

Item No: D1
Subject: **PLANNING PROPOSAL - AMENDED PLANNING CONTROLS FOR RIDDELL STREET, BELLEVUE HILL**

Author: Lyle Tamlyn, Strategic Planner
Approver: Anne White, Manager - Strategic Planning
File No: 22/44301
Purpose of the Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the planning controls for 13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill under the Woollahra Local Environmental Plan 2014.
Alignment to Delivery Program: Strategy 4.1: Encourage and ensure high quality planning and urban design outcomes.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal for 13-27 Riddell Street and 14-15 Buller Street to:

- A. Rezone the properties from R3 medium Density Residential to R2 Low Density Residential.
- B. Amend *Schedule 1 – Additional Permitted Uses* to permit residential flat buildings on 21-23 Riddell Street;
- C. Delete the floor space ratio development standard applying to the properties;
- D. Amend the height of buildings development standard for the properties from 10.5m to 9.5m; and
- E. Amend the minimum subdivision lot size development standard for the properties from 700sqm to 675sqm.

Executive Summary:

The purpose of this report is to seek the advice of the Woollahra Local Planning Panel (Woollahra LPP) on amending planning controls applying to 13-27 Riddell Street and 14-15 Buller Street under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

The proposed changes to the land zoning and associated controls have merit and are justified by a detailed independent study prepared by Studio GL (see **Attachment 2**). They also align with relevant considerations under the strategic planning framework.

We recommend that the Woollahra LPP provides advice to Council to proceed with the planning proposal at **Attachment 1**.

Discussion:

Reason for report to the Woollahra Local Planning Panel

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) *the correction of an obvious error in a local environmental plan*
 - b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

Background

On 12 August 2019, in response to a Notice of Motion Council resolved:

THAT Council receives a report, as soon as practicable, in relation to amending its current Local Environmental Plan 2014 to rezone that part of Riddell Street, Bellevue Hill, 2023 (currently zoned R3 Medium Density Residential) back to an R2 Low Density Residential zone.

In the background to the Notice of Motion, Councillors' noted that:

A recent development application (DA 487/2018) (the "DA"), submitted for development of a 3 story residential flat building at 21-23 Riddell Street, Bellevue Hill, 2023 was before the Woollahra Local Planning Panel ("WLPP") on 18 July 2019.

The DA was refused by the WLPP on a number of bases, including, inter alia, that:

- *it was unsuitable and out of character with the neighbourhood and the precinct;*
- *there would be excessive impacts on trees and landscape;*
- *there were issues relating to traffic generation and parking and*
- *there were concerns over excavation.*

The DA, and its discussion at the WLPP, clearly indicated that the area of Riddell Street that is currently zoned R3 Medium Density Residential may not be suited to this type of building intensity, given its location on a ridge, current issues with traffic and parking and existing streetscape vegetation.

A report into the rezoning of this section of Riddell Street is therefore necessary to re-examine all these issues.

The reasons for refusal provided by the Woollahra LPP on 18 July 2019 indicated that this part of Riddell Street (currently zoned R3 Medium Density Residential) may not be suited for residential flat building development. The reasons are included below:

1. *The proposed development is inconsistent with:*
 - *The desired future character objectives O1, O2, O5 and O7 of the Bellevue Hill South Residential Precinct prescribed in Part B1.7 of Chapter B1 of the Woollahra Development Control Plan 2015;*
 - *Principles 1, 2, 4, 5, 6, 7, 8 and 9 of SEPP 65;*
 - *Clauses 1.2.2(g), (j), (k), (l) and (m) under Part 1 of the Woollahra Local Environmental Plan 2014; and*

- *Bullet point 4 under the zone Objectives for the R3 Medium Density Residential zone which reads to ensure that development is of a height and scale that achieve the desired character of the neighbourhood of the Woollahra Local Environmental Plan 2014.*
2. *The proposed building, in terms of its siting and location, is inconsistent with:*
 - *Objectives O1, O2, O3 and O4 under Part B3.2.2 (Front Setback) of Woollahra Development Control Plan 2015; and*
 - *Objectives O1, O2 and O5 under Part B3.4 (Excavation) of Woollahra Development Control Plan 2015.*
 3. *The proposed built form in the context of the existing and desired future character/ streetscape in Riddell Street and Bradley Avenue is inconsistent with:*
 - *Objectives O1 and O2, including Controls C1, C2 and C3 under Part B3.5.1 (Streetscape Character) of Woollahra Development Control Plan 2015.*
 4. *The proposed basement parking and associated driveway are inconsistent with:*
 - *Objectives O1 and O4 including Control C1 under Part B3.6 (On-site Parking) of Woollahra Development Control Plan 2015; and*
 - *Objectives O2, O7 under Part B3.7 (External Areas) of Woollahra Development Control Plan 2015.*
 5. *The proposed development, in terms of landscaping, is inconsistent with:*
 - *Objectives O2, O9 including Controls C2, C16 and C20 under Part B3.7 (External Areas) of Woollahra Development Control Plan 2015.*
 6. *The proposed development, in terms its traffic generation, access arrangement, and potential conflict with pedestrian movement is unacceptable due to its position in close proximity to the junction of Bradley Avenue and Riddell Street.*
 7. *The proposed development will result in an adverse impact on the public domain including the local cultural landscape and planting.*
 8. *The proposed development, in terms of its traffic generation, access arrangements, and potential conflict with pedestrian movement is unacceptable due its position in close proximity to the junction of Bradley Avenue and Riddell Street.*
 9. *The proposed development will result in an adverse impact to the public domain including the local cultural landscape and planting.*

However, following its refusal by the Woollahra LPP, on 4 June 2020 the application was approved by the NSW Land and Environment Court¹.

The Review by Studio GL

In May 2021, consultants *Studio GL* were engaged to undertake an independent *Planning and Urban Design Review* ('the Review') to address the matters raised in Council's resolution. This is included at **Attachment 2**.

The review comprised land in Riddell Street, Bellevue Hill currently zoned R3 Medium Density Residential Woollahra LEP 2014 (as show in yellow outline in **Figure 1** below). A total of 17 residential properties were nominated for the study, which collectively formed the 'study area'.

¹ As of March 2022, the development is under construction.

The Review included the following:

- Discussion of the planning context of the study area including the strategic context, existing local planning controls, the court approval for a residential flat building at 21-23 Riddell Street, and other recent development applications.
- Study of the existing condition and character of the built form and public domain, including the pattern of development (urban structure, blocks and lot), topography, landscape and tree canopy, public domain and key local infrastructure.
- 3D modelling of the existing built form.
- Analysis, including 3D modelling of four potential development scenarios testing different land use zoning and corresponding planning controls, including the impact of these options on the surrounding context, housing targets and parking.



Figure 1: Extract of Woollahra LEP 2014 Land Zoning Map showing Riddell Street and the surrounding area.

The Review used detailed scenario testing of the properties in the study area. Using a standardised set of assumptions, it modelled development that could be built in the study area under different approaches to zoning. Key impacts associated with each scenario were noted.

Four scenarios were considered in the testing:

- Scenario 1 assumed no changes were made to the existing controls and development occurred to the full potential allowable under the R3 Medium Density Residential zone.
- Scenario 2 analysed the impact of down zoning all lots within the study area to R2 Low Density Residential.
- Scenario 3 considered retaining the zoning of lots that are most likely to develop as apartments and the down zoning the remainder to R2 Low Density Residential.
- Scenario 4 considered down zoning lots that are most likely to develop to R2 Low Density Residential and retaining the remaining lots as R3 Medium Density Residential.

All scenarios assumed the following:

- New development would seek to maximise FSR and/or site coverage;
- New development complied with the Woollahra LEP 2014's 0.75:1 FSR control (for apartments), or the Woollahra DCP 2015's floorplate controls (as it typical for lower density residential development in the R2 Low Density Residential zone);
- Applicable height controls (either 9.5m or 10.5m) in the Woollahra LEP 2014 were met;
- Front and rear setback controls of the Woollahra DCP 2015 were met or exceeded;
- All apartments complied with key design criteria in the Apartment Design Guide; and
- Parking numbers for residential apartments were two spaces per unit, plus 0.25 of a space for visitors. Two spaces were allocated for proposed dwelling houses.

Scenario 1 generated a substantial increase of 24 dwellings and 60 car spaces in the study area. This scenario also had the highest parking numbers and greatest impact on tree canopy, landscape area, overshadowing and the character of the streetscape.

Scenario 2 generated an increase of 1 dwelling and 15 additional car spaces, mainly from increased parking provision for dwelling houses. This scenario had the lowest impact on tree canopy, landscape area, overshadowing and the character of the streetscape.

As **Scenarios 3** and **4** explored different combinations of zoning, they yielded results that sat between Scenarios 1 and 2 in terms of impacts.

A three-dimensional rendering of Scenario 1 (current controls maintained) is provided below in **Figure 2**. This clearly shows the significant impacts to the scale of the streetscape, should the controls remain unchanged. Key impacts are:

- Multiple residential flat buildings on the south-eastern side of Riddell Street, with street wall heights that are inconsistent with nearby dwelling houses;
- Widened vehicular crossovers to Riddell Street;
- Reduced canopy coverage where sites have been amalgamated; and

The Review recommended that the central part of the study area (shown with the red line below), be rezoned from R3 Medium Density Residential to R2 Low Density Residential.

The Review noted that these sites have a local character similar to nearby Bradley Avenue and Lennox Street which are accessed off Riddell Street (see **Figure 4 & 5** below). Their landscaped character was seen to form a gateway to these 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. For these reasons, the recommendations are considered to have site-specific merit.



Figure 2: Three-dimensional view of Riddell Street under Scenario 1, viewed from north-west.

On 12 July 2021 the Environmental Planning Committee (EPC) considered a report on the Review prepared by Studio GL (see **Attachment 3**) and on 26 July 2021 Council resolved to support the preparation of a planning proposal to amend the Woollahra LEP 2014 to:

- (i) *Rezone the following properties from R3 Medium Density Residential to R2 Low Density Residential:*
 - a. *13 - 27 Riddell Street, Bellevue Hill*
 - b. *14 - 15 Buller Street, Bellevue Hill.*
- (ii) *Amend Schedule 1 – Additional Permitted Uses to permit development for a residential flat building on the site at 21 & 23 Riddell Street, Bellevue Hill.*

However the Council resolution also requested a further report be prepared to examine the possible rezoning of numbers 1-11 Riddell Street, Bellevue Hill.

A further report on the potential rezoning of 1-11 Riddell Street to R2 Low Density Residential was considered by EPC of 7 February 2022 (see **Attachment 4**). In summary, Council staff did not support the rezoning of 1-11 Riddell Street. Following the meeting of the EPC, on 28 February 2022 Council resolved:

- A. *THAT consistent with Council's resolution from 26 July 2021 to prepare a planning proposal to amend the Woollahra Local Environmental Plan 2014 to rezone 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential, the planning proposal also include the following amendments to the applicable development standards:*
 - i. *Delete the floor space ratio of 0.75:1*
 - ii. *Height of buildings: amend from 10.5m to 9.5m*
 - iii. *Minimum subdivision lot size: amend from 700m² to 675m²*
- B. *THAT Council note the advice in relation to the rezoning of 1-11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential.*

The sites

This planning proposal relates to the following properties either on, or close to, Riddell Street in Bellevue Hill:

- 13 Riddell Street (Lot A in DP 300636);
- 15 Riddell Street (Lot 4 in DP 6028 & Lot B in DP 300636);
- 17 Riddell Street (Lot 2 in DP 220814);
- 19 Riddell Street (Lot 1 in DP 220814);
- 21 – 23 Riddell Street (Lot 2 in DP 6028 & Lot 1 in 658568);
- 25 Riddell Street (Lot 1 in DP 950091);
- 27 Riddell Street (Lot D in DP 984055);
- 14 Buller Street (Lot 1 in DP 726797); and
- 15 Buller Street (Lot 1 in DP 300636).

The subject properties are all zoned R3 Medium Density Residential, under the Woollahra LEP 2014 (see **Figure 3** below).

The properties lie on the south-eastern side of Riddell Street and the end of Buller Street. While the Buller Street properties do not have a frontage to Riddell Street, they remain in the same visual catchment. The properties generally contain low density dwelling houses, varying between one and two storeys. They age from Interwar houses to more modern development.

Many of the properties have limited front and side setbacks, with deeper rear setbacks. Dwellings located on angled lots tend to be located parallel to the side boundaries, which creates an irregular setback to the street. This triangular front setback is usually well landscaped with a mix of shrubs and canopy trees. The only exception to this pattern of built form is 21-23 Riddell Street, on which a three storey residential flat building is currently being constructed at the time of preparing this report (DA2018/487) (see **Figure 7**).



Figure 3: Properties subject to this planning proposal, with zoning overlay.

Riddell Street has a topographic fall from north-east to south-west and as a result of this varying landform, dwellings at the north-eastern end are set above the street level. These properties are accessed via an elevated path.

Due to the relative narrowness of Riddell Street, there are large nature strips on each side of the road. These contain established trees, which help define the leafy character of the locality. An aerial map is shown below in **Figure 4**.



Figure 4: Aerial view of properties subject to this planning proposal.



Figure 5: Wider aerial view, showing surrounding road network.



Figure 6: 15 Riddell Street, viewed from street frontage.



Figure 7: Residential flat building under construction at 21-23 Riddell Street, viewed from the street frontage.



Figure 8: 27 Riddell Street, viewed from elevation footpath.



Figure 9: Riddell Street viewed from the southern section, looking north-east.

Planning Proposal

Consistent with the recommendations of the Review and relevant Council resolutions, a planning proposal has been prepared 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) development standard applying to the subject properties;
- Amend the height of buildings development standard for the properties from 10.5m to 9.5m; and
- Amend the minimum subdivision lot size development standard for the properties from 700sqm to 675sqm.

While the Review recommended amending the zoning, Council staff have determined that changes to the relevant building height, floor space ratio and minimum lot size controls are required to align the subject properties with other properties in the existing R2 Low Density Residential zone. The new controls proposed will ensure new development on the subject properties produce a built form that is compatible with the desired future character of the area.

The Review also recommended changes to the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) to include the subject properties in the Bellevue North locality and adjust the front setback controls applying to the properties. These revisions are currently being prepared by Council staff and will be exhibited concurrently with the planning proposal, subject to endorsement.

Objective of the planning proposal

The objective of the planning proposal 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 Riddell Street area.

Relationship to Strategic Planning Framework

The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* and the relevant planning priorities and actions of the *Eastern City District Plan* (refer Part 6.3 of attached planning proposal).

The planning proposal also aligns with the *Woollahra Local Strategic Planning Statement*, *Woollahra Local Housing Strategy* and Council's Community Strategic Plan *Woollahra 2030*. These are further discussed under Part 6.3 of the planning proposal.

Ministerial Direction 6.1 (Residential Zones) requires planning proposals not to reduce the permissible density of dwellings on a site, unless the relevant planning authority can demonstrate the planning proposal is:

- justified by a strategy approved by the Planning Secretary which:*
 - gives consideration to the objective of this direction, and*
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or*
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- 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*
- of minor significance.*

Having considered the independent Review prepared by Studio GL, and that this planning proposal is of minor significance only (as it will reduce the permissible density of the land by approximately 10 dwellings), this planning proposal is consistent with the direction. Furthermore, the minor loss in density resulting from this planning proposal is capable of being offset by other Council strategies, such as the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.

Contents of the Planning Proposal

The planning proposal (at **Attachment 1**) has strategic and site-specific merit, and satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014;
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014;
- The justification for the objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken.

Options:

As a consequence of this report, the Woollahra LPP may provide advice to Council to proceed with the planning proposal as currently proposed.

Alternatively, the Woollahra LPP may provide advice not to proceed with the planning proposal or require staff to make amendments.

Community Engagement and / or Internal Consultation:

No community engagement has been undertaken to date. If the planning proposal receives a gateway determination, the landowners and wider community will be notified via the exhibition process

Public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, the *Woollahra Community Participation Plan 2019* and any conditions of the Gateway determination.

Policy Implications:

Should Council resolve to progress the planning proposal (having considered the advice of the Woollahra LPP), and should it progress to finalisation, there will be policy implications as controls for the subject properties will change under the Woollahra LEP 2014 and the Woollahra DCP 2015.

Financial Implications:

NIL

Resourcing Implications:

Staff resource implications will be associated with progressing a planning proposal which will include managing the public exhibition and preparing a post exhibition report to a meeting of Council.

Conclusion:

This report seeks the advice of the Woollahra LPP on a planning proposal to revise the planning controls for 13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill under the Woollahra LEP 2014.

We recommend that the Woollahra LPP advises Council to proceed with the planning proposal at ***Attachment 1***.

Attachments

1. Planning Proposal - Riddell Street Planning Controls - March 2022
2. Planning and Urban Design Review: Riddell Street, Bellevue Hill - Studio GL - July 2021
3. Environmental Planning Committee Agenda - 12 July 2021 (Annexures removed)
4. Environmental Planning Committee Agenda - 7 February 2022 (Annexures removed)