

Gateway Review Justification



Planning proposal for amendments to Riddell Street planning controls

November 2022



[Our Ref: 22/227102]

1 Background Information

The subject planning proposal applies to 13 -27 Riddell Street and 14 -15 Buller Street in Bellevue Hill. A map of these properties is provided in **Figure 1** below.

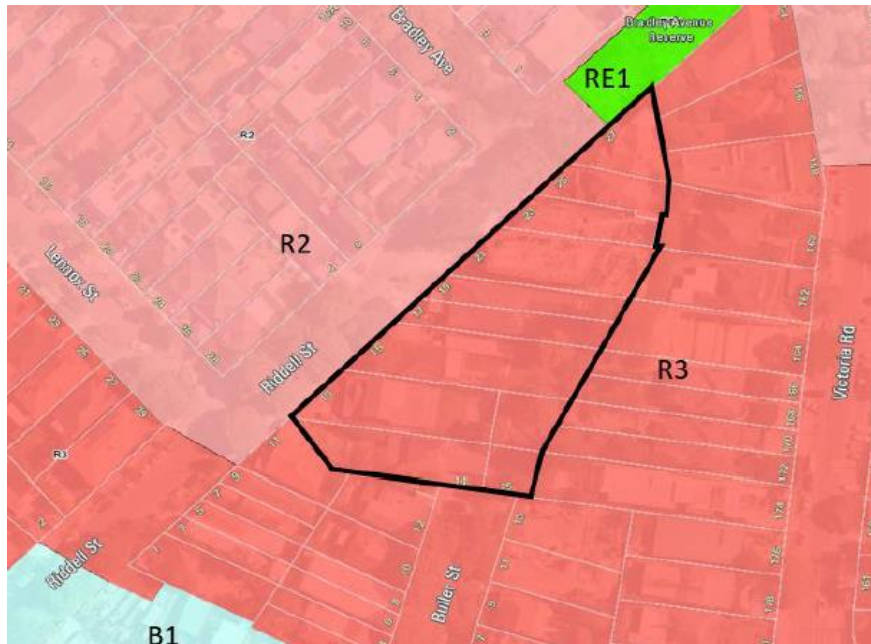


Figure 1: Location of subject properties with current zoning overlay.

The objective of the planning proposal is to ensure that future development on these properties is responsive to the constraints of each site, and is compatible with the desired future character of the area.

The planning proposal seeks to achieve its objective by amending the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to:

- Rezone the subject properties from R3 Medium Density Residential to R2 Low Density Residential;
- Amend Schedule 1 – Additional Permitted Uses to permit residential flat buildings on 21-23 Riddell Street;
- Delete the floor space ratio (FSR) standard applying to the subject properties;
- Amend the building height standard for the subject properties from 10.5m to 9.5m; and
- Amend the minimum lot size standard for the subject properties from 700sqm to 675sqm.

The planning proposal was submitted to the Department of Planning and Environment (DPE) on 10 May 2022 for a Gateway determination to proceed to public exhibition. On 17 October 2022, the DPE determined that the planning proposal should not proceed.

The proposed amendments to the controls have been guided by a detailed urban design study, which examined built form impacts of various controls on Riddell Street. Council staff accordingly submit that the planning proposal is well justified and has both strategic and site-specific merit.

The purpose of this document is to support Woollahra Council's request for a review of the Gateway determination.

2 Responses to Gateway Determination Issues

The Gateway determination issued by the DPE identifies nine reasons as to why the planning proposal should not proceed.

The below table details the issues raised in the Gateway determination and Council staff's justification in response.

Gateway Reason	Staff Response
<p>1. Sufficient strategic or site-specific merit has not been demonstrated by the proposal.</p>	<p>Council staff strongly disagree that the planning proposal has not demonstrated sufficient strategic or site-specific merit.</p> <p>The planning proposal clearly establishes strategic merit. Part 6 extensively assesses the planning proposal against the following:</p> <ul style="list-style-type: none"> • <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (Regional Plan); • <i>Eastern City District Plan</i> (District Plan); • <i>Woollahra Local Strategic Planning Statement 2020</i> (Woollahra LSPS); • Council's Community Strategic Plan <i>Woollahra 2030</i>; and • <i>Woollahra Local Housing Strategy 2021</i> (Woollahra LHS). <p>In each case, it demonstrates that the amendments sought will give effect to the strategic planning framework.</p> <p>The planning proposal also demonstrates site-specific merit, evidenced through the independent <i>Planning and Urban Design Review: Riddell Street, Bellevue Hill</i> prepared by Studio GL in July 2021. Diana Griffiths, the author of this study, is an extensively experienced urban design professional who Council commissioned to give independent recommendations. Accordingly, this planning proposal has been guided by technical advice.</p> <p>The study includes detailed scenario testing of the subject properties and demonstrates that the sought LEP amendments are well resolved. Using a standardised set of assumptions, the study models buildings that could be built on properties in the study area under different approaches to zoning. It then notes key impacts associated with each scenario.</p> <p>Scenario 1, under which no changes are made to the existing controls, illustrates the significant impacts likely to result from the current zoning. These include:</p> <ul style="list-style-type: none"> • An increase in the car parking spaces from 41 to 101, with associated changes in traffic volume; • Significant change in the scale of the streetscape and little preservation of existing topography;

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	<ul style="list-style-type: none"> • Amenity impacts to surrounding lots, including excessive overshadowing; and • Significant loss of tree canopy in front gardens and the road reserve, as well as obstructed view corridors. <p>After considering the remaining scenarios, the study recommends that the central part of the study area be rezoned from R3 Medium Density Residential to R2 Low Density Residential. It notes that these sites are located on a ridge and have a local character more similar to the adjacent Bradley Avenue and Lennox Street. The landscaped character of these sites forms a gateway to the adjoining lower density areas. The central part of the study area also contains a topographic high point, meaning that higher density development would be visually prominent from the surrounding public domain. Accordingly, the specific sites included in the planning proposal have been thoroughly considered and were recommended by an independent consultant.</p> <p>Consistent with the requirements of Table 3 in the <i>Local Environmental Plan Making Guideline 2021</i>, Part 6 of the planning proposal demonstrates that it will not have significant environmental, social or economic impacts. It will also not give rise to new infrastructure requirements or be contrary to views of any other state or federal agency.</p>
<p>2. The impact of the proposal has the effect of reducing the capacity for additional and diverse housing that suits current community needs in a location with good access to transport, services and facilities, which runs counter to the objectives in the Council endorsed Local Housing and Strategy.</p>	<p>Council staff disagree. The planning proposal clearly demonstrates that the sought amendments are consistent with the Woollahra LHS.</p> <p>The proposal is consistent with Objective 1, in that it will sustain a diverse range of housing types and protect low density neighbourhoods and villages. The revised controls will provide for the continued supply of low to medium density residential dwellings, and will ensure all new development adopts a scale that is compatible with the desired future character of Riddell Street.</p> <p>Objective 2, which is the only one to reference the supply of private market housing, seeks to facilitate opportunities for housing growth in locations identified by Council. As Riddell Street is not one of these locations, referencing the Woollahra LHS in this manner is inaccurate and skews the true objectives of the policy.</p> <p>The majority of residential uplift in the Woollahra Local Government Area (LGA) is intended to be in the Edgecliff Commercial Centre. It is being guided by the <i>Draft Edgecliff Commercial Centre Planning and Urban Design Strategy</i>, which</p>

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	<p>has also been publically exhibited. Council staff are currently progressing this matter, with a view to lodge a planning proposal by December 2024. This is in accordance with Condition 3 of the Woollahra LHS approval letter.</p>
<p>3(a). The proposal is inconsistent with the overarching strategic objectives and planning priorities for increasing housing supply and diversity in the right locations, as set out in the Greater Sydney Region Plan and Eastern City District Plan.</p>	<p>Council staff disagree with this reason. We also note that the Gateway determination fails to detail what strategic objectives and planning priorities are contrary to the proposal. However, Council staff have identified the below objectives and planning priority that most directly address housing supply and diversity.</p> <p>Regional Plan:</p> <ul style="list-style-type: none"> • <i>Objective 10 – Greater housing supply</i> • <i>Objective 11 – Housing is more affordable and diverse</i> <p>District Plan:</p> <ul style="list-style-type: none"> • <i>Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.</i> <p>The planning proposal will have minimal impact on supply and will protect existing housing diversity. Accordingly, it aligns with both these policies.</p> <p>In the robust, well researched and independent study accompanying the planning proposal, Studio GL estimates the proposed changes to the 10 subject properties could reduce their theoretical housing yield by approximately 20 dwellings. However, they further note this reduction is likely to be much smaller in reality. A number of these sites do not have practical development potential, either because they have been recently developed or because the site is too small to contain apartments. It was also noted that due to local market factors, apartment buildings in the Woollahra LGA typically comprise luxury units that are a minimum of three bedrooms in size. As such, the number of dwellings in a building is likely to be lower than the Sydney average. The theoretical yield also does not consider that the amalgamation of several sites may not be logistically possible and financially viable. As such, Studio GL conclude realistic loss is more likely to be 10 dwellings, or only one per site.</p> <p>This is a very minor reduction in the number of dwellings capable of being built on the subject properties, and it will have a negligible impact on housing supply in the Woollahra LGA. Council is committed to increasing housing supply in appropriate areas, and accordingly is pursuing initiatives in Edgecliff that will ensure long term housing targets are capable of being exceeded while also protecting the character of our local villages.</p>

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	<p>The proposed R2 Low Density Residential zoning will also encourage the retention of dwelling houses and the development of dual occupancies. Contrary to the position put forward in the Gateway determination, this will increase housing diversity. As noted in the Woollahra LHS, 63% of all dwellings in Bellevue Hill are already apartments and only 37% are dwelling houses or attached dwellings. These statistics challenge any misconceptions that Bellevue Hill is largely a low density suburb, and show that lower density dwelling types require protection to provide housing choice to residents. If Riddell Street was developed to contain more residential flat buildings, this would reduce the supply of dwelling houses and further increase their cost.</p>
<p>3(b). The proposal is inconsistent with Strategy 4.3 of the Woollahra Community Strategic Plan (Woollahra 2032) and Planning Priority 4 of the Woollahra Local Strategic Planning Statement, which seek to sustain diverse housing choices in planned locations.</p>	<p>Council staff disagree and submit that the strategy and planning priority referenced do not support the DPE's decision to not progress the planning proposal. In fact, the contrary is true.</p> <p>Strategy 4.3 in <i>Woollahra 2032</i> seeks to encourage well planned neighbourhoods by sustaining diverse housing in predetermined locations. As previously discussed, the amendments resulting from this planning proposal will encourage housing diversity in Bellevue Hill by ensuring an appropriate supply of dwelling houses, semi-detached dwellings and dual occupancies. In Bellevue Hill 63% of dwellings are already apartments, and the introduction of more would reduce the supply low density dwellings and affect housing choice.</p> <p>Strategy 4.3 also underlines the importance of new development respecting local character and scenic landscapes. As shown in Scenario 1 of the supporting study, maintaining the existing zoning would likely result in trees in the front setbacks and adjoining road reserve of 15, 25 and 27 Riddell Street being lost. Existing view corridors from the private and public domains would also be significantly affected. These changes would erode the local character of Riddell Street and therefore would be contrary to Strategy 4.3 of <i>Woollahra 2032</i>. The supporting study was prepared by an independent, highly experienced consultancy and was complimented by the <i>Woollahra Local Planning Panel</i> for its rigour. Accordingly, the suggested impacts are likely to materialise with time and result in poor outcomes for the community.</p> <p>Planning Priority 4 seeks to provide for housing in planned locations that are 'designed to be the right fit for the character, heritage, landscaped qualities and village scale of our area'. The subject portion of Riddell Street is not one of these planned locations for housing growth. This is because existing development in Riddell Street adopts a lower scale, similar to other low density areas of Bellevue Hill, and is characterised by</p>

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	<p>generous street canopy coverage and landscaped setbacks. Woollahra Council does not consider the existing R3 Medium Density Residential zoning to align with this planning priority, and accordingly has submitted a planning proposal to address this issue. As previously mentioned, significant uplift will be occurring in planned locations where it will be more sympathetic to the surrounding context.</p>
<p>3(c). The proposal is inconsistent with the Council endorsed and Department approved <i>Woollahra Local Housing Strategy 2021</i>, as it does not seek to sustain diverse housing choice or maintain the existing medium density zones identified in the strategy, and will likely contribute towards reducing Council's ability to meet its medium-term housing targets.</p>	<p>Council staff disagree. As outlined above, the amendments contained in the planning proposal will improve housing diversity in Bellevue Hill. Along with Watsons Bay and Vaucluse, Bellevue Hill has traditionally provided a greater proportion of lower density dwellings to cater for housing choice in the Woollahra LGA. Other suburbs such as Edgecliff, Double Bay and Darling Point have apartments as 75-90% of their total dwelling mix and cater more towards higher density living. The addition of more apartments in Bellevue Hill will further decrease the already low composition (37%) of lower density residential uses and reduce housing choice. This very issue is noted in page 33 of the Woollahra LHS, which highlights the fact that detached housing is the least common dwelling type and requires protection.</p> <p>Additionally, the Woollahra LHS does not explicitly speak to the retention of existing R3 Medium Density Residential zoning. Most commentary about this zone generally highlights that the Woollahra LGA does not have a 'missing middle', and that medium density dwellings represent approximately 30% of our total dwelling stock. As previously discussed, this planning proposal will have negligible effect on meeting medium-term housing targets, with the 10 less dwellings likely to comprise 3-5% of future targets. This will be more than compensated by uplift elsewhere in the Woollahra LGA.</p>
<p>3(d). The proposal is inconsistent with Section 9.1 Ministerial Directions 1.1 Implementation of Regional Plans, 1.4 Site Specific Provisions, 5.1 Integrating Land Use and Transport and 6.1 Residential Zones.</p>	<p>Council staff disagree. As discussed previously, the planning proposal is generally consistent with the Regional Plan and supporting District Plan. The proposed changes will have negligible impacts on our housing supply and will ensure that housing diversity in Bellevue Hill is maintained. Additionally, the planning proposal directly addresses other relevant elements of the Regional Plan as below:</p> <ul style="list-style-type: none"> • <i>Objective 12 – Great places that bring people together:</i> The revision of the zoning and built form controls applying to the subject properties will ensure an attractive and well-designed built environment for Riddell Street. The new controls will require new developments to respect the existing scale of the streetscape and appropriately relate to the surrounding low density neighbourhood. • <i>Objective 30 - Urban tree canopy cover is increased.</i> The revised controls will manage the scale and typology of

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	<p data-bbox="636 244 1386 423">new developments on the subject properties. This will ensure street trees are not affected by vehicle crossovers for apartment buildings, and that new developments continue to provide the generous landscaped setbacks associated with lower density uses.</p> <p data-bbox="541 445 1386 848">Regarding Direction 1.4, Council staff contend that this direction does not apply to the subject planning proposal, as it will not allow a particular development to be carried out. On the contrary, it will involve changing the zoning of the subject properties to encourage the development of already permissible dwelling types that respect the scale and character of Riddell Street. Notwithstanding this, Direction 1.4 allows for a planning proposal to be inconsistent where it is of minor significance. As previously discussed, it will only result in a reduction of 10 dwellings across all the affected sites, and will therefore have negligible impact on housing supply in the Woollahra LGA.</p> <p data-bbox="541 871 1386 972">Additionally, staff submit that the planning proposal does comply with Direction 5.1. This direction requires proposals to give effect to:</p> <ul data-bbox="588 994 1394 1144" style="list-style-type: none"> <li data-bbox="588 994 1394 1061">• <i>Improving Transport Choice – Guidelines for planning and development 2001</i>; and <li data-bbox="588 1072 1394 1144">• <i>The Right Place for Business and Services – Planning Policy 2001</i>. <p data-bbox="541 1167 1394 1749">The overarching objective of these policies is to encourage the development of housing near walking, cycling and public transport infrastructure, so that less vehicle trips are generated. The only public transport infrastructure close to Riddell Street is the 327 bus route, which services it on average every 30-60 minutes on weekdays. There are also no dedicated cycleways easily accessible from the area and the nearest railway station, Bondi Junction, is a 20 minute walk along a busy road corridor. Accordingly, any redevelopment in Riddell Street would inevitably lead to a high uptake of car usage for commuting. This would be consistent with the remainder of Bellevue Hill, where 84% of workers who do not work remotely travel to work using a car (ABS, 2021). Council agree with the objectives of this direction, and have accordingly worked to focus housing growth in areas with better access to employment and transport, such as Edgecliff Commercial Centre.</p> <p data-bbox="541 1771 1386 2027">The planning proposal also adequately addresses Direction 6.1. A key objective of this direction is ‘to minimise the impact of residential development on the environment’. The revised zoning and associated controls will encourage the retention of existing vegetation on the subject properties, and provide more opportunities for deep soil landscaping as part of future development. This additional greenery will support local</p>

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	<p>biodiversity, provide habitat to wildlife moving between bushland areas of the LGA and reduce localised heat.</p> <p>The planning proposal will also encourage housing that is of good design. The new controls will ensure development sensitively responds to the existing streetscape and makes provision for quality landscaping. This will protect the quality of the streetscape and enhance the character of surrounding low density residential areas.</p> <p>This planning proposal will not significantly affect the choice of housing types and locations available in the market. Furthermore, the proposal will have no impact on the use of existing infrastructure or the consumption of land on the urban fringe.</p> <p>This direction requires planning proposals to not reduce the permissible density of dwellings on a site, unless the relevant planning authority can demonstrate the planning proposal is:</p> <ul style="list-style-type: none"> a) <i>justified by a strategy approved by the Planning Secretary which:</i> <ul style="list-style-type: none"> i. <i>gives consideration to the objective of this direction, and</i> ii. <i>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</i> b) <i>justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</i> c) <i>in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</i> d) <i>of minor significance.</i> <p>Even though planning proposals are only required to comply with one of the criteria above, the subject planning proposal complies with both criteria (b) and (d). It is justified by an independent study prepared by Studio GL, which gives consideration to the direction's objective. It is also of minor significance, as it will reduce the overall dwelling density by one per site (10 in total). This is negligible in the context of the whole Woollahra LGA and is capable of being offset by targeted areas of uplift, such as in the Edgecliff Commercial Centre.</p>
3(e) The Government's objective for the planning system to boost	Council staff disagree. As previously discussed, the planning proposal will have a negligible impact on housing supply. An independent yield analysis has shown that the proposed rezoning would result in a reduction of a maximum of one

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the supply of new homes and housing affordability.	<p>dwelling per site (10 in total). As the properties contain dwelling houses, a similar level of future dwelling density could be provided using dual occupancies or secondary dwellings.</p> <p>Any very minor reduction in supply will also be more than offset by substantial planned uplift in the Edgecliff Commercial Centre.</p>
3(f) The NSW Premier's Priority to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10% by 2023.	<p>Council staff agree that any future homes provided in Riddell Street would have excellent access to Cooper Park and Bellevue Park. However, high density development in the street would not benefit from the same ease of access to key services, active transportation routes and railway infrastructure. All of these elements must be considered to achieve high quality planning outcomes. Accordingly, staff disagree with this reason.</p> <p>Future uplift in the Edgecliff Commercial Centre will also benefit from good access to open space, with these areas being close to Steyne Park and Trumper Park respectively.</p>
4. Land use matters which the proposed amendments seek to control are more suitably addressed by the Woollahra Development Control Plan 2015 and the development assessment process. A Development Control Plan allows greater flexibility for proponents and Council in applying appropriate development control provisions for specific development types.	<p>Council staff do not accept this approach as a valid alternative. The planning proposal seeks to change the zoning from R3 Medium Density Residential to R2 Low Density Residential. The purpose of this change is to make residential flat buildings a prohibited use, while also introducing a set of zone objectives that better reflect the character of the street. The new building height and FSR controls would also serve as the principal development standards for any proposal in Riddell Street.</p> <p>Any suggestion that a similar outcome could be achieved by amending the <i>Woollahra Development Control Plan 2015</i> (Woollahra DCP 2015) is inconsistent with the NSW planning system. Land use permissibility is governed by environmental planning instruments, such as the Woollahra LEP 2014. It is only through amending such an instrument that the development of residential flat buildings can be prevented in this portion of Riddell Street.</p> <p>The planning proposal clearly establishes the nature of the relevant local planning issues, and why an independent consultancy has recommended in favour of amending the Woollahra LEP 2014 as opposed to only the Woollahra DCP 2015.</p>

3 Conclusion

Council staff strongly disagree with the assessment made by the DPE, and request a review of the Gateway determination for the planning proposal to adjust the controls for selected properties in Riddell Street, Bellevue Hill.

This report provides evidence to substantiate Council's request to the Independent Planning Commission. The retention of the existing controls would significantly alter the scale of the low density streetscape, result in the loss of street canopy, compromise residential amenity and view corridors, and increase traffic generation. The planning proposal has strategic and site-specific merit, and should progress to public exhibition.