



IRF22/3027

## Gateway Determination Report – PP-2022-1663

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13-27 Riddell Street and 14-15 Buller Street,  
Woollahra

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning proposal</b> .....	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	1
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	5
1.6	Background .....	6
<b>2</b>	<b>Need for the planning proposal</b> .....	<b>7</b>
<b>3</b>	<b>Strategic assessment</b> .....	<b>8</b>
3.1	Regional Plan .....	8
3.2	District Plan .....	9
3.3	Local.....	10
3.4	Local planning panel (LPP) recommendation.....	12
3.5	Local Planning Directions (s.9.1 Directions).....	13
3.6	State environmental planning policies (SEPPs) .....	15
<b>4</b>	<b>Site-specific assessment</b> .....	<b>15</b>
4.1	Environmental.....	15
4.2	Social and economic.....	15
4.3	Infrastructure .....	15
<b>5</b>	<b>Consultation, timeframe and Local plan-making authority (LMPA)</b> .....	<b>15</b>
<b>6</b>	<b>Assessment summary</b> .....	<b>16</b>
<b>7</b>	<b>Recommendation</b> .....	<b>16</b>

**Table 1: Reports and plans supporting the proposal**

<b>Relevant reports and plans</b>
Studio GL – Planning & Urban Design Review – Riddell Street, Bellevue Hill – Final Report (July 2021)
Woollahra Municipal Council - Environment and Planning Committee Meeting Agenda (12 July 2021)
Woollahra Municipal Council - Environment and Planning Committee Meeting Agenda – Further review of the land use zoning of Riddell Street, Bellevue Hill (7 February 2022)
Woollahra Municipal Council – Planning Proposal – Amendments to Riddell Street planning controls (14 March 2022)
Woollahra Local Planning Panel Report – Planning Proposal – Amended Planning Controls for Riddell Street, Bellevue Hill (24 March 2022)
Woollahra Municipal Council - Environment and Planning Committee Meeting Agenda – Advice of the Woollahra LPP – Planning Proposal – Amended planning controls for Riddell Street, Bellevue Hill (4 April 2022)
Woollahra Municipal Council – Ordinary Council Meeting Minutes - Advice of the Woollahra LPP – Planning Proposal – Amended planning controls for Riddell Street, Bellevue Hill (26 April 2022)
Woollahra Municipal Council – Cover Letter – PP-2022-1663 (10 May 2022)

# 1 Planning proposal

## 1.1 Overview

Table 2: Planning proposal details

<b>LGA</b>	Woollahra Municipal Council
<b>PPA</b>	Woollahra Municipal Council
<b>NAME</b>	13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill
<b>NUMBER</b>	PP-2022-1663
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan 2014
<b>ADDRESS</b>	13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill
<b>LEGAL SITE DESCRIPTION</b>	Lot A in DP 300636 Lot 4 in DP 6028 & Lot B in DP 300636 Lot 2 in DP 220814 Lot 1 in DP 220814 Lot 2 in DP 6028 & Lot 1 in 658568 Lot 1 in DP 950091 Lot D in DP 984055 Lot 1 in DP 726797 Lot 1 in DP 300636
<b>RECEIVED</b>	10/05/2022
<b>FILE NO.</b>	IRF22/3027
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the proposal is to ensure the subject properties have controls that promote development that aligns with the desired future character of the area. The objective of the proposal is clear.

## 1.3 Explanation of provisions

The proposal seeks to amend the Woollahra Local Environmental Plan 2014 (WLEP) by:

- rezoning the subject properties from R3 Medium Density Residential to R2 Low Density Residential;

- amending Schedule 1 'Additional Permitted Uses' to permit residential flat buildings at 21-23 Riddell Street, Bellevue Hill;
- deleting the floor space ratio development standard applying to the subject properties;
- amending the maximum height of building standard for the subject properties from 10.5m to 9.5m; and
- amending the minimum lot size standard for the subject properties from 700m<sup>2</sup> to 675m<sup>2</sup>.

Current and proposed controls are compared in **Table 3** below:

**Table 3: Current and proposed controls**

Control	Current (Woollahra LEP 2014)	Proposed
<b>Zone</b>	Zone R3 Medium Density Residential (the R3 zone)	Zone R2 Low Density Residential (the R2 zone)  **The proposal also seeks to amend Schedule 1 'Additional Permitted Uses' of the WLEP to introduce 'residential flat buildings' as an additional permitted use on land at 21-23 Riddell Street, Bellevue Hill.
<b>Maximum height of building</b>	10.5 metres	9.5 metres
<b>Floor Space Ratio</b>	0.75:1	Delete the applicable FSR controls applying to the subject properties.
<b>Minimum Lot Size</b>	700 m <sup>2</sup>	675 m <sup>2</sup>

The proposal also notes Council's intention to prepare a draft development control plan to:

- amend Chapter B1 of the Woollahra Development Control Plan 2015 (Woollahra DCP 2015), to incorporate the subject properties in the Bellevue Hill North Residential Precinct; and
- insert a new front setback provision for the subject properties in Chapter B3 of the Woollahra DCP 2015.

Council intends to exhibit the proposed DCP amendments concurrently with the planning proposal if a Gateway determination is issued.

### **Intended land use outcomes**

The proposal seeks to *“ensure the subject properties form a gateway to the adjoining lower density residential areas along Bradley Avenue and Lennox Street...The development of these sites, under the current zoning, would change the landscaped character of the street.”*

The proposal seeks to reduce the development capacity of the sites to a low density and built form scale. *Attached dwellings, Dual occupancies, Dwelling houses, Secondary dwellings and Semi-detached dwellings* would be the only forms of *residential accommodation* permitted on the site. All other forms would be prohibited, including *residential flat buildings, multi dwelling housing and seniors housing*.

## 1.4 Site description and surrounding area

### 1.4.1 The site

The planning proposal applies to land at 13-27 Riddell Street and 14-15 Buller Street, Bellevue Hill, which is legally described as per **Table 4** below.

**Table 4: Address and legal description of subject properties**

Address	Legal Description
13 Riddell Street, Bellevue Hill	Lot A in DP 300636
15 Riddell Street, Bellevue Hill	Lot 4 in DP 6028 & Lot B in DP 300636
17 Riddell Street, Bellevue Hill	Lot 2 in DP 220814
19 Riddell Street, Bellevue Hill	Lot 1 in DP 220814
21-23 Riddell Street, Bellevue Hill	Lot 2 in DP 6028 & Lot 1 in 658568
25 Riddell Street, Bellevue Hill	Lot 1 in DP 950091
27 Riddell Street, Bellevue Hill	Lot D in DP 98405
14 Buller Street, Bellevue Hill	Lot 1 in DP 726797
15 Buller Street, Bellevue Hill	Lot 1 in DP 300636

The subject site (comprising all allotments in Table 4) has a total area of approximately 4,900m<sup>2</sup> and is bound by Bradley Avenue Reserve to the north, Riddell Street to the north and north-west, and residential land uses immediately west, south and east (Refer to **Figure 1**). The site is occupied by low density (1-2 storey) single-detached dwellings, with the exception of 21-23 Riddell Street, Bellevue Hill where a 3 storey residential flat building is under construction (see **Section 1.6** further in this report).



**Figure 1. Subject site (Source: Nearmap, September 2022)**

### 1.4.2 The surrounding area

Low density residential uses generally characterise development immediately surrounding the site and further to the north-west. A mix of low and medium density residential developments can be found further the to the east and south. Accessible open space includes Cooper Park and Bellevue Park to the south and Bradley Avenue Reserve immediately north. Bellevue Hill neighbourhood centre is within walking distance to the south.

Bondi Junction Railway Station is located approximately 1.8km south-west. Site surrounds and land uses can be seen in **Figure 2**.

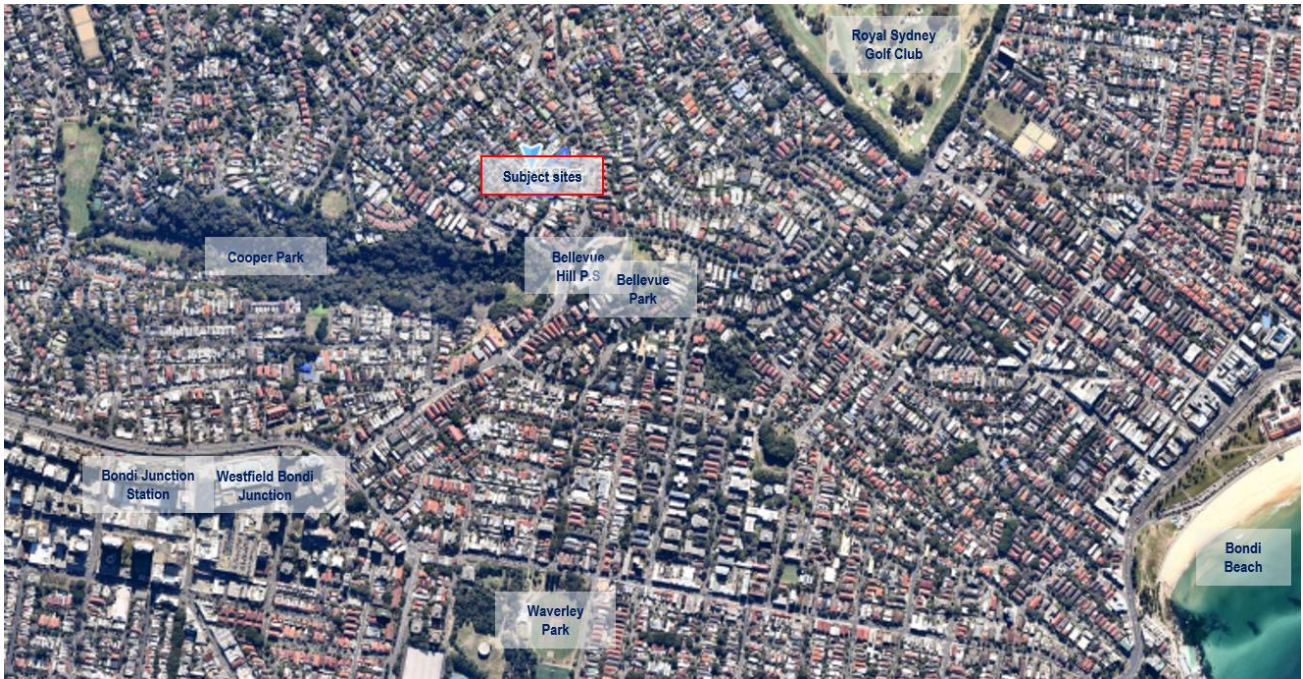


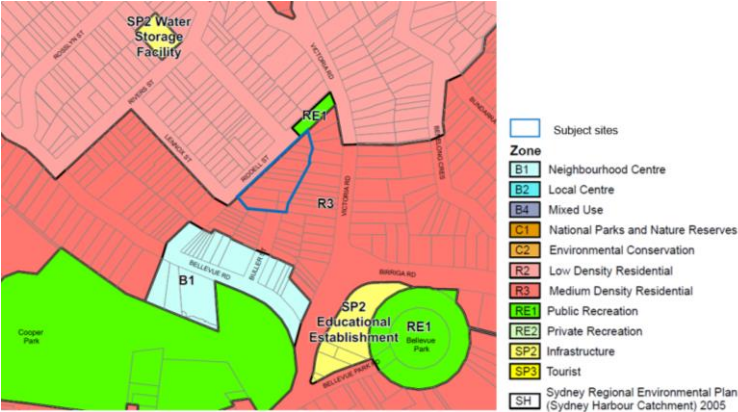
Figure 2. The site surrounds (Source: Adapted from Nearmap, September 2022)



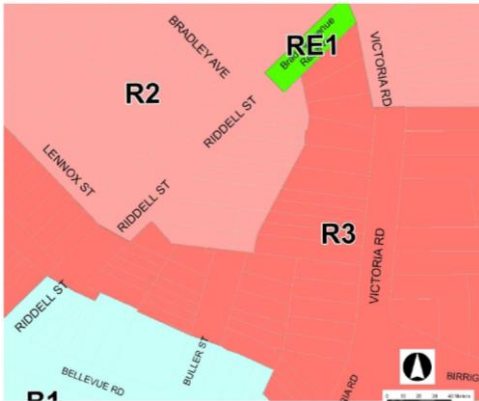
# 1.5 Mapping

## Current controls

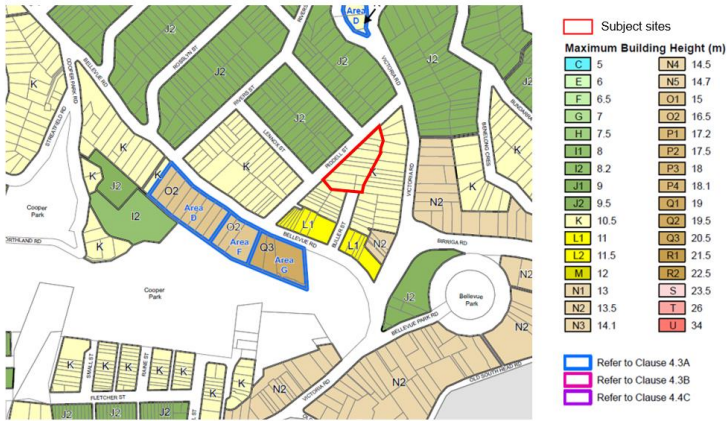
The current and proposed zoning, floor space ratio, minimum lot size and height controls that apply to the site under WLEP 2014 are shown in **Figures 3 to 10**.



**Figure 3. Existing land use zoning (Source: Woollahra LEP 2014, Zoning Map Sheet LZN\_003)**



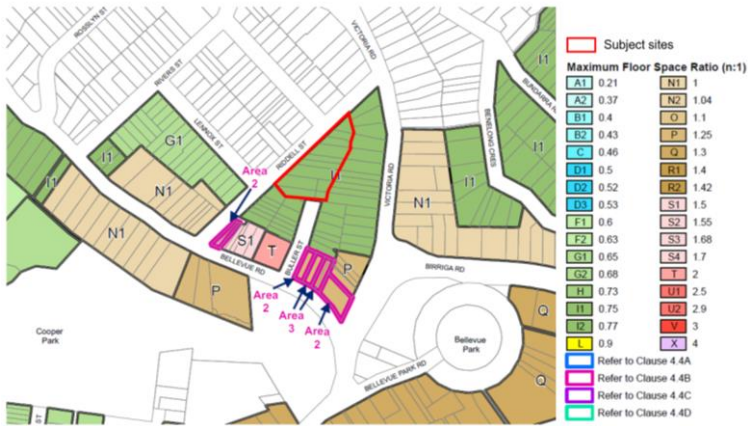
**Figure 4. Proposed amendment to the WLEP 2014 Zoning Map (Source: Planning Proposal, March 2022)**



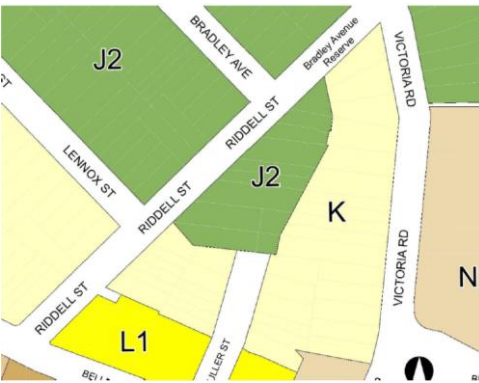
**Figure 5. Existing height of building control (Source: Woollahra LEP 2014, Height of Building Map Sheet HOB\_003)**



**Figure 6. Proposed amendment to the WLEP 2014 Floor Space Ratio Map (Source: Planning Proposal, March 2022)**



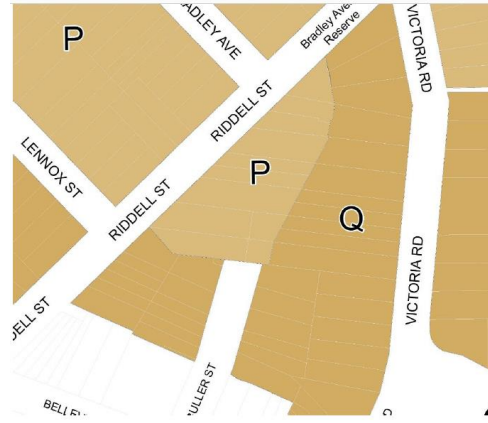
**Figure 7. Existing floor space ratio control (Source: Woollahra Local Environmental Plan 2014, Floor Space Ratio Map Sheet FSR\_003)**



**Figure 8. Proposed amendment to the WLEP 2014 Height of Buildings Map (Source: Planning Proposal, March 2022)**



**Figure 9. Existing minimum lot size control (Source: Woollahra Local Environmental Plan 2014, Minimum Lot Size Map Sheet LSZ\_003)**



**Figure 10. Proposed amendment to the WLEP 2014 Minimum Lot Size Map (Source: Planning Proposal, March 2022)**

## 1.6 Background

The following background information is relevant to the planning proposal:

<b>8 November 2018</b>	<b>Development Application DA 487/2018 was lodged with Council for the demolition of existing buildings and construction of a residential flat building at 21-23 Riddell Street, Bellevue Hill.</b>
<b>18 July 2019</b>	DA 487/2018 was refused by the Woollahra Local Planning Panel on 18 July 2019 for a number of reasons, which included that: <ul style="list-style-type: none"> <li>• <i>The development was out of character with the neighborhood and the precinct;</i></li> <li>• <i>Established trees and landscaping would be adversely affected;</i></li> <li>• <i>Car parking and traffic generation issues were unresolved; and</i></li> <li>• <i>The scope of excavation works was not supported.</i></li> </ul>
<b>12 August 2019</b>	A Notice of Motion was put to Council in response to DA 487/2018, the following resolution was passed: <p><i>“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”.</i></p>
<b>4 June 2020</b>	The Land & Environment Court determined that DA 487/2018 be granted development consent.
<b>May 2021</b>	Council engaged consultants to undertake a detailed urban design review of the Riddell Street area zoned R3 Medium Density Residential.
<b>12 July 2021</b>	The urban design review prepared by Studio GL (July 2021) presented to Council’s Environmental Planning Committee. The review included detailed scenario testing and recommended the rezoning of the subject sites from R3 Medium Density Residential to R2 Low Density Residential, outlining that <i>“Apartment development on these sites would change the landscape character of the study area”.</i>
<b>26 July 2021</b>	At an Ordinary Meeting of Council, it was resolved that a planning proposal be prepared 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 and amend Schedule 1 of the WLEP to permit residential flat buildings on land at 21-23 Riddell Street, Bellevue Hill (the DA 487/2018 site).

<b>28 February 2022</b>	At an Ordinary meeting, Council further resolved to prepare a planning proposal consistent with their 26 July 2021 resolution and also include the following amendments to the applicable development standards: <ul style="list-style-type: none"> <li>• Delete the floor space ratio of 0.75:1</li> <li>• Height of buildings: amend from 10.5m to 9.5m</li> <li>• Minimum subdivision lot size: amend from 700m<sup>2</sup> to 675m<sup>2</sup>.</li> </ul>
<b>24 March 2022</b>	The Woollahra Local Planning Panel recommended that Council proceed with the planning proposal for the subject site consistent with the above resolutions (refer to <b>Section 3.4</b> of this report).
<b>26 April 2022</b>	At an Ordinary Meeting Council resolved that the planning proposal be forwarded to the Department for Gateway Determination.
<b>10 May 2022</b>	The planning proposal was submitted to the Department for Gateway Determination ( <b>Attachments A &amp; B</b> ).
<b>16 August 2022</b>	The Department wrote to Council recommending that the proposal be withdrawn, as it cannot support the proposal to progress on the grounds that it does not sufficiently demonstrate strategic and site-specific merit ( <b>Attachment E</b> ).
<b>17 August 2022</b>	Council wrote to the Department requesting that it finalise the Gateway assessment ( <b>Attachment F</b> ).

## 2 Need for the planning proposal

The planning proposal states that it *“is a result of a Council resolution dated 28 February 2022 to rezone the subject properties to R2 Low Density Residential. This resolution was informed by a strategic study titled Planning and Urban Design Review: Riddell Street, Bellevue Hill (‘the Review’) prepared by Studio GL in July 2021”*

The Department notes the arguments for the proposed amendments, which include that:

- it will ensure future development respects the local character of Riddell Street;
- new development would more likely preserve street trees; and
- environmental amenity will be better protected and district views from the street and private properties will be maintained.

As demonstrated throughout this report, the proposal has not demonstrated sufficient strategic or site-specific merit for reducing the current capacity for housing supply and diversity potential of the subject site which is easily accessible by public transport connections, well serviced and in proximity to quality open space. This is particularly important given that the existing streetscape character already has mixed tenure of housing, the site is still suitable for other forms of housing and is in a metropolitan locality where there is a demand for housing. Land suitable for residential development is scarce with housing affordability is already a challenge.

Reducing development capacity on the site will not in itself ensure the preservation of the existing street trees and environmental amenity. Tree removal and protection is already governed by Council and enforced through the local development controls outside of the LEP. Environmental amenity and privacy can be managed through alternate processes such as a DCP and appropriate consideration at DA stage.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan) was released by the NSW Government in 2018. The Plan contains objectives, strategies and actions which seek to manage growth and change across Greater Sydney over the next 20 years.

**Table 5** provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

**Table 5: Regional Plan assessment**

Regional Plan Objectives	Justification
<p><i>Objective 10: Greater housing supply</i></p> <p>&amp;</p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>These objectives are focused on the supply and diversity of housing in the right locations to accommodate the needs of Sydney’s growing population.</p> <p>In recognition of the subject sites current land use zoning and access to existing public transport, social infrastructure, services and quality open space, this proposal is considered inconsistent with these objectives as it will reduce the housing supply and diversity potential of the subject sites.</p> <p>This is particularly important in the locality given housing affordability issues, predominant household type (lone person and couple only) and existing land use constraints (i.e. heritage, limited availability of land for redevelopment, flood planning areas), as outlined in the Woollahra Local Housing Strategy 2021.</p>
<p><i>Objective 12: Great places that bring people together</i></p>	<p>This objective outlines the importance of accessibility, connectivity and amenity in delivering great places.</p> <p>The proposal states that it <i>“will ensure an attractive and well-designed built environment for Riddell Street. The new controls will require new developments to respect the existing scale of the streetscape and appropriately relate to the surrounding low density neighbourhood”</i></p> <p>The proposal will not directly ensure an attractive and well-designed built environment for Riddell Street. Any future residential development on the subject site would be subject to development standards of the Woollahra LEP 2014, State policies and guidelines (i.e. State Environmental Planning Policy No. 65 and the Apartment Design Guide) and provisions of the Woollahra DCP 2015, which will facilitate the delivery of good design outcomes. Built form and design outcomes matters would be considered by Council as consent authority for any future development proposal.</p> <p>Having regard to the nature of the proposal and proximity of the sites to the nearby centres, transport, social infrastructure and open space, the Department considers the proposal contrary to this objective and its supporting Strategy 12.1 which recognises the need to deliver great places by <i>“...providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres”</i>.</p>

Regional Plan Objectives	Justification
<p><i>Objective 30 – Urban tree canopy cover is increased</i></p>	<p>This objective is focused on increasing Greater Sydney's urban tree canopy cover.</p> <p>The proposal considers that the revised controls will manage the scale and typology of new developments, in turn ensuring street trees are not affected by vehicle crossovers for apartment buildings, and that new developments provide the generous landscaped setbacks.</p> <p>The Department notes that the proposal does not contain provisions which specifically respond to this objective. Reducing development capacity of the site will not explicitly ensure the preservation of the existing street trees or increased tree canopy cover. Tree removal and protection is largely governed and enforced by Council through its local development controls (i.e. the Woollahra Development Control Plan 2015) which includes specific provisions which seek to promote, maintain and conserve the leafy character of the Woollahra Municipality (including provisions for significant trees).</p> <p>Concerns the proposal seeks to address are matters that can be adequately addressed as part of any development assessment process.</p>

## 3.2 District Plan

The site is located within the Eastern City District. The Eastern City District Plan (the District Plan), released by the Greater Sydney Commission in March 2018, sets out the planning priorities and actions to guide the growth of the District while improving its social, economic and environmental assets.

The Department has identified inconsistencies of the proposal with the liveability priorities of the District Plan. As such, the Department is not satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979.

**Table 6** includes an assessment of the planning proposal against relevant priorities and actions of the Eastern City District Plan.

**Table 6: District Plan assessment**

District Plan Priorities	Justification
<p><i>Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</i></p>	<p>This planning priority is focused on the delivery of housing supply, diversity and affordability.</p> <p>The proposal estimates the proposed changes could reduce their theoretical housing yield by approximately 20 dwellings, however states that a number of the properties do not have practical development potential (i.e. recently developed, lot sizes etc). This Studio GL study concludes realistic loss of 10 dwellings.</p> <p>The proposal is inconsistent with this planning priority as it will reduce the opportunity for greater housing diversity and supply, with accessible to jobs and services in the Bondi Junction strategic centre and nearby local and neighbourhood centres, existing public transport, social infrastructure, open space and recreational areas.</p>

District Plan Priorities	Justification
<p><i>Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage</i></p>	<p>This planning priority recognises the importance of creating and renewing great places and local centres. The proposal identifies Riddell Street as a key pedestrian link between Bellevue Hill's low-density residential areas and retail along Bellevue Road, providing that there is currently high pedestrian amenity and further residential flat buildings would impact upon this.</p> <p>Having regard to the site's accessibility to existing transport and social infrastructure, jobs, goods and services in the nearby strategic and local centres the Department considers the proposal to be inconsistent with this planning priority and its supporting action (Action 18) which recognises the importance of <i>"providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres"</i> in delivering great places.</p>
<p><i>Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections</i></p>	<p>Planning Priority E17 highlights the importance of increasing the urban tree canopy cover in the district and enhancing the Greater Sydney green grid, to support sustainable and liveable neighbourhoods, and promote a healthy urban environment.</p> <p>The proposal identifies consistency with this priority, outlining that the proposal is key to promoting retention and growth of tree canopy coverage which larger scale developments would impact upon (i.e. tree loss from vehicle crossings, site amalgamations, larger building footprints and extensive earthworks).</p> <p>The planning proposal does not specifically respond to this planning priority or its supporting action, reducing the development capacity of the site as proposed does not itself facilitate the retention and/or growth of the tree canopy coverage.</p> <p>It is considered that the site-specific planning issues identified in this planning proposal which relate to the retention of existing tree canopy cover and landscape character of Riddell Street, could be appropriately addressed through the inclusion of appropriate specific provisions in the Woollahra Development Control Plan 2015 (DCP).</p>

### 3.3 Local

An assessment of the consistency of the proposal with relevant local strategic plans is below.

**Table 7: Local strategic planning assessment**

Local Strategies	Justification
<p>Woollahra 2032 – Community Strategic Plan (27 June 2022)</p>	<p>'Woollahra 2032' (the CSP), the Woollahra Community Strategic Plan adopted by Council on 27 June 2022 is a 10-year plan that sets the long-term vision and objectives.</p> <p>The CSP identifies communities priorities for the future, as well as a number of goals and strategies which are organised under four key focus areas (i.e. Environmental, Social, Economic and Civic leadership).</p> <p>The goal and supporting strategy considered of relevance to this proposal includes:</p> <ul style="list-style-type: none"> <li>• <b><u>Goal 4: Well planned neighbourhoods</u></b></li> </ul> <p><b>4.3. Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes</b></p>

Local Strategies	Justification
	<p>The Department notes that the proposal includes commentary on the consistency of the proposal with various strategies identified under the former Woollahra Community Strategic Plan – Woollahra 2030. Notwithstanding, the Department considers the proposal to be contrary to Strategy 4.3 of Woollahra 2032 as the proposed ‘down zoning’ from R3 Medium Density Residential to R2 Low Density Residential will reduce the potential diversity of housing on the subject site.</p>
<p>Woollahra Local Strategic Planning Statement (March 2020)</p>	<p>The Woollahra Local Strategic Planning Statement (LSPS) sets the 20-year land use vision and planning priorities for the Woollahra LGA.</p> <p>The proposal states that it is consistent with the vision and planning priorities of the Woollahra LSPS. In particular:</p> <ul style="list-style-type: none"> <li>• <b>Planning Priority 4:</b> <i>Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes</i></li> <li>• <b>Planning Priority 11:</b> <i>Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands</i></li> <li>• <b>Planning Priority 12:</b> <i>Protecting and enhancing our scenic and cultural landscapes</i></li> <li>• <b>Planning Priority 14:</b> <i>Planning for urban resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks</i></li> </ul> <p>The Department considers that the proposal is inconsistent with Priority 4 of the LSPS as it will reduce the potential opportunity for a greater diversity of housing choice on the subject sites, which are accessible and well-served.</p> <p>The Department also notes that the proposal does not explicitly facilitate Priorities 11, 12 and 14 of the LSPS.</p>
<p>Woollahra Local Housing Strategy 2021 (October 2021)</p>	<p>The proposal identifies consistency with the relevant objectives and actions of the Woollahra Local Housing Strategy (LHS), which establishes the basis for strategic planning for housing and residential development across the LGA. In particular:</p> <p><b>Housing Objective 1:</b> <i>Sustain a diverse range of housing types and protect low density neighbourhoods and villages</i></p> <p><b>Housing Objective 4:</b> <i>Ensure that new housing contributes to tree canopy and long-term sustainability outcomes</i></p> <p><b>Housing Action 1:</b> <i>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.</i></p> <p>The proposal is inconsistent with the Department endorsed LHS as it is:</p> <p><b>Does not align with strategy objectives to maintain a high percentage of diverse housing choice, and does not sustain diverse housing choice.</b></p> <p>The Department notes that the site’s current R3 Medium Residential zoning provides for a greater diversity of housing typologies (including residential flat buildings and multi-dwelling housing) than that which is permitted with consent under the proposed R2 Low Density Residential zone. These forms of housing are well suited to the community’s diverse housing needs as clearly identified in council’s LHS.</p>

Local Strategies	Justification
	<p>The LHS states that “<i>The permissible residential uses established by the Woollahra LEP 2014 facilitate a range of housing types and reflect the constraints and desired future character of our area</i>”</p> <p>A diverse mix of housing on the site would provide greater opportunity to cater for the LGAs growing population and household needs, which the LHS identifies as being predominantly characterised by lone person and couple households.</p> <p>The proposal is inconsistent with Objective 1 and Action 1 of the LHS.</p> <p><b>Does not maintain existing R3 Medium Density residential zones that were identified in the strategy for retention because they are appropriately located close to centres, public transport, parks and schools</b></p> <p>The LHS states that in Bellevue Hill “<i>Areas of R3 Medium Density Residential are located close to centres, public transport, parks and schools</i>”.</p> <p><b>Reduces housing opportunity and supply capacity for the Local Government Area, which will likely contribute to reducing council’s capability to meet its 6–10-year housing targets and longer term housing supply capacity for the district as identified the Eastern City District Plan</b></p> <p>The LHS identifies medium terms housing targets (2021-2026) of 500 dwellings and that this can be met relying on existing planning controls. However, the Department notes that Studio GL estimate the proposal will likely reduce the housing potential of the subject sites by around 10 dwellings in total. Therefore this proposal undermines council’s ability to achieve its housing targets.</p> <p>Despite the proposal’s stated consistency with Objective 4 of the LHS, the Department notes the proposed amendments to the zoning and development standards itself will not facilitate enhancements to the tree canopy and landscaping along Riddell Street, Bellevue Hill. Tree retention and landscaping are moreover regulated under council’s DCP and are matters for consideration for any type of development, not just for medium density housing that is permitted under the current zone for the site.</p>

### 3.4 Local planning panel (LPP) recommendation

As outlined in Section 1.6, Council has made numerous resolutions relating to the proposal. The LPP recommendation and subsequent relevant Council resolutions are provided below:

#### Local Planning Panel Meeting – 24 March 2022

On 24 March 2022 the Woollahra Local Planning Panel (LPP) resolved:

*“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.*



*F. Progress the planning proposal as a Standard categorisation and that the LEP amendment not include a savings provision.*

*The Panel also noted the quality and logical outcome of the Independent Planning and Urban Design Review completed by Studio GL and the subsequent modest reduction in the total dwelling targets has been robustly justified against Ministerial Direction 6.1.”*

*The Panel notes the zoning changes will promote retention of the existing substantial tree canopy.*

#### Ordinary Council Meeting – 26 April 2022

Council resolved to note the LPP resolution and forward the proposal to the Department for a Gateway Determination and seek to be local plan making authority. The resolution also included

*“.....that Council note that the Panel:*

- (i) Appreciated the comprehensive analysis of the proposed zoning changes as being appropriate and thoughtful for the future planning of Riddell Street and surrounding areas.*
- (ii) Noted that such planning proposals can take around a year for approval and encourage early engagement with the Department of Planning and Environment to facilitate approval.*
- (iii) Noted the quality and logical outcome of the Independent Planning and Urban Design Review completed by Studio GL and that the subsequent modest reduction in the total dwelling targets has been robustly justified against Ministerial Direction 6.1.*
- (iv) Notes the zoning changes will promote retention of the existing substantial tree canopy.”*

## 3.5 Local Planning Directions (s.9.1 Directions)

The planning proposal's consistency with the relevant Local Planning Directions (section 9.1 Directions) is discussed in **Table 8** as follows:

**Table 8: Local Planning Directions (9.1 Ministerial Direction) assessment**

Directions	Consistency	Reasons for Consistency or Inconsistency
<b>Direction 1.1</b> Implementation of Regional Plans	Inconsistent and unjustified	The proposal is inconsistent with this direction as it contains provisions which conflict with Objective 10 ( <i>Greater housing supply</i> ) and Objective 11 ( <i>Housing is more diverse and affordable</i> ) of the Greater Sydney Region Plan (see <b>Section 3.1</b> of this report).
<b>Direction 1.4</b> Site Specific Provisions	Inconsistent and unjustified	This direction seeks to discourage unnecessarily restrictive site-specific planning controls.  A result of the planning proposal will be that residential flat buildings become a prohibited land use on the site. The proposal seeks to include 'residential flat buildings' as an additional permitted use on a portion of the site at 21-23 Riddell Street to accommodate a development approved by the Land and Environment Court in June 2020. Residential flat building is a land use already permitted with consent on the site under the current R3 Medium Density Residential zoning. Using additional permitted use provisions whilst also imposing development controls which would prevent further development of the site are inconsistent with the direction.  The proposed site-specific provision is not supported as the inconsistency with the direction has not been adequately justified.
<b>Direction 5.1</b> Integrating Land Use and Transport	Inconsistent and unjustified	This direction seeks to ensure development is appropriately located to improve access and transport choice with access to jobs and services by walking, cycling and public transport. This direction applies to all planning

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>proposals which seek to alter zoning or provisions relating to urban land, including residential and business uses.</p> <p>The proposal is inconsistent with this direction, whilst it does not reduce accessibility to transport services, it does seek to reduce the housing capacity of the subject site which is located in proximity to existing public transport services and links to strategic centres.</p> <p>Reducing the current housing density permitted on the site (already deemed appropriate by its R3 zoning), reduces potential housing numbers within walking distance (&lt;300m) to bus routes providing links to Edgecliff Station, Bondi Junction and services in these centres. The site is also near the Bellevue Hill local centre and Bellevue Hill Public School, which is located approximately 200m to the south-east.</p>
<p><b>Direction 6.1</b> Residential Zones</p>	<p>Inconsistent and unjustified</p>	<p>This direction aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands. Under this Direction, a planning proposal must not contain provisions which will reduce the permissible residential density of land. This Direction also stipulates the need for provisions that encourage housing that will broaden the choice of building types and locations available and make more efficient use of existing infrastructure and services.</p> <p>The proposal is inconsistent with this direction as it will reduce the potential supply and limit housing diversity which is located in proximity to employment and services in existing nearby centres, public transport, social infrastructure and quality open space and recreational areas.</p> <p>The proposal argues that the amendments will generate a very minor reduction in the potential dwelling yield that may be offset by future planning proposals. These proposals are yet to be progressed and are required to enable housing growth to align with the GCC's medium term housing targets and long-term housing supply expectations.</p> <p>There are contradictions regarding the justification and need for the proposal, as the planning proposal states:</p> <p><i>“Studio GL estimates the proposed changes to the 10 subject properties could reduce their theoretical housing yield by approximately 20 dwellings. However, they further note this reduction is likely to be much smaller in reality. A number of these sites do not have practical development potential, either because they have been recently developed or because the site is too small to be developed into apartments. .... The theoretical yield also does not consider that the amalgamation of several sites may not be logistically possible and financially viable. As such, Studio GL conclude realistic loss is more likely to be 10 dwellings”.</i></p> <p>This suggests that the allotments which comprise the site are currently too small for medium density development without amalgamation (which may not be feasible). This raises the question as to whether the proposed LEP amendments are required in light of Council's objectives to reduce the development capacity and built form scale of the site.</p> <p>This direction requires planning proposals to not reduce the permissible density of dwellings on a site, unless the council can demonstrate</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		suitable justification. This justification has not been provided in the planning proposal to warrant supporting an inconsistency with this key Direction.

### 3.6 State environmental planning policies (SEPPs)

The planning proposal states that it is consistent with the relevant SEPPs (refer to Schedule 1 of the proposal). The proposal is not considered to be in conflict with any relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal is unlikely to result in any adverse environmental impacts given the intended outcomes of the proposal will result in a reduction in housing capacity and diversity of the subject site (i.e., lower density than currently permitted). The site is located in an established urban area that is not known to contain any critical habitat or threatened species, populations or ecological communities, contaminated land and is not identified as being flood affected.

### 4.2 Social and economic

The proposal will reduce housing diversity and choice on the subject site which is located in an area that has been identified as having a significant proportion of lone person households and couples with no children (as outlined in Council's LHS), a limited availability of land that is suitable for redevelopment and where housing affordability has been identified as a key challenge.

The Department also notes that the proposal is inconsistent with 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'*.

As such, this proposal could result in negative social and economic outcomes for the locality.

### 4.3 Infrastructure

The planning proposal would not place additional demand on infrastructure.

## 5 Consultation, timeframe and Local plan-making authority (LMPA)

The planning proposal is not recommended to proceed, accordingly there are no consultation requirements or consideration of timeframes or LMPA requirements.

## 6 Assessment summary

The planning proposal is unable to be supported 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 and Strategy;
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 upon which the proposed amendments seek to control are more suitably addressed by the Woollahra Development Control Plan 2015 and the development assessment process.

## 7 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the reasons previously outlined in **Section 8** of this report.

15 September 2022



Kendall Clydsdale

Manager, Infrastructure and Planning

17 October 2022



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17 October 2022



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