



# **Planning proposal: 13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill**

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## **Gateway Review (GR-2022-31)**

# Agenda

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- **Opening Statement (Panel Chair)**
- **Department's justification assessment:**
  - Strategic and site-specific merit
  - Consistency with the local and regional overarching strategic plans
  - Impact to local housing supply and diversity
  - Consistency with section 9.1 Ministerial Directions
  - Site-specific land use matters and the Woollahra Development Control Plan
- **Questions from the Commission**
- **Other matters**

# Planning proposal

## Objective of planning proposal

*“To ensure that future development on the subject properties is responsive to the constraints of each site, and is compatible with the desired future character of the area”*

## Proposed amendment

- Amend the Woollahra Local Environmental Plan (LEP) 2014 for land at **13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill**, as follows:

- Rezone from **R3 Medium Density Residential** to **R2 Low Density Residential**
- Permit *residential flat buildings* at **21-23 Riddell Street** as an “**additional permitted use**” (APU)
- **Delete the floor space ratio (FSR)** standard

(Note: currently at 0.75:1; a separate proposal to introduce a 0.5:1 FSR for R2 zoned land is currently under assessment for finalisation by DPE, additional information from Council is pending)

- Decrease the **maximum height of buildings** standard from **10.5m** to **9.5m**
- Decrease the **minimum lot size** standard from **700sqm** to **675sqm**

**Gateway determination** issued on **17 October 2022** to not proceed with the planning proposal, as it does not demonstrate sufficient strategic and site specific merit

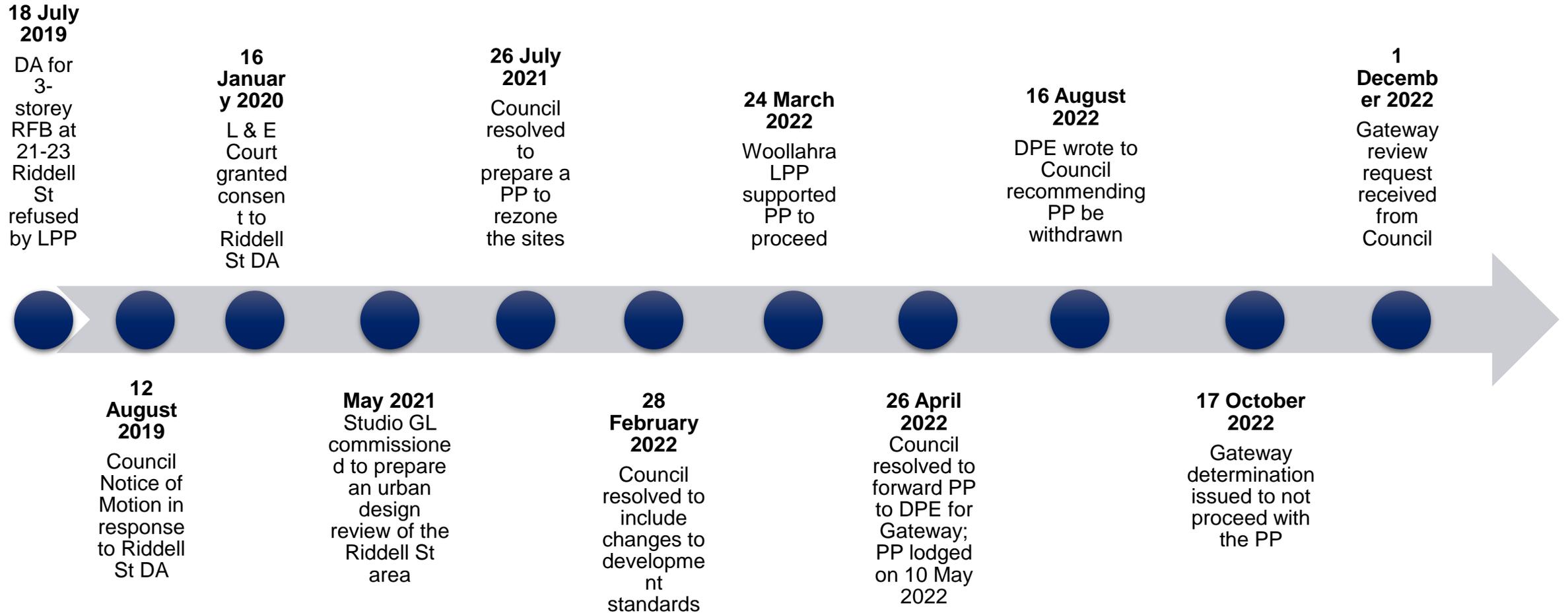
# DPE's request for withdrawal

**16 August 2022** – DPE requested Council to withdraw the planning proposal:

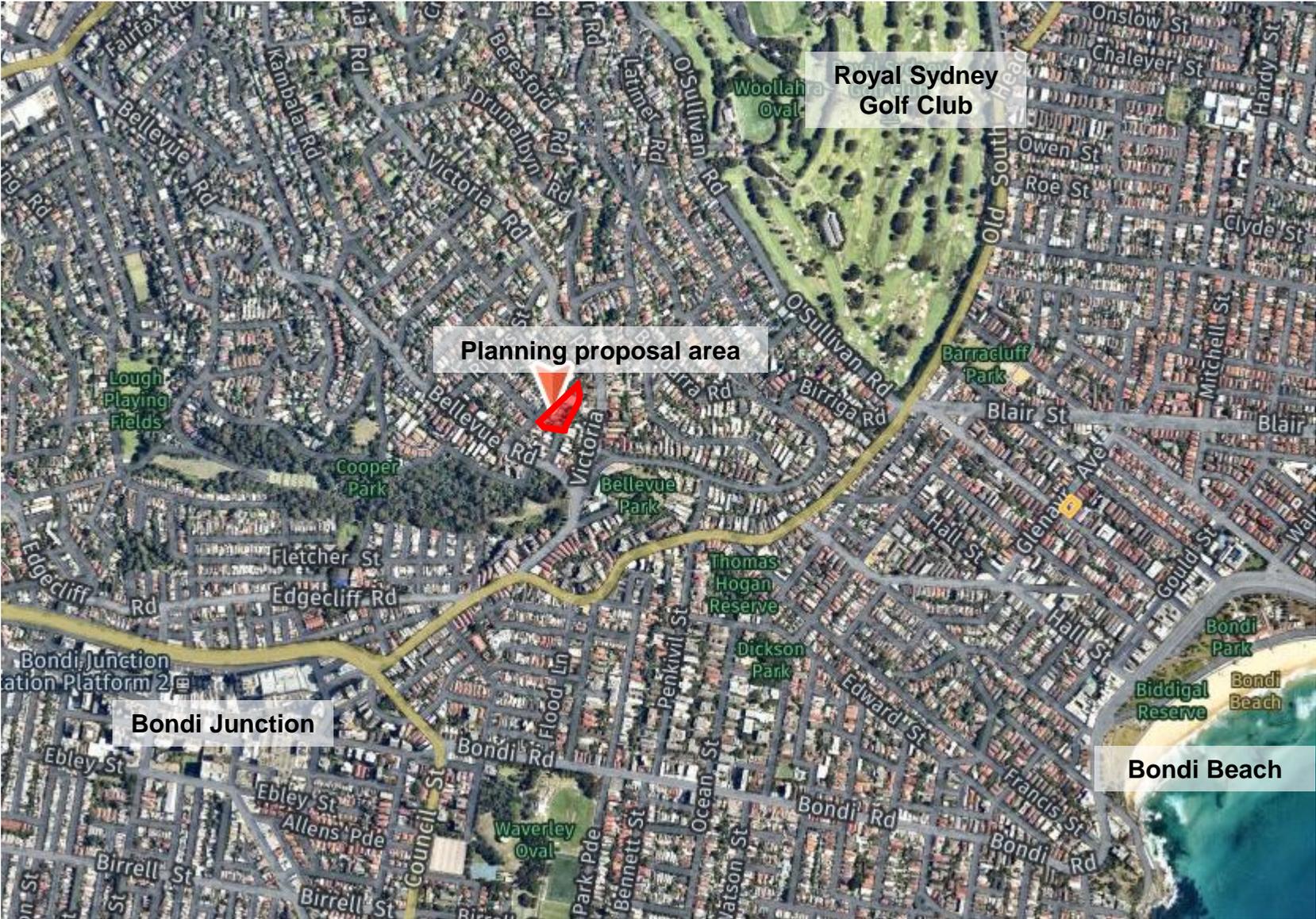
- Inconsistent with strategic planning framework to encourage additional, affordable and diverse housing
- Inconsistent with DPE-approved Local Housing Strategy (LHS):
  - Does not maintain diverse housing choice
  - Does not maintain existing R3 zones close to public transport, services, open space and schools
  - Reduce housing capacity to meet 6- to 10-year housing target (2021-2026: 500 dwellings)
- Inconsistent with S9.1 Direction – *6.1 Residential Zones* – reduce residential density by precluding low-rise medium density housing
- Site-specific planning issues can be addressed by DCP controls
  - Setbacks, tree retention / replanting, access, built form, solar access, view sharing

**17 August 2022** – Council requested DPE to complete Gateway assessment

# Timeline



# Suburb and surrounds



The subject sites / planning proposal area are outlined in red (source: adapted from Nearmap)



# Site and locality



*The subject sites (outlined in red) and the local context (source: adapted from Nearmap)*



Cooper Park

Bellevue Hill Public School

Bellevue Park

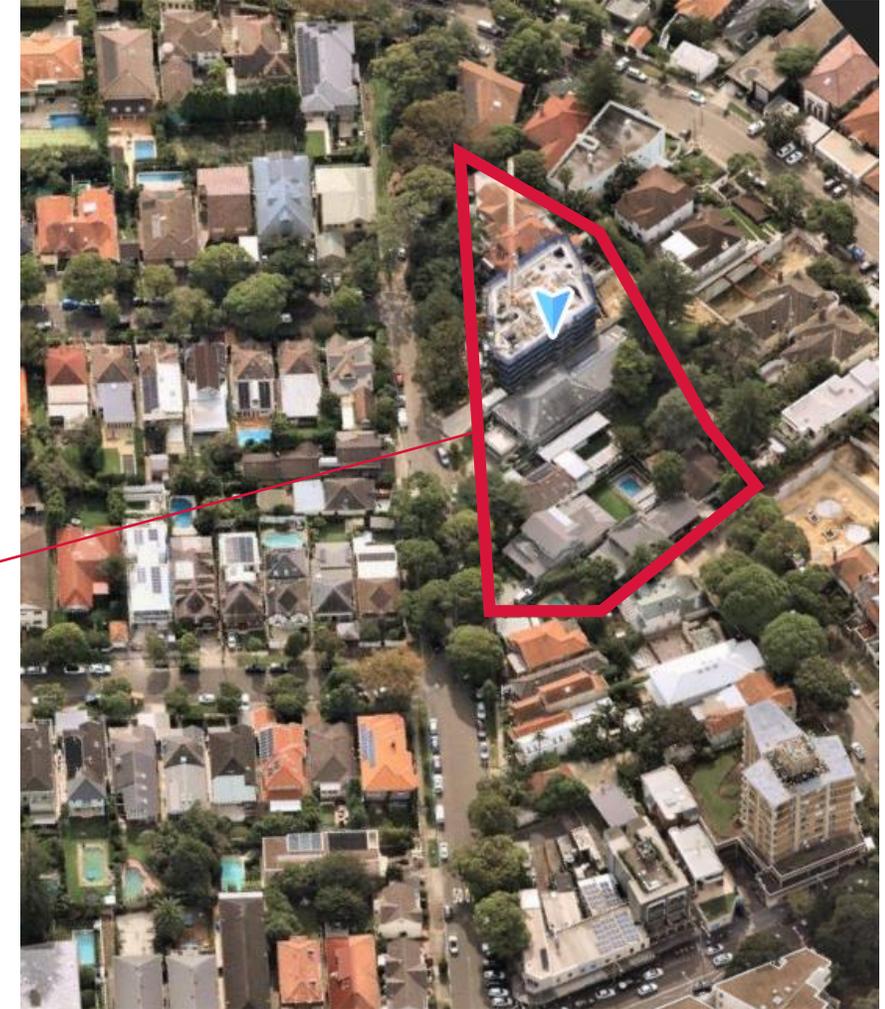
# Local context



*Inter-War flat building at the corner of Riddell and Lennox Street (Riddell Street looking south-west)*



*Single-detached dwellings on Riddell Street to the south of the subject sites; a 9-storey residential flat building at corner of Bellevue Road / Buller Street is visible from Riddell Street (Riddell Street looking south-east)*

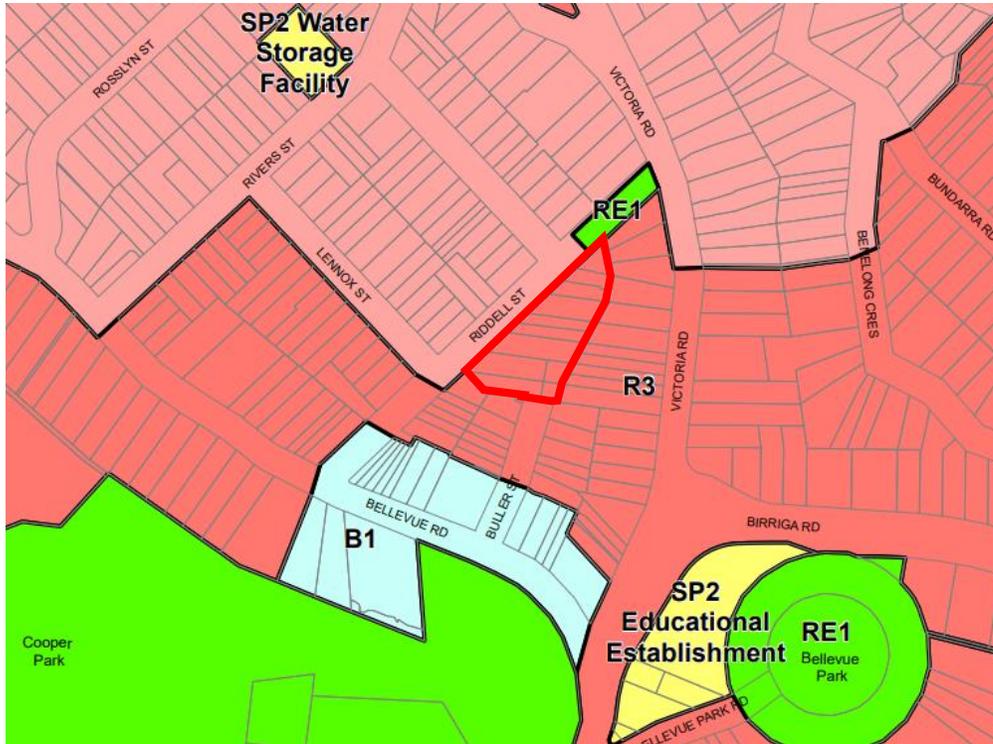


*Oblique aerial photograph showing the subject sites. The blue arrow denotes the 3-storey residential flat building (under construction at the time) at 21-23 Riddell Street*



*Shops on Bellevue Road, 9-storey residential flat building with G/F shops at corner of Bellevue Road and Buller Street is seen in the background (Bellevue Road looking south-east)*

# Land Zoning



Existing zoning of the subject sites (outlined in red)  
(source: Woollahra LEP 2014)

## Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure



Proposed zoning of the subject sites (outlined in red)  
(source: Planning proposal, March 2022)

# Height of buildings



Existing maximum height standard of the subject sites (outlined in red) (source: Woollahra LEP 2014)

**Maximum Building Height (m)**

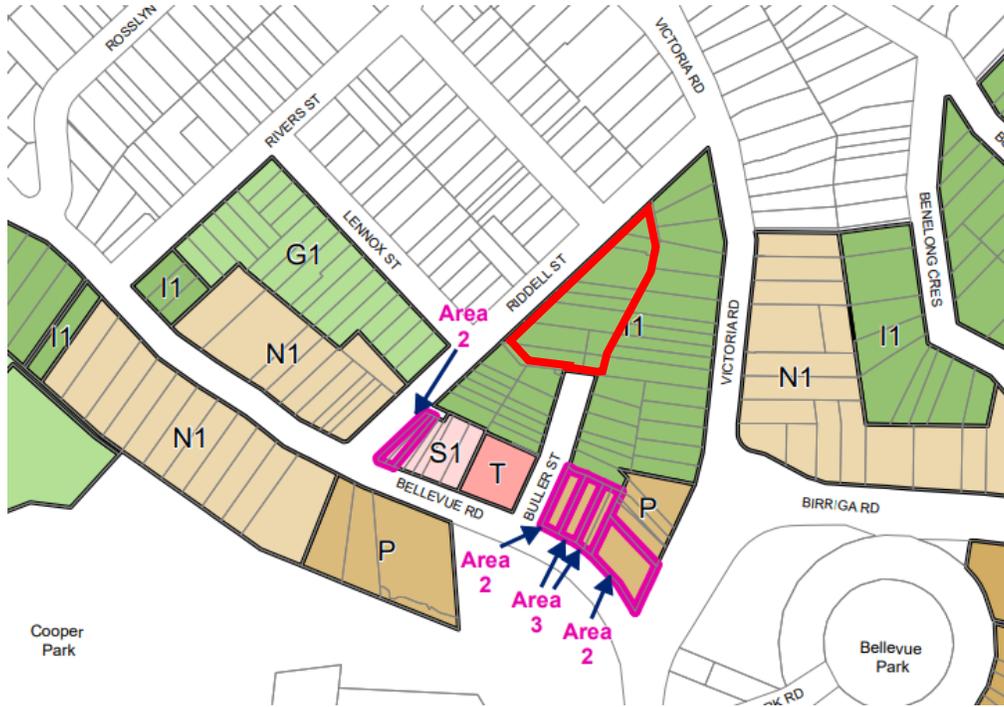
C	5	N5	14.7
E	6	O1	15
F	6.5	O2	16.5
G	7	P1	17.2
H	7.5	P2	17.5
I1	8	P3	18
I2	8.2	P4	18.1
J1	9	Q1	19
J2	9.5	Q2	19.5
K	10.5	Q3	20.5
L1	11	R1	21.5
L2	11.5	R2	22
M	12	R3	22.5
N1	13	S	23.5
N2	13.5	T	26
N3	14.1	U	34
N4	14.5		

Refer to Clause 4.3A



Proposed maximum height standard of the subject sites (outlined in red) (source: Planning proposal, March 2022)

# Floor Space Ratio (FSR)

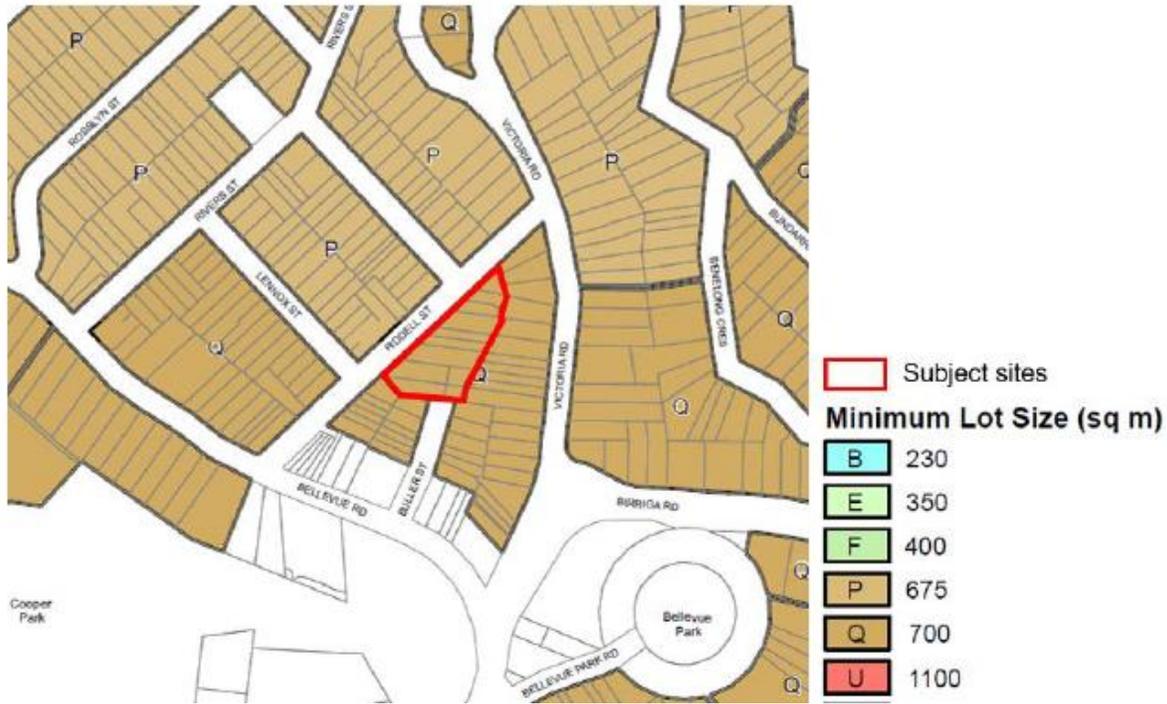


Existing FSR of the subject sites (outlined in red)  
(source: Woollahra LEP 2014)

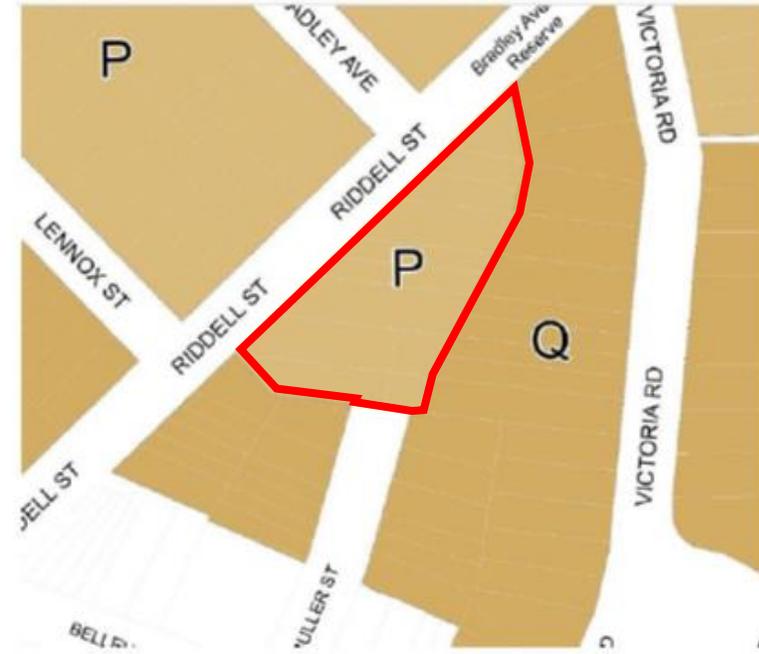


FSR removed from the subject sites (outlined in red)  
(source: Planning proposal, March 2022)

# Minimum lot size



Existing minimum lot size standard  
(source: Woollahra LEP 2014)



Proposed minimum lot size standard  
(source: Planning proposal, March 2022)

See Cl. 4.1 *Minimum subdivision lot size* of the Woollahra LEP 2014

# Strategic merit

## Summary of Council's view

- Strategic merit has been established.
- Sites not within an area identified by Council for housing growth.
- Gateway determination lacks details of the proposal's inadequacy.

## Department's assessment

- **Inconsistent** with overarching strategic planning framework (this has been detailed in DPE's Gateway Assessment Report)
- Will **reduce potential for housing supply and diversity** in a location that is accessible to **public transport, jobs, services and social infrastructure (open space and schools)**
- **Inconsistent** with the Government's objective for the planning system to boost the supply of new homes and housing affordability, and 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*



# Consistency with overarching strategic plans

- **Inconsistent** with relevant objectives, planning priorities and goals/strategies of regional, district and local strategic plans, which provide for:
  - Greater housing supply, diversity and affordability, with access to jobs, services and public transport

Strategic Plan	Provision
Greater Sydney Region Plan – A Metropolis of Three Cities (2018)	<p><b>Objective 10</b> - Greater housing supply</p> <p><b>Objective 11</b> – Housing is more affordable and diverse</p> <p><b>Objective 12</b> – Great places that bring people together</p>
Eastern City District Plan (2018)	<p><b>Planning Priority E5</b> - Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> <p><b>Planning Priority E6</b> - Creating and renewing great places and local centres, and respecting the District’s heritage</p>
Woollahra 2032 - Community Strategic Plan (June 2022)	<p><b>Goal 4</b> - Well planned neighbourhoods</p> <ul style="list-style-type: none"> <li>- <b>Strategy 4.3</b> Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes;</li> </ul>
Woollahra Local Strategic Planning Statement (March 2020)	<b>Planning Priority 4</b> - Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes
Woollahra Local Housing Strategy 2021 (October 2021)	<p><b>Housing Objective 1</b> - Sustain a diverse range of housing types and protect low density neighbourhoods and villages</p> <p><b>Housing Objective 5</b> - Support increased supply of accessible housing and affordable rental housing.</p>

# Impact on local housing supply and diversity

## Summary of Council's view

- Will have negligible impact on housing supply
- Will sustain diverse housing
- Adding more apartments would reduce housing diversity in the area

# Impact on local housing supply and diversity

## Department's assessment

- Low-rise medium density residential uses, such as **residential flat buildings** and **multi dwelling housing**, would be prohibited in a **well serviced** and **accessible location**, resulting in negative social and economic outcomes.
- Theoretical potential housing yield would be reduced by **approx. 20 dwellings** (based on Council's estimate).
- The sites are within an **existing R3 zone**, which remains suitable for medium density residential uses.

# Impact on local housing supply and diversity

## Housing supply targets

- The housing targets for Woollahra and housing completions / supply forecast are as follows:

Woollahra	Housing target in LHS	Completions / supply forecast
0-5 year target (2016-2021)	300	564*
6-10 year target (2021-2026)	500 (note: GSC recommends 500-600)	640**
10+ year target (2026-2036)	400	-----

\*0-5 year period - based on completions data tracked by Sydney Water connections

\*\*6-10 year period – based on 2021 *Sydney Housing Supply Forecast*

- Woollahra’s housing targets are the lowest across the Eastern City District.** Woollahra has the **3<sup>rd</sup> lowest 6-10 year housing target of all Sydney Metropolitan councils.** For comparison with adjoining LGAs:

LGA	0-5 year target	6-10 year target	10+ year target
Woollahra	300	500	400
Waverley	1,250	761	1,450
Randwick	2,250	4,300	8,600
City of Sydney	18,300	17,033	18,092

# Impact on local housing supply and diversity

## Housing supply targets

- The **housing targets are minimum and should not be seen as limits** to housing growth.
- This should also be considered in the context of the housing needs identified in the Region Plan, where an **additional 725,000 homes are required to meet the demands of the population to 2036**. The Plan also identifies a 20-year strategic housing target of 157,500 dwellings for Eastern City District.
- Council's **LHS**:
  - Identifies existing land use constraints, e.g. heritage, high property values and limited availability of land, which affect potential for redevelopment to deliver more housing.
  - Notes that in Bellevue Hill, "*Areas of R3 Medium Density Residential are located close to centres, public transport, parks and school*" (p. 20).
- The R3 zone remains suitable for the subject area to contribute to housing growth.
- Council contends that the minor reduction in housing potential could be offset by uplift in future planning proposals, e.g. for Edgecliff commercial centre, which is intended to contribute to longer term housing growth. Such **proposals for uplift** in key areas **are yet to be progressed by Council**. This argument also **does not consider locational choice** for housing.

# Impact on local housing supply and diversity

## Housing affordability and diversity

- Council's LHS identifies housing affordability as a key issue in the LGA. The down-zoning does not promote housing affordability and diversity.
- **R3 zoning will continue to permit other lower density housing forms**, including dwelling houses, dual occupancies and semi-detached dwellings.
- Maintaining existing R3 zoning **supports housing diversity** - does not mean all lots would be redeveloped into RFBs (noting Cl. 4.1A of the LEP requires lot size to be minimum 700sqm for RFB / multi-dwelling housing development in R3 Zone)

## Overall:

- The proposal is **inconsistent** with **LHS's Housing Objectives 1 and 5**, and **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*", and **does not contribute to providing more housing in the medium term or meeting the longer term targets.**



# Consistency with section 9.1 Ministerial Directions

The Ministerial Directions set out requirements and guidance for planning proposals and are issued under s9.1 of the Environmental Planning and Assessment Act.

## Department's assessment

**Inconsistent** with following Directions:

### 1.1 – Implementation of Regional Plans

- **Undermines the intent** of Objective 10 '*Greater housing supply*' and Objective 11 '*Housing is more diverse and affordable*' of the Greater Sydney Region Plan

### 1.4 – Site Specific Provisions

- **Inconsistent with direction's objective** to discourage unnecessarily restrictive site-specific controls.
- Down-zoning and then permitting RFBs as an APU for 21-23 Riddell Street (where an RFB was under construction at the time) is **cumbersome**.
- **Unnecessarily restrictive** to apply more stringent development standards for 21-23 Riddell Street that align with low density residential uses; future minor development may be non-compliant with the controls being sought.



# Consistency with section 9.1 Ministerial Directions

## Department's assessment

### 5.1 – Integrating Land Use and Transport

- **Contrary to objective** ‘*improving access to housing, jobs and services by walking, cycling and public transport*’, by reducing density in areas within walking distance to public bus services with links to Edgecliff Station and Bondi Junction.

### 6.1 - Residential zones

- Cl. 1 seeks “*to broaden the choice of building types and locations available in the housing market*”, “*make more efficient use of existing infrastructure and services*”, and “*reduce the consumption of land for housing... on the urban fringe*”.
- The proposal **does not align** with the above provisions.
- Cl. 2 provides that a planning proposal must “*not contain provisions which will reduce the permissible residential density of land.*” The proposal will **reduce the permissible residential density and does not broaden housing choice, and the inconsistency is not well justified.**
- Impact Council's ability to contribute to the 6-10 year housing supply and to meet the longer term housing target.

# Site specific merit

## Council's view

- Site specific merit demonstrated by independent study (study area shown below)



- Existing controls would adversely impact on local character and amenity

## Department's assessment

- **Subject area already demonstrates mixed streetscape character with both low and medium density residential developments of different scale**
- Existing R3 zone **provides a transition** to higher density built form within B1 Neighbourhood Centre
- Council states that estimated loss of dwelling capacity would be reduced to approx. 10 dwellings after considering recent development, site constraints, financial viability for site amalgamation, etc. This contradicts the proposal's justification that existing controls would result in significant adverse impacts.
- The estimated increase in parking demand of 60 car spaces is based on a broader study area encompassing properties north and south of the subject sites

# Site-specific land use matters and the Woollahra DCP

## Summary of Council's view

- Does not accept the land use matters the proposed amendments seek to control would be more suitably addressed by the Woollahra DCP 2015 and through the DA process

## Department's assessment

- Council states that the subject sites have a local character more similar to Bradley Avenue and Lennox Street (which are characterised by low density residential development). Future development within the subject area of Riddell Street would have a **limited impact on the visual setting of Bradley Avenue and Lennox Street**, as they are oriented perpendicular to Riddell Street. **Lennox Street already has split zoning** with R2 on the northern side and R3 on the southern counterpart
- **DCP desired future character statement** of the Bellevue Hill South Precinct (where the sites are currently located) recognises the need for *“Development along the local roads will provide a mix of housing densities and styles in well designed contemporary buildings, which reinforce the natural topography and provide opportunities for view sharing”* (p. 22, Chapter B1 of Woollahra DCP 2015)

# Site-specific land use matters and the Woollahra DCP

## Department's assessment

- Planning issues that Council is concerned with - local character, parking, vehicular access, setbacks, tree canopy and amenity (overshadowing and view sharing) **can be addressed by DCP controls and resolved through the development application process**
- Although the R3 zoning permits residential flat buildings, development for such will be subject to assessment against the relevant planning controls as part of the DA process to ensure an appropriate planning outcome is achieved.

# Department's conclusion / recommendation

- The Department has considered the justifications and additional materials provided by Council for the Gateway Review, and does not alter its view that the planning proposal lacks strategic and site-specific merit.
- The planning proposal **should not proceed, and an alteration to the Gateway determination is not warranted.**

# Questions from the Commission



**Amanda Harvey**

Executive Director, Metro East and South

**Laura Locke**

Director, Eastern and South Districts

**Simon Ip**

Manager, Place and Infrastructure



Department of Planning and Environment

# Summary of Council's Justification

- Has established strategic merit and will give effect to overarching strategic planning framework
- Adequately demonstrated site specific merit as evidenced in the independent consultant report
- Consistent with Objective 1 of the Woollahra Local Housing Strategy (LHS) and Condition 3 of the Woollahra LHS approval letter, as it:
  - will not reduce capacity for additional and diverse housing;
  - will sustain a diverse range of housing types and protect low density neighbourhoods and villages; and
  - relates to land that is not located within a Council identified housing growth area.
- Will improve housing diversity in Bellevue Hill. The addition of more apartments in Bellevue Hill will further decrease the already low composition of lower density residential uses and reduce housing choice
- Will have a negligible impact on Woollahra LGA's housing supply and will protect existing housing diversity by encouraging the retention of dwelling houses and development of dual occupancies
- Addresses Objective 12 'Greater places that bring people together' and Objective 30 'Urban tree canopy cover is increased' of the Greater Sydney Region Plan

# Council's Justification (cont.)

- would potentially reduce the theoretical housing yield by approximately 20 dwellings, however, this reduction would likely be smaller in reality (estimated at around 10 dwellings) given the limited development potential of the subject properties
- Will have a negligible effect upon meeting the medium-term housing target, which will be more than compensated by uplift elsewhere
- Consistent with Strategy 4.3 and Planning Priority 4 of the Woollahra Community Strategic Plan (2032) and Priority 4 of the Woollahra Local Strategic Planning Statement
- Complies with Ministerial Direction 5.1 Integrating Land Use and Transport and adequately addresses Ministerial Direction 6.1 Residential Zones; The inconsistency of the proposal is justified by an independent study, which gives consideration to the direction's objective, and is considered of minor significance
- Council does not accept the land use matters the proposed amendments seek to control would be more suitably addressed by the Woollahra DCP 2015 and through the DA process.

# Gateway determination

- Gateway determination issued on **17 October 2022** to not proceed with the planning proposal, for the following reasons:

1

*Sufficient strategic or site-specific merit has not been demonstrated by the proposal;*

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 Strategy;*

# Gateway determination (cont.)

3

*The proposal is inconsistent with:*

- a. 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;*
- b. the 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;*
- c. the council endorsed and Department approved Woollahra Local Housing Strategy, 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;*
- d. 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;*
- e. the Government's objective for the planning system to boost the supply of new homes and housing affordability;*
- 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; and*

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.*