

Department of Planning

# PARRAWEEN CREMORNE SENIORS HOUSING

APPLICATION NUMBER

SSD-49472213



**Cremorne  
Conservation Group**  
Our Heritage for the Future

## Parraween Cremorne senior Housing

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The Cremorne Conservation Group strongly opposes this project on the basis of multiple issues:

1. Loss of Heritage
2. Excessive height, bulk and scale
3. Excessive traffic and negative impact on parking
4. Risk to pedestrian safety
5. Loss of treescape
6. Unrealistic timelines
7. Major concerns with commitment to community engagement

### 1. Loss of Heritage

The Heritage Impact Statement submitted with the application concluded that “*individual buildings do not meet the threshold, there are no heritage requirements for retention*”.<sup>1</sup>

**This was NOT the conclusion of experts and authorities leading to action to amend North Sydney's Local Environmental Plan to list the properties on the local heritage register.**

- Parraween Street, Cremorne is the vibrant epicentre of Cremorne village. It is sandwiched between two of the busiest state-designated roads on the lower north shore of Sydney, namely Military Road and Gerard Street.
- Some 500 metres long, Parraween Street is a hub of activity, frequented by locals and non-locals day and night. Due to its amenities and level of pedestrian usage, it was designated a high pedestrian activity area in 2020.
- Parraween Street is home to:
  - the spectacular 1930s art deco locally heritage-listed Hayden Orpheum Theatre, currently being assessed for listing on the State Heritage Register
  - many popular restaurants, cafes, bars, shops,
  - two large child-care facilities,
  - 24-hour gym, a wide range of medical services,
  - more than 520 residential dwellings, and
  - there are two schools located within 500 mtrs of the street – Middle Harbour primary school and SCEGGS Redlands high school
- Parraween Street displays a diverse range of housing forms from modern 5-storey multistorey mixed residential buildings on the south side of the street to a row of historic centuries-old workers' cottages on the north side.
  - The North Sydney Council (NSC) meeting on 10 January 2022, councillors voted unanimously to investigate the creation of the Parraween Street Conservation Area to recognise and preserve the heritage importance of the remaining original workers' cottages dating from 1880s sited along the north side of the street.
  - Heritage consultants Lucas Stapleton Johnson (LSJ) was commissioned by NSC to undertake multiple independent heritage assessment of these cottages.
  - The LSJ detailed reports concluded that the 12 cottages at 50-56,70-72-88 Parraween Street met the threshold for heritage listing based on multiple criteria, namely historic, associative, aesthetic, representative and rarity values.
- On 4 November 2022 NSC received an 'Advice of application for separate Complying Development Certificate's (CDCs) from a registered certifier, in relation to the proposed full or partial demolition of dwellings and structures on land at Nos. 50-88 Parraween Street
- On 7 and 14 November NSC resolved to issue two Interim Heritage Orders (IHO) on 12 of the sites, namely IHO 3/22 and IHO 4/22.

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<sup>1</sup> <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-49472213%2120230807T063509.725%20GMT> Page 63

- Part 3, S25(2) of the Heritage Act states that a council is authorised to make an interim heritage order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.
- Gazettes for the IHOs were published on 11 and 17 November respectively – Gazette Nos. 532 and 534.
- Based on the LSJ recommendations, NSC produced a Planning Proposal to list these 12 cottages on the local North Sydney Heritage Register.
- In February 2023, Skermanic Pty Ltd held two community consultations.
  - The preliminary design concepts propose a large seniors' living and aged care facility, up to 8-storeys high, between 59-67 Gerard Street, and up to 4-storeys high between 50-88 Parraween Street, Cremorne. These concepts appear to be the same as those lodged in the SSDA.
  - The plans require the complete demolition of all properties on the site.
- Skermanic Pty Ltd appealed against the Council imposed IHOs through the NSW Land and Environment Court (LEC). Commissioner Peatman of the LEC, in handing down her judgement on 26 July 2023 to dismiss the applicant's appeal, found that –
 

*“(63) Being mindful of the object of the H Act “(a) to promote an understanding of the State’s heritage” and “(b) to encourage the conservation of the State’s Heritage”, and in answer to the issues to be determined:*

  - (1) Is the item likely to be found, on further inquiry and investigation to be of local heritage significance? As required by s 25(2) of the H Act, I find the items are likely to be found to be of local historical significance in applying the following criteria from the NSW Heritage Office – Assessing heritage Significance:*
    - (a) Criterion (c) as they demonstrate aesthetic characteristics in the local area;*
    - (b) Criterion (e) as they have potential to yield information that will contribute to the cultural history of the local area, and*
    - (c) Criterion (g) as they as they demonstrate the principal characteristics of a class of the local area.*
    - (d) (Ministerial Order 2013, Sch 2 cl (2)(b)(ii)).*
  - (2) Is the item being, or is likely to be harmed? As required by s 25(2), I find that without IHO 3/22 and IHO 4/22, the answer is yes”.*
- 31 July 2023, the Department of Planning issued a Gateway Determination to proceed with the process for Planning Proposal 3/23 to amend the North Sydney Local Environmental Plan (NSLEP) to list the 12 dwellings on Parraween Street on the local heritage register. PP 3/23 is currently on public exhibition through North Sydney Council website.

### **Heritage Provides a Tangible Link to a Community’s Identity of Place and Time**

NSW Department of Planning Industry and Environment (DPIE) recognises the importance of heritage to our communities. The DPIE has defined heritage as including *“...the places, objects, and stories that we have inherited from the past and want to protect for future generations. It gives us a sense of our history and provides meaningful insights into how earlier generations lived and developed. It also enriches our lives and helps us to understand who we are.”*

These dwellings are an important reminder of those who lived in Cremorne, working to develop this area of Sydney’s lower north shore at the turn of the last century. The dwellings are important as they provide a sense of history, identity, place and culture that the community wants protected for current and future generations to appreciate. This desire is evidenced by a written petition signed by more than 770 signatures which was handed to Council in early 2022 and spearheaded Council’s action to investigate the heritage significance of the properties.

## **2. Excessive height, bulk and scale**

### **HEIGHT:**

The Independent Living Unit (ILU) building on Gerard Street is 28.66 metres high. (This claimed 8-storey building is closer to an 10-11 storey development, based on average floor-to-floor height of 2.75 metres).

**This height should NOT be approved as it is not compatible with current NSLEP controls.**

The building will be 16.66 metres higher (+139%) than what is permitted in this R4 high density residential zone ie 12-metre maximum height is permitted in the *North Sydney LEP 2013*. This proposal is not consistent with either the objectives of the NSLEP nor the R4 zoning of the site. The height is cited as being “*complementary and compatible to the context*” of the existing 8-15 storeys high rise blocks on Gerard Street. This is an unreasonable assertion. These unit blocks are a stark reminder of the now obsolete North Sydney LEP controls which were in place in 1970s.

As stated above the height is not consistent with any provision in the current NSLEP, nor is seniors housing permitted in high density residential R4 zones under the NSLEP 2013. In medium density residential R3 zones, where seniors housing is permitted, the maximum building height is 8 metres. Under the SEPP (Housing) 2021 for seniors, developments may be granted an additional 20%, resulting in a maximum height of 9.6 metres in R3 zones. Such a height is no doubt predicated on the particular unique requirements for residents of seniors housing. In addition, a height of 9.6 metres would be sympathetic in scale when built so closely to heritage significant properties.

### **BULK and SCALE:**

**The proposed bulk and scale should NOT be approved.**

The tall towers on Gerard Street which the proposal uses as examples of what ‘should’ be permitted for Pathways Cremorne, are a permanent reminder of the overdevelopment that occurred in this area in the 1960’s and 1970s.

The proposal cites LEC Law Project Venture Developments vs Pittwater Council [2005]NSWLEC 191 “*Buildings do not have to be the same height to be compatible.*” Para 27. “*For new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.*”<sup>2</sup>

This is ingenuous and inaccurate in relation to this site. The NSLEP has for many decades advocated significantly lower heights (ie 12 metres in R4 zones) to ensure that overdevelopment such as this does not occur again. In addition, the buildings from that earlier era have a far smaller footprint at 25% of site coverage, compared to the almost double sized footprint of 45% proposed.

The scale of the 8-storey Gerard building and the 4-storey additions to the back facades of the historic cottages will be clearly visible above the low-rise single storey cottages on Parraween Street. The size of the structures is out of context with the Parraween streetscape that is recognised for its village atmosphere and character and is totally unsympathetic to the heritage significance of the 12 historic cottages.

## **3. Excessive traffic and negative impact on parking**

### **TRAFFIC DURING CONSTRUCTION:**

**The proposed volume of construction traffic will have severe adverse impacts.**

Parraween Street is a busy local suburban road in constant use due to high density residential housing and day and night public access to numerous commercial premises along the street, including childcare, medical and allied health services, gym, restaurants, cafes, shops, and the very popular heritage listed Orpheum cinema. With up to 10 heavy vehicle trucks per hour accessing

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<sup>2</sup> <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-49472213%2120230807T063509.725%20GMT> page 91

Parraween Street, there will be severe adverse impacts causing major congestion for local traffic.

#### **PARKING DURING CONSTRUCTION:**

**On-street parking, already at a premium, will be significantly reduced, greatly affecting residents and adversely impacting local businesses.**

The proposal claims that during demolition and construction, there will be 60-150 onsite workers who will use public transport or carpool daily to get to the site, thus reducing demand for local parking. This claim is pure conjecture. There is an equally high probability that workers will drive and park near the site for both convenience and autonomy, depriving locals of parking spaces and will have a major detrimental impact on local business and services.

#### **TRAFFIC AFTER CONSTRUCTION:**

**The proposed number of onsite car spaces should NOT be approved.**

The approved redevelopment of the Parraween Street council car park will allow 160 cars to access the Parraween Street. Pathways proposes an additional 134 spaces for onsite cars accessing Parraween Street. This will significantly increase traffic congestion on an already busy local road frequented daily by residents, locals, commercial delivery trucks and peak hour motorists.

(Transport for NSW refused Pathways access using a Gerard Street entrance/exit).

#### **4. Risk to pedestrian safety**

**A significant uplift in traffic increases the risk of pedestrian accidents.**

Parraween Street was designated a High Pedestrian Activity Area in 2020 because it met the 6 key state government threshold strata, with pedestrians accessing a large number of businesses and services located on the street, or in the near vicinity, including childcare, schools, medical and allied health services, gym, restaurants, cafes, shops, pubs and cinema. Pedestrian safety is at increased risk given the predicted significant increase in traffic volume. More traffic increases risk of accidents.

**The pedestrian link between Parraween and Gerard Streets is potentially dangerous.**

The “public park” through-link is ill conceived. This space does not meet the definition of a park, defined as “a large public garden or area of land used for recreation” (Oxford Languages). The site provides a through-link for residents from Pathways 28.66-metre-high ILU block on Gerard St. The link will provide little public amenity, as claimed, for use as a recreational area for locals. In addition, there are potential issues with wind tunneling along this site as the proposal states that “*the through site links are expected to be susceptible to funnelling winds from all three prevailing directions between the buildings*”<sup>3</sup> Wind tunnelling will have a detrimental impact on the businesses opposite the Parraween exit, including the outdoor seating at the popular Don Adan’s café.

As there are no pedestrian crossings at either the Parraween nor Gerard Street exits of the proposed through link, the public benefit of this link is further questionable. This laneway is potentially highly dangerous given the heightened risk of vehicle-related pedestrian accidents when pedestrians attempt to cross the street(s), purely out of ‘convenience’.

#### **5. Loss of treescape**

Of the 133 trees on site, only 14 trees are proposed to be retained, as the applicant’s arborists report has deemed the remaining trees to be of little to no value.

**This conclusion is not sensitive to adverse effect on the community.**

Removal of the trees does not take into account that the trees are the long-term habitat for a wide variety of birds which are an inherently important part of living in this area. Also trees help to ameliorate the heat caused from roads and housing density in the vicinity. The adverse impact on climate conditions for residents are an important aspect that has not been considered in the report. Furthermore, the report nor does it take into account the permanent loss of views from surrounding

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<sup>3</sup> <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-49472213%2120230808T053654.596%20GMT> Page 6

properties of the treescape which helps to 'soften' the built-up landscape. The loss of these tree views will render many properties with aspects of blank building facades and windows.

There are a large number of significant trees on adjacent properties. The excavations to remove deep soil to enable the excavation for the underground carpark has the potential to significantly damage the established root systems of these large mature trees with possible loss as a result.

## **6. Unrealistic timelines**

The report states from commencement of demolition to completion of fitout will take 16 months<sup>4</sup>

**This is absolutely unrealistic.**

In the past 6 years there have been six developments on Parraween and Gerard Street adjacent to this site, one of which is currently under construction. The developer who is constructing 7 units on that site has stated it will take 18 months from commencement to completion. The average time from commencement of demolition to fit out for the other properties has been around 2-3 years. These sites were for R4 residential and mixed development of between 4-5 storeys in height. The sites provided housing for between 11 and 46 individual units. It is therefore inconceivable that a development of the size and scale proposed by Pathways would be completed in 16 months.

A more realistic timeline would be 2-4 years.

That would place a massive burden on residents living in the street and locals who visit the street for its restaurants, cafes and Hayden Orpheum Theatre, in terms of noise, traffic chaos, lack of parking and increase risks to pedestrian safety.

Furthermore, the businesses along Parraween Street, now beginning to see a return to normal trade after the Covid lockdowns, will likely suffer a long period of loss of income. These businesses are the vibrant centre of the area and contribute greatly to the public amenity of the area. They cannot again afford to have 2-4 year period of reduced public patronage.

## **7. Major issues with commitment to community engagement**

Pathways undertook to consult the community in February 2023 at a drop in session and an online session to gather feedback about community concerns. Having viewed the plans at these sessions, there has been no acknowledgement of the issues raised by the community in terms of the issues I have raised above. To say that community engagement has occurred belies the fact that Pathways made no attempt to address these concerns and amend the plans based on community feedback.

It appears that the community engagement sessions were a 'tick the box' exercise required by DPIE as part of the lodgment process. There was no apparent intention to make any concessions to amend the plans based on the concerns that the community had, and still has, with this proposed development.

No approval should be given to this proposal until the process to finalise North Sydney Council's Planning Proposal 3/23 has been completed. To do so would underscore that Pathways is not intent on listening to either North Sydney Council nor the community and has only its own interests at heart.

On behalf of the Cremorne Conservation Group, for all the reasons stated above I strongly oppose this Development Application from proceeding as proposed.

Yours faithfully

Fiona Gracie

Founder

Cremorne Conservation group

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<sup>4</sup> <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-49472213%2120230808T053206.111%20GMT> page 4