

Item No: R5 Recommendation to Council

Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - AMENDED PLANNING PROPOSAL TO INTRODUCE FSR STANDARDS FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**

Author: Deeksha Nathani, Strategic Planner

Approvers: Kelly McKellar, Acting Team Leader Strategic Planner
Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development

File No: 20/185981

Reason for Report: To report on the advice made to Council by the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with a planning proposal to amend the Woollahra Local Environmental Plan 2014 to introduce FSR standards for low density residential development and urban greening provisions.
To obtain Council's approval to prepare and exhibit a draft development control plan to amend Chapter B3 and Chapter E3 of the Woollahra Development Control Plan 2015.

Note: Councillor Maxwell declared a significant, non-pecuniary interest in this Item, as he knows Dyson Lawyers. Councillor Maxwell left the meeting and did not participate in debate or vote on this matter.

Motion moved by Councillor Jarvis
Seconded by Councillor Silcocks

- 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.

**Amendment moved by Councillor Zeltzer
Seconded by Councillor Robertson**

- 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:
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 - 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 40% 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).

Note: In accordance with Council's adopted Code of Meeting Practice voting for the Amendment is recorded as follows:

For the Amendment

Councillor Elsing
Councillor Marano
Councillor McEwin
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Zeltzer

Against the Amendment

Councillor Cavanagh
Councillor Cullen
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne*

7/7

**The Amendment was moved and lost on the casting vote of the Mayor, Councillor Wynne.
The Motion was put and carried.**

(Jarvis/Silcocks)

153/20 Resolved:

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- 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:
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 - 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*.
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Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Cullen
Councillor Jarvis
Councillor McEwin
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Wynne

Against the Motion

Councillor Elsing
Councillor Marano
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Zeltzer