



15 September 2023

Ms Elena Sliogeris
Director State Significant Acceleration
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

NM2 (CIS)

Dear Ms Sliogeris

Re: SSD-49472212 - 50-88 Parraween Street and 59-67 Gerard Street Cremorne - Seniors Housing Proposal including 60 independent living units and a 41-room high-care facility

Introduction

Please find following North Sydney Council's submission (objection) to the abovementioned State Significant Development Application. Due to the short timeframe provided, this submission has not been formally endorsed by Council however, at its meeting of 28 August 2023, in response to a Mayoral Minute, Council resolved:

1. ***THAT*** Council prepare a submission to the Department of Planning based on the heritage advice in the Lucas Stapleton Johnson & Partners report and addressing height, bulk, scale, and impacts of the development on the surrounding precinct.

For the purposes of clarity and interpretation, pursuant to Section 4.5 of the Environmental Planning and Assessment Act, 1979 and Section 2.7 of State Environmental Planning Policy (Planning Systems) 2021, this submission constitutes an objection by North Sydney Council and therefore the consent authority is designated to be the Independent Planning Commission for this application.

In summary, strong concerns are raised that the proposed State Significant Development Application, if approved, will result in a loss of, or unacceptable impact to, a number of late Victorian cottages and Federation dwellings that have been identified as having Heritage value by Council. The proposal is of a scale and form that is out of character with the current and desired future character of the area and will likely result in unacceptable amenity impacts.

The following issues are presented under headings for ease of reference. The review and submission is not exhaustive and has been prepared within a short timeframe. Council would appreciate the opportunity to elaborate upon the primary concerns raised in this submission prior to any formal assessment process being finalised.

Background and Policy Context

On 11 and 17 November 2022, Interim Heritage Orders were published in the NSW Government Gazette for No's 50-56, 70-72, 78-80 and 82-88 Parraween Street. An appeal was lodged and heard by the Land and Environment Court on 17 April and 21 June 2023 and a judgement handed down on 26 July 2023 dismissing the appeal. After receiving written statements of evidence and hearing from (Heritage) expert witnesses, the commissioner in delivering this judgement found at paragraph 61; *"and taking all the evidence into account, I find that the items are likely to be found on further inquiry and investigation, to be of local heritage significance"*. A copy of the full judgement can be found at: <https://www.caselaw.nsw.gov.au/decision/189850f7b164b52ee6c8f7d>.

Following the recommendation of the North Sydney Local Planning Panel, on 8 May 2023, North Sydney Council resolved to endorse a Planning Proposal for the purposes of seeking a Gateway Determination. A Gateway Determination was issued on 31 July 2023 and the Planning Proposal was the subject of public exhibition between 25 August to 22 September 2023. The Planning Proposal, as exhibited, seeks to identify No's 50-56, 70-72 & 78-88 Parraween Street as Local Heritage Items within the North Sydney Local Environmental Plan 2013.

The State Significant Development Application seeks to demolish the following properties that are identified as draft Heritage Items - No's 50, 82, 84, 86, 88 Parraween Street. The State Significant Development Application seeks to *'demolish and re-construct'* the frontages of the following properties that are identified as draft Heritage Items - No's 70-72, 78-80 Parraween Street and *'to retain the primary form'* of the following properties that are identified as draft Heritage Items - No's 52, 54 and 56 Parraween Street. More commentary on this proposed approach is provided under 'Heritage' heading below.

With respect to the proposed land use, it is acknowledged that seniors housing is currently a permissible land use by virtue of Part 5 of State Environmental Planning Policy (Housing) 2021. It is also recognised that the site is in close proximity to the Cremorne town centre and public transport (bus) services.

Heritage

It is noted that Secretary's Environmental Assessment Requirements (SEAR's) were issued on 22 October 2022. Key issue No 20 within the SEAR's identified the need to prepare a Statement of Heritage Impact. Since the issue of the SEAR's, as stated above, a number of dwellings within the development site (Nos. 50-56, 70-72 and 78-88 Parraween Street) have been included within a Planning Proposal that has received Gateway Determination and is currently on public exhibition (closing 22 September 2023). The Planning Proposal seeks to identify these dwellings as Local Heritage Items within North Sydney Local Environmental Plan 2013. The Planning Proposal is supported by a detailed Heritage Assessment prepared by LSJ Heritage Planning and Architecture. This detailed report and full suite of documentation can be viewed at; <https://yoursay.northsydney.nsw.gov.au/pp-3-23-parraween-st>.

The complete demolition of No's 50 and 82-88 is strenuously objected to. The proposed removal of these dwellings compromises the identified Heritage values of these properties and in doing so, diminishes the community's ability to experience and interpret the early development of this part of Cremorne.

With respect to the proposal *'to retain the primary form'* of No's 52-56 Parraween Street, an examination of the accompanying architectural plans would suggest that a significant level of intervention is proposed to these dwellings and in the context of the scale of development proposed immediately to the rear of these dwellings may compromise and overwhelm their identified heritage value, being relatively modest scale workers cottages.

The dwellings located at 70, 72, 74, 76, 78 and 80 are proposed for complete demolition and reconstruction to 'reinstating the existing character' of Parraween Street. Should these dwellings progress to a formal heritage listing, the proposal is not considered to be far from best heritage practice. The Burra Charter states in Policy 15.3:

- 15.3 Demolition of significant fabric of a place is generally not acceptable. However, in some cases minor demolition may be appropriate as part of conservation. Removed significant fabric should be reinstated when circumstances permit.*
- 20.1 Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. In some cases, reconstruction may also be appropriate as part of a use or practice that retains the cultural significance of the place.*
- 20.2 Reconstruction should be identifiable on close inspection or through additional interpretation.*

Demolition of heritage items is also contrary to the objectives of Clause 5.10 of North Sydney Local Environmental Plan 2013, namely:

- (a) to conserve the environmental heritage of North Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

Hayden Orpheum Picture Palace - Following a detailed investigation and study, on 14 November 2022, North Sydney Council resolved to nominate the Hayden Orpheum Picture Palace for inclusion on the State Heritage Register for Listing under the Heritage Act 1977 and commence the process for State Listing. This nomination was submitted to Heritage NSW in January 2023 who determined that the nomination was sufficiently supported to progress to the detailed review stage. This project is now on the State Heritage Register work plan for the 23/24 financial year and an officer has been assigned. Any development in the vicinity of this existing Local, and potential State Heritage Item, needs to be sensitively considered with respect to scale, height and materials.

Height, Scale and Form

The Proposal would breach the existing maximum height standard for the site applicable to the site under Clause 4.3 of the NSLEP 2013. The maximum building height for the proposed new buildings varies across the site, with the greatest exceedance being approximately 16 metres for Building 4, fronting Gerard Street. Other breaches are also identified for Buildings 1, 2 and 3 are regarded as excessive and unreasonable.

The application relies upon the arguments presented in the accompanying Clause 4.6 Statement which seeks rely upon the "redistribution of floor space" across the site. Council is of the view that this justification is not well-founded and is not a sufficient basis to demonstrate that compliance with the height standard is unnecessary or unreasonable in the circumstances. The Council submits that the Department should not accept the applicant's request to vary the height standard for the site, without amendment, given the following:

1. **Built form and scale of Building 4:** The resultant built form and scale of Building 4 to Gerard Street is significantly greater than a height compliant building and is substantially greater than existing adjoining buildings, including those at Nos. 81A and 81B Gerard Street. The form of Building 4 would not achieve an appropriate scale that is in accordance with, nor adequately responds to the existing and desired future character of the area.

2. **Extent of shadow cast by Building 4:** The shadow impacts arising from non-compliant elements of Building 4 would result in significant and unreasonable impacts within the development itself and to the proposed publicly accessible plaza. The shadow diagrams indicate the plaza and lower ground levels of Building 2 would be overshadowed for substantial periods of the year, including during equinoxes. The resulting residential amenity in areas to the immediate north of Building 2 would be poor, including to north facing balconies on lower residential levels. This impact is exacerbated at the ground floor level due to the excavated nature of the lower terrace.
3. **The shadowing effects are unreasonable:** The breaches to the height standard arising from Building 4 should be regarded as excessive and unreasonable taking into account the finished levels of the plazas and ground floor plane of the Building 2.
4. **Privacy Impacts:** The privacy impacts arising from the non-compliant roof top communal spaces to Building 1 are unreasonable.

Considering the above, the height, form and scale of the development is not appropriate, and the Clause 4.6 Statement should not be accepted.

Trees and Landscaping

This is a large site involving the assessment of 186 trees across an amalgamated site of 24 individual lots. Council does not support the wholesale removal of mature trees for the purpose of development. Significant concern is raised in relation to potential for encroachment of the basement into the Primary Roots zone of trees identified for retention. This is inconsistent with one of the key objectives of Council's Urban Forest Strategy (2019) being to maintain and increase the totality of trees and vegetation across the North Sydney area.

Should permission for removal be granted, suitable mature replacement canopy trees must be provided. All trees shown for retention shall be protected in accordance with recommendations of a consulting arborist which ensures compliance with Australian Standard AS4970.

Council requests that no more than 10% canopy be removed from any protected tree, all pruning shall be carried out by a AQ3 arborist in accordance with AS4373. No underground services shall be directed through the any Tree Protection Zone (TPZ) of any protected tree. A project arborist AQ5 must be appointed to oversee all works.

Should the proposed development proceed, a bond should be imposed on the protection and preservation of trees in Gerard Street and Parraween Street. The amount of any tree bond should be determined in consultation with Council's Urban Forrest team and shall be payable to Council.

The proposed landscape design must be appropriate to various functions of the site, having regard for proximity to existing native species trees currently on site, and within adjoining public land.

Traffic

The proposed development requires the provision of 89 car parking spaces, allocated as 79 for the independent living units and 10 for the residential aged care facility. The proposed development allocates 10 residential aged care parking spaces and 124 non-individually garaged independent living units parking spaces exceeding the SEPP Housing parking requirements.

The total parking provision is excessive noting Councils' maximum parking rates would anticipate a total of 98 spaces for the independent living units and 10 spaces for the residential aged care facility. The

development is over provided for in terms of parking and will result in an increased traffic generation and congestion in an already strained local network.

The service level for vehicle movements at the intersection of Winnie Street and Military Road must be considered by TfNSW. The full SIDRA modelling output for the development should be provided to TfNSW for consideration to ensure the services rates for all affected intersections are properly considered. Should any approval be granted, a detailed Construction Traffic Management Plan is to be prepared by a suitably qualified Traffic Engineer for approval of the North Sydney Traffic Committee.

The proposed Green Transport Plan is supported in principle. Details of support for residential aged care facility +staff should include a preference towards reliance on public transport with staff support measures to be incorporated into the management procedures for the facility.

Green Link

The proposal includes some 1300sqm of open space that is described in varying manners, including a 'pocket park', 'green link', 'public plaza' and 'open space' available to the public. If the proposal is to proceed, it is requested that this space be designed and managed as a genuinely accessible public space and include appropriate rights of way in favour of the public and careful consideration be given to ensuring the space is responsive to CPTED (Crime Prevention Through Environmental Design) principles.


Should the Department find that the through-site link is an appropriate and safe response for the development, consideration should be given to appropriate security, lighting and management provisions to ensure the space is maintained in a safe condition for the public at all times.

Summary

The progression of this State Significant Development Application in the manner proposed is objected to by North Sydney Council. The proposal exceeds the anticipated development scale under the current Local Environmental Plan and does not have adequate regard to the Heritage value of No's 50-56, 70-72 & 78-88 Parraween Street as recently identified in the Planning Proposal which is currently the subject of public exhibition.

Council would welcome the opportunity to discuss these concerns directly with you at your convenience.

Yours sincerely



Marcelo Occhiuzzi
DIRECTOR - CITY STRATEGY