

<b>Item No:</b>	R2 Recommendation to Council
<b>Subject:</b>	<b>FURTHER REVIEW OF THE LAND USE ZONING OF RIDDELL STREET, BELLEVUE HILL</b>
<b>Author:</b>	Peter Failes, Senior Strategic Planner/Urban Designer
<b>Approvers:</b>	Anne White, Manager - Strategic Planning Scott Pedder, Director - Planning & Place
<b>File No:</b>	21/202011
<b>Purpose of the Report:</b>	To provide Council with a further assessment of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential. To obtain Council's approval to amend the development standard in the Woollahra Local Environmental Plan 2014 in relation to the properties at 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue Hill.
<b>Alignment to Delivery Program:</b>	Theme:Goal 4.1 Encourage and ensure high quality planning and urban design outcomes.

### Recommendation:

- A. THAT Council take no further action in relation to the rezoning of 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential.
- B. 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 700m<sup>2</sup> to 675m<sup>2</sup>

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### Executive Summary:

The purpose of this report is to provide Council with a further assessment of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential, and to obtain Council's approval to delete the floor space ratio development standard and amend the height of building and minimum lot size development standards in the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) in relation to 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue Hill.

### Discussion:

On 12 July 2021 the Environmental Planning Committee considered a report on the merits of rezoning properties in Riddell Street, Bellevue Hill 2021 from R3 Medium Density Residential to R2 Low Density Residential (see **Attachment 2**), and on 26 July 2021, Council resolved:

- A. *THAT the planning and urban design review of the land use zoning of Riddell Street, Bellevue Hill prepared by consultants Studio GL and contained in Annexure 1 of the report to the Environmental Planning Committee of 12 July 2021 is received and noted.*
- B. *THAT a planning proposal is prepared to amend the Woollahra Local Environmental Plan 2014 to:*
  - i. *rezone the following properties from R3 Medium Density Residential to R2 Low Density Residential:*

- a. 13, 15, 17, 19, 21, 23, 25 and 27 Riddell Street, Bellevue Hill
  - b. 14 and 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.
- C. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel is reported to a future Committee meeting of Council.
- E. THAT a draft development control plan is prepared to accompany the planning proposal amending Chapter B1 and Chapter B3 of the Woollahra Development Control Plan 2015 to:
- i. incorporate the land proposed to be rezoned R2 Low Density Residential into the Bellevue Hill North character precinct
  - ii. insert an additional clause for front setbacks
- F. THAT a further report be prepared to examine the possible rezoning from R3 to R2 of numbers 1-11 Riddell Street, Bellevue Hill.

This report had been prepared in response to a Notice of Motion from 12 August 2019 where Council resolved the following.

*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.*

The purpose of this report is to provide Council with a further assessment of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential.

#### **Planning and urban design review prepared by Studio GL:**

In May 2021, consultants *Studio GL* were engaged to undertake a planning and urban design review (the Review) of land in the study area. A copy of the Review is attached at **Attachment 1**. The Review by consultants *Studio GL* recommended that the central part of the study area at 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill (shown in blue in **Figure 1** below) be rezoned from R3 Medium Density Residential to R2 Low Density Residential.

However, the Review recommended that the other properties in the study area, including 1 - 11 Riddell Street, retain the existing R3 Medium Density Residential zone.

Relevant to 1 - 11 Riddell Street, the Review states the following:

- *Development of 1, 3 and 5 Riddell Street<sup>1</sup> will result in the loss of trees within the site. It is also possible that street trees and the large tree in the front setback of 1 Riddell Street would be removed in order to incorporate driveways. (pg 50)*
- *The potential development of residential apartments on 1, 3 and 5 Riddell Street would have a visual impact on the streetscape as it forms the gateway to Riddell Street. (pg 51)*

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<sup>1</sup> In the R3 Medium Density zone, the minimum lot size for a residential flat building is 700m<sup>2</sup>. To facilitate a lot size of 700m<sup>2</sup>, 1,3 & 5 Riddell Street would need to be amalgamated.

However, *Studio GL's* Review does not recommend rezoning these properties, stating that:

- 1, 3, 5, 9 and 11 Riddell Street are small narrow frontage sites close to the local shops. While their small size makes them unlikely to be suitable for apartment development they are a higher density of development for the local area. (pg 57)



**Figure 1: Area in blue recommended to be rezoned from R3 Medium Density Residential to R2 Low Density Residential.**

#### **Further review of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill:**

In response to part F of the resolution from 26 July 2021, Council staff have undertaken a further assessment of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential. Specifically, staff considered the following matters:

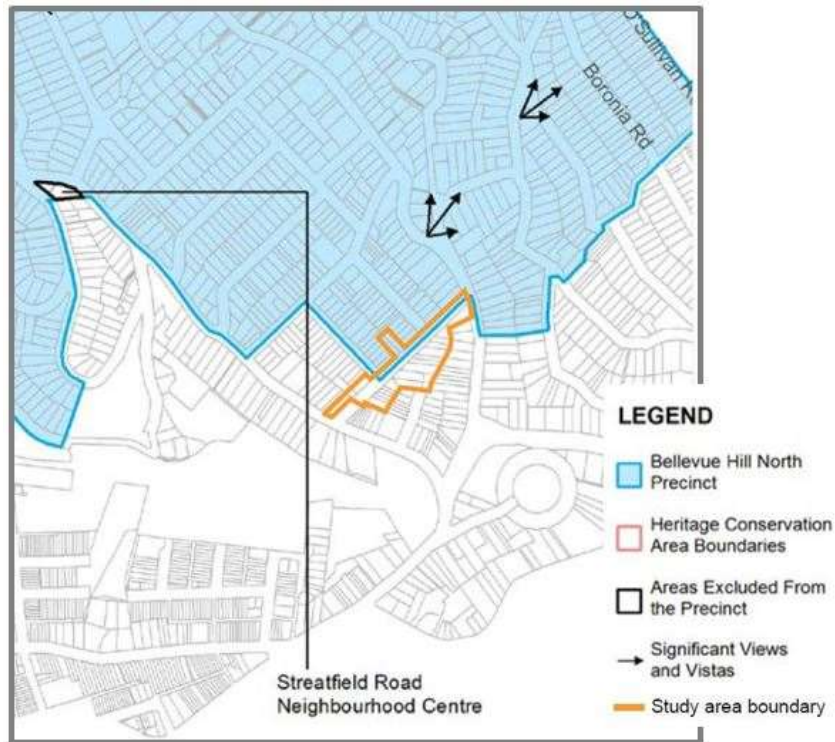
- Character and built form of the existing properties compared to the surrounding built form,
- Lot size,
- FSR and height of building development standards of 1 - 11 Riddell Street and the surrounding area (including Rivers Street; Lennox Street; Riddell Street; Buller Street, Bellevue Road and Victoria Road).

Based on the Review by consultants *Studio GL* and upon a further examination of the area, Council staff are of the opinion that the properties at 1 - 11 Riddell Street should retain their R3 Medium Density Residential Zone. We say this for the following reasons:

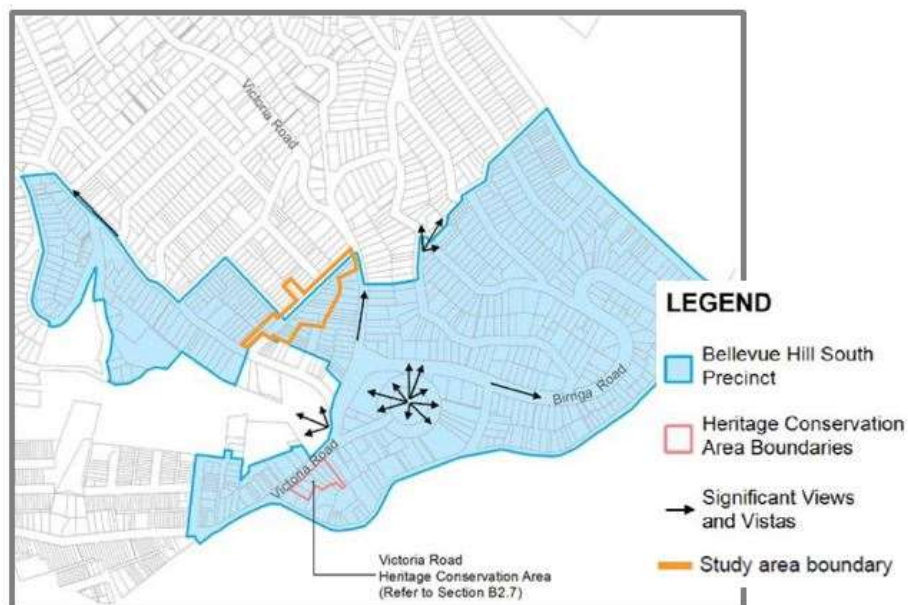
- **Lot Size**

Chapter B1 of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) contains the precinct controls for 10 residential precincts in the Woollahra LGA. This chapter includes a map showing the location of each precinct, a precinct statement and a paragraph containing the desired future character.

It is noted that the study area sits across the border between the Bellevue Hill South Precinct and the Bellevue Hill North precinct (see **Figures 2 & 3** below).



**Figure 2: Location of the study area in relation to the Bellevue Hill North Precinct (which aligns with the R2 zone).**



**Figure 3: Location of the study area in relation to the Bellevue Hill South Precinct (which aligns with the R3 zone).**

The desired future character of the Bellevue Hill North Precinct is defined in B1.8 of Woollahra DCP 2015. This Precinct has wider lots, is extensively landscaped and contains well-established trees. However, the properties at 1 - 11 Riddell Street have smaller, narrower lots containing buildings of a greater density, and less landscaping. This pattern is more consistent with the character of the Bellevue Hill South Precinct (defined in B1.7 of the Woollahra DCP 2015), which aligns with the R3 Medium Density Residential zone.

- **Transition zone**

The floor space ratio (FSR) control which generally applies to the R3 Medium Density Residential zone is 0.75:1. The land to the south zoned B1 Neighbourhood Centre has an FSR control of between 1.25:1 and 2:1. No FSR control currently applies to the R2 Low Density Residential zone.

The maximum height of buildings standards which apply are:

- R2 Low Density: 9.5m
- R3 medium Density: 10.5m
- B1 Neighbourhood Centre: ranges from 11m to 20.5m  
(with the greatest heights allowed on the southern side of Bellevue Road)

Accordingly, the properties at 1-11 Riddell Street are located between lower density residential lots to the north, and higher density properties in the B1 Neighbourhood Centre. As shown in **Figure 1** above, all land surrounding the Bellevue High Neighbourhood Centre is zoned R3 Medium Density Residential (with the exception of Cooper Park).

Therefore, the properties at 1 - 11 Riddell Street act as a transition zone between the higher density buildings located in the Bellevue Hill Neighbourhood Centre, and the lower density properties at 13 - 27 Riddell Street. The maintenance of this transition area is an appropriate planning outcome to minimise amenity conflicts between zones with different density controls.

In summary, Council staff support the recommendations contained in the Review prepared by *Studio GL*, and recommend that the R3 Medium Density Zone is maintained for the properties at 1 - 11 Riddell Street, Bellevue Hill for the following reasons:

- These properties have a dense built form with less landscaping, which is more consistent with the R3 Medium Density Residential zone.
- These properties form a transition zone between lower density residential properties' to the north, and properties located in the neighbourhood centre in the south.

**Amendments to development standards for 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill:**

As identified on 26 July 2021, Council resolved to prepare a planning proposal to amend the Woollahra LEP 2014 to

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

Having further considered the planning controls applicable to this area, it is recognised that other development standards in the Woollahra LEP 2014 should be amended to ensure the controls that apply to 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill are consistent with the proposed R2 Low Density Residential Zone. The existing and proposed development controls are summarised in **Table 1** below.

**Table 1: Existing and proposed development standards for  
13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill**

Development standard	Current control	Proposed control	Justification
FSR	0.75:1	No FSR control to apply	To ensure consistency with the adjoining and proposed R2 low Density Residential zone <sup>2</sup> .
Height of buildings	10.5m	9.5m	To ensure consistency with the adjoining and proposed R2 Low Density Residential zone.
Minimum lot size	700m <sup>2</sup>	675m <sup>2</sup>	To ensure consistency with the adjoining and proposed R2 Low Density Residential zone.

### Woollahra Local Planning Panel advice:

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is “to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council”.

Additionally, the *Local Planning Panel Direction – Planning Proposals* which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, should Council resolve to prepare a planning proposal this must be referred to the Woollahra Local Planning Panel for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to progress this planning proposal.

### Next steps:

Should Council endorse the staff recommendations of this report, the next steps are to:

1. Prepare a planning proposal to amend the Woollahra LEP 2014 to:
  - Rezone 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential<sup>3</sup>
  - Amend Schedule 1 – Additional Permitted Uses to permit residential flat buildings on the site at 21 - 23 Riddell Street<sup>2</sup>
  - Delete the FSR development standard for 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue Hill
  - Amend the Height of Building development standard for 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue Hill from 10.5m to 9.5m
  - Amend the Minimum Lot Size development standard for 13 - 27 Riddell Street, Bellevue Hill and 14 & 15 Buller Street, Bellevue from 700m<sup>2</sup> to 675m<sup>2</sup>.
2. Prepare a draft development control plan (draft DCP) to amend
  - Chapter B1 of the Woollahra DCP 2015 to incorporate 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill into the Bellevue Hill North residential precinct and
  - Chapter B3 to insert a new front setback provision for 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill.

<sup>2</sup> It is noted that Council has prepared a planning proposal to amend the Woollahra LEP 2014 to apply an FSR of 0.5:1 to properties in the LGA zoned R2 Low Density Residential and to certain development types (such as dual occupancies) on land zoned R3 Medium Density Residential. A Gateway Determination to proceed to public exhibition was issued on 31 August 2021. However, at the time of preparing this report, this planning proposal had not proceeded to exhibition and it would be premature to recommend an FSR control at this time.

<sup>3</sup> Consistent with the Council resolution from 26 July 2021.

3. Refer the planning proposal and draft DCP to the Woollahra LPP for advice consistent with Section 2.19 of the *Environmental Planning and Assessment Act 1979* and the *Local Planning Panel Direction – Planning Proposals* issued by the Minister on 27 September 2018.
4. Report the advice of the Woollahra LPP to a future meeting of Council.

**Options:**

As a consequence of this report, Council may resolve to prepare a planning to amend the Woollahra LEP 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, and 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 700m<sup>2</sup> to 675m<sup>2</sup>

Alternatively, Council may resolve not to support the preparation of a planning proposal or require staff to make amendments.

**Community Engagement and / or Internal Consultation:**

Internal consultation involved members of the Planning and Place Department. Consultation occurred with Council at the meeting of 26 July 2021. No external consultation has taken place.

**Policy Implications:**

Should Council resolve to prepare a planning proposal, and should the planning proposal progress to finalisation, there will be policy implications by amending development standards in the Woollahra LEP 2014.

**Financial Implications:**

Nil

**Resourcing Implications:**

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

**Conclusion:**

Council staff have undertaken a further assessment of the merits of rezoning 1 - 11 Riddell Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential in response to Part F of Council's resolution from 26 July 2021.

Council staff support the Review prepared by *Studio GL*, and recommend that the R3 Medium Density Zone is retained for the properties at 1 - 11 Riddell Street, Bellevue Hill for the following reasons:

- These properties have a dense built form with less landscaping, which is more consistent with the R3 Medium Density Residential zone.
- These properties act as a transition area between lower density residential properties to the north, and properties located in the neighbourhood centre to the south.

On 26 July 2021, Council resolved to prepare a planning proposal to amend the Woollahra LEP 2014 to:


- Rezone 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill from R3 Medium Density Residential to R2 Low Density Residential
- Amend Schedule 1 – Additional Permitted Uses to permit residential flat buildings on the site at 21 - 23 Riddell Street.

In addition to these changes, the planning proposal should incorporate the following amendments to the development standards for 13 - 27 Riddell Street and 14 & 15 Buller Street, Bellevue Hill:

- Delete the FSR control of 0.75:1;
- Amend the minimum Lot Size from 700m<sup>2</sup> to 675m<sup>2</sup>; and
- Amend the Height of Buildings from 10.5m to 9.5m.

To progress this matter, a planning proposal and Draft DCP should be prepared, and reported to the Woollahra LPP for advice. This advice will be reported to a future committee meeting of Council.

### Attachments

1. Planning & urban design review of Riddell St, Bellevue Hill final report by Studio GL [↓](#) 
2. Report to Environmental Planning Committee 12 July 2021 (annexures removed) [↓](#) 