

Mr Craig Swift-McNair  
General Manager  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 1360

By email: [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

Dear Mr Swift-McNair

**Planning proposal (PP-2021-7459) to amend Woollahra Local Environmental Plan 2014**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to amend the Woollahra Local Environmental Plan (LEP) 2014 to increase the minimum lot size for dual occupancy (attached) development in the R2 Low Density Residential zone from 460 sqm to 1,200 sqm.

The Department has undertaken a detailed assessment of the planning proposal and the outcomes of the proposed 1,200 sqm minimum lot size control. As Council is aware, the Department previously communicated concerns over the earlier planning proposal that sought to increase the minimum lot size for dual occupancy (attached) development in the R2 Low Density Residential zone to 800 sqm.

The Department appreciates Council's aspirations to protect residential amenity and the desired future character of the R2 zones and to minimise the impact of attached dual occupancy development. However, the current planning proposal would impact on the delivery of attached dual occupancies as a form of residential accommodation and consequently on housing diversity and choice. The degree of impact would be even greater than the previous proposal for 800sqm allotment minimum.

Specifically, the percentage of R2 zoned lots eligible for attached dual occupancies via the development application pathway would be reduced from 41% to 4% (3,867 to 341), and from 36% to a maximum of 2% (3,334 to 204) for the complying development pathway. The proposal would adversely affect the viability of attached dual occupancies in the R2 zone and would restrict the ability of land to be developed to provide additional and more diverse housing.

The planning proposal has also not demonstrated sufficient strategic or site-specific merit and is inconsistent with the priorities for additional housing supply and diversity, as set out in the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan. Additionally, there are inconsistencies in the justification for the increased minimum lot size. In particular there are deficiencies and gaps in the scenario testing of different lot sizes against building bulk and deep soil / tree canopy outcomes.

The proposal is also inconsistent with the requirement of the Department's approval of Woollahra Council's Local Housing Strategy.

The proposal is inconsistent with section 9.1 Ministerial Direction 6.1 - Residential Zones and partly inconsistent with Direction 5.1 – Integrating Land Use and Transport. It was also noted that the Woollahra Local Planning Panel had not specifically considered this planning proposal and as such the proposal is not consistent with the Ministerial Direction regarding Local Planning Panels.

For these reasons, as delegate of the Minister for Planning and Homes, I have determined that the planning proposal should not proceed.

Council is encouraged to undertake further review of appropriate lot size for this type of development in order to deliver housing choice, diversity and supply while achieving urban greening, residential amenity and local character outcomes.

I note the proposal has discussed the differences in floor space ratio (FSR) or gross floor area (GFA) achievable under Council's proposed controls for attached dual occupancies and the Low Rise Housing Diversity Code. If Council wishes to discuss any concerns around the provisions of the Code or any specific case for change, Council may contact Ms Nicole Lewis, Team Leader, Codes and Design at 9373 2836.

Should you have any enquiries about this matter, I have arranged for Mr Simon Ip, Manager, Place and Infrastructure to assist you. Mr Ip can be contacted on 8289 6714.

Yours sincerely



**Amanda Harvey** 4 May 2022  
**Executive Director**  
**Metro East and West**  
**Planning and Land Use Strategies**

ENC Gateway Determination

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