



12 September 2024

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

Attention: Courtney Fung

**Dear Ms Sliogeris**

**Re: SSD-49472213 - 50-88 Parraween Street and 59-67 Gerard Street Cremorne - Seniors Housing Proposal - Amended Application.**

## **Introduction**

I refer to the recent submission and notification of amended plans and other documents by the applicant in response to issues raised in the Department's request for a written response to issues raised for the above-mentioned development proposal.

For the purposes of clarity and interpretation, pursuant to Section 4.5 of the Environmental Planning and Assessment Act, 1979 and Section 2.7 of State Environmental Planning Policy (Planning Systems) 2021, this submission maintains the objection made by North Sydney Council in its correspondence of 15 September 2023 and therefore the determination of this application is required to be undertaken by the Independent Planning Commission.

In summary, strong concerns remain that the proposed State Significant Development Application, if approved, will result in an unacceptable impact to a number of late Victorian cottages and Federation dwellings which has been recently reinforced by the listing of a number of those dwellings as Heritage Items under the provisions of the North Sydney Local Environmental Plan 2013.

The proposal remains of a scale and form that is out of character with the current and desired future character of the area and will result in unacceptable amenity impacts to residents and visitors.

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

## **Project amendments**

Proposed project amendments as noted by the applicant comprise the following:

- *Retention of the 6 heritage listed cottages currently known as 78-88 Parraween Street and adaptive reuse as part of the RAC;*
- *Reconfiguration of the RAC building behind the 6 cottages, to be 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, by opening 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.*

## **Background and Policy Context**

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

## **Heritage concerns**

The existing dwellings at 78 to 88 Parraween Street were gazetted as local heritage items on 17 May 2024. It is noted that the revised proposal seeks to retain portions of the exiting fabric largely comprising of the front walls and roofs of each house. It is also noted that the Heritage report prepared by Architectural Projects supporting the application while updated, continues to debate the heritage value of the buildings between 78 and 88 Parraween Street despite the exhaustive process that led to their recent listing. This position establishes a certain bias, and the report should not be relied upon.

The following specific comments are made:

## **Demolition and extent of alterations to the Heritage items.**

It is noted that the rear service areas of each listed heritage item are to be demolished on the basis that they represent non-original and/or altered fabric. However, there is little evidence contained within the report that supports this argument. It is also noted that the extent of alteration to the retained portions of the listed items is unclear. Room layout and original fabric should be maintained or restored, wherever possible. The extent and nature of alterations and restoration works is impossible to establish with any certainty given the information contained within the Heritage report and the application generally.

### **Curtilage issues.**

The report spends some time addressing the relationship of the proposal with the state listed Orpheum Theatre and other near-by locally listed Heritage items. However, the heritage report does not deal in any detail with the appropriateness of the curtilage provided for the Heritage items at 78-88 Parraween Street within the site itself. The separation of buildings 1 and 2 is considered inadequate to maintain the legibility and contribution of the heritage items in the streetscape and a greater separation is required. The current proposed relationship is visually dominant and intrusive and requires careful review by the consent authority.

### **Height, Scale and Form**

The Proposal continues to breach the existing maximum height standard applicable to the site under Clause 4.3 of the NSLEP 2013. The building height allowed is 12 meters. The maximum building height for the proposed new buildings varies across the site, with the greatest exceedance being approximately 11.45 metres for Building 4, fronting Gerard Street with this building also exceeding any bonus provided by the Housing SEPP. It is noted that this reduction has been achieved by way of the deletion of a floor and the proposed roof top communal space and associated access there to. Other breaches are also identified for Buildings 1, 2 and 3 and while improved, remain excessive and unreasonable.

The Council submits that the Department should not rely on the applicant's updated request to vary the height standard for the site given the following:

1. Built form and scale of Building 4: The resultant built form and scale of Building 4 to Gerard Street remains significantly greater than a height compliant building and appears to rely on the context and scale of existing adjoining buildings, including those at Nos. 81A and 81B Gerard Street, which were approved under early planning controls as one basis for the significant height variation proposed. The form of Building 4 remains inappropriate in scale and is not in accordance with, nor adequately responds to the existing and desired future character of the area.
2. Extent of shadow cast by Building 4: The shadow impacts arising from non-compliant elements of Building 4 while reduced, still result in significant and unreasonable impacts within the development itself and to the proposed publicly accessible plaza.
3. The shadowing effects are unreasonable: The breaches to the height standard arising from Building 4 should be regarded as excessive and unreasonable considering the finished levels of the plazas and ground floor plane of Building 2.

Considering the above, the height, form and scale of the development remains inappropriate, and the revised Clause 4.6 Statement should not be accepted.

### **Trees and Landscaping**

It is noted that some minor changes have been made to proposal involving trees and landscaping.

Council's position, however, is maintained that the proposal will result in unacceptable canopy loss and the changes noted within the application do not materially address the concerns raised by Council's original submission. The proposal remains inconsistent with one of the key objectives of Council's Urban Forest Strategy (2019) being to maintain and increase the totality of trees and vegetation across the North Sydney area.

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

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

Should the proposed development proceed, a bond should be imposed on the protection and preservation of trees in Gerard Street and Parraween Street. The amount of any tree bond should be determined in consultation with Council's Urban Forest team and shall be payable to Council. The proposed landscape design must be appropriate to various functions of the site, having regard for proximity to existing native species trees currently on site, and within adjoining public land.

#### **Traffic**

The traffic and parking concerns as outlined in Council's original submission remain.

#### **Green Link**

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

#### **Summary**

Whilst it is noted that some amendments have been made to the proposed development in response to various issues raised, Council continues to object to the proposal in the manner outlined in this submission. The proposal continues to exceed the anticipated development scale under the current Local Environmental Plan and the updated Heritage report does not have adequate regard to the impacts on the recently listed Heritage Items at 78 to 88 Parraween Street. If the Department is of the view that the proposal warrants support, Council would be pleased to provide input into appropriate conditions.

Please do not hesitate to contact Stephen Beattie Manager of Development Services on 9936 8320 should you wish to discuss this matter.

Yours sincerely



Marcelo Occhiuzzi  
**Director Planning and Environment**