



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: GATEWAY REVIEW REQUEST - 13-27 RIDDELL STREET AND
14-15 BULLER STREET, BELLEVUE HILL (GR-2022-31) (PP-2022-1663)

DEPARTMENT MEETING

COMMISSION PANEL: WENDY LEWIN (Panel Chair)

OFFICE OF THE IPC: BRAD JAMES
NIMA SALEK

DEPARTMENT OF
PLANNING
AND ENVIRONMENT: AMANDA HARVEY
SIMON IP
PENGFEI CHENG
AYVA HAMED

LOCATION: VIA VIDEO CONFERENCE

DATE: 9.30AM, THURSDAY, 16 MARCH 2023

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MS LEWIN: Well, good morning and welcome. Before we begin, I would like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their Elders past and present. Welcome to the meeting today to discuss the gateway review request for the planning proposal PP-2022-1663 seeking to rezone the properties at 13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill from R3 medium density residential to R2 low density residential under the Woollahra Local Environment Plan 2014 which is currently before the Commission for advice.

10 My name is Wendy Lewin and I'm the Chair of the Commission Panel. We are also joined by Brad James and Nima Salek from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript record will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice.

It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it considers it's appropriate. If you are asked a question and are not
20 in a position to answer, please feel free to take that question on notice and provide any additional information in writing which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy for the transcript. We will now begin. From the department who will lead?

MS HARVEY: I'll lead. I'm Amanda Harvey, I'm the Executive Director for Metro East and South. Woollahra Council's one of numerous councils that I look after. I'll introduce the team starting with Simon.
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MR IP: My name is Simon Ip, Manager, Place and Infrastructure at the Department of Planning, and I will be running a set of PowerPoint slides to guide the discussion.

MS LEWIN: Thank you.

MR CHENG: Hi. My name's Pengfei Cheng. I'm a Senior Planning Officer from the department as well.

MS LEWIN: Welcome.
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MS HAMED: Hi. I'm Ayva and a student planner and I'm just watching today.

MS LEWIN: Welcome to you too. Thank you.

MS HARVEY: So would you like us to start with the presentation?

MS LEWIN: Yes.

MS HARVEY: I think we just want to give you a bit of an overview of experience with the planning proposal. Some of the thoughts on our original decision to not support the proposal for gateway and then I think we'll lead into a conversation, I suppose, after that if you've got further questions.

MS LEWIN: Thanks, Amanda.

MS HARVEY: Simon's going to do most of the presentation.

MR IP: So let us start. This is the slide that we cap the Commission's key points that you would like to discuss today. Let us start by recapping the planning proposal. The planning proposal's objective, as stated by council, is 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. Specifically the planning proposal seeks to following amendments to the Woollahra LEP 2014 in relation to the subject sites. They are to rezone the sites from R3 medium density residential to R2 low density residential; to permit residential flat buildings at 21-23 Riddell Street as an additional permitted use; to delete the floor space ratio standard. Just a note to the Commissioner that the FSR currently for the subject sites are set at 0.75:1 but there is also a separate planning proposal to introduce an FSR 0.5:1 for R2 zoned land which is currently under finalisation assessment by the department. We have requested additional information from council and those information are still pending. And fourthly, the proposal involves decreasing the maximum height of building standard from 10.5 metres to 9.5 metres and the decrease the minimum lot size standard from 700 square metres to 675 square metres. The department issued a gateway determination October last year to not proceed with the planning proposal as it lacked strategic and site-specific merit.

By way of background, the department, following completion of an initial review, we wrote a letter to council in August and requesting council to withdraw the planning proposal for the following reasons. We feel that it is inconsistent with the strategic planning framework to encourage additional affordable and diverse housing. The proposal is inconsistent with the department approved local housing strategy in terms of not maintaining diverse housing choice. They does not maintain existing R3 zone

close to public transport, services, open space and schools and the proposal reduces housing capacity to meet the medium term housing target.

The proposal, in our view, is inconsistent with section 9.1 direction, 6.1 residential zones as it reduces residential density by precluding low-rise medium density housing and the site-specific planning issues raised by council can be addressed by specific controls in terms of setbacks, tree retention, replanting, access, build form, solar access, and view sharing. And on the 17th of August the council advised the department and requested us to complete the gateway assessment.

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So this slide shows a timeline for the planning proposal process. You can see that the impetus for the planning proposal originates from a DA for a three-storey residential flat building at 21-23 Riddell Street which was refused by council's Local Planning Panel, and following that in August 2019 council - there was a notice of motion in response to the DA for the council officers to investigate potential changes to the planning controls, and in January 2020 the Land and Environment Court issued consent for the Riddell Street DA following agreement being reached between council and the applicant.

20 In May 2021 Studio GL, the urban design consultant, was commissioned by council to undertake a review of the Riddell Street area and following from that council resolved to prepare planning proposal to rezone the subject sites and also to change the development standards applicable to those sites. The Woollahra Local Planning Panel supported the planning proposal to proceed, and following from that, council resolved to forward the planning proposal to the department for gateway determination. We issued gateway determination August last year, did not proceed, and in December council requested a gateway determination review.

30 This slide shows the subject sites in relation - in a subregional context. You can see the relationship between Bondi Junction, Royal Sydney Golf Club and Bondi Beach in relation to the location of the sites and this slide zooms in to look at the locality of the local context. You can see that the subject sites are within walking distance from several open spaces including Bradley Avenue Reserve, Cooper Park and Bellevue Park. It is within walking distance from the shops in the local centre of Bellevue Hill along Bellevue Road and there's also a public school nearby.

40 This slide shows some photos of the local context and you can see that the built forms and the streetscape characters are already quite diverse. On the upper left-hand corner is a view along Riddell Street, you can see there is an interwall residential flat building at the Corner of Lennox Street and Riddell Street and the lower left-hand corner is the view along Bellevue Road, you can see existing shops and there is also a nine-storey

residential flat building at the corner of Buller Street and Bellevue Road sitting with - sitting on top of ground floor shops and the photo in the middle of the slide you can see from Riddell Street, this nine-storey building is visible in the background and on the right-hand side there is an oblique area for the graph showing the subject sites and the blue arrow denotes the residential flat building approved by the court at 21-23 Riddell Street, which was substantially completed at that time when the photograph was taken.

10 The following slides provide a snapshot of the proposed changes to the LEP mapping. So this is the existing land zoning map and the proposed land zoning map showing the down-zoning from R3 to R2 for the subject area. This is the height of buildings map. The proposal seeks to change the height control to align with the - with the nearby R2 zones which is to reduce to 9.5 metres from 10.5.

20 In terms of floor space ratio mapping you can see on the right-hand side the proposal seeks to remove the floor space ratio control. Like we mentioned earlier, council is progressing a planning - separate planning proposal to introduce a 0.5:1 FSR for R2 zoned land and this proposal is currently sitting with the department for finalisation assessment. This is the minimum lot size maps. The proposal seeks to reduce the lot size standard from 700 square metres to 675 square metres and to clarify, this mapping relates to clause 4.1 of the LEP which relates to minimum size - minimum lot size for subdivision of land.

30 To answer the Commission's queries we first talk about the strategic merit of the proposal. A summary of council's view is that council consider that strategic merit has been established. The sites are not within an area identified by council for housing growth and that the gateway determination lacks details of the proposal's inadequacy. The department's position is that the proposal is inconsistent with the overarching strategic planning framework and contrary to the council's assertion, details - details have been provided in the department's gateway assessment report.

The proposal will reduce potential for housing supply diversity in the location that is accessible to public transport, jobs, services and social infrastructure in terms of open space and schools. It is also inconsistent with the government's objective for the planning system to boost supply - for supply of housing and improve housing affordability and it is also inconsistent with the 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 per cent by 2023.

40 More details in terms of consistency of the overarching strategic plans is that we consider the proposal as inconsistent with the relevant objectives, planning priorities

and goals and strategies of the region, district and local strategic plans which consistently provide for greater housing supply, diversity and affordability with access to jobs, services and public transport. These details are shown on the left - on the right-hand side which summarises all the relevant objectives and priorities that we have considered and this is also detailed in the justification assessment report prepared by the department.

10 I quickly talk about this site and then I'll pass it onto Amanda to elaborate. In terms of the impact on local housing supply and diversity council's view is that the proposal will have negligible impact on housing supply with sustained diverse housing and that adding more apartments would reduce housing diversity in the area.

MS HARVEY: Thanks, Simon. So I think just on housing - local housing strategy, we assessed - in fact, myself assessed all 33 council housing strategies across Sydney including Woollahra's. So I think when we looked back at this planning proposal in conjunction with the housing strategy that council prepared there was a lot of inconsistencies. The low rise medium density residential uses, so just the site buildings and multi-dwelling houses are generally permitted in well-accessible areas and that was reflected in council's housing strategy. You know, the theoretical
20 potential for housing, council's estimates was 20 dwellings, it doesn't sound a lot but I suppose in relative terms that's four per cent of council's target and then the sites are still within the R3 zone. We notice that the R3 was not just this portion but there is additional R3 in the vicinity as well so wanted to sort of, you know, understand why it was only this portion of the R3-zoned area, not the backside or the other areas of Buller Street.

30 So if you want to flick to the other - thank you. Just in terms of giving you sort of the understanding of the statistics and how the stats - the stats stack up, I suppose, and how the targets are set, so correctly council has, in fact, exceeded its target that was set for the zero to five year which is the 2016 to 2021 period and a few target was set notably which was 200 dwellings higher than the last target, obviously reflection of the fact that council had done a fairly good job and there was additional capacity. That target was set on a base of a number of factors. Firstly, is based on capacity throughout the LGA but also the take-up rates and historical trends relating to that. It's also related to predicted rezonings that are happening in the area as well.

40 So when we look at the 640 dwelling supply forecast that's actually a forecast, it's only a prediction of what we expect to happen, it's not actual. So while council may have suggested they've met their target, they can only achieve their target when they actually get to the middle of 2016 and we'll be monitoring that as we go. So I think Woollahra's minimum is 500 dwelling target. As I said, it's quite low, it's the third-

lowest in all of Sydney and it's the lowest for the Eastern Harbour City. So looking at the bottom chart you can quite relatively that it's very low compared to other councils but it's measured obviously in relation to its capacity. It accounts for 1.2 per cent of the total target for the Eastern City district and .3 per cent of the total for Sydney.

10 We approved the strategy for council 12 months ago, in fact, nearly to the day, it was on the 11th of March this time last year. Council hasn't sought to modify that strategy but it also contemplated no change - no change to the R3-zoned areas. So again to the point that Simon made earlier that there's some inconsistencies between the way in which council's applied their strategy and now implementing a planning proposal
15 inconsistent with those strategies and the idea for a local housing strategy is to inform council's strategic framework, it's set through also the local strategic planning statement which sets the direction for all planning work that's done through planning proposals.

20 I think on a broader note I'd probably say that the New South Wales and the Commonwealth Government are really trying hard to tackle housing supply and better, you know, support the population growth through new housing but also changing housing needs and this area provides an opportunity for R3 zone which is medium density housing which is something we've noticed across the whole of Sydney is something that's quite lacking and is very challenging still to provide.

30 So I think, therefore, it's responsible for all councils to provide opportunities for renewal and housing and when you meet the targets it doesn't mean that tools are down, we want councils to continue to provide housing where it's appropriate and suitable and the converse or the perverse outcome of this planning proposal is that by taking away that capacity it actually reduces the ability to achieve their target which is probably the converse outcome that we want for councils to achieve and, I think, you know, that lower target for Woollahra is reflected in a more measured response. So it's not unreasonable in some ways for council to meet or probably even exceed targets quite comfortably if they continue with what we see and we want councils now to be working towards the next stage or phase of housing supply which is the beyond 2026 and councils should be working on their other projects which they've got in the pipeline, which is for Edgecliff around the station and Double Bay, which are the longer term projects, which we want councils to be focused on as well and that's all I'll say on the housing strategy. Back to you, Simon.

40 MR IP: Sure. I'll skim past this slide. We go back - we touch on consistency with section 9.1 in Ministerial Directions and these directions set out requirements and guidance for planning proposals and are issued under the Act. Based on the department's assessment the proposal is inconsistent with the following directions.

First of all, implementation of regional plans. The proposal undermines the intent of objective 10, greater housing supply and objective 11, housing small diverse and affordable of the Greater Sydney Region Plan.

10 Secondly, it is inconsistent with the site-specific provisions where the directions objective is to discourage unnecessarily restrictive site-specific controls. By down zoning and then permitting residential flat buildings as an additional permitted use for 21-23 Riddell Street where our residential flat building is already substantiated completed, it's cumbersome, and also it is unnecessarily restrictive to apply more stringent development standards for 21-23 Riddell Street that align with low density residential uses and the consequence is that any future minor development may be rendered non-compliant with the controls being sought.

20 The proposal is also - it's also contrary to the objective of the direction for integrating land use and transport which provides for improving access to housing, shops and services by walking, cycling, in public transport through reducing density in areas within walking distance to public bus services with links to Edgecliff station and Bondi Junction. The proposal is also inconsistent with the direction for residential zones. Specifically clause 1 of the direction 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.

30 The proposal does not align with the above provisions. And clause 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. As Amanda mentioned, the proposal would impact council's ability to contribute to the six to 10-year housing supply and also to miss the longer term housing target. In terms of site-specific merit, council's view is that site-specific merit is demonstrated by the independent study by Studio GL and that the existing controls would, firstly, impact on local character and amenity.

40 The department's assessment is that the subject area already demonstrates mixed streetscape character with both low and medium density residential developments of different scale. The existing R3 zone could provide a transition between the higher density built form within the B1 neighbourhood centre zone and the nearby R2 zones. The council states that the estimated loss of dwelling capacity would be reduced to approximately 10 dwellings from 20. After considering recent developments, site constraints and the financial viability of site amalgamation and so on, this somewhat contradicts the proposal's justification that the existing controls would reduce in

significant adverse impacts in the first place and also the estimated increase in parking demand that council - that Studio GL report indicates of 60 car spaces. It is based on the broader study area that encompasses the sites north of and south of the subject sites. So in our view, the 60 car spaces is an inflated figure and is an overestimate.

10 Continue on site-specific matters and the Woollahra DCP matters. The council's view is that it does not accept that the land use matters, the proposed amendments seeking to control would be suitably addressed by the DCP and through the DA process. We have a few points we'd like to share. First of all, council states that the subject sites
10 have a local character more akin to Bradley Avenue and Lennox Street which are characterised by low density residential development. Of the future development within the subject area of Riddell Street would have a limited impact on the visual setting of both Bradley Avenue and Lennox Streets because they are oriented perpendicular to Riddell Street and also Lennox Street already has split zoning with R2 zone on the northern side and R3 zone on the southern side of the same street and also in the Woollahra DCP the site future character statement for the Bellevue Hill residential precinct, in which 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 will enforce the natural topography and
20 provide opportunities for future. That is quoted from page 22 of chapter B1 of that DCP.

Our assessment continuing is that planning issues that the council's concerned with such as local character, parking, vehicular access, setbacks, tree canopy amenity can be addressed by DCP controls and resolved through the DA process and although the R3 zone 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 will be achieved.

30 So in conclusion and also our recommendation is that the department has considered the justifications and also the additional materials provided by council for the purposes of the gateway review. We do not alter our view that the planning proposal lacks strategic and site-specific merit and the planning proposal should not proceed and also an alternation to the gateway determination to allow that to occur is not warranted. So that's the end of our presentation and we will welcome questions from the Commission.

40 MS LEWIN: Well, firstly, I'd like to say that the Commission has appreciate the clarity of the department's reasoning in your assessment report and also your presentation today so thank you very much.

MR IP: Thank you.

MS LEWIN: Much appreciated. I did have questions that related to the strategic planning targets for uplift in residential development and the ability for the council's existing DCP to effectively and efficiently address the site-specific matters that underpin the planning proposal that's before us but I must say that I think you've answered those questions in your presentation today. So thank you. Amanda, there was one new piece of advice that you mentioned. During the strategic planning commentary you mentioned that council had not decided to alter the existing R3 zone quite recently when there were conversations with the department. Do you remember
10 when that was, when those meetings occurred?

MS HARVEY: I'd have to ask Simon when the meetings occurred and talking about the R3 zone for this I can talk though - - -

MS LEWIN: Yes.

MS HARVEY: - - - on the housing strategy. So when it was considered at that time, so that was last - beginning year last year we didn't have any contemplation of council proceeding with this R3 zone change at that time. They had other planning proposals that we were contemplating, one of which was increasing the minimum lot size for dual-occupancies which we did - in fact, did not support as part of the housing strategy approval. So part of the conditions or the terms of the approval stated we didn't support that but at the time we didn't know about any change to the R3 zone; hence, why it wasn't actually contemplated in the strategy assessment.
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MS LEWIN: Okay. Thank you for that, that clarifies a few things. We did have a conversation with council on Tuesday and - - -

30 MS HARVEY: (not transcribable)

MS LEWIN: Tuesday of this week and broadly canvassed the changes that they had in mind for the R3, R2 zones and you've provided us with an additional piece of information. It helps us with the puzzle.

MS HARVEY: Yes.

MS LEWIN: Time puzzle. We also undertook a site inspection Tuesday last week and walked through the precinct, the R2 and R3 zones, the information's on the website. We also walked up Buller Street and identified that - I think it's number 11.
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MS HARVEY: 14 - 14 and 15 are the sites to be changed.

MS LEWIN: 14, 15 are the sites within the zone that's proposed to be rezoned.

MS HARVEY: Yep.

MS LEWIN: But there's a development currently at 11-13 Buller Street which is medium density, three - probably three storeys under construction which - so the adjacency to that zone is interesting in relation to the adjacency of - is it 21-23.

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MS HARVEY: Yep.

MS LEWIN: So it was salutary, I suppose, to undertake that site inspection on the ground and see the state of play at the moment. I don't have any other questions for the department. As I said, I think you've covered most of the queries that I had. Nima and Brad, do you have any?

MS SALEK: Nothing from me, thank you.

20 MR JAMES: Nothing from me, Wendy.

MS LEWIN: Okay. Well, I think we've had a short meeting and I thank you for your time and I believe we can close it slightly ahead.

MS HARVEY: That's great.

MS LEWIN: Thank you very much.

MS HARVEY: Thanks, Wendy.

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MR JAMES: Thank you.

MALE SPEAKER: Thank you, Commissioner.

MR JAMES: Thanks everyone. Cheers.

MEETING CONCLUDED

[10.03am]