



IRF23/1331

Gateway determination report – PP-2023-987

Heritage Listing and Rezoning – 50-88 Parraween
Street, Cremorne

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
A1 – Planning Proposal Report (26 April 2023)
A2 – Parraween Street and Hayden Orpheum Picture Palace, Cremorne Heritage Assessment (October 2022)
A3 – Parraween Street, Cremorne Heritage Assessment Addendum (28 March 2023)
A4 – Parraween Street, Cremorne Heritage Assessment Addendum: 86 Parraween Street, Cremorne (18 April 2023)
A5 – Map of Applicable Land Area
Attachment B – North Sydney Council Letter Requesting a Gateway Determination (11 May 2023)
Attachment C – Proposed Amended North Sydney LEP 2013 Maps
C1 – Site Identification Map
C2 – Amended Land Zoning Map
C3 – Amended Height of Buildings Map
C4 – Amended Heritage Map
Attachment D – North Sydney Council Resolution and Report (8 May 2023)
Attachment E – North Sydney Local Planning Panel Minutes and Council's Assessment Report (19 April 2023)
Attachment F – Additional North Sydney Council Resolutions
F1 – North Sydney Council Resolution (10 January 2022)
F2 – North Sydney Council Extraordinary Meeting Resolution (7 November 2022)
F3 – North Sydney Council Resolution (14 November 2022)
F4 – North Sydney Council Resolution and Report (12 December 2022)
Attachment G – Detailed Background of Planning Proposal
Attachment H – NSW Land and Environment Court Decision Skermanic Pty Ltd v North Sydney Council (26 July 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	North Sydney Council
NAME	Heritage listing and rezoning of 50-88 Parraween Street, Cremorne
NUMBER	PP-2023-987
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS	50-88 Parraween Street, Cremorne
DESCRIPTION	<p>50 Parraween Street – Lot 30 Section 2 DP 4785 and Lot 1 DP 1050050</p> <p>52 Parraween Street – Lot A DP 366345</p> <p>54 Parraween Street – Lot B DP 366345</p> <p>56 Parraween Street – Lot C DP 366345</p> <p>58 Parraween Street – Lot A DP 419832</p> <p>60 Parraween Street – Lot B DP 419832</p> <p>62 Parraween Street – Lot A DP 412718</p> <p>64 Parraween Street – Lot B DP 412718</p> <p>66 Parraween Street – Lot 1 DP 1001062</p> <p>68 Parraween Street – Lot 2 DP 1001062</p> <p>70 Parraween Street – Lot X DP 442664</p> <p>72 Parraween Street – Lot Y DP 442664</p> <p>74 Parraween Street – Lot A DP 438187</p> <p>76 Parraween Street – Lot B DP 438187</p> <p>78 Parraween Street – Lot 1 DP 441402</p> <p>80 Parraween Street – Lot 2 DP 441402</p> <p>82 Parraween Street – Lot 1 DP 19887</p> <p>84 Parraween Street – Lot 2 DP 19887</p> <p>86 Parraween Street – Lot 3 DP 19887</p> <p>88 Parraween Street – Lot 4 DP 19887</p>
RECEIVED	11/05/2023
FILE NO.	IRF23/1331
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objective of planning proposal

The objective of the planning proposal is to amend the North Sydney Local Environmental Plan (LEP) 2013 to prevent the loss of local heritage. To support this change Council intends to also down-zone and reduce maximum building heights.

1.3 Explanation of provisions

The planning proposal seeks to amend the North Sydney LEP 2013 as outlined in Table 3:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R4 High Density Residential	R3 Medium Density Residential
Maximum building height	12m	8.5m
Heritage Listing	Subject properties not listed	12 properties listed per Table 4

Table 4 outlines the proposed amendments to Schedule 5 – Environmental Heritage of the North Sydney LEP 2013 as drafted by Council. It is noted the item numbers are indicative only and will be confirmed at finalisation stage. A condition has been included to this effect.

Table 4 Proposed additions to Schedule 5 – Environmental Heritage

Locality	Item Name	Address	Property Description	Significance	Item No.
Cremorne	House (Parraween Street Group)	50 Parraween Street	Lot 30 Section 2 DP 4785 and Lot 1 DP 1050050	Local	I1147
Cremorne	House (Parraween Street Group)	52 Parraween Street	Lot A DP 366345	Local	I1148
Cremorne	House (Parraween Street Group)	54 Parraween Street	Lot B DP 366345	Local	I1149
Cremorne	House (Parraween Street Group)	56 Parraween Street	Lot C DP 366345	Local	I1150
Cremorne	House (Federation semi-attached bungalow)	70 Parraween Street	Lot X DP 442664	Local	I1151
Cremorne	House (Federation semi-attached bungalow)	72 Parraween Street	Lot Y DP 442664	Local	I1152
Cremorne	House (Federation semi-attached bungalow)	78 Parraween Street	Lot 1 DP 441402	Local	I1153
Cremorne	House (Federation semi-attached bungalow)	80 Parraween Street	Lot 2 DP 441402	Local	I1154

Locality	Item Name	Address	Property Description	Significance	Item No.
Cremorne	House	82 Parraween Street	Lot 1 DP 19887	Local	I1155
Cremorne	House	84 Parraween Street	Lot 2 DP 19887	Local	I1156
Cremorne	House	86 Parraween Street	Lot 3 DP 19887	Local	I1157
Cremorne	House	88 Parraween Street	Lot 4 DP 19887	Local	I1158

Council's Addendum Heritage Assessment Reports dated 28 March 2023 (**Attachment A3**) and 18 April 2023 (**Attachment A4**) concluded that the properties meet the criterion for heritage listing at a local level in the following forms:

- 50, 52, 54 and 56 Parraween Street, Cremorne (group listing)
- 70 and 72 Parraween Street, Cremorne (group listing)
- 78 and 80 Parraween Street, Cremorne (group listing)
- 82, 84, 86 and 88 Parraween Street, Cremorne (individual listings)

A condition has been included for the proposal to correct the proposed item names in the heritage listing as some currently refer to semi-attached dwellings. The Department considers this should refer to semi-detached dwellings which is identified as a permissible land use in the R4 High Density Residential zone.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The sites are located on the northern side of Parraween Street between Paling Street and Langley Avenue in Cremorne. This section of Parraween Street is characterised by a group of single storey dwelling houses, with the remainder of Parraween Street containing townhouses and residential flat buildings.

The southern side of Parraween Street consists of 4-5 storey mixed use developments. The Hayden Orpheum Picture Palace is located near the site at 380 Military Road and is also listed as a local heritage item.

The proposed heritage listings are outlined green in **Figure 1** and all properties included in the rezoning are outlined red in **Figure 1**. 50 Parraween Street is to the west near corner of Paling Street, with the properties ascending east to 88 Parraween Street toward Macpherson Street, Cremorne.



Figure 1 Subject sites (Source: planning proposal)

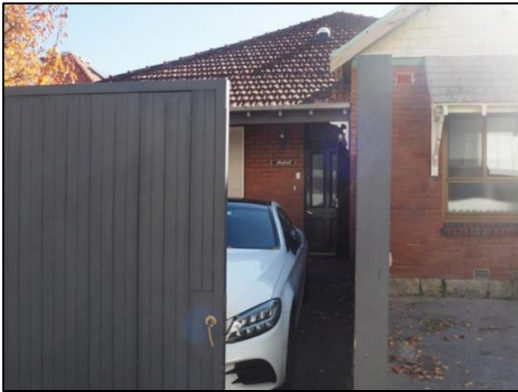

Table 5 contains a brief description and identification of each property proposed to be heritage listed. The descriptions in the table have been summarised from supporting Heritage Assessment Reports.

Table 5 Properties identified for potential heritage listing

Proposed House (Parraween Street Group Listings) heritage listings		
Site	50 Parraween Street, Cremorne	52 Parraween Street, Cremorne
Description	Detached single storey cottage constructed in c1888 on a substantial allotment. The condition of the dwelling is fair and is of relatively high integrity.	Single storey cottage constructed in c1889. The dwelling is in good condition and is of moderate integrity due to later refurbishment work at the rear.
Site Image	 <p>Figure 2. 50 Parraween Street (source: LSJ Heritage Assessment Addendum)</p>	 <p>Figure 3. 52 Parraween Street (source: Google maps; May 2021)</p>

Site	54 Parraween Street, Cremorne	56 Parraween Street, Cremorne
Description	Single storey centre dwelling in a row of three attached workers cottages. The dwelling is in good condition and is of moderate integrity due to later refurbishment internally.	Eastern most single storey attached workers cottage. The dwelling is in good condition with moderate integrity. Only the front hallway and bedroom remain intact.
Site Image	 <p>Figure 4. 54 Parraween Street (source: Google maps; May 2021)</p>	 <p>Figure 5. 56 Parraween Street (source: Google maps; May 2021)</p>

Proposed House (Federation semi-attached bungalows) heritage listings

Site	70 Parraween Street, Cremorne	72 Parraween Street, Cremorne
Description	Western half of semi-detached single storey cottage constructed in c1908. The dwelling is in good condition with the main body highly intact. The rear has been substantially altered and is of little integrity.	Eastern half of semi-detached single storey cottage constructed in c1908. The dwelling is in fair to good condition with the main body highly intact. The rear wing has been substantially altered and is of little integrity.
Site Image	 <p>Figure 6. 70 Parraween Street (source: planning proposal)</p>	 <p>Figure 7. 72 Parraween Street (source: Google maps; May 2021)</p>
Site	78 Parraween Street, Cremorne	80 Parraween Street, Cremorne
Description	Western half of semi-detached single storey cottage constructed in c1908. The dwelling is in good condition with the main body substantially intact and of high integrity. The rear wing has been completely reconfigured and rebuilt and is of little integrity.	Eastern half of semi-detached single storey cottage constructed in c1908. The dwelling is in good condition with the main body substantially intact and of high integrity. The rear wing has been completely reconfigured and rebuilt and is of little integrity.

Site Image



Figure 8. 78 Parraween Street
(source: planning proposal)



Figure 9. 80 Parraween Street
(source: planning proposal)

Proposed individual House heritage listings

Site

82 Parraween Street, Cremorne

Description

Single storey free standing cottage constructed in c1914. Externally the main body is substantially intact and internally the dwelling remains intact and is of high integrity.

Site Image



Figure 10. 82 Parraween Street
(source: planning proposal)

84 Parraween Street, Cremorne

Single storey free standing federation cottage constructed in c1908. The dwelling appears in fair condition and is highly intact with high integrity.



Figure 11. 84 Parraween Street
(source: planning proposal)

Site

86 Parraween Street, Cremorne

Description

Single storey free standing federation cottage constructed in c1908. The dwelling has a moderate to high level of intactness. It is noted the dwelling was not considered to have heritage significance until the interior was inspected.

88 Parraween Street, Cremorne

Single storey free standing federation cottage constructed in c1908. The dwelling is in good condition and is substantially intact with high integrity.

Site Image



Figure 12. 86 Parraween Street (source: LSJ Heritage Assessment Addendum)



Figure 13. 88 Parraween Street, (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the North Sydney LEP 2013 that are suitable for community consultation.

The mapping associated with the North Sydney LEP 2013 indicates the existing sites are subject to the following planning provisions:

- no sites are currently heritage listed (**Figure 15**);
- R4 High Density Residential zone (**Figure 16**); and
- maximum building height of 12m (**Figure 17**).

The proposed map changes are:

- inclusion of 12 properties on the North Sydney LEP 2013 Heritage Map (**Figure 18**);
- R3 Medium Density Residential zone (**Figure 19**); and
- maximum building height of 8.5m (**Figure 20**).

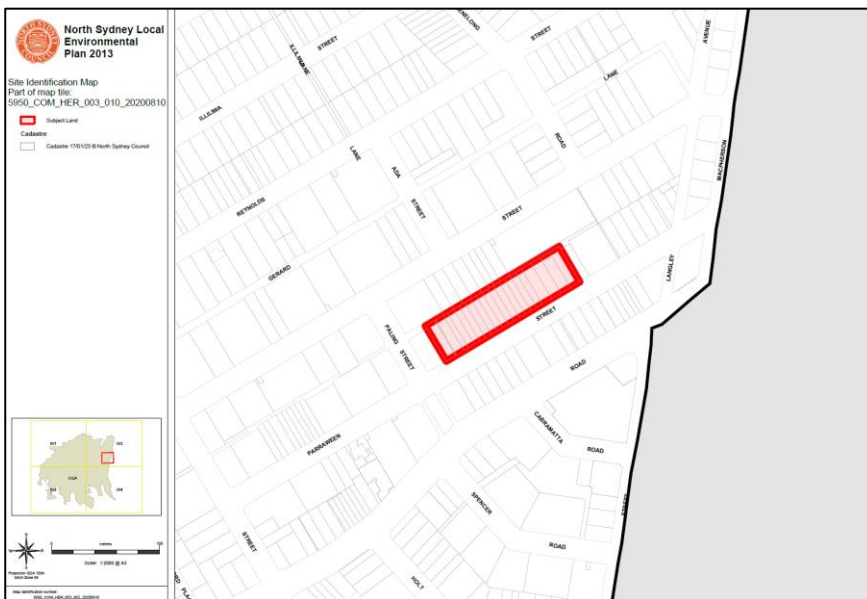


Figure 24 Site identification map, subject sites highlighted (source: Attachment C1)

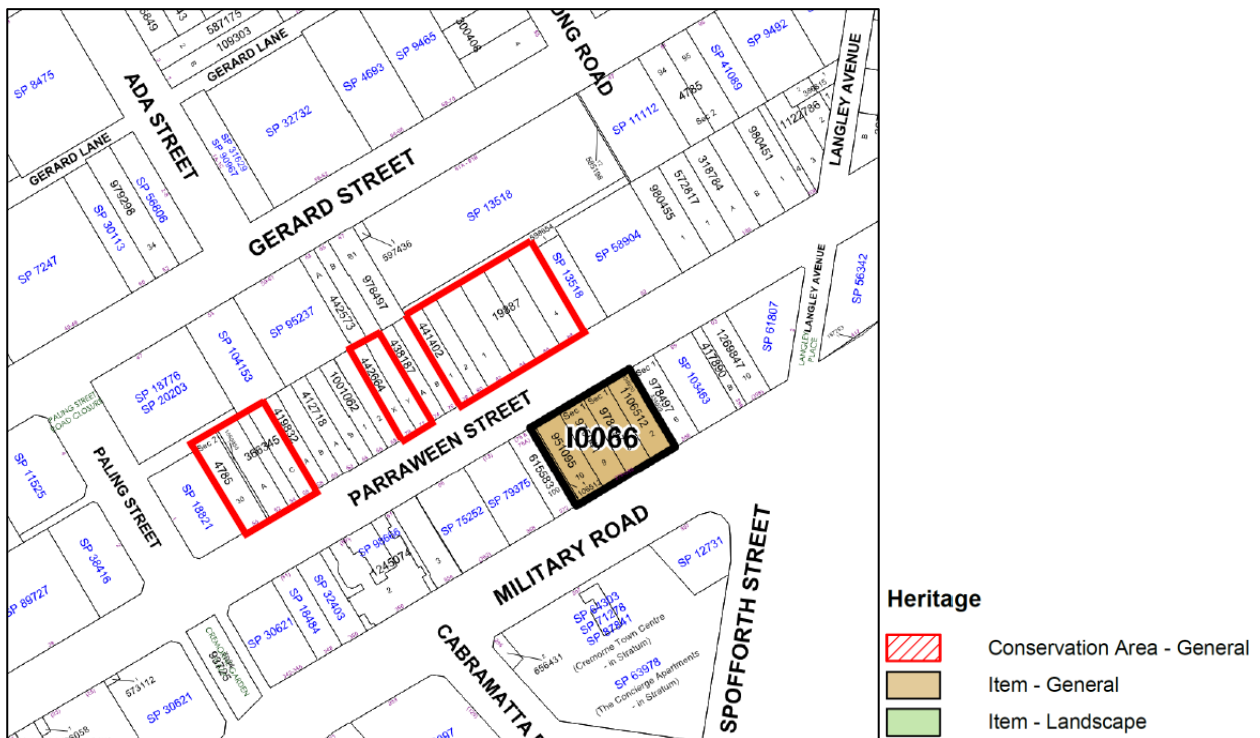


Figure 15 Current heritage map (source: planning proposal)

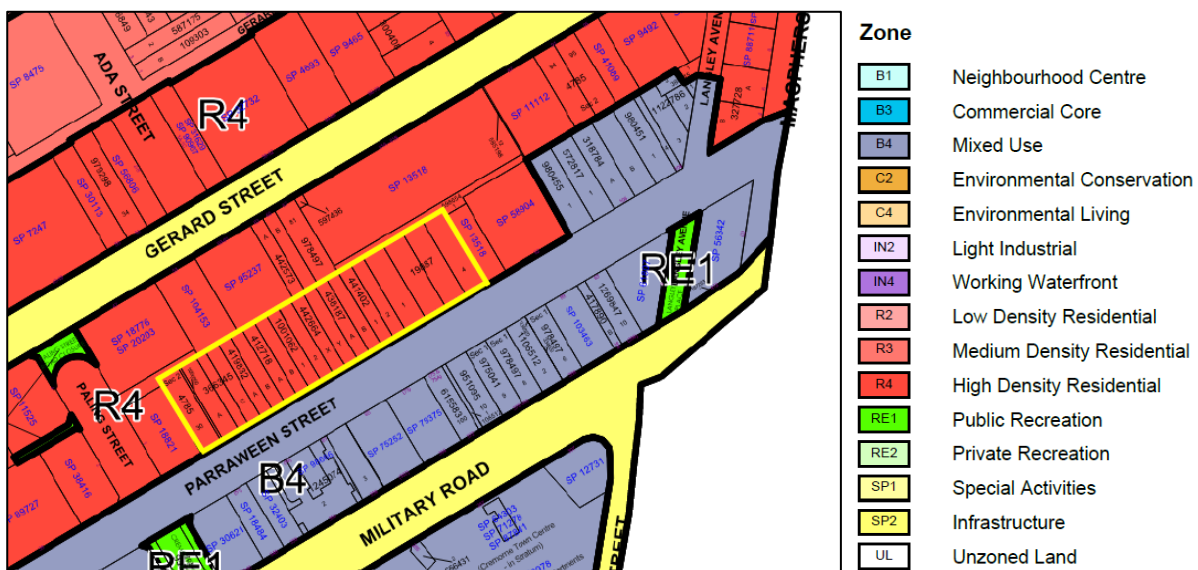


Figure 16 Current land zoning map, sites outlined yellow (source: planning proposal)



Figure 17 Current maximum building height map with a maximum height of 12m (source: planning proposal)



Figure 18 Proposed North Sydney LEP 2013 heritage map (source: Attachment C4)

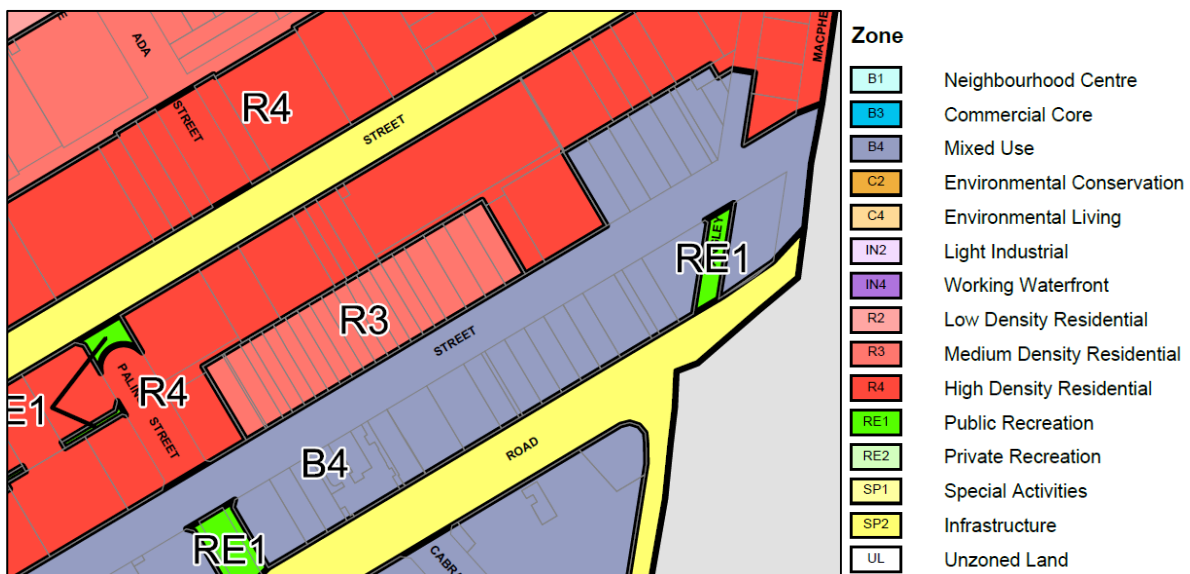


Figure 19 Proposed land zoning map to R3 Medium Density Residential (source: planning proposal)



Figure 20 Proposed maximum building height map with a maximum height of 8.5m for the sites (source: planning proposal)

1.6 Background

Table 6 below contains a summarised timeline of all background events relevant to the planning proposal. Greater detail regarding the background is provided as **Attachment G** of this report.

Table 6 Timeline of background to the planning proposal

Date	Background Event
1981, 1993 & 2007	LGA wide heritage studies undertaken on behalf of Council. No sites have previously been identified as items of heritage value.
10 January 2022	Council resolved to review the creation of a HCA on the northern side of Parraween Street extending from Paling Street to Macpherson Street.
14 March 2022	Council's Legal and Planning Committee considered a report indicating the sites did not meet the criteria to establish an IHO with no immediate threat of harm at the time.
May 2022	Council engaged LSJ to undertake a heritage review of the properties on the northern side of Parraween Street.
October 2022	Council received a heritage assessment report prepared by LSJ that found a HCA is not warranted in the location, however did identify a number of properties that warrant heritage listing or further investigation.
24 October 2022	Secretary's Environmental Assessment Requirements (SEARs) issued by the Department for a State Significant Development (SSD) for a proposed seniors housing development (Pathways Cremorne) facilitating 60 independent living units at 50-88 Parraween Street and 59-67 Gerard Street Cremorne.

Date	Background Event
4 November 2022	Council received an Advice of Application for a Complying Development Certificate (CDC) in relation to the proposed full or partial demolition of dwellings on land at 50-88 Parraween Street and 63-67 Gerard Street. This involved 23 separate CDCs (later withdrawn April 2023).
7 November 2022	Council resolved to issue an IHO on 50, 52, 54, 56, 70, 72, 78 and 80 Parraween Street and prepare a planning proposal to heritage list these properties.
11 November 2022	North Sydney Council IHO 3/2022 was published in the NSW Government Gazette for the above properties.
14 November 2022	Council considered a Mayoral Minute and resolved to issue an IHO on 82-88 and 108 Parraween Street and undertake the further research recommended by LSJ. Council further resolved to rezone the northern side of Parraween Street from R4 High Density Residential to R2 Low Density Residential.
15 November 2022	LSJ provided an addendum advice confirming further research of 82-88 Parraween Street would likely result in the properties found to be of local heritage significance.
17 November 2022	North Sydney Council IHO 4/2022 was published in the NSW Government Gazette for 82-88 Parraween Street.
22 November 2022	Class 1 appeals were lodged by the majority landowner and applicant of the SSD Skermanic Pty Ltd seeking the revocation of both IHOs.
12 December 2022	Council resolved that any change of zoning to Parraween Street be considered concurrently with a planning proposal that considers heritage significance.
28 March 2023	LSJ produced an Addendum Heritage Assessment Report including a revised statement of heritage significance and further heritage listing recommendations.
17 April 2023	NSW Land and Environment Court first hearing occurred including a site inspection.
18 April 2023	The Court hearing scheduled for 18 April was adjourned. LSJ provided a further Addendum Heritage Assessment Report recommended 86 Parraween Street warrants heritage listing.
19 April 2023	North Sydney LPP considered the planning proposal and deemed it would be inappropriate to make a recommendation to Council at the time of consideration.
8 May 2023	Council resolved to endorse this planning proposal seeking Gateway determination.
21 & 22 June 2023	Adjourned Court hearings occurred.
26 July 2023	NSW Land and Environment Court dismissed the Class 1 court appeals, retaining the IHOs across the applicable properties.
11 November 2023	IHO 3/2022 set to expire.
17 November 2023	IHO 4/2022 set to expire.

2 Need for the planning proposal

The need for the planning proposal has arisen from the recommendations of a detailed heritage assessment undertaken by heritage consultant Lucas Stapleton Johnson & Partners (LSJ). This assessment was conducted across a comprehensive report and two additional heritage assessment addendums.

In relation to the proposed rezoning, the proposal states that the sites should be rezoned and subsequently reduced in maximum building height to achieve a modest level of residential density adjacent to heritage items. The proposal states that retaining the existing R4 High Density Residential zone and 12m maximum building height will result in a “*fundamental conflict with future listed heritage items*”. These controls have been in effect since the commencement of North Sydney LEP 2013 at least.

Council determined that heritage listing the properties prior to the expiry of the IHOs is its preferred way of achieving the objectives of the proposal. Council considered alternative approaches, including:

- create a schedule of prohibited uses to limit the redevelopment potential of the sites to protect the buildings on site; and
- do nothing and rely on existing controls.

The planning proposal is consistent with the recommendations of the heritage assessment to list the 12 properties as local heritage items. The items were assessed in accordance with standard criteria contained in the NSW Heritage Office guidelines and set out below in **Table 7**.

If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance. The key findings of the assessment of significance are summarised in **Table 7**. The items were assessed in the recommended group and individual listing of:

- 50, 52, 54 and 56 Parraween Street, Cremorne;
- 70 and 72 Parraween Street, Cremorne;
- 78 and 80 Parraween Street, Cremorne; and
- individual listing of 82, 84, 86 and 88 Parraween Street, Cremorne.

As noted by Council in the proposal, it is proposed that each property be listed individually and will be grouped by name consistent with the recommendations of heritage assessment.

Table 7 Summary of Assessment of Significance

Address	Assessment of Significance						
	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
50, 52, 54 & 56 Parraween Street	✓	✗	✓	✗	✗	✓	✓
70 & 72 Parraween Street	✓	✗	✓	✗	✓	✓	✓

Address	Assessment of Significance						
	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
78 & 80 Parraween Street	✓	✗	✓	✗	✓	✗	✓
82 Parraween Street	✓	✓	✓	✗	✓	✗	✓
84 Parraween Street	✓	✓	✓	✗	✓	✗	✓
86 Parraween Street	✓	✓	✓	✗	✓	✗	✓
88 Parraween Street	✓	✓	✓	✗	✓	✗	✓

The following summarises the heritage assessments conducted by LSJ.

Criterion a) Historical Significance

Regarding 'historical significance', LSJ identifies all properties meet the criteria at a local level on account of the findings summarised in **Table 8**.

Table 8 Summary of LSJ findings for Criterion a) Historical Significance

Site Address	Criterion a) Historical Significance
50, 52, 54 & 56 Parraween Street	<ul style="list-style-type: none"> Are some of the oldest surviving buildings in the locality of Parraween Street. First buildings constructed along Parraween Street east of Paling Street and are relatively intact to their original configurations. Associated with the initial release, subdivision and sale of the Parraween Estate.
70 & 72 Parraween Street	<ul style="list-style-type: none"> Form part of the earliest phases of residential development of the Parraween Estate. Constructed in c1909 as speculative development, the properties remain substantially intact.
78 & 80 Parraween Street	<ul style="list-style-type: none"> Form part of the earliest phases of residential development of the Parraween Estate. Constructed between 1908-1910 as speculative development, the properties remain relatively intact.
82 Parraween Street	<ul style="list-style-type: none"> Forms part of the early 20th century residential development of the Parraween Estate. Constructed in c1908 by the Harbutt Brothers as speculative development, the Federation style cottages remain relatively intact externally and internally.
84 Parraween Street	
86 Parraween Street	

Site Address	Criterion a) Historical Significance
88 Parraween Street	

Criterion b) Historical Associational Significance

Regarding 'historical associational significance', LSJ found the following properties to meet the criteria at a local level on account of the findings summarised in **Table 9**.

Table 9 Summary of LSJ findings for Criterion b) Historical Associational Significance

Site Address	Criterion b) Historical Associational Significance
82 Parraween Street	<ul style="list-style-type: none"> Significant historical association with local builders and property developers the Harbutt Brothers who took over Part Lots 18 and 19 of Section 2 of the Parraween Estate in 1907, developing the land as one of a group of 13 similar type free-standing Federation cottages along Parraween Street. Only 5 remain today. Harbutt Brothers are notable contributors to residential development in Cremorne, Cremorne Point, Neutral Bay and Cammeray taking up multiple allotments along suburban streets to build in the Federation style. Examples of their work are known to survive throughout the Cooper Estate lands and the quality and diversity in form of their work make a substantial contribution to the recognised historical character of residential precincts.
84 Parraween Street	
86 Parraween Street	
88 Parraween Street	

Criterion c) Aesthetic Significance

Regarding 'aesthetic significance', LSJ identifies all properties meet the criteria at a local level on account of the findings summarised in **Table 10**.

Table 10 Summary of LSJ findings for Criterion c) Aesthetic Significance

Site Address	Criterion c) Aesthetic Significance
50, 52, 54 & 56 Parraween Street	<ul style="list-style-type: none"> Surviving group of late Victorian vernacular cottages that remain relatively intact. Internally, all cottages have been altered though enough evidence remains of original architectural features to allow restoration/reconstruction of each cottage to its original configuration.
70 & 72 Parraween Street	<ul style="list-style-type: none"> Substantially intact cottages of unusual configuration presenting as a single dwelling. Intactness, configuration and detailing remains of aesthetic interest and enhances the historical character of Parraween Street.
78 & 80 Parraween Street	<ul style="list-style-type: none"> Substantially intact, modest dwellings of high integrity. Internally, the main body of the dwellings remain substantially intact enhancing their aesthetic significance.
82 Parraween Street	<ul style="list-style-type: none"> Substantially intact, modest Federation bungalow of moderate to high integrity of a form typical of the work of the Harbutt Brothers. Internally the original configuration of the main body of the dwelling survives.
84 Parraween Street	<ul style="list-style-type: none"> Substantially intact, modest Federation cottage of high integrity of a form typical of the work of the Harbutt Brothers. High integrity and intactness of the cottage of aesthetic interest and enhances the historical character of Parraween Street.

Site Address	Criterion c) Aesthetic Significance
86 Parraween Street	<ul style="list-style-type: none"> Is of minor aesthetic significance as a substantially intact, single storey Federation bungalow of moderate to high integrity (externally and internally). Internally the original configuration of the main body of the house survives.
88 Parraween Street	<ul style="list-style-type: none"> Substantially intact, modest single storey Federation bungalow of moderate to high integrity of a form typical of the work of the Harbutt Brothers. Intactness, configuration and detailing remains of aesthetic interest and enhances the historical character of Parraween Street.

Criterion d) Social Significance

Regarding 'social significance', LSJ identifies all properties potentially meet the criteria at a local level. As this is not a definitive finding, LSJ does not state any properties meet this criterion.

Criterion e) Research Potential

Regarding 'research potential', LSJ identified the majority of properties meet the criteria at a local level on account of the findings summarised in **Table 11**.

Table 11 Summary of LSJ findings for Criterion e) Research Potential

Site Address	Criterion e) Research Potential
70 & 72 Parraween Street	<ul style="list-style-type: none"> Properties have some research potential relating to the early development of the Cooperville Estate lands, the types of person who took advantage of the development opportunities offered and the roles of the original/early occupants in surrounding development of the suburb of Cremorne.
78 & 80 Parraween Street	
82 Parraween Street	
84 Parraween Street	
86 Parraween Street	
88 Parraween Street	

Criterion f) Rarity

Regarding 'rarity', LSJ identifies some of the properties meet the criteria at a local level on account of the findings summarised in **Table 12**.

Table 12 Summary of LSJ findings for Criterion f) Rarity

Site Address	Criterion f) Rarity
50, 52, 54 & 56 Parraween Street	<ul style="list-style-type: none"> As a group of buildings all constructed by one person at his own residence with adjacent row of workers cottages for rent, the properties are rare on a local level. Rows of workers cottages elsewhere in the LGA do not appear to retain an adjacent free-standing house linked by way of history, form, style and architectural detailing.
70 & 72 Parraween Street	<ul style="list-style-type: none"> Rare due to their form and configuration. The dwellings feature uncommon configurations to the semi-detached cottage form.

Criterion g) Representativeness

Regarding ‘representativeness’, LSJ identifies all properties meet the criteria at a local level on account of the findings summarised in **Table 13**.

Table 13 Summary of LSJ findings for Criterion g) Representativeness

Site Address	Criterion g) Representativeness
50, 52, 54 & 56 Parraween Street	<ul style="list-style-type: none"> Properties are representative of the earliest phase of development of the Cooperville Estate lands in c1883. Form, simple detailing and configuration are representative of Victorian era residential development for the working classes in Cremorne.
70 & 72 Parraween Street	<ul style="list-style-type: none"> Representative of local building contractor Charles Blackman who constructed similar cottages along Parraween Street, of which these dwellings remain substantially intact.
78 & 80 Parraween Street	<ul style="list-style-type: none"> Representative of early 20th century suburban residential development of the former Cooperville Estate lands. The form, detailing, material selection and configuration are representative of Federation style residential development for the working classes.
82 Parraween Street	<ul style="list-style-type: none"> Representative of early 20th century suburban residential development of the former Cooperville Estate lands. Is representative of a modest, substantially intact Federation cottage displaying a number of key characteristics. Representative of the work of the Harbutt Brothers. As a collective the dwellings illustrate the adaptation of the Federation style for modest housing as undertaken by the Harbutt Brothers.
84 Parraween Street	
86 Parraween Street	
88 Parraween Street	

3 Strategic assessment

3.1 Regional Plan

The following **Table 14** provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 14 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 6 – Services and infrastructure meet communities’ changing needs	<p>Objective 6 indicates ‘<i>the proportion of the population over 65 years of age is projected to increase from 13 to 18 percent</i>’. The objective states ‘<i>services and infrastructure need to be tailored to meet the varying needs of population groups</i>’.</p> <p>The planning proposal would prevent the current application for seniors housing afoot and is therefore inconsistent with this objective.</p>

Regional Plan Objectives	Justification
Objective 10 – Greater housing supply	<p>The subject sites are all located in the R4 High Density Residential zone with access to existing public transport and social infrastructure. These objectives focus on the supply and diversity of housing in appropriate locations to accommodate the needs of Sydney's growing population.</p> <p>The planning proposal is inconsistent with these objectives as it will reduce housing supply and development capacity. The proposed rezoning will also limit the permissible land uses on the site in the context of North Sydney LEP 2013 (Amendment No 35) that prohibits residential flat buildings from being constructed in the R3 Medium Density Residential zone.</p>
Objective 11 – Housing is more diverse and affordable	<p>The planning proposal is inconsistent with this objective as it will reduce housing supply and development capacity. The proposed rezoning will also limit the permissible land uses on the site in the context of North Sydney LEP 2013 (Amendment No 35) that prohibits residential flat buildings from being constructed in the R3 Medium Density Residential zone.</p>
Objective 13 – Environmental heritage is identified, conserved and enhanced	<p>The planning proposal will protect and preserve the built form heritage of the Cremorne area for its social, aesthetic, economic, historic and environmental values. The proposal seeks to retain items that contribute to the place and character of the Cremorne area.</p> <p>Council commissioning LSJ to conduct a heritage assessment and its findings indicate the planning proposal is consistent in its intentions with the objective.</p>

3.2 District Plan

The North District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is both consistent and inconsistent with the priorities for liveability in the plan as outlined below. One priority remains unresolved.

Table 15 includes an assessment of the planning proposal against relevant District Plan priorities.

Table 15 District Plan assessment

District Plan Priorities	Justification
N3 – Providing services and social infrastructure to meet peoples changing needs	<p>This priority identifies an 85% increase in people aged 85 and over and a 47% increase in the 65-84 age group is expected by 2036. The North Sydney LGA will see the highest increase in people aged 85 and over of more than 120% by 2036.</p> <p>The planning proposal would prevent the seniors housing development proposed on the site and is therefore inconsistent with this priority.</p>

District Plan Priorities	Justification
N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>Objective 10 – greater housing supply.</p> <p>This priority is focussed on the delivery of housing supply, housing diversity and affordability. The proposal is inconsistent with the priority as it will reduce housing supply in a location well serviced by public transport infrastructure nearby to local neighbourhood commercial premises. In the context of the prohibition of RFBs in the R3 Medium Density Residential zone, the proposal will limit housing diversity and development potential of the heritage sites and neighbouring sites included in the rezoning proposal.</p>
N6 – Creating and renewing great places and local centres, and respecting the District's heritage	<p>Action 21 – identify, conserve and enhance environmental heritage.</p> <p>The planning proposal intends to identify and conserve the local environmental heritage in Cremorne. The proposal is consistent with this priority as it seeks to list 12 properties on Parraween Street as local heritage items under Schedule 5 of the North Sydney LEP 2013.</p>

The Department concludes that the proposal does not give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Conditions have been included in the Gateway determination to address these inconsistencies.

3.3 Local Planning Framework

The proposal states that it is consistent with the following local plans and endorsed strategies.

3.3.1 North Sydney Local Strategic Planning Statement (LSPS)

The North Sydney LSPS was endorsed by the Greater Cities Commission on 20 March 2020. The LSPS sets the 20-year direction for housing, employment, transport, recreation, environment and infrastructure for the North Sydney LGA.

Table 16 includes an assessment of the planning proposal against relevant priorities of the LSPS.

Table 16 Local Strategic Planning Statement assessment

Local Planning Priority	Justification
L1 – Diverse housing options that meet the needs of the North Sydney community	<p>The planning proposal is inconsistent with this priority as it will reduce housing supply and development capacity. The proposed 'downzoning' is contrary to the intentions of this priority in addressing North Sydney LGA housing supply needs. As stated previously, RFBs are currently prohibited in the R3 Medium Density Residential zone, with the proposed 'downzoning' also reducing the potential diversity of housing development.</p> <p>The sites are located in Cremorne and were previously subject to the Military Road Corridor Planning Study – Stage 2. It is noted Council rescinded this study following stage 1 and have not identified Cremorne for inclusion in future planning studies thus far.</p>
L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage	<p>The planning proposal seeks to protect and preserve environmental heritage in Cremorne. This allows Cremorne to retain its local character.</p> <p>The proposal is consistent with the purpose of this priority.</p>

3.3.2 North Sydney Local Housing Strategy (LHS)

The North Sydney LHS, adopted by Council on 25 November 2019 and endorsed by the Department on 10 May 2023, sets out the strategic direction for housing in the North Sydney LGA to 2036.

The planning proposal states a large portion of Council's dwelling targets are met by strategic studies and Council led studies. The proposal notes the LHS intends to continue relying on existing capacity within residential zoned land to meet the future dwelling targets of the North Sydney LGA.

Council indicates that there would be a modest loss in GFA from the proposed rezoning of the 20 sites and the subsequent reduction in height limits. It is suggested that the proposed intensification of Council's strategic centres and St Leonards and Crows Nest Planned Precinct will absorb the anticipated GFA loss.

The proposal states 'the minor inconsistency with North Sydney LHS is therefore considered to be adequately justified'.

DPE Comment

The planning proposal is inconsistent with the LHS as it seeks to reduce development capacity as stated with a loss of GFA and therefore housing supply. The justification provided by Council does not adequately address the inconsistency generated by the proposed down-zoning. The proposed R3 Medium Density Residential zone would limit housing diversity with the recent prohibition of RFBs in the zone. The Department notes should the sites be rezoned; they would become an isolated pocket of R3 zone surrounded by R4 and MU1 zones.

The planning proposal is also inconsistent with the LHS as it does not consider the impact of the proposed local heritage listings on the future development potential of these sites currently within the R4 Zone. Once listed, the sites could remain in their current single storey semi – detached and detached dwelling house form. These uses do not reflect the development capacity of the R4 Zone.

3.3.3 Community Strategic Plan

The North Sydney Vision 2040 Community Strategic Plan outlines the community wide priorities and aspirations for the LGA, providing long term goals, objectives and actions to achieve these visions.

The key directions, outcomes and strategies of the plan relevant to the planning proposal are:

- **Direction 3 Our Innovative City**
Outcome 3.2 Distinctive sense of place and design excellence
- **Direction 4 Our Social Vitality**
North Sydney's history is preserved and recognised

The planning proposal is consistent with these directions and outcomes as it proposes to preserve and recognise local heritage items.

3.4 Local planning panel (LPP) recommendation

The planning proposal was considered by the North Sydney LPP on 19 April 2023 (**Attachment E**) where it was unanimously deemed that it would be inappropriate to make a recommendation to Council at that time.

The LPP details the following matters as forming the background to its recommendation:

- the applicant has purchased the majority of the subject sites and a scheme is being prepared for an aged care facility for independent living and aged care to be submitted as State Significant Development (SSD);

- the applicant proposes to incorporate and retain several of the dwellings in the scheme; and
- Council's independent heritage consultant recommended for individual heritage listings over listing all of the properties. The consultants also recommended that the subject area did not meet the threshold for a heritage conservation area.

On 8 May 2023, Council noted the recommendations of the LPP and resolved to forward the proposal to the Department for Gateway determination. Council's endorsement of the proposal means the IHOs over properties at 50-56, 70-72 and 78-80 and 82-88 Parraween Street, Cremorne, have now been extended until 11 November 2023 and 17 November 2023 respectively. The IHOs would have otherwise expired on 11 May 2023 and the 17 May 2023.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 17** below:

Table 17 9.1 Ministerial Directions

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	No	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The proposal is inconsistent with this direction as it contains provisions that conflict with Objectives 10 and 11 of the Greater Sydney Region Plan as discussed in Section 3.1 of this report. It is also inconsistent with priority N5 of the North District Plan as discussed in Section 3.2 of this report.</p>
3.2 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal seeks to list additional properties as items of local heritage that has resulted from the recommendations of a detailed heritage assessment completed by LSJ. The proposal is consistent with this direction as the assessment was undertaken in accordance with the NSW Heritage Office guidelines.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
6.1 Residential Zones	No	<p>This direction aims to encourage a variety and choice of housing types for existing and future housing needs, make efficient use of existing infrastructure and services ensure new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment. The direction also requires that a planning proposal must not contain provisions which will reduce the permissible residential density of land.</p> <p>The planning proposal states that it has justifiable minor inconsistencies with this direction as it acknowledges the reduced residential from the proposed downzoning. The proposal argues that the proposed R3 Medium Density Residential zone encourages a variety of housing types and is considered the most compatible with the adjacent R4 and MU1 zones.</p> <p>Council's internal built form analysis indicates that the modest loss of GFA will be absorbed by the St Leonards and Crows Nest precinct, and other Council planned precincts.</p> <p>The proposal notes retaining the existing R4 High Density Residential zone and 12m building height limit may result in a fundamental conflict and inappropriate interface with future listed heritage items.</p> <p><u>DPE Comment</u></p> <p>The planning proposal is inconsistent with this direction as it will reduce development capacity, housing supply and limit housing diversity located in an area capable of supporting the current R4 High Density Residential development controls. The Department notes that RFBs are prohibited in the R3 zone which will limit housing diversity on this site.</p> <p>This change is proposed at a time when the housing market is undersupplied and the State government is seeking suitable locations for increased density. The proposal would add to the housing crisis and would prevent a proposed seniors housing development on the site that can deliver increased housing diversity.</p> <p>The Department does not support the proposed amendments to zoning and building heights and a condition has been attached for these provisions to be removed from the proposal.</p> <p>The Department notes there are a number of existing heritage items located in the R4 High Density Residential zone in Cremorne. Irrespective of the inconsistencies associated with the proposed zoning and building height amendments, the planning proposal does not address the inconsistency between the proposed local heritage listings and the objectives of this direction. The need to address this inconsistency prior to public exhibition has been included as a Gateway condition.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal states that it is consistent with the relevant SEPPs.

The proposal is not considered to be in conflict with any relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not likely to result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

4.2 Social and economic

The following **Table 18** provides an assessment of the potential social and economic impacts associated with the proposal.

Table 18 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The heritage intent of the planning proposal intends to protect heritage by identifying 12 properties as local heritage items. The proposal is the result of a detailed heritage assessment report undertaken by LSJ in response to IHO's being place on the subject sites.</p> <p>The proposal states the local community has been generally supportive of Council's intent of issuing IHO's and the subsequent planning proposal. The landowner has lodged appeals that were unsuccessful as outlined previously against the imposition of the IHO's. The landowner also intends to lodge an application for a SSD for a residential aged care facility.</p> <p>Council states the proposal does not intend to prohibit seniors living, with the permissibility of seniors housing on the site allowed via the SPP (Housing) 2021. Council's states that their intent is to protect local heritage and address community concerns.</p> <p><u>DPE Comment</u></p> <p>Public exhibition of the planning proposal will provide the opportunity for the community and landowners to make comment on the proposed local heritage listings It is noted that the social impacts of the proposed zoning amendments have not been considered in the planning proposal.</p>
Economic	<p>Site-specific economic considerations are not addressed in the planning proposal. The Department acknowledges that there is likely to be economic impacts on landowners as the proposal seeks to reduce the development capacity of the sites, in addition to including the properties as local heritage items.</p> <p>There has also been considerable work done to acquire properties to facilitate the proposed seniors development on the site that should be discussed.</p>

4.3 Infrastructure

There is no significant infrastructure demand resulting from the planning proposal as it would reduce the potential development capacity of the sites. The proposal does not include amendments to planning controls that would facilitate intensified development. Irrespective of the condition imposed to remove the rezoning and building height amendment provisions, the proposed heritage listing is unlikely to generate additional infrastructure requirements.

5 Consultation

5.1 Community

Council's timeline indicates public exhibition should take place during July 2023.

The Department recommends an exhibition period of 20 working days. A condition to this effect has been included in the Gateway determination. Ordinarily a complex planning proposal would require a 30 day exhibition. However, as the proposal is conditioned to remove change to the site other than listing heritage items, 20 days is warranted.

5.2 Agencies

Council has nominated the following agencies be consulted on the planning proposal:

- Heritage Council of NSW;
- North Shore Historical Society; and
- National Trust of Australia (NSW).

It is noted the Gateway determination does not require agency consultation.

6 Timeframe

Council proposes an approximate 9 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 3 months; and
- reported to Council for a recommendation within 6 months.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the Department is not supporting a part of the proposal, it is recommended that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposed heritage listings are supported by an assessment of heritage significance that identifies the sites meet the threshold for local heritage listing, and the assessment was undertaken in accordance with the NSW Heritage Office guidelines;
- the recommended conditions require amendments to the proposal to remove provisions that are inconsistent with directions and priorities of the Greater Sydney Region Plan, North District Plan and Section 9.1 Ministerial Directions;

- the heritage listing objectives of the proposal are consistent with the priorities of the Greater Sydney Region Plan, North District Plan and applicable North Sydney Council local plans and is generally consistent with Section 9.1 Ministerial Directions; and
- the proposal intends to recognise and provide ongoing protection to items of potential heritage significance.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- remove the provisions seeking to rezone land and reduce the maximum building height, including removing all mapping and reference to these provisions;
- remove the properties without any identified heritage value and update mapping and reference material to only include reference to the properties where a local heritage listing is proposed;
- address the NSW Land and Environment Court findings dismissing the Class 1 appeals seeking revocation of the IHOs;
- address current inconsistencies with Ministerial Direction 6.1 Residential Zones;
- include correct item names for inclusion as additions to the LEP heritage schedule;
- include an advisory note that heritage item numbers are indicative only;
- identify the current MU1 Mixed Use zone applying to nearby land; and
- include an updated timeline based on the issuing of the Gateway determination.

Prior to finalisation of the planning proposal, a post-exhibition review of submissions and relevant heritage studies is to be undertaken by a new independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This should include an assessment of existing comparable items in the LGA as recommended by the North Sydney LPP.

9 Recommendation

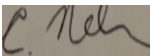
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to address the following matters and submitted to the Minister (or delegate) for review and endorsement prior to public exhibition:
 - (a) remove all provisions relating to the rezoning of land from R4 High Density Residential to R3 Medium Density Residential and reducing the maximum building height from 12m to 8.5m, including all mapping and references to these provisions;
 - (b) remove properties without any identified heritage value, being 58, 60, 62, 64, 66, 68, 74 and 76 Parraween Street, Cremorne from the planning proposal and update all mapping and reference material to refer only to the remaining 12 properties proposed for local heritage listing;
 - (c) incorporate the outcome of the Interim Heritage Order (IHO) NSW Land and Environment Court appeals on the sites;
 - (d) provide justification for the inconsistency with Ministerial Direction 6.1 Residential Zones in relation to the proposed local heritage listings;
 - (e) appropriately define item names as drafted for inclusion as additions to Schedule 5 – Environmental Heritage;
 - (f) include an advisory note that the heritage item numbers are indicative only and will be confirmed at the finalisation stage;

- (g) identify the current MU1 Mixed Use zone applying to nearby land consistent with the Employment Zones Reform for all mapping and documents; and
 - (h) include an updated timeline based on the issuing of the Gateway determination.
2. Prior to finalisation, a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, is to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This review should consider existing comparable heritage items in the LGA.
 3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **3 months** following the date of the gateway determination.

4. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the proposal, Council is not authorised to be the plan-making authority to make this plan.
7. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
8. The LEP should be completed within **9 months** of the date of the Gateway determination.



5 July 2023

Charlene Nelson

Manager, Place and Infrastructure, Metro North



21 July 2023

Brendan Metcalfe

Director, Metro North



31 July 2023

Leah Schramm

Acting Executive Director

Metro Central and North

Assessment officer

Matthew Rothwell

Planning Officer, Metro North

8275 1066