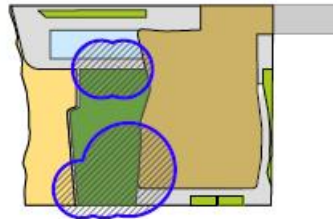
R3 LOT

Property information

Zone	R3
Access	Battle axe
Housing type	Dual Occupancy

Tree canopy - Method A

Site Coverage	40.72%
Deep Soil Area	21.58%
Consolidated Deep Soil Area	18.12%
Tree Canopy Area	25.8%



Tree canopy - Method B

Tree Canopy Area	23.70%
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4.

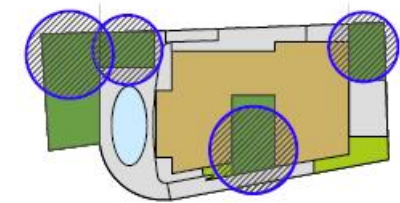
R2 LOT

Property information

Zone	R2
Access	Single Street frontage
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	37.59%
Deep Soil Area	30.17%
Consolidated Deep Soil Area	26.59%
Tree Canopy Area	38.90%



Tree canopy - Method B

Tree Canopy Area	29.82%
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5.

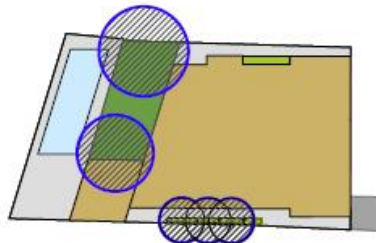
R2 LOT

Property information

Zone	R2
Access	Battle axe
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	58.57%
Deep Soil Area	13.16%
Consolidated Deep Soil Area	11.76%
Tree Canopy Area	25.66%



Tree canopy - Method B

Tree Canopy Area	19.23%
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6.

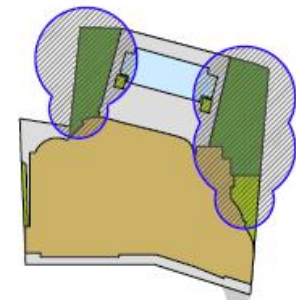
R2 LOT

Property information

Zone	R2
Access	Battle axe
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	53.58%
Deep Soil Area	19.58%
Consolidated Deep Soil Area	16.19%
Tree Canopy Area	48.43%



Tree canopy - Method B

Tree Canopy Area	30.43%
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Schedules

Schedule 1 – Consistency with State environmental planning policies (SEPPs)

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	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 (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

SEPP (Resilience and Hazards) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Resources and Energy) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Transport and Infrastructure) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP 65 (Design Quality of Residential Apartment Development)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Building Sustainability Index: BASIX)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

Schedule 2 – Consistency with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed in Part 6.2 of this report.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	The planning proposal seeks to translate the existing residential floorplate DCP provisions into a FSR standard. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction
1	Planning systems (cont.) – place based	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.5	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.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.

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

Direction		Applicable/comment
6	Housing	
6.1	Residential zones	<p>Applicable and consistent.</p> <p>A key objective of this direction is ‘to minimise the impact of residential development on the environment’. The FSR and urban greening provisions will encourage the retention of existing vegetation, and require the planting of additional canopy trees where necessary. This additional greenery will support local biodiversity, provide habitat to wildlife moving between bushland areas of the LGA and reduce localised heat.</p> <p>This planning proposal will not affect the choice of building types and locations available in the housing market. As previously outlined, it will not significantly limit the internal floor area of new developments or affect the viability of dual occupancy development in the R3 Medium Density Residential zone. It also makes provision for higher FSRs in the more dense Wolseley Road area, and on smaller development sites. Furthermore, the proposal will have no impact on the use of existing infrastructure or the consumption of land on the urban fringe.</p> <p>The planning proposal will encourage housing that is of good design. The new FSR controls, complemented by the urban greening provisions in Council’s amended DCP, will encourage developments to provide for consolidated areas of deep soil landscaping. This will create opportunities for the planting of canopy trees, which will improve the quality of the streetscape and enhance the character of residential areas.</p> <p>As previously demonstrated, the proposed FSR controls will allow a density of residential development that is very similar to what is currently permissible under the floorplate controls. Any reduction in GFA yield is considered very minor, especially as the proposed controls will allow for the easy calculation of site yields and are better suited to lots with irregular boundaries. The specific FSRs proposed are also similar to those utilised in nearby LGAs.</p>
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7.1	Business and industrial zones	The planning proposal does not contain a provision which is contrary to the objective of this direction.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.