



IRF25/1328

Gateway determination report – PP-2025-1038

FSR Housekeeping

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning Proposal
Attachment B - Mapping

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Floor Space Ratio (FSR) Housekeeping
NUMBER	PP-2025-1038
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014 (WLEP 2014)
ADDRESS	Whole of local government area (LGA)
RECEIVED	2/06/2025
FILE NO.	IRF25/1328
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Apply FSR controls to all land uses within the R2 zone, except for land within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas.
- Ensure FSR provisions do not apply to attached dwellings, dwelling houses, dual occupancies or semi-detached dwellings in the R3 zone within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas.
- Improve the clarity and operation of the WLEP 2014 in relation to FSR standards.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Woollahra LEP 2014 per the changes below:

- Apply FSR to all land uses on land zoned R2, except for land within of the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas, FSR currently only applies to listed residential development. This may necessitate the deletion of existing provisions which provide guidance to FSR for residential uses.

- Exclude attached dwellings, dwelling houses, dual occupancies or semi-detached dwellings from FSR controls on land zoned R3 within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas.
- Amend FSR Map (Sheets 2 – 6)

It is noted that the proposal contains proposed drafting to explain the proposed provisions. Parliamentary Counsel's Office are responsible for the drafting of LEPs and will determine the final wording of the amendment. Council has included a disclaimer noting this in the planning proposal.

The proposal will require amendments to the Woollahra Development Control Plan (DCP) 2015 to delete the existing floorplate controls.

1.4 Site description and surrounding area

The planning proposal applies to land within the Woollahra LGA, specifically land zoned R2 Low Density Residential and R3 Medium Density Residential under the WLEP 2014. The affected land is shown in Figure 1 and includes:

- R2 zone (except for lots within Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas) where the proposal seeks to introduce FSR for all land uses (shown in red); and
- R3 zone within Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas, where the proposal seeks to exclude attached dwellings, dwelling houses, dual occupancies or semi-detached dwellings from FSR provisions (shown in grey).

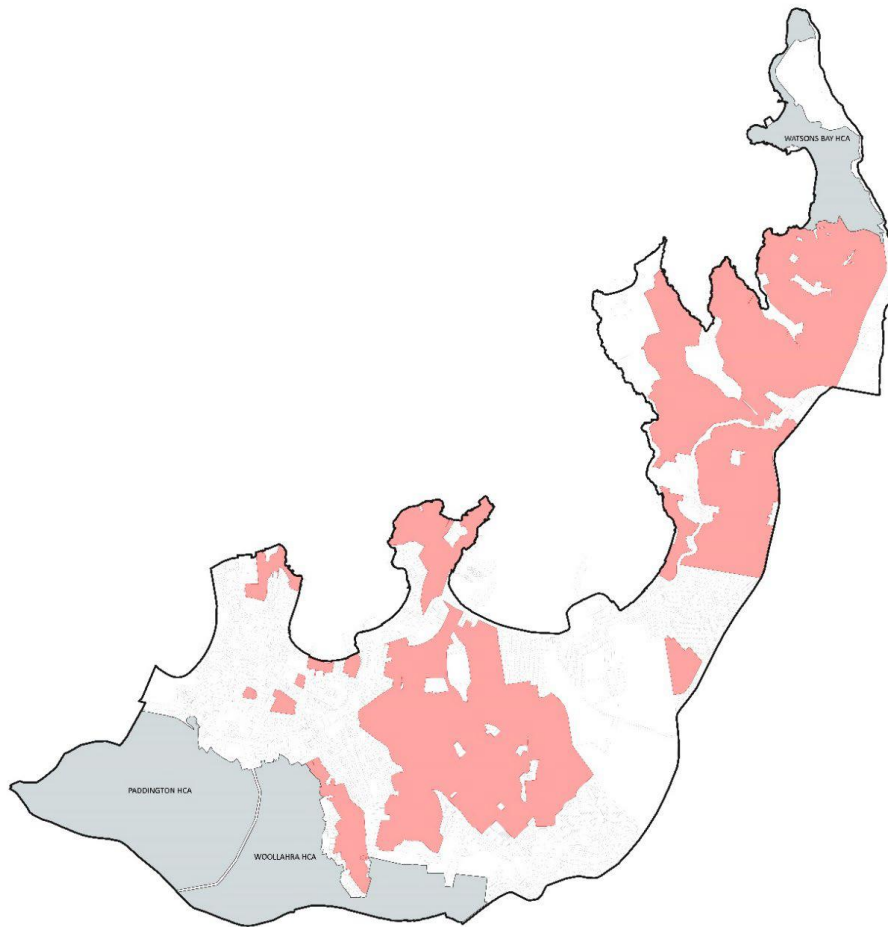


Figure 1 Land subject to planning proposal (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the FSR maps, which are suitable for community consultation. The draft mapping is shown in Attachment B.

1.6 Background

When Woollahra Local Environmental Plan 2014 (WLEP 2014) commenced, it did not include floor space ratio (FSR) standards for dwelling houses, dual occupancies, or semi-detached dwellings within the R2 Low Density Residential and R3 Medium Density Residential zones. Instead, these land uses were subject to built form controls under the Woollahra Development Control Plan 2015 (DCP) which applied a 'floorplate' methodology.

This methodology involved a two-step process: determining the buildable area based on required setbacks, then applying a multiplier to calculate the maximum permissible floor area. Over time, this approach was found to be overly complex and difficult to administer, particularly on irregular or constrained sites.

Seeking to address these challenges Council resolved in April 2019 to prepare LEP FSR standards for low-density residential development. The resulting planning proposal was PP-2021-3786 'Floor space ratio standards for low density residential development and urban greening provisions'.

Following exhibition of PP-2021-3786 Council identified that the proposed FSR controls applied only to residential uses within the R2 zone. Other non-residential land uses such as childcare centres and neighbourhood shops remained subject to the existing DCP floorplate methodology. Council sought to expand the application of FSR controls to all permissible land uses within the R2 zone. However, as there was no analysis to demonstrate the potential impacts on development and that the community had not had the opportunity to consider the proposal the Department advised that any extension of the FSR provisions to additional land uses should be progressed via a separate planning proposal.

PP-2021-3786 was finalised in July 2023 introducing FSR standards for dwelling houses, dual occupancies, and semi-detached dwellings within the R2 and R3 zones, excluding land within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas (HCAs).

Prior to the finalisation of PP-2021-3786 WLEP 2014 contained FSR mapping for the R3 Medium Density Residential zone, however a clause exempted dwelling houses, dual occupancies and semi-detached dwellings from the FSR mapping. During finalisation of PP-2021-3786 this clause was omitted, meaning that mapped FSR now applies to dwelling houses, dual occupancies and semi-detached dwellings within the R3 Medium Density Residential zone. This planning proposal seeks to rectify this drafting error and add Attached Dwellings to the residential uses previously exempted from FSR.

The NSW Government's Low and Mid Rise Housing Policy seeks to accelerate housing supply in well-located areas with access to infrastructure and services. The reforms have introduced dual occupancies and semi-detached dwellings as permissible uses in all R2 Low Density Residential zones across NSW, subject to some exclusions (e.g heritage items, environmentally sensitive land). The policy also encourages more dual occupancies, terraces, townhouses, apartments and shop top housing to be built within 800m of nominated town centres and transport hubs, being Edgecliff, Double Bay and Rose Bay (New South Head Road) centres within the Woollahra LGA.

A condition has been included in the Gateway determination requiring the planning proposal documentation to be updated prior to public exhibition to include an advisory note confirming that recent State housing policies, particularly the Low and Mid-Rise Housing Policy, apply to the subject land and prevail over local planning controls

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the result of Council's LSPS or a Department approved strategy or study. As discussed above the planning proposal builds upon previous strategic planning work undertaken by Council, notably through the earlier planning proposal PP-2021-3786 (Floor space ratio standards for low density residential development and urban greening provisions).

The proposal to extend FSR to all land uses in the R2 zone (excluding the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas) will ensure that all land uses in the R2 zone are subject to consistent FSR controls. While the proposal to exclude attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings from FSR controls on land zoned R3 within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas will allow for a place-based assessment of heritage considerations under the DCP to determine appropriate floor space provision.

To support the proposal to extend FSR to all land uses in the R2 zone (excluding the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas) Council has undertaken a review of FSRs in both nearby and more distant LGAs and confirmed similar FSRs apply.

Council has also undertaken a review of past non-residential development applications in the R2 zone to consider whether the proposed FSR would unreasonably constrain future non-residential development. The review found that since 2005, 90% of non-residential development applications in the R2 zone have been in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas with 4 development applications having been lodged outside of the Heritage Conservation Areas. Of these 4 development applications only one is useful in considering if the proposed FSR would unreasonably constrain future non-residential development, for which Council concludes no unreasonable constraints.

Noting the lack of real examples to communicate the likely effect of the planning proposal to the community, a condition has been included in the Gateway determination requiring that Council prepare 2-3 mock examples of non-residential development on land in the R2 zone outside of the Paddington, Watsons Bay and Woollahra HCAs that demonstrate a comparison between the proposed approach and current approach under the DCP floorplate controls, neighbouring LGA FSRs, and that the proposed FSR is appropriate for the locality.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the planning proposal is to change the operation of FSR controls under WLEP2014. A current alternative approach to controlling built form is utilised which Council has noted results in challenges to apply and achieve consistency.

The intended outcomes of the proposal cannot be delivered under the current planning framework and the planning proposal to amend WLEP2014 is the best means for achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan: A Metropolis of Three Cities (The Region Plan) released in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the Environmental Planning and Assessment Act 1979 a planning proposal is to give effect to the relevant District Plan. By giving effect to the relevant District Plan the proposal is also consistent with the Regional Plan. Consistency with the District Plan is discussed in section 3.2 below.

3.2 District Plan

The land is within the Eastern City District. The former Greater Sydney Commission released the *Eastern City District Plan* on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
<i>Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage</i>	The planning proposal is consistent with Objective 13 that environmental heritage is identified, conserved and enhanced. The proposal to exclude attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings from FSR controls on land zoned R3 within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas will allow for more detailed place-based assessments of heritage considerations under the DCP to determine appropriate floor space provision, ensuring the District's heritage is respected.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
<i>Woollahra Local Strategic Planning Statement 2020</i>	The planning proposal is consistent with Planning Priority 6: Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people, as well as Priority 12: Protecting and enhancing our scenic and cultural landscapes, by providing for more detailed place based assessments of heritage considerations under the DCP to determine appropriate floor space provision for attached dwellings, dwelling houses, dual occupancies or semi-detached dwellings in the R3 zone within the Paddington, Watsons Bay and Woollahra HCAs. The planning proposal is consistent with Priority 11: Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands as it builds on the urban greening and tree canopy objectives introduced under PP-2021-3786.
<i>Woollahra Local Housing Strategy 2021</i>	The planning proposal is consistent with Housing Objective 1: Sustain a diverse range of housing types and protect low density neighbourhoods and villages as it introduces clear and measurable FSR controls for all permissible land uses in the R2 zone, replacing outdated floorplate controls while preserving the low-density character of established neighbourhoods. The planning proposal is consistent with Housing Objective 3: Ensure housing conserves heritage, maintains local character and achieves design excellence as it excludes attached dwellings, dwelling houses, dual occupancies and semi detached dwellings from FSR in the R3 zone within the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas, allowing these areas to be managed by more detailed, place based DCP provisions that consider heritage significance.

*Woollahra
Community
Strategic Plan*

The planning proposal aligns with Goal 4.1: Encourage and facilitate high quality planning and urban design outcomes and spaces as it excludes Heritage Conservation Areas from FSR application (all land uses in the R2 zone and attached dwellings, dwelling houses, dual occupancies and semi detached dwellings in the R3 zone within the Paddington, Watsons Bay, and Woollahra Heritage Conservation Areas), allowing these areas to be managed by more detailed, place based DCP provisions that consider heritage significance.

3.4 Local planning panel recommendation

The Woollahra Local Planning Panel considered the proposal on 3 April 2025. The panel resolved to advise Council that it supports the planning proposal.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below.

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<i>3.2 Heritage conservation</i>	Yes	The proposal maintains existing planning controls for development within the Woollahra, Watsons Bay and Paddington Heritage Conservation Areas. These areas are excluded from the proposed FSR amendments to ensure local heritage values are protected and existing character is retained.
<i>3.9 Sydney Harbour Foreshore and Waterways</i>	Yes	Land to which this planning proposal applies is included in the Sydney Harbour Foreshores and Waterways Area Map under the Biodiversity and Conservation SEPP. While the planning proposal is consistent with this Direction, the planning proposal does not include a statement to address this. A condition has been included in the gateway determination requiring this Direction be addressed.
<i>4.2 Coastal Management</i>	Yes	Land to which this planning proposal applies is mapped as both coastal environmental area and coastal use area under the Resilience and Hazards SEPP. While the planning proposal is consistent with this Direction, the planning proposal does not include a statement to address this. A condition has been included in the gateway determination requiring this Direction be addressed.

6.1 Residential Zones	Yes	The proposal refines FSR controls in the R2 and R3 zone to support clearer planning outcomes. It does not increase density, alter zone boundaries or conflict with the desired future character of residential areas.
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3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<i>Biodiversity and Conservation 2021</i>	Yes	Land to which this planning proposal applies is included in the Sydney Harbour Foreshores and Waterways Area Map and Sydney Harbour Catchment Map under the SEPP. The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.
<i>Resilience and Hazards 2021</i>	Yes	Land to which this planning proposal applies is mapped as both coastal environmental area and coastal use area under the Resilience and Hazard SEPP. The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.

4 Site-specific assessment

4.1 Environmental

The proposal does not alter existing zoning or development capacity and is not associated with any specific site. However, it furthers the outcomes established under PP-2021-3786 by extending floor space ratio (FSR) controls across all land uses in the R2 zone (excluding the Paddington, Watsons Bay, and Woollahra HCAs)

Additionally, the removal of FSR controls for attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings in the R3 zone within the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas will provide the opportunity for place-based assessments of heritage considerations to determine appropriate floorspace provision.

No adverse environmental impacts are anticipated as a result of the proposal and it is noted that additional site specific assessment will occur as part of any future development application (DA).

4.2 Social and economic

The proposal will contribute to clearer development outcomes and will also potentially reduce DA processing delays by ensuring that all permissible land uses in the R2 zone are subject to consistent FSR controls. This simplifies the planning framework removing the need to undertake complex floorplate calculations and improves development certainty. No adverse social or economic impacts are expected.

4.3 Infrastructure

The proposal does not increase development yield or create any additional infrastructure demand. It does not introduce new uses or rezone land and therefore has no implications for the capacity or provision of local or regional infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 working days. The planning proposal is categorised as 'standard' under the LEP Making Guidelines (August 2023) as it relates to altering a principal development standard of WLEP 2014.

Accordingly, a community consultation period of 20 working days will form a condition within the Gateway determination.

5.2 Agencies

The planning proposal does not identify which agencies Council intends to consult. It is recommended that Transport for NSW be consulted on the planning proposal and given 28 working days to comment:

6 Timeframe

Councils planning proposal includes a proposed timeline for completion of the proposal, including a finalisation timeframe of February 2026. The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. The planning proposal is categorised as standard.

The Department recommends an LEP completion date of **5 June 2026** in line with its commitment to reduce processing times. A condition has been included in the Gateway determination requiring that the finalisation timeline be updated in the planning proposal.

7 Local plan-making authority

Council has requested delegation to exercise the functions of the local plan-making authority for this planning proposal. In this instance, delegation is considered appropriate given nature of proposed controls.

8 Assessment summary

The proposal is supported to proceed with conditions for the following reasons:

- The proposal builds upon the strategic framework established under the previous planning proposal PP-2021-3786.
- The proposal will result in consistent and measurable FSR controls to all land uses in the R2 zone (excluding the Paddington, Watsons Bay, and Woollahra HCAs), replacing outdated DCP floorplate controls.
- The proposal will allow for place-based assessment of heritage considerations to determine appropriate floorspace provision for attached dwellings, dwelling houses, dual occupancies

and semi-detached dwellings in the R3 zone within the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

- The proposal is consistent with applicable regional and district plans, including the Greater Sydney Region Plan and Eastern City District Plan.
- The proposal aligns with the Woollahra Local Housing Strategy 2021 and Local Strategic Planning Statement 2020, supporting clarity of planning controls, heritage protection, and urban greening.
- There are no adverse environmental impacts, and the proposal retains provisions supporting tree canopy and deep soil outcomes.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions:

1. Prior to community consultation, the planning proposal is to be revised to address the matters set out below:
 - (a) Include 2-3 mock examples of non-residential development on land in the R2 zone outside of the Paddington, Watsons Bay and Woollahra HCAs that demonstrate a comparison between the proposed approach and current approach under the DCP floorplate controls, neighbouring LGA FSRs, and that the proposed FSR is appropriate for the locality.
 - (b) Include a statement addressing consistency with Section 9.1 Ministerial Direction 3.9 Sydney Harbour Foreshore and Waterways and 4.2 Coastal Management.
 - (c) Include an advisory note confirming that recent NSW Government housing policies, particularly the Low and Mid-Rise Housing Policy, apply to the subject land and prevail over local planning controls.
 - (d) An amended timeline.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) The planning proposal is categorised as standard in the *Local Environmental Plan Making Guideline (August 2023)* and must be publicly available for a minimum of 20 working days; and
 - (b) The planning proposal must comply with the notice of requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline (August 2023)*.
3. Consultation is required with Transport for NSW under section 3.34(2) of the Act:

Transport for NSW is to be provided with a copy of the proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).



3 October 2025

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)



9 September 2025

Emma Hitchens

Manager, Local Planning (North, East and Central Coast)