



Council Ref: 21/256789

22 December 2021

Ms K Fishburn  
Secretary  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Fishburn,

**Planning Proposal - 1200sqm minimum lot size for dual occupancies (attached)**

The attached planning proposal seeks to amend clause 4.1A of the *Woollahra Local Environmental Plan 2014* to increase the minimum lot size required for dual occupancy (attached) development in the R2 Low Density Residential zone from 460sqm to 1200sqm.

The planning proposal is submitted for a gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* ('the Act'). As this is a matter of local significance, Council requests that the Minister for Planning and Public Spaces authorise Council as the local plan-making authority, to allow it to make the local environmental plan under section 3.36 of the Act. Delegation to make the plan will be to the position of General Manager, and sub-delegated to the (now) Director Planning and Place as set out in Council's resolution dated 26 November 2012.

This planning proposal has been amended to address comments provided by the Department of Planning, Industry and Environment on 11 August 2020 in response to a previous gateway request for a planning proposal seeking an 800sqm minimum lot size

Specifically, the following matters have been addressed in the amended proposal:

- Justification for the reduction in the number of R2 Low Density Residential Code lots;
- Acknowledgement of differences between dual occupancies and secondary dwellings;
- Ability of R3 Medium Density Residential zone to accommodate more dwellings;
- Acknowledgement of differences between Woollahra and other LGAs referenced in the proposal;
- Information on how the proposal aligns with Local Housing Strategy;
- Correction of minor errors and omissions; and
- Inclusion of detailed scenario testing for the built form impacts of different lot sizes.

While carrying out the additional testing, Council staff observed that an 800sqm lot size would not achieve satisfactory built form outcomes under complying development. This was largely due to the permitted FSR being greater than Council's proposed 0.5:1 control. Staff instead established that a minimum lot size of 1200sqm is required to achieve the objectives of the planning proposal. As such, the planning proposal has been amended to seek this revised figure.

The proposed minimum lot size is consistent with Council's planning proposal to amend the Woollahra LEP 2014 to apply an FSR of 0.5:1 to properties in the LGA zoned R2 Low Density Residential and to certain development types (such as dual occupancies) on land zoned R3 Medium Density Residential. A Gateway Determination to proceed to public exhibition was issued on 31 August 2021.

The following documents are attached in support of the gateway submission:

- Information checklist (section 3.33(2)(a) – (e))
- Evaluation criteria for delegation of plan making functions
- Amended planning proposal dated December 2021
- Supplementary appendices:
  1. Report to the Environmental Planning Committee – 4 November 2019 (annexures removed)
  2. Council resolution – 11 November 2019
  3. Letter to Minister of Planning and Public Spaces – 13 December 2019
  4. Report to the Woollahra Local Planning Panel – 30 January 2020
  5. Woollahra Local Planning Panel minutes – 30 January 2020
  6. Report to the Environmental Planning Committee – 2 March 2020
  7. Council resolution to lodge 800sqm lot size planning proposal – 9 March 2020
  8. Report to the Environmental Planning Committee – 1 February 2021 (Annexure 1 included)
  9. Council resolution to lodge 1200sqm lot size planning proposal – 22 February 2021

Council staff have also included a second copy of the planning proposal for internal use. Sections of the document that have been significantly changed are highlighted yellow to assist with your assessment.

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

Yours sincerely



Anne White  
Manager - Strategic Planning