



Response to Submissions Report

Pathways Cremorne Seniors Housing (SSD-49472213)
50-88 Parraween Street and 59-67 Gerard Street

Submitted to NSW Department of Planning, Housing and Infrastructure (DPHI)
on behalf of Skermanic Pty Ltd

August 13, 2024

Acknowledgment of Country

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.



Towards Harmony by Aboriginal Artist Adam Laws

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1. Introduction

SSD-49472213 has been submitted with the Department of Planning, Housing and Infrastructure (DPHI) seeking development consent for a seniors living and residential aged care community in Cremorne, Sydney.

Key SSDA milestones include:

- Industry-specific Secretary's Environmental Assessment Requirements (SEARs) were requested on 13 October 2022, and were issued by DPE on 24 October 2022.
- The SSDA was submitted on 8 August 2023
- The SSDA was placed on public exhibition from Monday 21 August 2023 to Sunday 17 September 2023.
- On 29 September 2023 DPE issues a Request for Additional Information letter, seeking further information about key issues raised in submissions.

This Response to Submissions Report provides a detailed analysis of the submissions received from the community and NSW Government agencies during and following the public exhibition period.

1.1 Project overview

Pathways Cremorne proposes a high-quality seniors living and residential aged care community that offering boutique accommodation suited to older Australians. The site is located adjacent to the Cremorne town centre, with easy access to local shops, business, and public transport networks. Allied health and support services will be provided on-site to support a dignified approach to aging in place.

The project site is located at 50-88 Parraween Street and 59-67 Gerard Street Cremorne, within the North Sydney Local Government Area. The site is 7,354sqm in total and has dual frontages to Parraween and Gerard Streets.

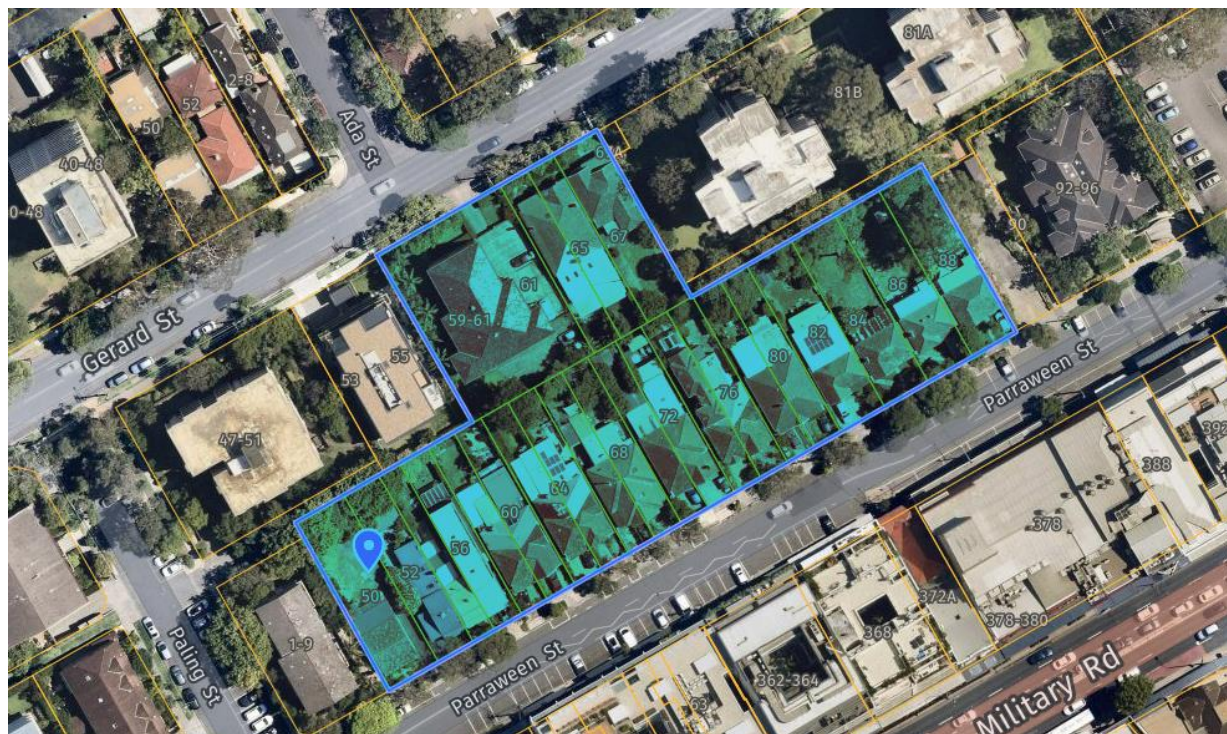


Figure 1 Proposed site: 50-88 Parraween Street and 59-67 Gerard Street, Cremorne

1.2 Summary of proposed changes

The proposed scheme has been revised after consultation with the Department of Planning, Housing and Infrastructure and concerns **issues** raised in relation to the retention of cottages existing along the eastern end of the site fronting Parraween Street.

Proposed project amendments comprise the following:

- Retention of the 6 x heritage cottages on the eastern end of Parraween Street frontage and adaptive reuse into the design, known as Building 1,
- Reconfiguration of the RAC building behind the six cottages, known as Building 1
- Reduction in the height of the building fronting Gerrard Street to 7 storeys, known as Building 4,
- Removal of roof top communal open space to all buildings,
- Improved accessibility of the through-site link from Parraween Street to Gerard Street to open up the sightlines between the two streets, removing the stairs and providing a ramp at maximum grade 1:20,
- Improved pedestrian safety and circulation within the basement, and
- Reconfiguration of the lower ground level facilities to improve the functionality of the dining areas, spa and pool/gymnasium.

2. Analysis of Submissions

2.1 Public Submissions

A total of 134 public submissions were received during the public exhibition period, with 123 objections, 6 in support and 5 making comment.

80% of submissions came from within the North Sydney local government area, and 20% from a range of other LGAs as listed in the table below.

Table 1 Public submissions by suburb

Public Submissions by suburb	
Cremorne	107
Mosman	8
Kirribilli	2
Cammeray	3
Stanmore	1
Parramatta	2
Melbourne	1
North Sydney	2
Neutral Bay	4
Forestville	1
Chatswood	1
Willoughby North	1
Phillip ACT	1
North Sydney LGA 79.9	80%
Other LGAs	20%

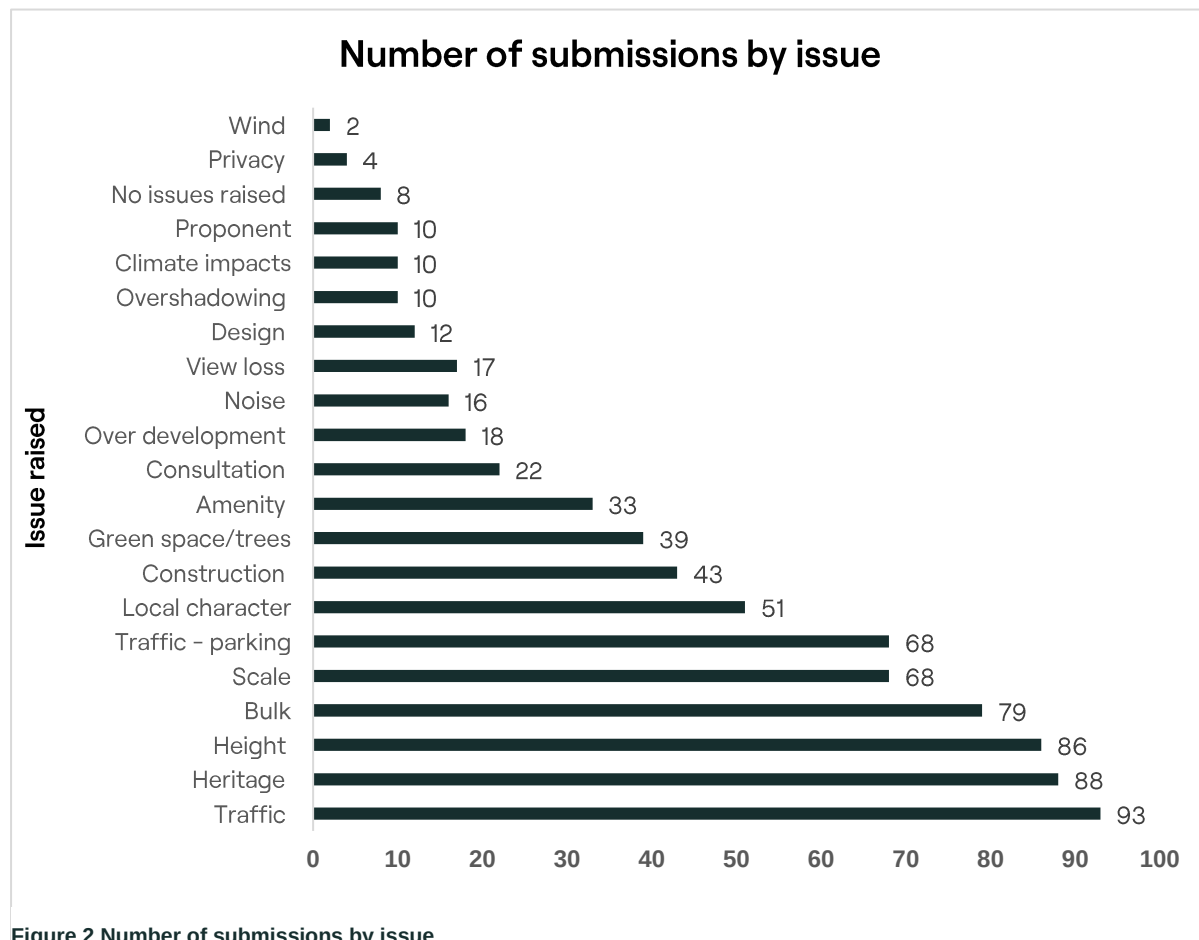
A total of 4 community groups provided submissions on the proposal all in objection. Community groups included:

- Brightmore Precinct – North Sydney Council
- Harrison-Bennett Precinct – North Sydney Council
- Willoughby Bay Precinct – North Sydney Council
- The Cremorne Conservation Group

The most common issues raised across all submissions from the community or community groups were in relation to:

- Traffic - including pedestrian safety, traffic congestion related to driveway access and increased trip generation, and construction traffic management
- Heritage – status of the Parraween Street cottages and local character impacts
- Height - planned height on Gerard Street in relation to local character and current planning controls
- Bulk and scale - planned bulk and scale of the proposed development in relation to current planning controls and local character
- Parking – access to on-street parking
- Local Character – relationship of the proposed development to the existing local character and the North Sydney Council heart of Cremorne vision.

Each of the key issues listed above are responded to in Section 4 of this report. A summary of all issues is provided in Chart 1.



2.1.1 Breakdown of Submissions- Local Council Submission

North Sydney Council provided a submission about the project to the department on 15 September 2023. Council noted their submission to be an objection to the proposal.

Primary issues raised by North Sydney Council in relation to the proposal include:

- Heritage concerns related to the Parraween Street cottages
- Scale and form of the proposal and its impact on current and desired future character and amenity.

Additional issues raised within the submission included;

- Height, shadowing and privacy
- High provision of car space with potential for increased trip generation
- Confirmation of Crime Prevention Through Environmental Design principles to ensure safety of the green space.

2.1.2 Government Agencies and Authorities

Submissions were received from the following NSW Government agencies and authorities:

- Transport for NSW (TfNSW) (15 September 2023)
- Heritage NSW (18 September 2023)
- NSW State Emergency Services (SES) (19 September 2023)
- NSW Health – Northern Sydney Local Health District (25 September 2023)
- Government Architects Office (GAO) (25 September 2023)
- Civil Aviation Safety Authority (CASA) (26 September 2023)
- Sydney Water (26 September 2023)
- NSW Police – North Shore Police Area Commander (9 November 2023)

Issues raised within these submissions are detailed and responded to below.

2.2 Categorising Issues

The issues are grouped into the categories adopted from the *'State Significant Development Guidelines – Preparing a submissions report'* (October 2022).

2.2.1 Project

Local character

Public submissions

- Proposal is not in line with Council's vision for Parraween St.
- Proposed development is inappropriate and does not align with the village lifestyle and feel of the area.
- Proposal is contributing to the overdevelopment of the area similar to Neutral Bay Town Centre.

Height, scale and form of buildings

Public submissions

- Height of proposed building on Gerard Street in relation to local planning controls and the R4 zone
- Permissibility of senior's housing in the R4 zone.
- The maximum height of the building should reflect the R3 zoning and SEPP requirements for seniors housing.
- View impacts of 4-storey additions visible above the low-rise cottages on Parraween Street.

North Sydney Council submission

- Built form and scale of Building 4 to Gerard Street is above requirements and greater than existing adjoining buildings.
- Scale of Building 4 does not respond to the existing and desired future character of the area and should be regarded as excessive.
- The scale of Building 4 will have shadow impacts on the development and green space.
- The privacy impacts arising from the non-compliant roof top communal spaces to Building 1 are unreasonable.

Green space

Public submissions

- The public park suggested is not sufficient for the community and is not sizeable or compensate for overdevelopment of the site, in future may be used by developer to provide additional buildings.
- Through site link is not required or attractive to the community.
- Ongoing maintenance of the green space.
- Pedestrian crossings required across adjacent roads to ensure pedestrian safety.

North Sydney Council

- If the proposed 1300sqm is to proceed requested that space is designed and managed as genuinely accessible public space and include appropriate rights of way in favour of the public.
- Crime Prevention Through Environmental Design principles are needed to ensure safety of the green space

Government Architects Office – State Design Review Panel

- Design should consider legibility of the through-site link and using ramps and stairs rather than sloping the ground plane.

Overshadowing and amenity

Public submissions

- The scale of the 8-storey Gerard building and the 4-storey additions to the back facades of the historic cottages will dominate and over-shadow the low-rise cottages on Parraween Street.
- A certifiable View Sharing Analysis has not been provided with the EIS package to assess the views from within adjacent residential properties.
- The proposal will negatively impact the current local amenity for the community due to increased traffic and impacts of construction.

Project Design

Government Architects Office – State Design Review Panel

- Outstanding matters raised in SDRP 02 including:
 - locating amenity in the basement (Item 3 & 14)
 - legibility of the through-site link, and using ramps and stairs rather than sloping the ground plane
 - external amenity to character cottages
 - ensure there is sufficient space for vehicular circulation (swept path analysis) for Level B2.

NSW Police – North Shore Area Command

- Signage should be visible from the street to clearly enable emergency services to locate the premises.
- Visibility into the building should be obstructed by vegetation or any type of structure to avoid opportunities for concealment.
- High CCTV system should be included to provide maximum surveillance.
- Design requests that comply with the Building Code of Australia and Australian Standards.
- Wheelchair access ramp considerations.

2.2.2 Economic, environmental, and social impacts

Heritage Cottages

Public submissions

- Cottages contribute to local character and have historic and cultural significance.
- Partial reconstruction of the cottages will result in loss of original fabric of buildings.
- The proposal will affect the potential for a heritage precinct including the Hayden Orpheum, which is proposed to be placed on the State Heritage Register.

North Sydney Council

- The proposed removal of these dwellings compromises the identified Heritage values of these properties.
- The proposal does not represent best heritage practice with demolition and reconstruction proposal.
- Demolition of heritage items is contrary to the objectives of Clause 5.10 of North Sydney Local Environmental Plan 2013

Heritage NSW

- The EIS lacks a historical archaeological assessment, nor is historical archaeological potential discussed in the EIS or in the Heritage Impact Statement.

Trees and Landscaping

Public submissions

- Removal of a number of mature trees will impact amenity and liveability of the area.
- Tree removal will impact fauna in the area, particularly bird species.
- Removal of mature trees will impact view loss for the local community.

North Sydney Council

- Council does not support the wholesale removal of mature trees for the purpose of development.
- Significant concern is raised for encroachment of the basement into the Primary Roots zone of trees identified for retention.
- Landscape to be appropriate to function of site and regard to existing native species.

Traffic

Public submissions

- Traffic impacts to Parraween Street, MacPherson Street and Winnie Street.
- Location of driveway on Parraween Street will contribute to local congestion and impact pedestrian safety.
- Emergency ambulance access needs to be considered.
- Proposal doesn't address trip generation of visitors and service providers.
- Construction traffic impacts on the key streets, including heavy vehicle traffic on Parraween Street.

North Sydney Council

- Service level for vehicle movements at the intersection of Winnie Street and Military Road must be considered
- Details of support for residential aged care facility and staff should include a preference towards reliance on public transport with staff support measures to be incorporated into the management procedures for the facility.
- A detailed Construction Traffic Management Plan is to be prepared if the project is approved.

Traffic – parking

Public submissions

- Full kerbside parking will cause safety issues due to the 90-degree angle parking opposite.
- Lack of provisions for parking for staff and visitors will impact public access to on-street parking.
- Construction workers will increase traffic to the area and reduce on street parking.

North Sydney Council

- 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.

Noise

Public submissions

- Noise impacts due to excavation, demolition and other construction work.
- Potential noise impacts of the rooftop area for residential use.

Privacy

Public submissions

- Height of proposed buildings and windows will impact privacy of neighbouring buildings.
- Rooftop area will impact privacy of surrounding neighbours due to overlooking on properties.

Climate impacts

Public submissions

- Proposal will affect air flow, green environment and create increased heat sink and out of step with forecast warming climate and planning associated.

Flooding

State Emergency Services

- The proponent to create a Flood Emergency Response Plan to mitigate the risks associated with isolation of the site due to flooding.
- Further modelling for rainfall runoff for storms greater than the 1% Annual Exceedance Probability (AEP), up to and including the Probable Maximum Flood (PMF).
- Consideration of above-ground carparking options, to reduce the risks associated with basement carparks.

2.2.3 Justification and evaluation of the project as a whole

State Significant Development Justification

Public submissions

- Other Pathways Residences have not been reviewed as State Significant Developments, and there are community concerns as to why this development is an SSDA.

2.2.4 Issues that are beyond the scope of the project

The Applicant

Public submission

Community members raise concerns that property accumulation for this project was conducted in a very intimidatory and secretive manner for well over 4 years.

Each of the key issues listed above are responded to in Section 4 of this report.

3. Actions Taken Since Exhibition

Following review and analysis of submissions by project team and a Request for Additional Information from DPHI, a range of actions have been undertaken in relation to heritage, building height, landscaping and further investigations.

Heritage:

- Redesign to retain 6 heritage listed dwellings
- A revised Heritage Impact Statement
- An Archaeological Assessment Report
- An Historical Archaeological Assessment Report (focusing on European history)
- An Aboriginal Cultural Historical Assessment Report
- Additional visual impact and shadow analysis.

Height of Buildings:

- Reduction in height of Building 4 (Gerard St) by 1 floor and deletion of all roof-top communal open space
- Reduction in height of all habitable space on Buildings 1, 2 and 3.
- Removal of roof-top communal open space from all buildings
- A revised CI 4.6 request.

Basement:

- Amended basement and parking layout to improve pedestrian safety and circulation.

Landscaping:

- Amendments to the through-site link to reduce the stairs and provide ramp access at 1:20 grade from Parraween Street to Gerard Street. and where possible to follow the natural terrain
- Preparation of a way-finding and signage strategy
- Additional information on Lower Courtyard area to demonstrate how this area will look and function.

Additional information around:

- Survey, Traffic and parking management, Basement design, Flooding and Groundwater.

4. Response to Submissions

4.1 Public Submissions

Table 2 contains a response to key issues raised in the 134 public submissions (as graphed in Figure 2).

Additional issues raised by the community correlate with agency submissions which are addressed in section 4.2 of this report.

Table 2 Response to public submissions

ISSUE	RESPONSE	REFERENCE
Project		
Height, Bulk and Scale		
The proposed development exceeds the existing maximum height standard for the site applicable under clause 4.3 of the NSLEP 2013. Building 4, exceeds the height control by 16 m.	Refer to DPE Response Table for details. The proposal has been reduced in height with the deletion of one level from the building fronting Gerard St. This is now proposed as a 7 storey building and is considered to sit within the context of the street as it adjoins an 8 storey building to the north-east of the site. Other taller buildings exist in that street. The maximum variation in height is now 11.2m to the top of plant for Building 4. All buildings have had the rooftop communal areas deleted, which reduces the bulk and height of those buildings. The Clause 4.6 Request for Variation has also been amended to reflect the change in height.	Architectural Plans (Appendix D) Clause 4.6 (Appendix M)

ISSUE	RESPONSE	REFERENCE
The R4 zoning of this site does not permit Seniors Housing. In an R3 zone, where Seniors Housing is permitted, SEPP Seniors Housing permits an additional 20% above the R3 zone 8 metre maximum.	State Environmental Planning Policy (Housing) allows for the delivery of Seniors Housing in an zone which permits residential flat buildings. As such, this development is permissible. The Clause 4.6 Request for Variation has been amended to reflect the change in height.	Clause 4.6 (Appendix M)
Design		
The proposed through site link does not have any adjacent pedestrian crossings posing a risk to pedestrians and chance of accidents.	The through site link is pedestrian access only	N/A
The need for a through site link is not justified due to the addition through site links available on Parraween Street.	The green link provides a new link direct from Military Road, across Parraween to Gerard Street and Ada Street down to the harbour. There is no other mid-block public access through to Gerard Street . Additional green public space is open to everyone, and will provide functional and view benefits to the local area.	Architectural Plans (Appendix D) Landscape Plans (Appendix X) Urban Design Report (Appendix GG)
There should be a provision for a dedicated pick-up setback along the northern side of Parraween Street.	Provision is made for visitor and ambulance parking in the basement car park. This allows for more on-street parking to be achieved along Parraween Street for the benefit of the community,	Architectural Plans (Appendix D) Traffic Impact Assessment (Appendix FF)
Procedural matters		
Consultation		

ISSUE	RESPONSE	REFERENCE
The applicant did not consult or engage in any way regarding what the existing community would like to see from such a facility.	Community engagement sessions included material asking the community to provide feedback on the types of services they would like to see in the local area. The engagement team also undertook door knocking of local businesses in early 2023.	N/a
Engagement Outcomes Report submitted as part of the EIS does not indicate which properties were issued with newsletters or collaterals. Report does not clearly show issues have been responded to and the amendment that resulted from the engagement process.	All engagement activities are detailed in the Engagement Outcomes Report, including distribution areas and how engagement events were advertised to the local community. Newsletters were letter box dropped to all residents in Parraween and Gerard Street (as a minimum) from 13 September 2023 to 15 September 2023. That newsletter was also available on the project website from 13 September 2023 and is still available to date.	N/A
Economic, environmental, and social impacts		
Heritage		
Proposed partial reconstruction of the cottages on Parraween Street will result in the loss of the original fabric of buildings and it is not guaranteed it will be conducted properly. Demolition or reconstruction should not take place to the cottages.	Subsequent to public exhibition, the properties 78-88 Parraween Street have been heritage listed. The design of the seniors development has been revised to retain these dwellings. No basement excavation is proposed beneath these properties.	Architectural Plans (Appendix D) HIA (Appendix W)
The cottages contribute to the local character of the area. The cottages proximity to the Hayden Orpheum support the need for heritage conservation. The proposal will affect the Orpheum and effect the potential for a more varied and vibrant streetscape and small heritage precinct.	Refer to reused scheme and accompanying HIS. The shadow diagrams indicate no overshadowing of the Orpheum.	HIA (Appendix W)

ISSUE	RESPONSE	REFERENCE
	As discussed in the previous point, 9 cottages will be retained along Parraween Street. This will ensure a varied and vibrant streetscape is maintained.	
The proposal should consider converting the existing cottages to seniors living as part of a more informed design.	The retained cottages are to be used as part of the RACF.	Architectural Plans (Appendix D)
Local Character		
The proposed development is not in line with the North Sydney Council 'heart of Cremorne' vision of Parraween Street and is inappropriate to the current village lifestyle of the area.	The project responds to the character of the local area by retaining 6 of the existing cottages on Parraween Street for adaptive reuse, and providing a new green space that will contribute to the village lifestyle of the local area. There is a need for senior housing in North Sydney with on average the growth rate of people over 60 in North Sydney being 2.02% between 2021-2024. This projects the increase of more than 6,500 people in 20 years. (<i>Aged care service list: 30 June 2023 – AIHW Gen (gen-agedcaredata.gov.au) Population projections/ Planning (nsw.gov.au)</i>) The revised Urban Design Report discusses how the proposal fits with the local character.	Architectural Plans (Appendix D) HIA (Appendix W) Urban Design Report (Appendix GG)
The loss of 117 of 129 trees on the site will affect the local character of the area.	Extensive landscaping is included as part of the project plan, with 23 trees within the site either being protected/retained and or relocated onsite.	Landscape Plans (Appendix X)

ISSUE	RESPONSE	REFERENCE
	The new tree canopy at maturity is calculated to be 2,920m² which will equate to 40% as a proportion of site area. If this is added to the trees to be retained and/or relocated it equates to over 45% coverage. The project landscape plans provide detail on what is being replanted. Further, the significant Gum Tree on site is to be retained. The basement and building design has specifically been designed around the retention of that tree and to ensure appropriate deep soil planting is provided onsite, to allow the planting of trees where possible on the site.	
The cottages along Parraween Street contribute to the local character of the area and hold major historic and cultural significance.	6 cottages have been identified as having heritage significance and are proposed to be retained.	Architectural Plans (Appendix D)
Traffic		
The proposed Parraween Street entrance/exit will cause congestion and create a bottleneck on the street. This entrance/exit will not be conducive to ready access to ambulances in the event of emergency services.	TfNSW requires driveway access from Parraween Street. A revised Traffic Impact Assessment Report has been submitted which outlines that the sightlines from the driveway are adequate and the proposal will not cause congestion.	Traffic Impact Assessment (Appendix FF)
Traffic on Parraween Street is currently 'reduced' due to the parking in driveways of the cottages, the removal of these driveways to create the proposed entrance/exit will in fact increase traffic.	Removal of driveways along Parraween Street will allow for additional on-street parking spaces to be provided.	Traffic Impact Assessment (Appendix FF)
The proposal's lack of inclusion of a Cumulative Traffic Impact Assessment (CTIA) indicates the lack of detailed assessment of traffic impacts the development would have,	The amended Traffic Impact Assessment (TIA) discusses cumulative impact and concludes there will be a net reduction in traffic generation from the site.	Traffic Impact Assessment (Appendix FF)

ISSUE	RESPONSE	REFERENCE
particularly the issue of extra traffic from visitors and service providers. The preparation of a CTIA would prove massive impacts to traffic on key streets surrounding the development.		
Multiple submissions stated the following: <i>“A recent poll of one unit block directly opposite the site, with half the number of units and with a large seniors residential component, found that those residents exceeded the stated vehicular trips in the proposal (ie 16 and 19 trips in AM and PM peak period as set out in 7.6.2 of the EIS) by multiples of those numbers.”</i>	The amended TIA undertook best practice modelling using recent data.	Traffic Impact Assessment (Appendix FF)
Community concerns included increases to traffic during the construction period and impacts of heavy vehicle trucks in Parraween Street.	A Construction Traffic Management Plan is included in the revised application.	CTMP (Appendix P)
Community concerns include the traffic impacts to surrounding streets notably MacPherson Street and Winnie Street which is already considered to be a bottleneck by the community.	The amended TIA concludes that <i>“the proposed development would not have an adverse traffic impact on the road network as a result of the proposed development”</i> .	Traffic Impact Assessment (Appendix FF)
Traffic – Parking		
Full kerbside parking will cause safety issues and is unrealistic for the site due to the 90-degree angle parking opposite the site alongside the Hayden Orpheum. In addition, Parraween Street is designed as a two-lane thoroughfare therefore the provision of kerbside parking and its increase is unrealistic to the site.	Kerbside parking currently exists on Parraween Street, with 90-degree angle parking on the opposite side of the street. The width of the road and the parking configuration on both sides of the street will not change, with the street remaining as a two-way thoroughfare. The proposal will result in additional kerbside parking which will be advantageous to the immediate community.	N/A

ISSUE	RESPONSE	REFERENCE
The EIS does not include any provisions for parking for staff and visitors and will impact current public access to parking, which is currently a major issue to the community due to Hayden Orpheum patrons at peak hour.	Parking provision for staff and visitors complies with SEPP (Housing) requirements and is provided within the basement.	Architectural Plans (Appendix D) Traffic Impact Assessment (Appendix FF)
Amenity		
The proposal will negatively impact the current local amenity for the community due to increased traffic and impacts of construction. Resulting in a lack of liveability for the street's residents and removing the village feel of the area.	The TIA indicates a reduction in overall traffic generation from the consolidated site. Retention of heritage listed cottages and creation of new public open space will support village feel.	Traffic Impact Assessment (Appendix FF)
The proposal will result in the loss of business for surrounding local businesses and impact retail trade during and after construction, as well as particularly affecting patrons at the Hayden Orpheum.	The project will bring a new community to the local area, with easy access to local shops and services. During construction, local businesses may experience an increase in trade due to site personnel accessing local businesses. Any detrimental impacts will be short-lived with the flow-on effect of greater residents wanting services within walking distances. It is anticipated that the residents of the seniors living complex will increase the local retail trade and Orpheum patronage.	N/A
The existing infrastructure of the area will not support the proposed population of the site as well as vehicle increase due to workers, visitors and other service providers.	Pathways Cremorne will provide seniors with opportunities to access businesses, services and public transport options within easy walking distance. Traffic has been carefully assessed and it is concluded the local roads can accommodate the expected traffic generated by the development. Transport for NSW had no comments as they believe the proposal is unlikely to have a significant impact on the classified road network.	Refer to Appendix Z of the original EIS

ISSUE	RESPONSE	REFERENCE
	The existing infrastructure was discussed as part of the original submission with a Utility Infrastructure Servicing Report forming Appendix Z. This outlined the requirements of water, sewer, gas and communications and concluded the proposal was acceptable with the following: • Provision of a substation, • Sewer diversion and appropriate connection, and • Appropriate connection to water.	
Overshadowing		
The scale of the 8-storey Gerard building and the 4-storey additions to the back facades of the historic cottages will dominate and over-shadow the low-rise cottages on Parraween Street. As well as the apartments on 92 Parraween Street which is not included in the visual impact analysis.	Extensive additional shadow modelling has been undertaken. Additional survey information has been sourced to accurately assess the impacts on the adjoining properties and those on the southern side of Parraween Street.	Architectural Plans (Appendix D)
Privacy		
Height of proposed buildings and windows into surrounding residents' buildings will greatly impact their privacy. The proposed rooftop area will impact privacy of surrounding neighbours due to overlooking on properties.	The building fronting Gerard Street has been reduced by 1 storey. Further, the rooftop communal areas have been deleted from each building. ADG separation requirements to maximise privacy has been carefully considered in design.	Architectural Plans (Appendix D) SEPP 65 ADG Statement (Appendix BB) Urban Design Report (Appendix GG)

ISSUE	RESPONSE	REFERENCE
	The proposal has been designed to preserve the privacy of the adjoining residents with separation distances either achieving, or greater than, ADG requirements. Building No. 4, facing Gerard Street, has been designed so the main living areas and windows are oriented away from the adjoining properties or angled to provide obscure views only. The intent is to give these units views towards the north and east where possible, and between existing buildings.	
Local residents expressed concerns that windows on the rear of the Parraween Street building will be looking directly into four very large windows (kitchen, bathroom, and two bedrooms) of four apartments in the Gerard Street building (81B Gerard St).	The distance between the two buildings, and the maintenance of the existing mature tree at the corner of the site and the existing trees on the neighbouring property will minimise privacy impacts. The separation distances comply with, or exceed, ADG provisions.	Architectural Plans (Appendix D)
Climate impacts		
Proposal will affect air flow, green environment and create increased heat sink and out of step with forecast warming climate and planning associated.	The project includes a detailed landscaping plan. Some of the trees that are removed during construction will be replanted on the site, and provision has been made for deep soil planting. The green, through-site link will also contribute to decreasing heat sign and provide air flow around the development. ESD report accompanies the revised package.	Landscape Plans (Appendix X) ESD Report (Appendix Q)
Noise		

ISSUE	RESPONSE	REFERENCE
The proposed development will result in noise impacts to surrounding neighbours as the result of the rooftop area for residential use.	Rooftop open space has been deleted from the project.	N/A
Green space		
The proposed public park is not sufficient for the community and is not sizeable or compensate for overdevelopment of the site, in future may be used by the applicant to provide additional buildings. The space will most likely only be used by RAC and ILU residents and will have no appeal to the local community.	The through site link + associated public park is 1,261m2 and has been designed to provide public access. The space has been designed to provide a positive contribution to the adjoining streetscape and surrounding neighbourhood.	Architectural Plans (Appendix D) Landscape Plans (Appendix X)
Trees		
The loss of 117 of 129 mature trees to the area will impact amenity and liveability of the area.	The most significant landscape feature is a Sydney Blue Gum located in the NE corner of the site which will be retained and protected. A number of other garden specimens located on site will be transplanted off site during the construction process for later re-use in the proposed landscape scheme. Species deemed appropriate for transplanting include Frangipanis, Palms and Camellias. Generous pockets of deep soil afforded by the new development provide for the planting of additional canopy trees, drawing on a range of locally endemic (including the locally rare Scribbly Gum) as well as locally adapted species. The removal of driveways along Parraween Street opens up the opportunity to infill current gaps in the streetscape plantings and in doing so, create a continuous canopy along this frontage. As discussed previously the proposal will achieve tree canopy for 45% of the site.	Landscape Plans (Appendix X)

ISSUE	RESPONSE	REFERENCE
The loss of trees will result in the loss of fauna in the area particularly local bird species.	This has been discussed above.	Landscape Plans (Appendix X)
View Loss		
The assessment does not provide certifiable photomontages, and rather uses computer generate block massing which does not provide an accurate representation of the visual impact which would be observed from surrounding viewpoints.	An amended View Analysis has been undertaken since the proposal has reduced the overall height of most buildings. The need for photo generated montages was not considered to be required in this instance, as the proposal does not obstruct iconic views. The view analysis provides sufficient information on what the impact will be to the various properties and where view vistas will be retained.	Visual Impact Statement (Appendix N)
A certifiable View Sharing Analysis has not been provided with the EIS package to assess the views from within adjacent residential properties. - Concerns are raised over the visual impact resulting from the northern building (building 4) on the district views obtained from 40-48 Gerard Street (adjacent and to the north), towards Sydney Harbour and Shark Island. - Little regard is given to the existing surrounding visual context, other than block massing which again, is not certifiable nor provides an adequate assessment.	40-48 Gerard Street currently has panoramic views of the city skyline, trees, multi-storey buildings and extends towards Middle Harbour in the distance. The proposal sits below the level of the adjoining buildings at 81a and 81b Gerard Street. It will partially interrupt the view however will not obstruct any iconic views. This impact is considered acceptable under the general legal principles established in the Tenacity case.	Visual Impact Statement (Appendix N)

ISSUE	RESPONSE	REFERENCE
The proposed 4-storey additions to the back facades will be clearly visible above the low-rise cottages on Parraween Street.	The design comprises a three-tier stepped design with low scale street frontage at Parraween Street, a middle tier of 4 storeys, and a higher building profile at Gerard Street to reflect current building heights in the area. This design was chosen to maintain a low scale street frontage, as opposed to raising the height of the street frontage as permitted under current controls.	Architectural Plans (Appendix D) Urban Design Report (Appendix GG)
Justification and evaluation of the project		
State Significant Development Justification		
Some public submissions indicated that the use of the State Significant Development process was an abuse of the planning process to achieve approval. Particularly as other Pathways Residences development have not been SSD applications.	The proposed development has a capital investment value of more than \$30 million, comprises both independent and high care residential facilities and is located in metropolitan Sydney it is therefore identified in Section 28, Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021 as State Significant Development for the purposes of the Environmental Planning and Assessment Act 1979 (EP&A Act).	N/A
The proposed development is contributing to the overdevelopment of the area similar to the Neutral Bay Town Centre and the Woolworths and Coles developments in the area.	The proposed development responds to a high need for housing across Greater Metropolitan Sydney and, in particular, a shortage of seniors living and residential aged care in the immediate area. The proposal balances the allowable height across the entire site by offsetting the narrow but higher building 4 with a public park and through-site link of considerable size. This provides a public benefit	N/A

ISSUE	RESPONSE	REFERENCE
	to the local community as well as meeting the needs of aged housing.	
Issues beyond the scope of the project		
Acquisition of property to create the site.	Acquisition of property is not a consideration of this SSDA application.	N/A

4.2 Council and Agency Submissions

Table 3 contains a response to issues raised by government agencies and council in their formal submissions.

Table 3 Response to council and agency submissions

ISSUE	RESPONSE	REFERENCE
North Sydney Council		
Project: Height, Scale and Form		

ISSUE	RESPONSE	REFERENCE
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.	Building 4 has been reduced in height by 1 storey, making it a 7 storey building. The adjoining building is 8 storeys and sits higher than the proposed Building 4. The height of Building 4 is offset by the provision of the large public park and through-site link and the retention of 6 single-storey cottages in Parraween Street. The result is a 3-tiered development that retains the low-scale character of Parraween Street and then steps up to the taller, narrower buildings which are evident in Gerard Street. This is explained in more detail in the Revised Urban Design Report.	Architectural Plans (Appendix D) Urban Design Report (Appendix GG)
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.	The reduction in height of Building 4 results in reduced shadow impact on the adjoining properties. Extensive detailed shadow diagrams have been included in this response demonstrating the shadow impact is acceptable and compliant with ADG provisions.	Architectural Plans (Appendix D)
Privacy impacts: The privacy impacts arising from the non-compliant roof top communal spaces to Building 1 are unreasonable.	The rooftop communal open spaces have been removed from all buildings.	Architectural Plans (Appendix D)
Project: Green Link		

ISSUE	RESPONSE	REFERENCE
If the proposed 1300sqm is to proceed requested that space is designed and managed as genuinely accessible public space and include appropriate rights of way in favour of the public. Space is to be responsive to CPTED, with security, lighting and management provisions	CPTED principles underpin the design of the green space and landscaping, helping negotiate the delicate interface between the public, private communal and private domain of the development and exploring passive and active activation opportunities. Layered planting, level changes and built structures combine to create visual filters and physical barriers between the public and private areas of the site. Revised CPTED and Social Impact Assessment reports has been submitted with this package. The intention is that this area will be accessible to the public and appropriate conditions of consent can be imposed regarding easements/ rights of way and the like.	CPTED Report (Appendix O) Social Impact Assessment (Appendix CC)
Economic, environmental, and social impacts: Heritage		
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.	The proposal has been amended to retain in-situ the primary fabric of the 6 heritage listed cottages fronting Parraween Street. An amended HIS has been included.	HIA (Appendix W)
The dwellings located at 70, 72, 74, 76, 78 and 80 are proposed for complete demolition and reconstruction to 'reinstate the existing character' of Parraween Street. The proposal is considered to be far from best heritage practice. Refers to the Burra Charter Policy 15.3	The independent heritage analysis undertaken on behalf of N.S. Council by Kemp + Associate identified 6 cottages worthy of retention. These cottages have subsequently been heritage listed. The design of the development altered to facilitate their retention. Cottages 70-76 were not identified for heritage listing and hence preservation.	Architectural Plans (Appendix D) HIA (Appendix W)
Demolition of heritage items is also contrary to the objectives of Clause 5.10 of North Sydney Local Environmental Plan 2013.	Clause 5.10 of North Sydney Local Environmental Plan 2013 relates to Heritage Conservation, and requires development to conserve heritage significance of items.	HIA (Appendix W) European Archaeological

ISSUE	RESPONSE	REFERENCE
	A revised HIS, Historical Archaeological Assessment Report, Aboriginal Cultural Heritage Report and Archaeological Report have all been prepared as part of this proposal. The proposal has been amended to specifically retain in-situ 6 cottages identified in schedule 5 of NSLEP 2013.	Report (Appendix R) Aboriginal Cultural Heritage Report (Appendix E) Archaeological Report (Appendix I)
Hayden Orpheum 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.	The development provides a low-level street frontage on Parraween Street, minimising impacts the Hayden Orpheum. Detailed assessment of the view and shadow impacts have been conducted and form part of this package. The revised HIS addresses the impact of the development on the Orpheum.	Architectural Plans (Appendix D) HIA (Appendix W) Visual Impact Assessment (Appendix N) Urban Design Report (Appendix GG)
Economic, environmental, and social impacts: Trees and Landscaping		

ISSUE	RESPONSE	REFERENCE
Council does not support the wholesale removal of mature trees for the purpose of development.	The most significant landscape feature is a Sydney Blue Gum located in the NE corner of the site which will be retained and protected. A number of other garden specimens located on site will be transplanted off site during the construction process for later re-use in the proposed landscape scheme. Species deemed appropriate for transplanting include Frangipanis, Palms and Camellias. Generous pockets of deep soil afforded by the new development provide for the planting of additional canopy trees, drawing on a range of locally endemic (including the locally rare Scribbly Gum) as well as locally adapted species. The removal of driveways along Parraween Street opens up the opportunity to infill current gaps in the streetscape plantings and in doing so, create a continuous canopy along this frontage. The landscape plan provides details of the variety of landscaping proposed and concludes 40% of the site area will consist of tree canopy.	Landscape Plans (Appendix X)
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) to maintain and increase the totality of trees and vegetation across the North Sydney area.	The basement has been carefully designed to ensure the continued health and vitality of the new trees proposed and those to be retained, including the significant Sydney Blue Gum.	Architectural Plans (Appendix D)
Suitable mature replacement canopy trees must be provided. All trees retained should be protected in accordance with recommendations of a consulting arborist.	Appropriate conditions of consent regarding tree protection during construction can be implemented. Generous pockets of deep soil afforded by the new development provide for the planting of additional canopy trees, drawing on a range of locally endemic (including the locally rare Scribbly Gum) as well as locally adapted	Landscape Plans (Appendix X)

ISSUE	RESPONSE	REFERENCE
	species. The removal of driveways along Parraween Street opens up the opportunity to infill current gaps in the streetscape plantings and in doing so, create a continuous canopy along this frontage.	
No more than 10% canopy be removed from any protected tree.	Refer to submitted landscape plan.	Landscape Plans (Appendix X)
Bond imposed on the protection and preservation of trees in Gerard and Parraween Street.	This could be imposed as a condition of consent if considered necessary.	N/A
Landscape to be appropriate to various function of site and regard to existing native species.	A detailed landscaping plan has been provided outlining how the landscaping responds to the function of the site, and defines public and private spaces for the benefit of residents and the wider community. Landscaping plans draw on a range of locally endemic (including the locally rare Scribbly Gum) as well as locally adapted species. The lower courtyard area speaks of the rocky rainforest gullies and valleys commonplace around Cremorne Point and Sydney harbour at large, with a canopy of tree ferns, palms & lush understorey plantings. This provides outlook and a connection to outdoors for uses located in the proposed lower ground floor. On Gerard Street, groves of large canopy trees will respond to higher built form and mass plantings will complement and extend the character of existing streetscape	Landscape Plans (Appendix X)
Economic, environmental, and social impacts: Traffic		

ISSUE	RESPONSE	REFERENCE
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 numbers have been reduced, but still comply with the SEPP provisions and providing accessible spaces in accordance with the Australian Standards. This is discussed in detail in the revised Traffic Impact Assessment (TIA).	Architectural Plans (Appendix D) Traffic Impact Assessment (Appendix FF)
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.	TfNSW have advised they have no concerns with the proposal, see TfNSW section below. Additional information is provided in the revised TIA. Refer to DPE Response No.20-24.	Traffic Impact Assessment (Appendix FF)
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	A CTMP is included in the revised application package.	CTMP (Appendix O)
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.	Additional information has been provided in the revised TIA.	Traffic Impact Assessment (Appendix FF)
State Emergency Services		
The proponent to create a Flood Emergency Response Plan to mitigate the risks associated with isolation of the site due to flooding.	A Flood Emergency Response Plan, dated 7 December 2023, has been prepared by ENTEC Consultants. This plan provides details on site evacuation routes, and the response plan for storm events up to the 1% AEP and PMF storm events.	Flood Emergency Evacuation Plan (Appendix T) Flood Impact Assessment (Appendix U)

ISSUE	RESPONSE	REFERENCE
Further modelling for rainfall runoff for storms greater than the 1% Annual Exceedance Probability (AEP), up to and including the Probable Maximum Flood (PMF).	DPM Consulting Group has been commissioned to undertake additional modelling. A Flood Impact Assessment Report has been prepared which looks at modelling for rainfall for storms greater than the 1% Annual Exceedance Probability and up to and including the Probable Maximum Flood. This report concludes “... <i>that in consideration of three different rainfall durations...the proposed development has no impact on the surrounding areas, with maximum depths, velocities and flood hazard presenting the same values under post-developed and pre-developed conditions.</i>”	Flood Impact Assessment (Appendix U)
Consideration of above-ground carparking options, to reduce the risks associated with basement carparks.	The provision of basement parking is considered a better planning outcome, as it allows for adaptive re-use of some of the cottages and also the provision of a large public open space area.	N/A
Heritage NSW		
The EIS lacks a historical archaeological assessment, nor is historical archaeological potential discussed in the EIS or in the Heritage Impact Statement. It is recommended that a historical archaeological assessment be prepared.	Both an Historical (European) Archaeological Assessment Report and an updated Archaeological Report have been submitted with this revised package.	European Archaeological Report (Appendix R)

ISSUE	RESPONSE	REFERENCE
		Archaeological Report (Appendix I)
State Design Review Panel		
Matters which were raised in SDRP 02 which have not been addressed in the EIS, including: • locating amenity in the basement (Item 3 & 14) • legibility of the through-site link, and using ramps and stairs rather than sloping the ground plane (Item 4 & 6) • external amenity to character cottages (Item 9 & 10).	Amendments have been made to the through-site link to improve the legibility. The 6 heritage listed cottages are now being retained in-situ and adaptively re-used.	Architectural Plans (Appendix D) Landscape Plans (Appendix X) Urban Design Report (Appendix GG)
Level B2 was previously not presented, and feels quite constrained, ensure there is sufficient space for vehicular circulation (swept path analysis).	The basement plan has been revised.	Architectural Plans (Appendix D)
NSW Health – Northern Sydney Public Health Unit		
Ensure compliance with applicable legislative requirements and guidelines, including Protection of the Environment Operations Act 1997 and the Environmental Planning & Assessment Act 1979.	Noted and can be conditioned as part of any consent.	N/A
Remediation must occur in accordance with the Remediation Action Plan prepared by JKEvironments dated 14 July 2023 (Ref: E35736PtrptRev2).	Noted and can be conditioned as part of any consent	N/A

ISSUE	RESPONSE	REFERENCE
Regarding contaminated soils, - Any contaminated soils from the site must be stored and transported in a manner that does not create pollution; and - Any contaminated soils being removed from site must be classified in accordance with NSW EPA guidelines for waste disposal, excavated and disposed of off-site to a licensed landfill; and - Any contaminated soils left on site must be managed in such a way to reduce risks to the receptors and be monitored over time so that there is an on-going minimisation of risk.	Noted and can be conditioned as part of any consent	N/A
Groundwater and associated odour must be prevented from entering any subfloor areas.	Noted and can be conditioned as part of any consent	N/A
A long-term Environmental Management Plan (EMP) is required to be prepared in accordance with Section 6.4 of the Remediation Action Plan prepared by JKENvironments dated 14 July 2023 (Ref: E35736PtrptRev2).	Noted and can be conditioned as part of any consent	N/A
Ensure adequate community/neighbour consultation is undertaken prior and during the works, including appropriate provision of 24hr contact details to allow opportunity for complaint/feedback.	Noted and can be conditioned as part of any consent, however it is the applicant's intention to keep the community engaged with this proposal.	N/A
The site must not be occupied unless validation of the remediation works, described in the Remediation Action Plan prepared by JKENvironments dated 14 July 2023 (Ref: E35736PtrptRev2), has been completed and the site is confirmed to be suitable for its intended use.	Noted and can be conditioned as part of any consent	N/A
Civil Aviation Authority (CASA)		
CASA has no issues with EIS Appendix J 'Airspace' by Avipro. If the Avipro advice is followed, there will be compliance with the (Protection	Noted.	N/A

ISSUE	RESPONSE	REFERENCE
of Airspace) Regulations 1996 and there will be negligible risk to Aviation Safety.		
NSW Police – North Shore Police Area Command		
The site should be clearly identified with signage that is visible from the street. This will enable all emergency services to locate the premises. Where possible visibility into the building should not be obscured by vegetation or any type of structure which can create opportunities for concealment.	Signage Strategy and way finding has been included as part of the architectural package.	Attachment 2
A high-definition CCTV system should be included to provide maximum surveillance of all common areas of the building including entry/exits, mailboxes, car parks and storage areas. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the office areas to allow the manager to view all areas under camera surveillance.	Noted and this can be conditioned as part of any consent.	N/A
Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. “This site is under 24-hour video surveillance”.	Noted and this can be conditioned as part of any consent.	N/A
Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a ‘white light’ source. Note that high or low pressure sodium ‘orange’ lighting is not compatible with quality surveillance systems. Internal lighting should be controlled away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.	Noted and this can be conditioned as part of any consent.	N/A
Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.	Noted and this can be conditioned as part of any consent.	N/A

ISSUE	RESPONSE	REFERENCE
Windows within the building should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.	Noted and this can be conditioned as part of any consent.	N/A
An emergency control and evacuation plan should be implemented within the building and a copy be provided to North Shore Police.	A Flood Emergency Response Plan has been submitted as part of this application. Any additional emergency control and evacuation requirements can be conditioned as part of this consent.	Flood Emergency Evacuation Plan (Appendix T)
All recording made by the CCTV system should be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.	Noted and can be conditioned as part of any consent.	N/A
Wheelchair access (ramp) should at no time be blocked nor impede access to anyone with a disability.	Noted. It is the nature of the use being Seniors Living, that this would not be the intention and that the wheelchair ramps would be available at all times.	N/A
Signs should be placed in the car park warning people against leaving valuables in their vehicles.	Noted.	
Mail boxes should be placed in a secure room or area.	Noted and can be conditioned as part of any consent.	N/A
An after-hours contact for the facility should be provided to North Shore Police.	Noted and can be conditioned as part of any consent.	N/A
Transport for NSW		

ISSUE	RESPONSE	REFERENCE
No comments regarding the proposed development as it is unlikely to have a significant impact on the classified road network.	Noted.	N/A
Sydney Water		
No additional comments and June 2 2023 Feasibility letter remains applicable.	Noted.	N/A

4.3 Department of Planning and Environment – Request for Information

Table 4 contains a response to the Department of Planning and Environments Request for Information.

Table 4 Response to DPE RFI

NO.	ISSUE	RESPONSE	REFERENCE
Heritage			
1	Consider amending the proposal, informed by an updated Heritage Impact Statement, to enable retention of the heritage dwellings in-situ, including:	The proposal has been amended to: retain in-situ the primary fabric of the dwellings 78-88 Parraween Street, with partial demolition of	Architectural Plans (Appendix D)

NO.	ISSUE	RESPONSE	REFERENCE
	- alterations to the basement to enable the retention of the dwellings - options to retain, conserve and adaptively reuse the dwellings with uses that activate Parraween Street and the through site link - revised building heights to provide a more sensitive transition of the height from the higher development at Gerard Street to the single storey dwellings at Parraween Street.	later additions. (Refer to demolition plan and retained cottages fabric removal plans No's. DA00.20 – DA00.23) Reconfigure the basement to avoid excavation beneath heritage listed cottages. Decrease the height of Building 4 (Gerard Street) to 7 storeys which is one level lower than No. 81B Gerard Street. (Refer to revised plans dwg no DA20.02 and DA20.05) Removal of rooftop communal open space to all buildings - The dwellings that are being retained are being adaptively reused by: - incorporating RACF rooms (3) and courtyards facing Parraween Street - providing reception/office lounge for RACF.	Urban Design Report (Appendix GG)
2	Provide an updated Heritage Impact Statement which addresses: - LEC judgement in Skermanic Pty Ltd v North Sydney Council 2023/1396. - Heritage Assessment Reports submitted with Planning Proposal PP 2023-987, clearly providing the reasons for any difference of opinion about the significance of the properties, based on evidence and additional research - Proposed group listing of the dwellings in relation to the relevant controls for the management of group heritage items within Section 13.5.7 of the North Sydney Development Control Plan. - Provisions of Clause 5.10 of the NSLEP 2013.	The Heritage Impact Statement (HIS) prepared by Architectural Projects Pty Ltd has been substantially updated. Additional analysis has been included in relation to: - outcomes of the Land and Environment Court appeal in relation to the (now lapsed) Interim Heritage Orders - implications of the heritage listings (gazetted 17.5.24) - proposed extent of demolition and construction methodology - potential impacts on the setting and visual curtilage of the Cremorne Orpheum and Military Road - potential impacts on items at 22 and 24 Gerard Street, Cremorne - additional consideration of clause 5.10 North Sydney LEP 2013.	HIA (Appendix W)

NO.	ISSUE	RESPONSE	REFERENCE
	- Impact of the proposed demolition of the draft heritage items on their identified heritage significance as identified in the Planning Proposal documents if that is to be pursued. - The proposed extent and methodology for the deconstruction and reconstruction of the dwellings at 52-56 and 70-80 Parraween Street, if that is to be pursued. - Impacts of the proposal on the setting and visual curtilage of the Cremorne Orpheum Picture Palace, particularly in views from Military Road. - Impacts of the proposal on the heritage items at 22 and 24 Gerard Street, Cremorne including overshadowing	The revised HIS concludes that the proposal will not have a detrimental impact on the existing heritage items in the immediate area.	
3	Provide an Historical (European) Archaeological Assessment Report to be prepared as set out in the Heritage NSW advice of 18 September 2023.	An Archaeological Assessment Report has been prepared by Biosis dated 8 December 2023. This Assessment identified areas of high, moderate and low archaeological potential. It is recommended conditions of consent be applied in relation to: - discovery of unanticipated historical relics; and - development of an Archaeological Research Design and Excavation methodology, to establish how to manage the excavations	European Archaeological Report (Appendix R)
4	Provide a visual impact and shadow analysis in relation to the Cremorne Orpheum, including view studies from Military Road from the north.	The amended HIS discusses the impact of the proposal on the setting and visual curtilage of the Cremorne Orpheum and views from Military Road. Shadow diagrams prepared by MDP dated 14 December dwg No. DA90.31, demonstrate: - the existing awning of the Orpheum casts shadow over the ground level at 9am mid winter, which then decreases to part of the ground level from 12 noon	Architectural Plans (Appendix D) HIA (Appendix W) Visual Impact Analysis (Appendix N) Urban Design Report (Appendix GG)

NO.	ISSUE	RESPONSE	REFERENCE
		onwards. - At 2pm mid-winter, there is no shadow on the Orpheum. - At 3pm mid-winter, the shadow from the proposal hits ground floor in the centre of the building only, - This extent of shadow mid-winter is considered acceptable on the ground floor wall of the Orpheum due to the use being a theatre and that it falls for such a short time of the day. Additional survey information was undertaken to allow a detailed investigation of potential impact on the Orpheum and also from Military Road, particularly from the corner of Spofforth Street. An amended Visual Impact Analysis has been provided and the impact is also discussed in the Urban Design Report. Dwgs DA90.33 and DA90.34 demonstrate the development cannot be seen from the intersection of Military Road and Spofforth Street.	
Height of buildings			
5	- Consider reducing the height of building 4, in line with the scale of neighbouring buildings. Any reduction in height should also be informed by the outcomes of the revised Heritage Impact Statement, overshadowing impacts and view impacts on 81B Gerard Street. - Consider reducing the height of buildings 1-3 to lessen or avoid the height variations	Building 4 has been reduced in height by 1 storey to a maximum RL 106.9 to top of plant with RL105.1 at top of roof. It is now a 7 storey building. The adjoining building at 81B Gerard Street is an 8 storey building with a maximum height of RL 108.18 to top of plant and RL 105.36 to top of roof. Building 4 now sits lower than the adjoining Gerard Street building, despite it being on higher existing ground level. The rooftop communal areas have been deleted from all buildings.	Architectural Plans (Appendix D) Specifically: DA21.01 - 21.03 DA20.01 - 20.05 DA90.24

NO.	ISSUE	RESPONSE	REFERENCE
		The proposed maximum height of buildings are now: • Building 1 – Max RL 98.8 (top of plant), variation of 3.28m • Building 2 – Max RL 100.00 (top of plant), variation of 3.48m • Building 3 – Max RL100.2 (top of plant), variation of 3.06m • Building 4 – Max RL 106.9 (top of plant), variation of 11.45m These maximum heights are to the top of plant on each building with the roof RLs lower again, providing a stepped design from Gerard Street (7 storeys) down to 4 storeys in the centre of the site and single storey fronting Paraween Street.	
6	Provide an updated Clause 4.6 request which addresses Council's comments in relation to: • Built form and scale of Building 4, including demonstrating how the built form responds to the existing and desired future character of the area; • Overshadowing within the development site and public domain; and • Privacy impacts	The Clause 4.6 request has been updated to reflect the reduction in height, overshadowing and privacy impacts.	Clause 4.6 (Appendix M)
Overshadowing and Amenity			
7	Provide additional shadow analysis plans which considers a wider area of impact to include: • The properties along the northern side of Gerard Street;	Additional shadow diagrams have been prepared to reflect not only the reduction in height on all buildings but also the impacts along the northern side of Gerard Street, the southern side of Paraween Street and the Orpheum.	Architectural plans (Appendix D) Specifically: DA90.11 – 90.14

NO.	ISSUE	RESPONSE	REFERENCE
	- The properties along the southern side of Parraween Street; - The Hayden Orpheum Picture Palace;	Shadow diagrams have been prepared for mid-winter, the equinox and mid-summer. Properties along northern side Gerard Street: - Due to the orientation of the site, the shadow does not fall on the properties on the northern side of Gerard Street, including the heritage items at No. 22-24 Gerard Street (Dwg DA90.35). Properties along southern side of Parraween Street: - Properties along the southern side of Parraween Street are currently marginally overshadowed during the day from the existing of awnings above ground level (Dwg DA90.31) - The shadow cast from the proposed development does not fall on the properties on the southern side of Parraween Street until 2pm mid-winter, for a marginal amount and then at mid-winter for the ground floor section of some of the buildings for a small part. - The shadow cast from the development does not fall on the southern side of Parraween Street at the equinox or mid-Summer. - This minimal impact in mid-winter is considered acceptable. The Hayden Orpheum Picture Palace: - This has been discussed in section 4 above, and the minimal impact is considered acceptable.	(for mid-winter) DA90.25, DA90.30, DA90.31 and DA90.35 for solar access and specific shadow diagrams
8	Provide additional detail on overshadowing on all neighbouring properties and impacts on solar access in line with the Apartment Design Guide.	Additional shadow diagrams have been provided demonstrating the shadow impacts on neighbouring properties. In summary, the diagrams demonstrate: 9 Paling Street: The habitable levels are not impacted at all at the	Architectural plans (Appendix D) Specifically: DA90.30 DA90.25

NO.	ISSUE	RESPONSE	REFERENCE
		equinox. - The 2 x upper levels contain habitable rooms and balconies. The middle level is impacted in mid-winter at 9am, however both levels receive solar access by 10am mid-winter. (The ground floor does not contain habitable rooms). 53 Gerard Street and 47-51 Gerard Street: - Dwg DA90.30 shows that 53 Gerard Street and 47-51 Gerard Street has some existing shadow cast on the building in mid-winter from 9am to 11am. - The proposal shadows more of these buildings at 9am, however by 11am, it is significantly less than existing. This is due to the increased setbacks of the proposal. - With the equinox, the shadow is similar to the existing with most of the shadow falling on blank wall.	
Basement			
9	As outlined in point 1 above, explore options to redesign the basement to avoid heritage impacts and enable retention of the draft heritage items in situ.	This has been discussed above.	Architectural plans (Appendix D)
10	Consider reducing the parking provision having regard to the minimum standards in the Housing SEPP and the North Sydney Development Control Plan 2013.	The parking numbers have been reduced. McLaren Traffic advise that 74 parking spaces have been provided for the ILUs and 10 for the RAC, with parking for the ILUs being designed to accommodate accessible spaces; as required under the provisions of the SEPP Housing 2021 and the Australian Standard.	Architectural plans (Appendix D) Traffic Impact Assessment (Appendix FF)
11	Consider relocating the common amenities out of the basement to improve amenity to these facilities.	Amendments have been made to the lower-ground area to improve the amenity of the facilities at that level	Architectural plans (Appendix D) Landscape Plans

NO.	ISSUE	RESPONSE	REFERENCE
			(Appendix X)
12	Demonstrate that the revised basement has been informed by the Arboricultural Impact Assessment (dated 18 April 2023) of the significance and health of existing trees and seeks to maximise tree retention and deep soil zones.	The basement has been carefully designed to ensure the continued health and vitality of the new trees proposed and those to be retained. The following advice, via email, was received from Tristan Bradshaw, Consulting Arborist/Horticulturalist dated 4 December 2023: <i>“Tree 41 Eucalyptus saligna (Sydney Blue Gum), the proposed basement is outside the TPZ of this tree, being 8.9 metres. The actual TPZ for this tree should be made larger as there is no root system within the neighbouring property, this is due to a retaining wall and underground carpark entry. Accounting for a larger TPZ the impact of the basement is minor and will not affect the long-term health of this tree.</i> <i>This tree is in excellent health, actively growing. It will tolerate any minor root disturbance.</i> <i>The impact of the basement to other surrounding trees has been calculated and determined to be acceptable.”</i> Further, the landscape plans have been updated to show more detail regarding the proposed and final landscape scheme.	Architectural plans (Appendix D) Specifically: DA10.01 and DA10.02 Landscape Plans (Appendix X)
13	Demonstrate improved way finding and safe access in the basement including separation of servicing activities from resident access points.	The basement layout has been amended to minimise conflict between pedestrians and vehicles. Pedestrian Access diagrams have been incorporated in the architectural package which demonstrate clear and safe way finding throughout the facility.	Architectural plans (Appendix D) Specifically: DA00.65 – 00.66
Landscaping			

NO.	ISSUE	RESPONSE	REFERENCE
14	Update the landscape plan to include a way finding and signage strategy, to ensure legibility of through site link as public space, as well as for occupants, visitors and staff.	A separate Pedestrian Access Plan has been provided which demonstrates the access and wayfinding throughout the ground floor and through-site link. This diagram shows the location of signage indicating public access from both Gerard and Parraween Streets, location of signage indicating residence reception area and access to the buildings themselves.	Architectural plans (Appendix D) Specifically: DA00.67
15	Reconsider the use of stairs and ramps in the through-site link and allow the ground plane to follow the natural terrain to create a more direct route and assist in opening up sightlines.	The through-site link has been redesigned by deleting the stairs and providing a continuous 1:20 ramp. This allows the site lines to open up into the site when looking from Gerard Street.	Architectural plans (Appendix D) DA50.02 Landscape Plans (Appendix X) Plan L600
16	Reconsider the need for the Ferntree Gully and consider options to provide this area as a landscaped setback.	Ferntree Gully has been designed to provide: - protected communal space for ILU and RAC residents to mingle - direct access to a variety of communal services - tiers of landscaping to create visual interest for residents and also those passing along the through-site link. Additional detailed sections have been provided to demonstrate how this space is to work, with the minimum setback being 6m. Details of the landscaping in this area are shown in the landscape plans and the 3D flyover.	Architectural plans (Appendix D) Specifically: DA21.04 DA50.01 Landscape Plans (Appendix X)
Traffic Impact Assessment			
17	Update the description of the public transport environment within the Transport Impact Assessment to include bus stops and services on Gerard Street.	The Traffic Impact Assessment (TIA) has been updated to include this information.	Traffic Impact Assessment (Appendix FF)

NO.	ISSUE	RESPONSE	REFERENCE
18	Reduce the number car spaces, as outlined in point 10 above, to align with the goals of the Green Travel Plan.	The number of parking spaces has been discussed above.	Traffic Impact Assessment (Appendix FF)
19	Confirm the basis for the assumed trip distribution for trips entering and exiting the site.	The basis for the assumed trip distribution for trips entering and exiting the site has been confirmed in the amended TIA. It is concluded that there is a net reduction of nine and five vehicle trips during commuter peak hour AM and PM periods respectively.	Traffic Impact Assessment (Appendix FF)
20	Provide a qualitative assessment of the impacts of any additional traffic turning right at the intersection of Military Road and Ourimbah Road as a result of the proposed development	A qualitative assessment is provided in the amended TIA.	Traffic Impact Assessment (Appendix FF)
21	Provide a sight-distance assessment (i.e. Approach Sight Distance and Safe Intersection Sight Distance) of the proposed access driveway on Parraween Street to ensure that there are no safety issues with vehicles entering and exiting the driveway.	A site visit was undertaken to determine the available sight lines and this is discussed in the amended TIA. It is concluded <i>“The available sight distance in both directions exceed all the Approach Sight Distance and Safe Intersection Sight Distance values, such that the available sight distances are considered acceptable.”</i>	Traffic Impact Assessment (Appendix FF)
22	Provide further evidence of the operational intersection performance of the proposed access driveway and Parraween Street using the SIDRA model.	This is discussed in the TIA and in Appendix B The advice confirms <i>“the site driveway will operate at a high level of efficiency”</i> .	Traffic Impact Assessment (Appendix FF)
23	Provide more detailed SIDRA model outputs within the TIA including intersection layouts, traffic signal phasing and timing and lane summary tables to support the findings in Section 6.3 of the TIA.	Appendix B of the amended TIA includes the additional provision as requested. The advice confirms <i>“the proposed development would not have an adverse traffic impact on the road network as a result of the proposed development”</i> .	Traffic Impact Assessment (Appendix FF)
24	Provide more detailed construction planning to ensure that sufficient on-site parking can be provided through all development stages of construction to minimise construction parking impacts on the surrounding street network.	This is discussed in the amended TIA where it is concluded some on-site parking may be able to be provided at different stages of the construction, however the subject site is also located in close proximity to bus stops which service a high number of bus routes.	Traffic Impact Assessment (Appendix FF)
Flooding			

NO.	ISSUE	RESPONSE	REFERENCE
25	Provide further modelling for rainfall runoff for storms greater than the 1% Annual Exceedance Probability (AEP), up to and including the Probable Maximum Flood (PMF).	DPM Consulting Group has been commissioned to undertake additional modelling. A Flood Impact Assessment Report has been prepared which looks at modelling for rainfall for storms greater than the 1% Annual Exceedance Probability and up to and including the Probable Maximum Flood. This report concludes “... <i>that in consideration of three different rainfall durations...the proposed development has no impact on the surrounding areas, with maximum depths, velocities and flood hazard presenting the same values under post-developed and pre-developed conditions.</i>”	Flood Impact Assessment (Appendix U)
26	Submit a Flood Emergency Response Plan demonstrating mitigation of risks associated with isolation of the site due to flooding.	A Flood Emergency Response Plan, dated 7 December 2023, has been prepared by ENTEC Consultants. This plan provides details on site evacuation routes, and the response plan for storm events up to the 1% AEP and PMF storm events.	Flood Emergency Evacuation Plan (Appendix T)
Ground Water			
27	Quantify the maximum annual volume of water take due to aquifer interference activities. This should be quantified for the construction phase and ongoing operation of the project.	The Preliminary Ground Water Quality Screening Report dated 8 December 2023, prepared by JK Environments concludes: • That excavation for the proposed basement may intercept groundwater as the still water levels ranged from approximately 2m to 10.61m below ground level. • This appeared to be perched aquifer associated with fractured and/or weathered bedrock.	Groundwater Report (Appendix V)
28	As groundwater will be intercepted, a water access licence under the <i>Water Management Act 2000</i> must be obtained unless an exemption applies under the Water Management (General) Regulation 2018. If the take of groundwater is greater than 3 ML per year, you will need to prepare a Dewatering Management Plan in consultation with DPE Water that addresses relevant	This is understood by the applicant and can be imposed as a condition of consent.	N/A

NO.	ISSUE	RESPONSE	REFERENCE
	dewatering requirements as set out in DPE Water's agency advice dated 16 September 2023.		
Other			
29	The State Environmental Planning Policy (Housing) 2021 was amended on 18 August 2023 providing clarification on the calculation of gross floor area for seniors housing development. Update where relevant, the GFA calculations in line with the new definition.	The GFA diagrams have been reviewed to ensure they reference the correct calculation.	Architectural Plans (Appendix D)
30	Clarify whether a medical centre is proposed (as referenced in the CPTED report prepared by Gyde) and if so, provide details of the use and show its location on the relevant architectural plans.	A medical centre was not proposed as part of the application and was incorrectly referenced within the CPTED report. The report has been amended to delete any reference to the medical centre.	CPTED Report (Appendix O)
31	Clarify the eastern setback of Building 1 (RCF), Table 5: Development statistics of the EIS (pg.35) outlines 3.03m while the urban design report outlines a setback of 2.7m	The Urban Design Report has been amended to reflect the revised plans.	Architectural Plans (Appendix D) Urban Design Report (Appendix GG)

5. Updated Project Justification

The proposal has been amended after considering the concerns raised specifically, the revised design has retained 6 cottages in-situ. The through-site link has been revised to delete any stairs and to open it up providing a clearer link with sight lines from both streets. The overall height of the buildings have been reduced such that the taller building fronting Gerard Street is now lower than the adjoining buildings. The rooftop communal areas have been deleted.

Additional heritage and archaeological information has been submitted in response to concerns regarding the heritage within the area. Further, detailed shadow and visual analysis have been undertaken specifically in relation to the adjoining properties, the Orpheum and views from Military Road.

Additional traffic information has been provided, specifically reviewing sight lines from the driveway, parking, and impacts on nearby intersections. The revised fits within the character of the area and achieves a stepped formation from the single storey low scale along Parraween Street to the taller residential towers fronting Gerard Street.

The proposal provides public benefit in the form of increased public open space and through-site link towards the harbour.

The proposal is a much-needed housing option within the LGA and in the context of growing seniors numbers and lack of suitable product supply. In North Sydney there is 1.2 residential place registered by the Australian Federal Government per 100 seniors who are aged 60 or over. This ratio is the lowest compared to neighbouring areas and 3 times lower than Willoughby. (Lane Cover: 3.2; Mosman: 3.4; and Willoughby: 3.8) (*Source: Aged care service list: 30 June 2023 – AIHW Gen (gen-agedcaredata.gov.au and Population projections/Planning (nsw.gov.au).*

The public submissions received predominantly about heritage/character which has been addressed by the subsequent heritage listing and retention of 6 cottages (78-88 Parraween St). This ensures the low scale character is retained and shadow impacts on the Orpheum avoided.

The agency submissions have all been addressed.

6. Conclusion

The reused development proposal known as Pathways Cremorne proposes a high-quality seniors living community that offers a variety of accommodation options suited to older Australians in an environment that is integrated with the local Cremorne neighbourhood.

The project team has carefully considered all matters raised in the community, council, and agency submissions. The applicant has continued to work with key stakeholders and governments agencies to understand and address their concerns.

All preconditions to the granting of consent have been met. The design complies with statutory controls, except for maximum height which has been supported by the submission of a Clause 4.6 Request for Variation. All matters under s4.15 have been addressed. Where appropriate, suitable conditions can be imposed to mitigate residual concerns.

The proposal is considered to be in the public interest and is worthy of approval.

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