

Planning Proposal



FSR Housekeeping



Version Date:	November 2025
Division/Department:	Planning and Place - Strategic Planning
Responsible Officer:	Charmaine Tai
HPE CM Record Number:	25/2361

Table of Contents

1. Introduction	3
2. Subject land	5
3. Objectives and intended outcomes	6
4. Explanation of provisions	6
4.1. Proposed amendments to Clause 1.8A	6
4.2. Proposed amendments to Clause 4.4	7
4.3. Proposed amendments to Clause 4.4E	9
5. Justification	11
Section A – Need for the planning proposal	11
Section B – Relationship to strategic planning framework	13
Section C – Environmental, social and economic impact	15
Section D – Infrastructure (Local, State and Commonwealth)	20
6. Maps	20
7. Community consultation	21
8. Project timeline	22
Schedules	23
Schedule 1 – Consistency with State Environmental Planning Policies (SEPPs)	23
Schedule 2 – Compliance with applicable section 9.1 directions	25
Schedule 3 – Additional Scenario Modelling	26
Schedule 4 – Proposed FSR Map Amendments	30

Acknowledgement of Country

Woollahra Council acknowledges that we are on the land of the Gadigal and Birrabirragal people, the Traditional Custodians of the land. We pay our respects to Elders past and present.

1. Introduction

The FSR Housekeeping planning proposal seeks to clarify and enhance the operation of floor space ratio (FSR) controls in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

In preparing Woollahra LEP 2014, FSR controls were not applied to the R2 Low Density Residential zone and certain residential development in the R3 Medium Density Residential zone. Instead of an FSR control in Woollahra LEP 2014, a maximum floorplate control was introduced in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

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, applicants and the community, particularly for sites with irregular boundaries and battle axe allotments.

In 2021, staff progressed a planning proposal (PP-2021-3786) to amend the Woollahra LEP 2014, replacing the complex floorplate controls with FSR controls. This amendment was not intended to apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas (HCAs).

During the exhibition of PP-2021-3786, it was identified that the wording (as drafted) had the effect of only applying an FSR control to dwelling houses, dual occupancies and semi-detached dwellings in the R2 Low Density Residential and R3 Medium Density Residential zones i.e. no FSR control would apply to other permissible land uses such as child care centres and office premises in the R2 Low Density Residential zone. Instead, the complicated floorplate would continue to apply to these types of uses in the R2 Low Density Residential zone.

Following the public exhibition, Council staff sought to address this issue which was inconsistent with the objective of PP-2021-3786. However, the Department of Planning, Housing and Infrastructure (DPHI) did not support this amendment at the time. Further advice from DPHI dated 24 February 2023 advised Council to progress a new, separate “housekeeping” planning proposal to ensure that the FSR controls would apply to all types of development in the R2 Low Density Residential zone.

Furthermore, in finalising the planning proposal post exhibition, the terminology used in the LEP amendment (to *Clause 4.4E Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3*) resulted in *Clause 4.4 Floor space ratio* applying to certain development (dwelling-house, dual occupancy and semi-detached dwellings) in the R3 Medium Density Residential zone within the Paddington, Watsons Bay and Woollahra HCAs. This was not the intention of the originally proposed FSR controls. It was the original intention that the more detailed and placed based controls located in the relevant chapter of the Woollahra DCP 2015 would apply to dwelling-houses, dual occupancies and semi-detached dwellings in the Paddington, Watsons Bay and Woollahra HCAs. For these three HCAs, this is considered a more appropriate and preferable planning control than FSR controls.

Accordingly, this planning proposal aims to address two administrative and housekeeping related matters resulting from the finalisation of PP-2021-3786. This planning proposal seeks to:

- **Apply FSR controls to all development in the R2 Low Density Residential zone:** Staff are seeking to remove the floorplate controls in the Woollahra DCP 2015 in its entirety and replace it with FSR controls in the Woollahra LEP 2014. This change applies to the R2 Low Density Residential zone, outside of the Paddington, Watsons Bay and Woollahra HCAs.
- **Exempt certain residential development in the Paddington, Watsons Bay and Woollahra HCAs from FSR controls:** Consistent with the original intent of PP-2021-3786, this change seeks to ensure that FSR controls in the Woollahra LEP 2014 do not apply to attached dwellings, dwelling-houses, dual occupancies and semi-detached dwellings in the R3 Medium Density Residential zone within the Paddington, Watsons Bay and Woollahra HCAs.

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Local Environmental Plan Making Guideline* (the Guideline).

The proposed amendments to Woollahra LEP 2014 require amendments to *Chapter B3: General Development Controls* of the Woollahra DCP 2015 to delete the floorplate controls. Should the planning proposal receives a Gateway determination, the draft DCP will be exhibited concurrently with this planning proposal.

This is a basic planning proposal as defined in the Guideline. As such, it is requested that Council be given delegation for plan making functions under section 3.36 of the Act.

2. Subject land

Figure 1 illustrates the land affected by this planning proposal:

- Introduce FSR controls for all development in the R2 Low Density Residential Zone (excluding lots in the Paddington, Watsons Bay and Woollahra HCAs), identified in red shaded areas.
- FSR exemptions for attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings in the Paddington, Watsons Bay and Woollahra HCAs, identified in grey shaded areas.

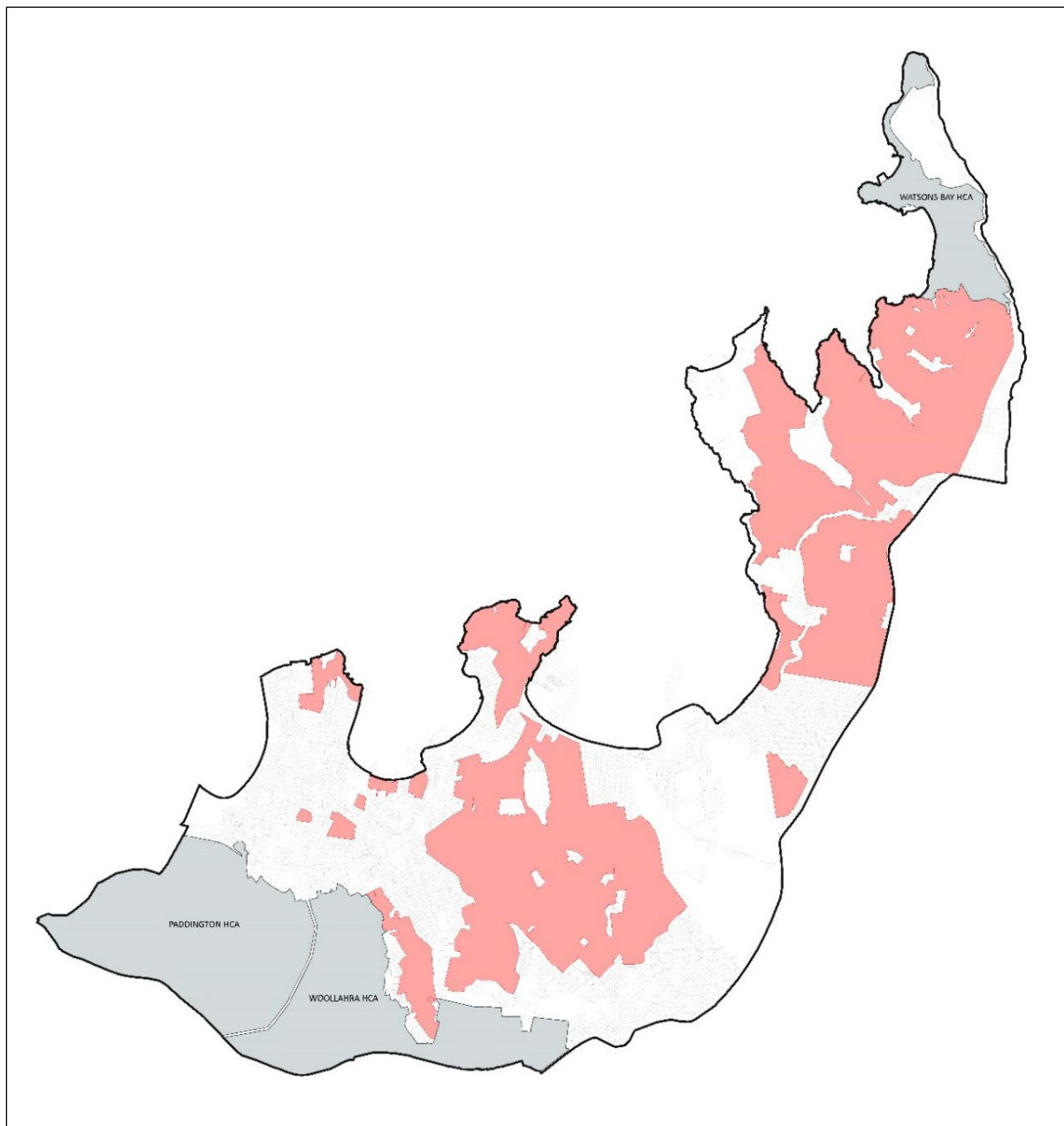


Figure 1 Affected land within Woollahra LGA

3. Objectives and intended outcomes

The objective of the planning proposal is to:

- a) Introduce FSR controls for all development in the R2 Low Density Residential zone to replace the current floorplate controls in the Woollahra DCP 2015. This provision will not apply to land in the Paddington, Watsons Bay and Woollahra HCAs.
- b) Ensure FSR provisions do not apply to attached dwellings, dwelling houses, dual occupancies or semi-detached dwellings in the R3 Medium Density Residential zone within the Paddington, Watsons Bay and Woollahra HCAs.

These changes aim to improve the clarity and operation of the existing LEP clauses in relation to FSR development standards.

4. Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending Clause 4.4, repealing Clause 4.4E and updating the FSR Map (refer to Part 6). To simplify the LEP provisions and in line with the Parliamentary Counsel's *PCO Standard 2023*, this proposal aims to repeal Clause 4.4E and incorporate the FSR provisions for the R2 Low Density Residential zone into Clause 4.4. Exceptions for certain residential development in the R3 Medium Density Residential zone will be addressed within Clause 4.4, consistently with the FSR exemptions for the Paddington, Watsons Bay and Woollahra HCAs.

The proposed Clause 4.4 is a result of close collaboration with Council's development assessment staff to ensure that the LEP provisions align with the intended outcomes and how they are being applied during the development assessment process.

This planning proposal will introduce a savings provision.

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

[Insertions – identified in blue and underlined](#)

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

4.1. Proposed amendments to Clause 1.8A

Proposed amendments	<i>Clause 1.8A Savings provisions relating to development applications</i>
	(1) <i>If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</i> (2) <i>The amendments made to this plan by Woollahra Local Environmental Plan 2014 (Amendment No 33), other than new clause 6.10, do not apply to a development application made,</i>

	<i>but not finally determined, before the commencement of the amendments.</i> (3) <u>The amendments made to this plan by Woollahra Local Environmental Plan 2014 (Amendment No TBC), do not apply to a development application or application to modify a development consent made, but not finally determined, before the commencement of the amendments.</u>
Reason	This planning proposal will introduce a savings provision, so the amendments will only apply to applications submitted to Council after the date that the planning proposal is finalised and published.

4.2. Proposed amendments to Clause 4.4

Proposed amendments	Clause 4.4 Floor space ratio (1) <i>The objectives of this clause are as follows –</i> (a) <i>for development in Zones <u>R2 Low Density Residential and R3 Medium Density Residential</u> –</i> (i) <i>to ensure the bulk and scale of new development is compatible with the desired future character of the area, and</i> (ii) <i>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and</i> (iii) <i>to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,</i> (b) <i>for buildings in Zone E1 Local Centre and Zone MU1 Mixed Use – to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.</i> (2) <i>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.</i> (2A) <i>(Repealed)</i> (3) <u>Despite subclause (2), the maximum floor space ratio for a building on land that is in Zone R2 Low Density Residential is-</u> <table> <tr> <th>Lot size</th><th>Maximum floor space ratio</th></tr> <tr> <td><u><150m²</u></td><td><u>1.05:1</u></td></tr> <tr> <td><u>≥150m²<200m²</u></td><td><u>0.95:1</u></td></tr> <tr> <td><u>≥200m²<250m²</u></td><td><u>0.85:1</u></td></tr> <tr> <td><u>≥250m²<300m²</u></td><td><u>0.75:1</u></td></tr> <tr> <td><u>≥300m²<350m²</u></td><td><u>0.65:1</u></td></tr> </table>	Lot size	Maximum floor space ratio	<u><150m²</u>	<u>1.05:1</u>	<u>≥150m²<200m²</u>	<u>0.95:1</u>	<u>≥200m²<250m²</u>	<u>0.85:1</u>	<u>≥250m²<300m²</u>	<u>0.75:1</u>	<u>≥300m²<350m²</u>	<u>0.65:1</u>
Lot size	Maximum floor space ratio												
<u><150m²</u>	<u>1.05:1</u>												
<u>≥150m²<200m²</u>	<u>0.95:1</u>												
<u>≥200m²<250m²</u>	<u>0.85:1</u>												
<u>≥250m²<300m²</u>	<u>0.75:1</u>												
<u>≥300m²<350m²</u>	<u>0.65:1</u>												

	$\geq 350m^2 < 400m^2$ 0.55:1 $\geq 400m^2$ 0.5:1 (4) <u>Despite subclause (2), the maximum floor space ratio of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is-</u> (a) <u>For land identified as "Area 6" on the Floor Space Ratio Map – 0.75:1, or</u> (b) <u>For other land – the floor space ratio specified for the lot size in subclause (3).</u> (5) <u>Despite subclauses (2) and (4), the maximum floor space ratio does not apply to a building that is an attached dwelling, dwelling house, dual occupancy or semi-detached dwelling in the Paddington, Watsons Bay or Woollahra heritage conservation areas identified on the Heritage Map.</u>
Reason	<u>FSR controls for all development in the R2 Low Density Residential zone</u> This amendment clarifies the intended application of FSR provisions and simplifies the planning controls, which helps to understand a site's development yield more easily. <u>Exempt certain residential development in the Paddington, Watsons Bay and Woollahra HCAs from FSR controls</u> This amendment clarifies that FSR provisions do not apply to specified residential developments in the R3 Medium Density Residential zone within the Paddington, Watsons Bay and Woollahra HCAs, as originally intended, and extends this exception to include 'attached dwellings'. It was the original intention that the more detailed and placed based controls located in the relevant chapter of the Woollahra DCP 2015 would apply to attached dwellings, dwelling-houses, dual occupancies and semi-detached dwellings in the Paddington, Watsons Bay and Woollahra HCAs. The DCP controls are considered a more appropriate and preferable planning controls than FSR controls for these three HCAs. The inclusion of 'attached dwellings' is justified, as this typology is also considered to be low density development, and has a similar scale as dwelling house, dual occupancy or semi-detached dwelling. Terraces, which are often defined as attached dwellings, represent one of the most common residential typologies in the Paddington, Watsons Bay and Woollahra HCAs. This amendment has arisen as a consequence of consultation with Council's development assessment staff who sought to clarify that 'terraces' or 'attached dwellings' are low density residential development and that the FSR exemption should extend to attached dwellings in these three HCAs.

4.3. Proposed amendments to Clause 4.4E

Proposed amendments	Clause 4.4E <i>Repealed</i> <i>Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3</i> <i>(1) The objectives of this clause are as follows—</i> <i>(a) to ensure the bulk and scale of development is compatible with the desired future character of the area,</i> <i>(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</i> <i>(c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.</i> <i>(2) This clause applies to land in the following zones—</i> <i>(a) Zone R2 Low Density Residential,</i> <i>(b) Zone R3 Medium Density Residential.</i> <i>(3) The maximum floor space ratio for a dual occupancy, dwelling house or semi-detached dwelling is—</i> <i>(a) for land identified as “Area 6” on the Floor Space Ratio Map—0.75:1, or</i> <i>(b) for other land—the floor space ratio specified for the lot size in the table to this subclause.</i> <table data-bbox="598 1131 1372 1556"> <thead> <tr> <th><i>Lot size</i></th><th><i>Maximum floor space ratio</i></th></tr> </thead> <tbody> <tr> <td><i><150m²</i></td><td><i>1.05:1</i></td></tr> <tr> <td><i>≥150m²<200m²</i></td><td><i>0.95:1</i></td></tr> <tr> <td><i>≥200m²<250m²</i></td><td><i>0.85:1</i></td></tr> <tr> <td><i>≥250m²<300m²</i></td><td><i>0.75:1</i></td></tr> <tr> <td><i>≥300m²<350m²</i></td><td><i>0.65:1</i></td></tr> <tr> <td><i>≥350m²<400m²</i></td><td><i>0.55:1</i></td></tr> <tr> <td><i>≥400m²</i></td><td><i>0.5:1</i></td></tr> </tbody> </table> <i>(4) This clause does not apply to a dual occupancy, dwelling house or semi-detached dwelling in the Paddington, Watsons Bay or Woollahra heritage conservation areas identified on the Heritage Map.</i>	<i>Lot size</i>	<i>Maximum floor space ratio</i>	<i><150m²</i>	<i>1.05:1</i>	<i>≥150m²<200m²</i>	<i>0.95:1</i>	<i>≥200m²<250m²</i>	<i>0.85:1</i>	<i>≥250m²<300m²</i>	<i>0.75:1</i>	<i>≥300m²<350m²</i>	<i>0.65:1</i>	<i>≥350m²<400m²</i>	<i>0.55:1</i>	<i>≥400m²</i>	<i>0.5:1</i>
<i>Lot size</i>	<i>Maximum floor space ratio</i>																
<i><150m²</i>	<i>1.05:1</i>																
<i>≥150m²<200m²</i>	<i>0.95:1</i>																
<i>≥200m²<250m²</i>	<i>0.85:1</i>																
<i>≥250m²<300m²</i>	<i>0.75:1</i>																
<i>≥300m²<350m²</i>	<i>0.65:1</i>																
<i>≥350m²<400m²</i>	<i>0.55:1</i>																
<i>≥400m²</i>	<i>0.5:1</i>																
Reason	In finalising PP-2021-3786, Clause 4.4E was introduced to address FSR exceptions for specific residential developments in the R2 Low Density Residential and R3 Medium Density Residential zones. This planning proposal seeks to apply FSR controls to all development in the R2 Low Density Residential zone (excluding the Paddington, Watsons Bay and Woollahra HCAs). As such, it is more																

	appropriate to incorporate the provisions of Clause 4.4E into Clause 4.4. It is proposed to repeal Clause 4.4E and incorporate the relevant provisions into Clause 4.4. This will simplify and eliminate duplication in the Woollahra LEP 2014. Currently, the objectives of clauses 4.4 and 4.4E are largely the same, and FSR exceptions for HCAs are addressed in both clauses. Consolidating these into Clause 4.4 removes this duplication. Exceptions to FSR for certain residential development in the R3 Medium Density Residential zone can be managed in a similar manner to those for the Paddington, Watsons Bay and Woollahra HCAs i.e. as subclause within Clause 4.4. This approach is consistent with the existing Clause 4.3 <i>Height of buildings</i> in the Woollahra LEP 2014.
--	--

Note: Recent NSW Government housing policies, including the Low and Mid-Rise Housing Policy, may apply to the subject land and if they do, will prevail over local planning controls.

5. Justification

This section establishes the need for a planning proposal, achieving the key outcomes and objectives. The set questions below address the strategic origins of the proposal and whether amending the Woollahra LEP 2014 is the best approach to achieve its aims.

Section A – Need for the planning proposal

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

The proposed amendments seek to clarify and strengthen the FSR provisions in the Woollahra LEP 2014.

FSR controls for all development in the R2 Low Density Residential zone

Currently, FSR controls in Clause 4.4E only apply to dwelling houses, dual occupancies and semi-detached dwellings in the R2 Low Density Residential zone (excluding lots in the Paddington, Watsons Bay and Woollahra HCAs), which was not the original intent of PP-2021-3786. The purpose of PP-2021-3786 was to delete the floorplate controls in the Woollahra DCP 2015 in its entirety and replace it with FSR controls. All other land uses (such as child care centres and office premises) in the R2 Low Density Residential zone are currently the subject of the complicated floorplate controls in the Woollahra DCP 2015.

This proposal seeks to apply FSR controls in Clause 4.4E to all development (such as child care centres and office premises) in the R2 Low Density Residential zone, excluding lots in the Paddington, Watsons Bay and Woollahra HCAs.

Exempt certain residential development in the Paddington, Watsons Bay and Woollahra HCAs from FSR controls

Additionally, the proposal seeks to insert a subclause to Clause 4.4 to clarify that FSR provisions will not apply to certain residential typologies (attached dwellings, dwelling houses, dual occupancies, and semi-detached dwellings) within the Paddington, Watsons Bay and Woollahra HCAs.

Currently, FSR controls do not apply to land zoned R2 Low Density Residential zone in these HCAs. The previously repealed subclause 4.4(2A) provided FSR exemptions for certain residential development. It is intended to insert a subclause to Clause 4.4 to uphold the original intent, ensuring consistent planning controls are applied across the Paddington, Watsons Bay and Woollahra HCAs, irrespective of land zoning.

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

Yes. A planning proposal is the best means of achieving the objectives and intended outcomes. This planning proposal is required to facilitate the final and complete deletion of the complicated floorplate controls, which currently apply to certain land uses (such as child care centres and office premises) previously omitted under PP-2021-3786. The planning proposal will establish an FSR in the R2 Low Density Residential Zone meaning that these floorplate controls are no longer required.

This planning proposal is supported by comprehensive, evidence-based testing and modelling derived from the technical studies informing the current FSR controls in Clause 4.4E of the Woollahra LEP 2014.

The planning proposal will work in conjunction with the controls in Woollahra DCP 2015, particularly the tree canopy and deep soil landscaped areas controls. It will contribute to increasing the tree canopy and maintaining Woollahra's leafy character, consistent with the vision and planning priorities set in the *Woollahra Local Strategic Planning Statement 2020*.

Furthermore, nearby councils employ similar FSR controls to manage the scale of non-residential development excluding dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential zone. The below table summarises the approaches taken by other councils.

Table 1: Comparison of FSR controls for all development in the Low Density Residential zone, capturing non-residential land uses	
Council	FSR Control(s)
Randwick Council <i>Randwick Local Environmental Plan 2012</i>	0.5:1 Note: Exceptions to FSR apply to dwelling houses, dual occupancies and semi-detached dwelling in the R2 and R3 zones. Higher FSR controls apply to these residential developments.
Waverley Council <i>Waverley Local Environmental Plan 2012</i>	0.5:1 Note: Exceptions to FSR apply to attached dwellings, dual occupancies, dwelling houses and semi-detached dwellings in the R2, R3 and R4 zones. Higher FSR controls apply to lots with an area of 550m ² or less.
Mosman Council <i>Mosman Local Environmental Plan 2012</i>	0.5:1 Note: Exceptions to FSR (0.4:1) apply to lot greater than 700m ² .
Northern Beaches Council <i>Manly Local Environmental Plan 2013</i>	0.4:1 or 0.45:1
City of Canada Bay Council <i>Canada Bay Local Environmental Plan 2013</i>	0.5:1
Burwood Council <i>Burwood Local Environmental Plan 2012</i>	0.55:1 Note: Exceptions to FSR (0.52:1) apply to a dwelling house with a site area of more than 500m ² .

The table demonstrates that the proposed FSR controls sought in this planning proposal align with those used in nearby LGAs. For smaller sites (less than 400m²), the proposed FSR controls are higher than those in nearby LGAs to ensure developments are feasible in smaller lots.

The proposed FSR standards are appropriate and would allow most owners to achieve broadly the same intensity of development that is permitted under the current floorplate controls and in the neighbouring LGAs.

Section B – Relationship to strategic planning framework

3 *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Yes. The planning proposal is consistent with the relevant actions and objectives of the applicable regional and district plans as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The provisions in this planning proposal correct minor anomalies and align with the directions and objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (Region Plan), as outlined in the following table:

Objective	Planning proposal response
Objective 12: Great places that bring people together	FSR controls simplify density controls for low density residential land.
Objective 13: Environmental heritage is identified, conserved and enhanced	The proposed provision ensure FSR controls do not apply to specific residential types in the Paddington, Watsons Bay and Woollahra HCAs, improving development application (DA) assessment efficiency. It was the original intention that the more detailed and placed based controls located in the relevant chapter of the Woollahra DCP 2015 would apply to attached dwellings, dwelling-houses, dual occupancies and semi-detached dwellings in the Paddington, Watsons Bay and Woollahra HCAs. For these three HCAs, this is considered a more appropriate and preferable planning controls than FSR controls. The inclusion of 'attached dwellings' is justified, as this typology is considered to be low density development, and has a similar scale as dwelling house, dual occupancy or semi-detached dwelling. Terraces, which are often defined as attached dwellings, represent one of the most common residential typologies in the Paddington, Watsons Bay and Woollahra HCAs.
Objective 40: Plans refined by monitoring and reporting	Council staff have researched a suite of alternative controls to replace existing floorplate controls in Woollahra DCP 2015. This planning proposal is the result of monitoring the application of the current control in the Woollahra LGA.

Eastern City District Plan

The planning proposal aligns with the following planning priorities and actions of the *Eastern City District Plan* (District Plan):

Planning Priorities	Planning Proposal Response
Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<u>FSR controls to all development in the R2 Low Density Residential zone</u> Applying a sliding scale FSR in Clause 4.4E to all permitted land uses in R2 Low Density Residential zone ensures development (not classified as a dwelling house, dual occupancy or semi-detached dwelling) has a mechanism to regulate the floor space in the absence of the floorplate controls. It ensures built form outcomes are consistent with the desired future character of these low density residential areas. <u>FSR exemption to certain residential development in the three HCAs.</u> Additionally, updating Clause 4.4 to allow attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings to be excluded from the FSR controls will ensure that housing supply can be delivered in a timely manner. The planning proposal will not adversely affect the supply, choice or affordability of dwellings in the Woollahra LGA. 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 planning proposal will continue to support the tree canopy controls introduced under the Planning Proposal (Amendment No. 33). Existing FSR controls will enable owners to redevelop their properties at the same scale as existing development in the lower density residential areas while facilitating canopy cover.

4 *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Woollahra Local Strategic Planning Statement 2020

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

- *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.*

Woollahra Local Housing Strategy 2021

The planning proposal is consistent with the objectives of the *Woollahra Local Housing Strategy 2021*:

- *Objective 1 – Sustain a diverse range of housing types and protect low density neighbourhoods and villages.*
- *Objective 4 – Ensure that new housing contributes to tree canopy and to long-term sustainability outcomes.*
- *Action 1 – Maintain the diverse range of housing types in the land use zones established by the Woollahra LEP 2014 and protect low density neighbourhoods and villages.*
- *Action 5 – Protect and enhance tree canopy, urban greening and low density scale of our residential areas.*

Woollahra Community Strategic Plan

The planning proposal will work in conjunction with the controls in Woollahra DCP 2015 and is consistent with Council's Community Strategic Plan, *Woollahra 2032* (June 2022):

- *Strategy 4.1 Encourage and plan for sustainable, high quality planning and urban design outcomes.*
- *Strategy 4.5 Ensure that planning and building requirements are complied with.*

5 *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

Yes. The planning proposal is consistent with applicable State and regional studies or strategies.

6 *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. The planning proposal is consistent with the applicable State Environmental Planning Policies (refer to **Schedule 1**).

7 *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?*

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

Section C – Environmental, social and economic impact

8 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

No. There will be no adverse impacts on critical habitat areas or threatened species, populations or ecological communities, or their habitats as a result of this planning proposal.

9 *Are there any other likely environmental effects 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. Environmental effects that might arise through the redevelopment of the sites will

be identified and managed through the DA process. Good design and conditions of consent will limit these effects.

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

Yes. The planning proposal has adequately addressed the relevant social and economic effects.

FSR controls for all development in the R2 Low Density Residential zone

The planning proposal will not prohibit any land uses currently permitted in the R2 Low Density Residential zone. Developments in this zone, other than dwelling houses, dual-occupancies and semi-detached dwellings, are currently subject to floorplate controls in the Woollahra DCP 2015, which was not the intention. The original intent of PP-2021-3786 was to remove the floorplate controls completely and replace it with FSR controls, meaning FSR controls shall apply to all development (such as child care centres and office premises) in the R2 Low Density Residential zone, outside of the Paddington, Watsons Bay and Woollahra HCAs.

The FSR controls in Clause 4.4E currently applying to dwelling houses, dual occupancies and semi-detached dwellings would apply to all other development (such as child care centres and office premises) in the R2 Low Density Residential zone. These controls were informed by comprehensive, evidence-based testing and modelling, as demonstrated in the previous planning proposal (PP-2021-3786). The proposed changes will facilitate easier calculation of site yields and will not adversely affect or delay approvals for other land uses.

To support the proposed FSR controls for non-residential uses, staff have reviewed DAs submitted in the R2 Low Density Residential zone since 2005. The data shows that around 90% of these non-residential applications are for sites within the Paddington, Watsons Bay and Woollahra HCAs. Four DAs have been lodged outside these areas, and there are no business premises or shops identified in the R2 Low Density Residential zone outside the Paddington, Watsons Bay and Woollahra HCAs.

Council staff have gathered data from recent four approvals to compare the GFA achievable under the proposed FSRs against the floorplate controls (see **Table 2** below).

Table 2: Comparison of GFA achievable under floorplate controls and proposed FSR control for land uses other than dwelling houses, dual occupancies and semi-detached dwellings in the R2 zone excluding lots in the Paddington, Watsons Bay and Woollahra HCAs

	Description of application	Consent Authority	Lot Size	Lodgement date	Deep soil landscaping	GFA of approved building in accordance with Standard Instrument definition	Permissible GFA under proposed FSR
1	Child Care Centre	Upheld by LEC	771m ²	7 July 2020	Does not comply	527m ² (complied with floorplate controls) Translated to FSR 0.93:1	0.5:1

**The FSR calculation includes the proposed 1.8m high balustrade for the outdoor play area across the three-storey building, which is not considered floorspace under the floorplate controls.*

The site address and application number has been omitted for privacy reasons.

Of the four recent approvals,

- Two approvals are for land uses currently prohibited in the R2 Low Density Residential zone, including the change of use of an approved storage area of a residential flat building use to home occupation and alterations to a registered club. These applications rely on existing use rights and are therefore excluded from **Table 2**.
- One approval relates to office premises, where minor alterations were made to a building constructed before 1998. The change of use to office premises was granted in 1998, before the floorplate controls were introduced. The application did not involve any amendments to the existing building envelope and was lodged prior to the commencement of floorplate controls. As such, this is also excluded from **Table 2**.
- One approval is for a new child care centre which was refused by Council but upheld by the NSW Land & Environment Court (LEC). The resulting built form was excessive which overwhelms the low density character of the precinct, as detailed in **Table 2**. The approved centre has an FSR of 0.93:1, which exceeds the average FSR of between 0.7:1 and 0.75:1 for other child care centres in the R3 Medium Density Residential zone.

Table 2 demonstrates that, due to the measurement of floorplate (i.e. uncovered external areas are excluded from the floorplate calculation), the current floorplate controls allow development with excessive bulk and scale, with a GFA that exceeds what is typically permitted in higher density zone such as the R3 Medium Density Residential zone.

The introduction of FSR standards will ensure that the bulk and scale of developments, other than dwelling houses, semi-detached dwellings and dual occupancies in the R2 Low Density Residential zone remain appropriate for the locality.

The proposal will not unreasonably constrain the size of any non-residential developments. **Figure 2** illustrates that, under the proposed FSR controls (based on a FSR of 0.5:1), a child care centre providing 48 places could reasonably fit on a site of 770m². The resulting development supports extensive landscaping and canopy tree planting. The modelled built form aligns with Council's desired future character for the R2 Low Density Residential zone. This centre size is similar to child care centres in the R3 zone, which accommodates a similar number of children based on a space requirement of 8m² per child for indoor play areas and facilities and 7m² per child for outdoor play areas.

The scale of future development will be consistent with the local character of low density residential areas while ensuring adequate provisions for deep soil planting and tree canopy cover. FSR controls are widely used and understood by the development industry, meaning the updated clauses will simplify the process of preparing new DAs and clearly indicate the development potential of land to property owners. Consequently, the floorplate controls in the Woollahra DCP 2015 will be removed.

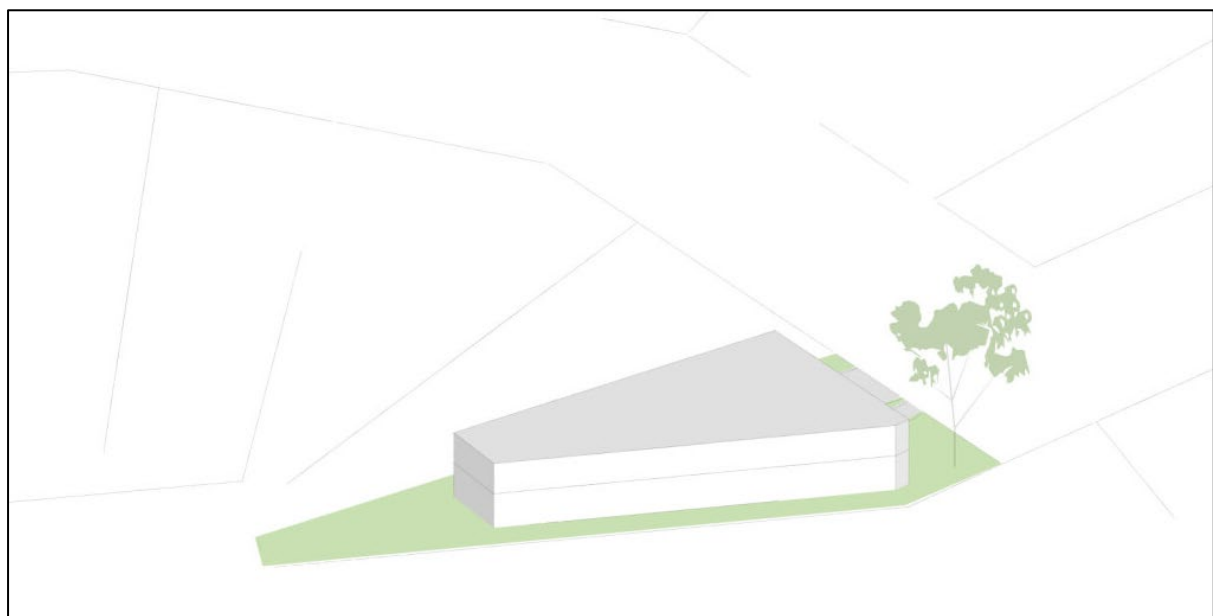


Figure 2 Child Care Centre - site testing scenario with a 770m² lot size.

In addition to the childcare centre modelling, Council staff tested two further non-residential development scenarios based on lot size:

- Lot size of 400m² or more; and
- Lot size of less than 400m².

For each scenario, Council staff modelled the achievable built form based on the following planning controls:

Woollahra LEP 2014 standards

- Maximum building height
- Proposed FSR

Woollahra DCP 2015 controls

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

A detailed overview of the modelling is included in **Schedule 3** of this planning proposal.

Having carried out the analysis and modelling on various lots, Council staff are satisfied that the proposed FSRs will allow similar GFA to that permitted under the existing floorplate controls. The proposed controls will allow most owners to achieve broadly the same development intensity as that currently allowed. As noted earlier, similar FSR controls are also used by other eastern Sydney councils. For smaller sites (less than 400m²), the proposed FSR controls are higher than those in nearby LGAs, ensuring development remains feasible on these lots.

Exempt certain residential development in the Paddington, Watsons Bay and Woollahra HCAs from FSR controls

The proposed changes to Clause 4.4 will expedite the assessment of DAs for attached dwellings, dwelling houses, dual occupancies and semi-detached in the R3 Medium Density Residential zone within the Paddington, Watsons Bay and Woollahra HCAs. The inclusion of 'attached dwellings' is reasonable as this typology is considered to be low density development and has a similar scale as dwelling house, dual occupancy or semi-detached dwelling. These changes will reduce the costs and time associated with preparing DAs and help to avoid unnecessary delays in DA determinations, including the need for Clause 4.6 requests and reporting to the Woollahra Local Planning Panel.

Currently, land zoned R2 Low Density Residential within the Paddington, Watsons Bay and Woollahra HCAs is not subject to FSR controls. The previously repealed subclause 4.4(2A) allowed exemptions for dwelling houses, dual occupancies and semi-detached dwellings, meaning FSR need not be considered for the developments. Without this subclause, FSR provisions have been applied, which was not the original intention.

In the absence of FSR controls, the bulk and scale of attached dwellings, dwelling houses, dual occupancies and semi-detached dwellings will still be regulated by the heritage controls detailed in Chapters *C1 Paddington Heritage Conservation Area*, *C2 Woollahra Heritage Conservation Area* and *C3 Watsons Bay Heritage Conservation Area* of the Woollahra DCP 2015. The height of buildings (HOB) will continue to apply to these developments. Together,

the LEP and DCP controls ensure that the height, bulk and scale of the specified residential developments remain consistent with the unique characteristics of the three HCAs.

Section D – Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not create any additional demand on public infrastructure.

Section E –State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Any other authorities identified in the Gateway determination will be consulted during the public exhibition of the planning proposal.

6. Maps

This planning proposal seeks to amend the FSR Map (Sheets 2, 3, 4, 5 and 6) of the Woollahra LEP 2014. It proposes an FSR of 0.5:1 for R2 Low Density Residential zone outside of the Paddington, Watsons Bay and Woollahra HCAs. For R2 Low Density Residential zoned land within 'Area 6', a maximum FSR of 0.75:1 will continue to apply.

Schedule 4 includes maps of the proposed FSR controls for this planning proposal.

7. Community consultation

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Woollahra Community Participation Plan* (2019), the Guideline and any conditions of the Gateway Determination.

The planning proposal will be exhibited for a minimum of 20 working days.

The draft DCP to amend Chapter *B3 General Development Controls* 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.
- Notice on Council's website.
- 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:

- 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).
- Woollahra LEP 2014.
- Woollahra DCP 2015.

8. Project timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan-making step	Estimated completion
Woollahra Local Planning Panel provides advice to Council	April 2025
Environmental Planning Committee consideration	May 2025
Council resolution	May 2025
Gateway determination	3 October 2025
Pre-exhibition	October - November 2025
Commencement and completion of public exhibition period	November - December 2025
Consideration of submissions	December 2025 - January 2026
Council decision to make the LEP amendment	February 2026
Council liaises with Parliamentary Counsel to prepare LEP amendment	March 2026
Forwarding of LEP amendment to the Department for notification	April 2026
Notification of the approved LEP	On or before 5 June 2026

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies (SEPPs)

State environmental planning policy (SEPP)	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	Applicable and 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 and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable and 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 and consistent. There are 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	Not applicable.
SEPP (Resilience and Hazards) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable and consistent.

	The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sustainable Buildings) 2022	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable and consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with applicable section 9.1 directions

Planning proposal – Compliance with applicable section 9.1 directions		
Direction		Consistency
1	Planning systems	
1.1	Implementation of Regional Plans	Consistent. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities (2018)</i> , and the relevant priorities and actions of the <i>Eastern City District Plan (2018)</i> .
1.3	Approval and referral requirements	Consistent. The planning proposal seeks to address two administrative and housekeeping related matters resulting from the finalisation of PP-2021-3786. This is not expected to require any additional approval or referral requirements.
1.4	Site specific provisions	Consistent. The planning proposal does not contain any unnecessarily restrictive site specific planning controls.
3	Biodiversity and conservation	
3.2	Heritage conservation	Consistent. The planning proposal does not seek any changes to the existing heritage listings and the provisions of Clause 5.10 of the Woollahra LEP 2014.
3.9	Sydney Harbour Foreshores and Waterways Area	Consistent. The planning proposal does not contain a provision which is contrary to the objectives of this direction.
4	Resilience and hazards	
4.2	Coastal management	Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
6	Housing	
6.1	Residential zones	Consistent. The proposal seeks to improve the operation and effect of the relevant FSR controls for future development considered under Woollahra LEP 2014. The planning proposal will not affect the number of dwellings deliverables, choice of building types and locations available in the housing market.

Schedule 3 – Additional Scenario Modelling

This schedule contains analysis and modelling of non-residential development on land in the R2 zone, outside of the Paddington, Watsons Bay and Woollahra HCAs. Two further scenarios were tested to compare the building envelope achievable under:

- Existing floorplate controls;
- Proposed FSR controls; and
- Neighbouring councils' FSR controls

In summary, the modelling demonstrates that built form outcomes under the proposed FSR controls are broadly consistent with the building envelopes permitted under existing floorplate controls and align with the desired future character of low-density residential areas. The built form outcomes are also similar to neighbouring LGAs.

The proposed sliding scale FSR introduces a “stepped approach” to development yield, where smaller sites are allocated a higher permissible FSR. This ensures feasibility for development on constrained lots and means a smaller site could have greater development potential than a larger site.

Scenario 1: Size area $\geq 400\text{m}^2$		
Proposed land use: Community facility		
Site area: 904m^2		
Key controls (E = Existing & P = Proposed)		
Woollahra LEP 2014		Complies
E	Height – 9.5m	Yes
P	Proposed FSR – 0.5:1	Yes
E	Waverley & Randwick Councils FSR control for non-residential land uses in the R2 zone - 0.5:1	Yes
Woollahra DCP 2015		
E	Front setback = 8.15m	Yes
E	Side setback = 3.4m	Yes
E	Rear setback 25% = 8.6m	Yes
E	Wall height & inclined plane	Yes
E	Floorplate	Yes
E	On-site parking	Yes
E	Deep soil landscaped area 35%	Yes

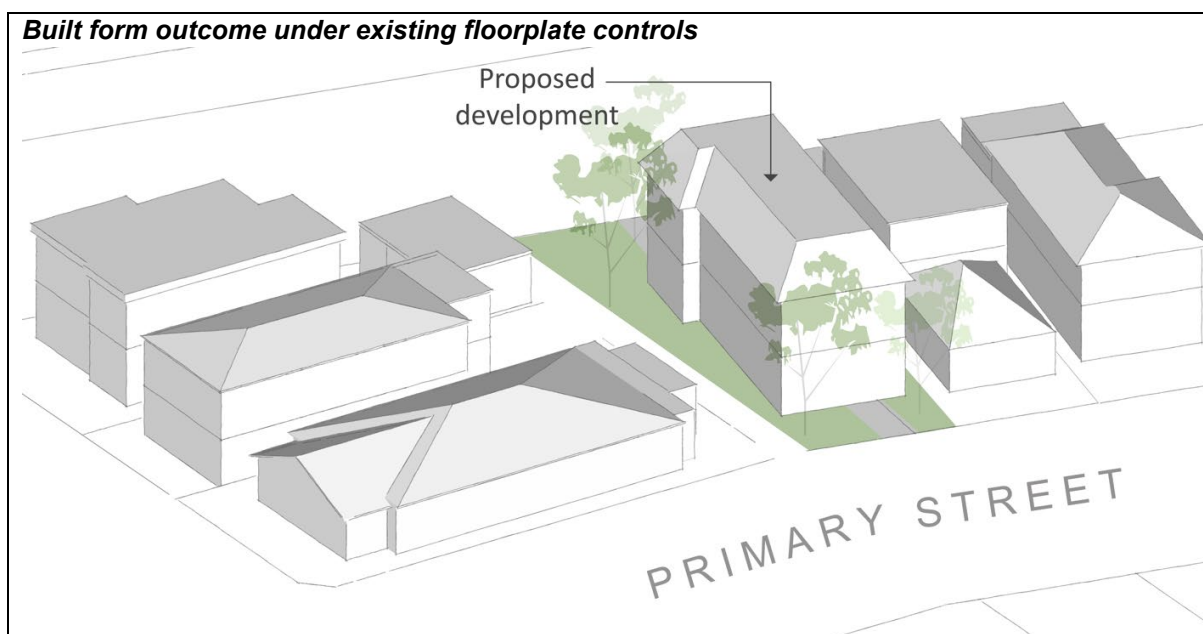
Built form outcome under existing floorplate controls



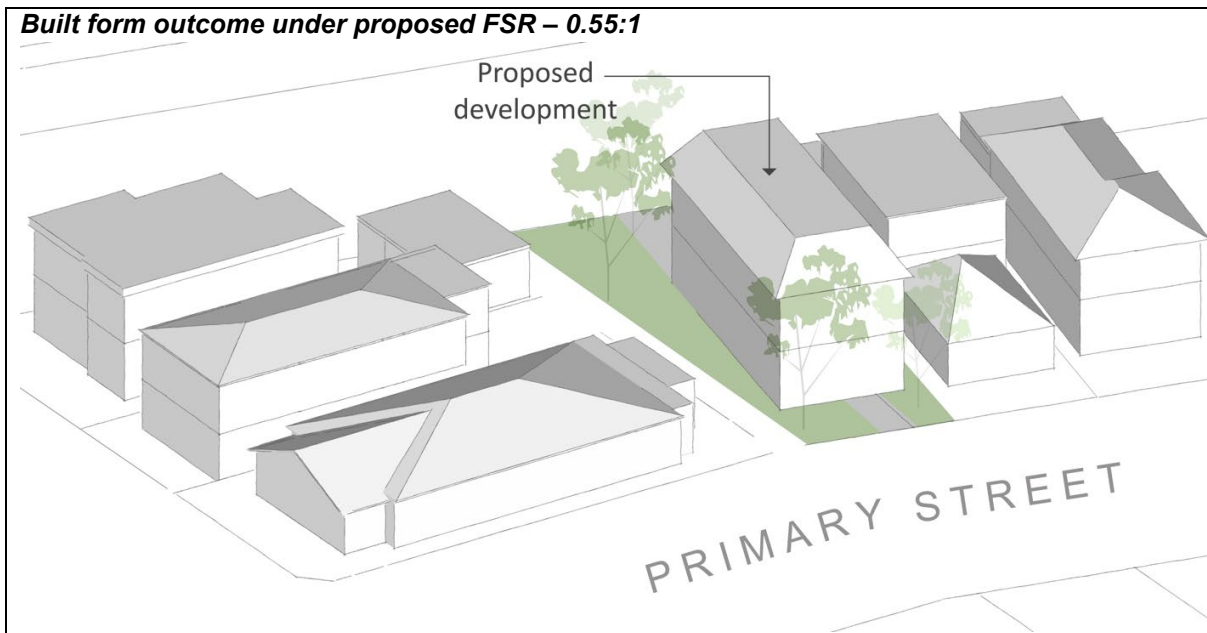
Built form outcome under proposed FSR (0.5:1) and neighbouring councils' FSR (0.5:1)



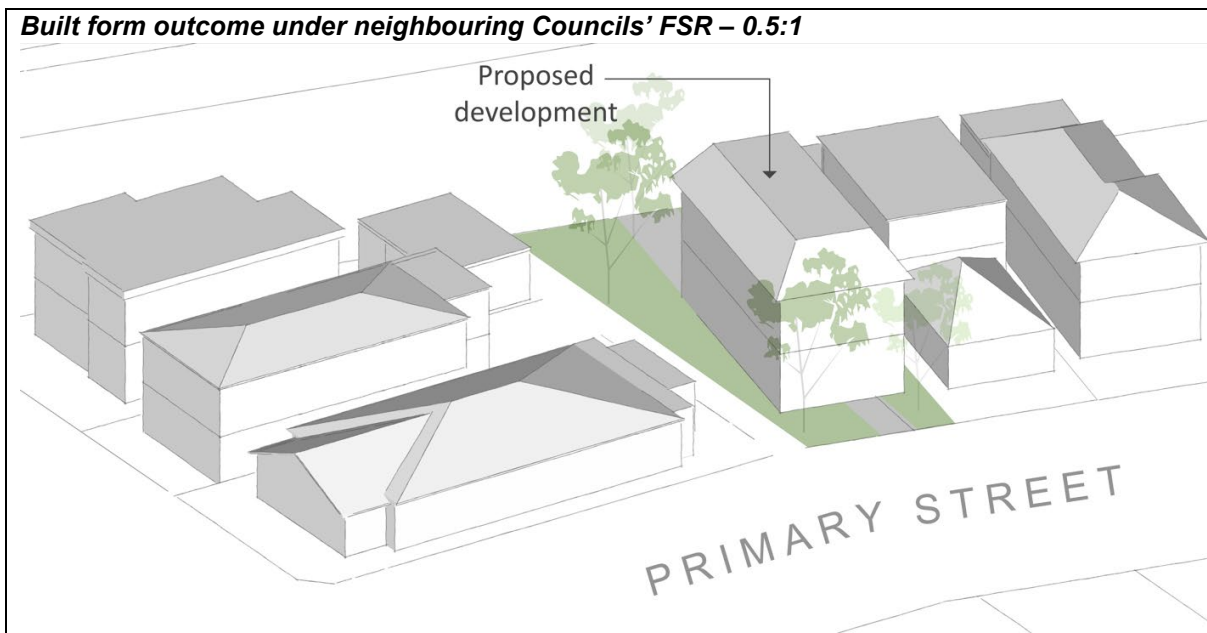
Scenario 2: Size area <400m ²		
Proposed land use: Art gallery		
Site conditions: Area 355.6m ²		
Key controls (E = Existing & P = Proposed)		
Woollahra LEP 2014		Controls
E	Height – 9.5m	Yes
P	Proposed FSR - 0.55:1	Yes
E	Waverley & Randwick Councils FSR control for non-residential land uses in the R2 zone - 0.5:1	Yes
Woollahra DCP 2015		
E	Front setback - 4.5m	Yes
E	Side setback - 1.1m	Yes
E	Rear setback – 7.72m	Yes
E	Wall height & inclined plane	Yes
E	Floorplate	Yes
E	On-site parking	Yes
E	Deep soil landscaped area – 35%	Yes



Built form outcome under proposed FSR – 0.55:1



Built form outcome under neighbouring Councils' FSR – 0.5:1



Schedule 4 – Proposed FSR Map Amendments