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Plan finalisation report – PP-2023-987

North Sydney Local Environmental Plan 2013
(Amendment No. 39)
Heritage Listing – 78-88 Parraween Street, Cremorne

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

North Sydney Local Environmental Plan (LEP) 2013 (Amendment No. 39).

1.1.2 Site description

Table 1 Site description

| | | |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Site Description | The planning proposal (Attachment A) applies to land at 50-67, 70-72 and 78-88 Parraween Street, Cremorne. The legal descriptions of each property are: | |
| Type | Site | |
| Council / LGA | North Sydney Council | |
| LGA | North Sydney | |

| | | |
|------------------|---------------------------------------------------------------------|---------------------------------------|
| Site Description | 50 Parraween Street – Lot 30 Section 2 DP 4785 and Lot 1 DP 1050050 | 78 Parraween Street – Lot 1 DP 441402 |
| | 52 Parraween Street – Lot A DP 366345 | 80 Parraween Street – Lot 2 DP 441402 |
| | 54 Parraween Street – Lot B DP 366345 | 82 Parraween Street – Lot 1 DP 19887 |
| | 56 Parraween Street – Lot C DP 366345 | 84 Parraween Street – Lot 2 DP 19887 |
| | 70 Parraween Street – Lot X DP 442664 | 86 Parraween Street – Lot 3 DP 19887 |
| | 72 Parraween Street – Lot Y DP 442664 | 88 Parraween Street – Lot 4 DP 19887 |

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. It is noted the Hayden Orpheum Picture Palace is currently under consideration by the Heritage Council of NSW for listing on the state heritage register.


The proposed heritage listings are outlined in **Figure 1**. 50 Parraween Street is to the west near the 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 2 identifies each property as proposed by Council to be heritage listed.



Table 2 Properties identified for potential heritage listing



| Proposed House (Parraween Street Group Listings) heritage listings | | |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site | 50 Parraween Street, Cremorne | 52 Parraween Street, Cremorne |
| 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 |
| 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 |
| 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 |
| Site Image |  |  |
| | <p>Figure 8 78 Parraween Street (source: planning proposal)</p> | <p>Figure 9 80 Parraween Street (source: planning proposal)</p> |

Proposed individual House heritage listings

| | | |
|-------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Site | 82 Parraween Street, Cremorne | 84 Parraween Street, Cremorne |
| Site Image |  |  |
| | <p>Figure 10 82 Parraween Street (source: planning proposal)</p> | <p>Figure 11 84 Parraween Street (source: planning proposal)</p> |

| | | |
|-------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Site | 86 Parraween Street, Cremorne | 88 Parraween Street, Cremorne |
| Site Image |  |  |
| | <p>Figure 12 86 Parraween Street (source: LSJ Heritage Assessment Addendum)</p> | <p>Figure 13 88 Parraween Street, (source: planning proposal)</p> |

1.1.3 Purpose of plan

The planning proposal seeks to amend Schedule 5 – Environmental Heritage of the North Sydney LEP 2013 to identify 12 properties in Parraween Street, Cremorne as local heritage items. **Table 3** below outlines the proposed properties for local heritage listing as drafted by Council, noting the final composition of any listing is subject to drafting by Parliamentary Counsel.

Table 3 Council proposed additions to Schedule 5 – Environmental Heritage

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

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

A post-exhibition change is recommended to the composition of the local heritage listings proposed in this planning proposal as discussed in Section 3.3 of this report. The change responds to the recommendations of Kemp & Johnson Heritage Consultants' independent heritage review of the proposed listings, Council's commissioned assessment report and submissions. Council was required to provide an independent review per condition 2 of the Gateway determination.

The change results in identifying 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne as local heritage items as a group listing. **Table 4** below contains the new local heritage listings as drafted by Parliamentary Counsel.

Table 4 Additions to Schedule 5 – Environmental Heritage

| Locality | Item Name | Address | Property Description | Significance | Item No. |
|----------|--------------------------------|---------------------|----------------------|--------------|----------|
| Cremorne | Parraween Street group – house | 78 Parraween Street | Lot 1 DP 441402 | Local | I1138 |
| Cremorne | Parraween Street group – house | 80 Parraween Street | Lot 2 DP 441402 | Local | I1139 |
| Cremorne | Parraween Street group – house | 82 Parraween Street | Lot 1 DP 19887 | Local | I1140 |
| Cremorne | Parraween Street group – house | 84 Parraween Street | Lot 2 DP 19887 | Local | I1141 |
| Cremorne | Parraween Street group – house | 86 Parraween Street | Lot 3 DP 19887 | Local | I1142 |
| Cremorne | Parraween Street group – house | 88 Parraween Street | Lot 4 19887 | Local | I1143 |

1.1.4 State electorate and local member

The site falls within the Willoughby state electorate. Tim James MP is the State Member.

The site falls within the North Sydney federal electorate. Kylea Tink MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.1.5 Heritage assessments

Table 5 identifies a list of heritage assessments conducted on the properties subject to this planning proposal that have been received by the Department. This table is a summary compiling the findings of each report relating to the subject properties. Skermanic Pty Ltd are the landowners of the subject properties and have undertaken a number of heritage assessments as below.

Table 5 List of heritage assessments and reviews conducted on the sites

| Heritage Assessment | Date of Report | Summary of Findings |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Parraween Street and the Hayden Orpheum Picture Palace, Cremorne heritage assessment</p> <p><i>Prepared by Lucas Stapleton Johnson & Partners Pty Ltd on behalf of North Sydney Council</i></p> | October 2022 | <p>Nos. 50, 52, 54 & 56 (individual or group listings)</p> <p>Nos. 70, 72, 78 & 80 (individual listings)</p> |
| <p>Parraween Street Cremorne Heritage Assessment Addendum</p> <p><i>Prepared by Lucas Stapleton Johnson & Partners Pty Ltd on behalf of North Sydney Council</i></p> | March 2023 | <p>Nos. 50, 52, 54, & 56 (group listing)</p> <p>Nos. 70 & 72 (group listings)</p> <p>Nos. 78 & 80 (group listing)</p> <p>Nos. 82, 84 & 88 (individual listings)</p> <p>No. 86 not recommended for listing</p> |
| <p>Parraween Street Cremorne Heritage Assessment Addendum</p> <p><i>Prepared by Lucas Stapleton Johnson & Partners Pty Ltd on behalf of North Sydney Council</i></p> | April 2023 | No. 86 recommended for individual listing after internal inspection |
| <p>50-88 Parraween Street, Cremorne Heritage Assessment</p> <p><i>Prepared by Architectural Projects on behalf of Skermanic Pty Ltd for submission objecting to proposal</i></p> | September 2023 | No properties are recommended for heritage listing |
| <p>Heritage Review of Planning Proposal to list 12 cottages in Parraween Street, Cremorne</p> <p><i>Prepared by Kemp & Johnson Heritage Consultants on behalf of North Sydney Council as per Independent Review required by the Gateway determination</i></p> | November 2023 | <p>Nos. 50, 52, 54, 56, 70 & 72 not recommended for listing</p> <p>Nos. 78, 80, 82, 84, 86 & 88 (group listing)</p> |
| <p>50-88 Parraween Street, Cremorne, Senior Living Precinct – Heritage Comment on Proposed Heritage Listing</p> <p><i>Prepared by Architectural Projects on behalf of Skermanic Pty Ltd</i></p> | December 2023 | No properties are recommended for heritage listing |

| Heritage Assessment | Date of Report | Summary of Findings |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------|
| <p>Heritage Peer Review Nos. 50-106 Parraween Street Cremorne</p> <p><i>Prepared by Weir Phillips Heritage and Planning on behalf of Skermanic</i></p> | February 2024 | No properties are recommended for heritage listing |

The Department notes that the Kemp and Johnson independent review has provided a robust assessment of the potential heritage value of the originally proposed 12 heritage items. The information since presented by Skermanic Pty Ltd, in the Architectural Projects' and Weir Phillips Heritage Planning reports, is not considered to raise any new matters sufficient to challenge the Kemp and Johnson recommendation to list the six properties (Nos. 78, 80, 82, 84, 86 & 88). These Skermanic reports have not altered the Department's position in assessing the proposal as outlined in further detail in Section 3.3 of this report.

1.1.6 Landowner correspondence

The Department notes receipt of correspondence dated 22 December 2023 from Gyde Consulting (**Attachment F**) on behalf of the landowner of the properties subject to the planning proposal requesting that the planning proposal should not proceed for the following reasons:

- Inconclusive and conflicting evidence as to whether the buildings reach the threshold for heritage listing.
- Lack of justification for inconsistency with Direction 6.1 Residential Zones.
- Inconsistent with current government priorities, specifically the provision of seniors housing product on R4 High Density Residential zoned land adjacent to services, infrastructure and public transport.

It is noted the planning proposal is unaffected by lodgement of the State Significant Development Application (SSDA) for seniors housing as this does not alter the potential heritage value of any properties. Assessment of the SSDA will be conducted independently of this planning proposal.

This correspondence dated 22 December 2023 was accompanied by a heritage report by Architectural Projects dated December 2023 (**Attachment F2**). This report is additional to the Architectural Projects submission on the proposal dated September 2023 and comments on the findings of the Kemp and Johnson Heritage Consultants independent heritage review (**Attachment D**) that was provided to the Department, as required by the Gateway determination. The landowner's report concludes that no properties in the planning proposal reach the threshold for heritage listing.

A further heritage peer review completed by Weir Phillips Heritage and Planning (**Attachment F3**) on behalf of the landowner dated 21 February 2024 was provided to the Department by Gyde Consulting reaffirming the above request that the proposal should not proceed. This peer review looks at the Lucas Stapleton Johnson and Partners heritage assessment reports (**Attachments G**) and the Kemp and Johnson Heritage Consultants independent heritage review. Weir Phillips does not support the heritage listing of any properties subject to this planning proposal.

The Department has considered these new heritage reports and is proceeding with adopting the heritage listing recommendation of Kemp & Johnson Heritage Consultants as detailed in Section 3.3 of this report. The intent of the Kemp & Johnson independent heritage review is to provide an independent recommendation on the appropriateness of the proposed heritage listings amidst conflicting advice received.

It is recognised listing the 6 properties may inhibit the ability to progress the SSDA afoot, however a reconfiguration may be possible and an existing DA cannot be a determining factor in finalising a planning proposal.

2 Gateway determination

The planning proposal as lodged by Council for Gateway assessment applied to all properties at 50-88 Parraween Street, Cremorne and introduced a proposed rezoning to support any local heritage listing. It sought to amend the North Sydney LEP 2013 as outlined in **Table 6**.

Table 6 Comparison of current and initially proposed controls in the proposal dated 26 April 2023

| Control | Current | Proposed (Council proposal dated 26 April 2023) |
|-------------------------|-------------------------------|----------------------------------------------------|
| 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 3 |

The Gateway determination issued on 31 July 2023 (**Attachment B**) determined that the proposal should proceed subject to conditions.

In response to condition 1 of the Gateway determination, Council revised the planning proposal for exhibition to address the following:

- (a) *remove the provisions to rezone land from R4 High Density Residential to R3 Medium Density Residential and reduce maximum building height from 12m to 8.5m, including all mapping and reference to these provisions;*
- (b) *remove properties without any identified heritage value 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 following commencement of the Employment Zones Reform for all mapping and documents; and*
- (h) *include an updated timeline based on the issuing of the Gateway determination.*

As required by condition 1 of the Gateway determination, Council submitted an amended planning proposal addressing the above to the Department as delegate of the Minister for review and endorsement prior to exhibition. The Department wrote to Council on 17 August 2023 (**Attachment B2**) confirming the proposal had been adequately updated to address condition 1 and was formally endorsed to proceed to public exhibition by removing the proposed downzoning from R4 High Density Residential to R3 Medium Density Residential, reduced maximum building height and reduced floor space ratio controls.

The Gateway determination conditioned that Council should not be authorised as the local plan-making authority due to the complexity of the proposal and the extent of the Gateway conditions to address various inconsistencies with the strategic planning framework and associated directions.

Condition 2 of the Gateway determination required Council to undertake the following:

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.*

In response to condition 2, Council commissioned an Independent Heritage Review of the planning proposal completed by Kemp & Johnson Heritage Consultants (**Attachment D**). This was received by the Department on 20 November 2023.

Council has met all the Gateway conditions.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 25 August 2023 to 22 September 2023. Consultation with agencies was not required in the Gateway determination.

Council considered the submissions and post-exhibition report at its meeting on 23 October 2023 and resolved to request the Department make the plan to give effect to the planning proposal. Council submitted with proposal to the Department for finalisation on 27 October 2023 with the Department receiving the Kemp & Johnson independent heritage review satisfying condition 2 of the Gateway determination on 20 November 2023.

3.1 Submissions during exhibition

A total of 49 submissions were received including 47 from the community, 1 from the North Shore Historical Society and 1 submission from the landowner. 47 submissions received support the proposal and 2 submissions object to the proposal (**Attachment C**).

3.1.1 Submissions supporting the proposal

There were 47 submissions (approximately 96%) received in support of the planning proposal. These included submissions from the Harrison/Bennett and Brightmore Precinct Committees, and the Cremorne Conservation Group. **Table 7** provides a summary of the submissions and responses from Council and the Department.

Table 7 Summary of Key Issues

| Issue raised (% of support) | Council response and Department assessment of adequacy of response |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heritage (100%) <i>Submissions emphasise the need to protect local heritage in Cremorne (51%)</i> <i>The dwellings are important to the curtilage of the Hayden Orpheum Picture Palace (23%)</i> | <u>Council Response:</u> Council engaged a heritage consultant, Lucas Stapleton Johnson & Partners (LSJ) to undertake a detailed heritage assessment. This assessment found the dwellings subject to the planning proposal warrant listing as local heritage items. Council notes the NSW Land and Environment Court decision to dismiss both appeals against the IHO’s was guided by the evidence that the properties have potential heritage value. This decision and the Department issuing a Gateway determination supports the position that the dwellings have strategic merit and site-specific merit. Council |

| Issue raised (% of support) | Council response and Department assessment of adequacy of response |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>notes the North Sydney Local Planning Panel (LPP) recommendation to defer consideration of the proposal was largely due to the then ongoing court appeals.</p> <p>At the time Council considered its post-exhibition report and submissions, the Kemp & Johnson independent heritage review to satisfy condition 2 of the Gateway determination had not been received. Consequently Council has not commented on the Kemp & Johnson independent heritage review.</p> <p><u>Department Response:</u></p> <p>The Department recognises the planning proposal as amended in response to the Gateway determination is supported by a heritage assessment report and intends to achieve the recommended heritage listing outcome. It is also recognised Council had not received the independent heritage review at the time of recommending the proposal proceed to finalisation.</p> <p>As discussed in detail in Section 3.3 of this report, the Department on receipt of the Kemp & Johnson independent heritage review is recommending the LEP be made consistent with the findings of this review. This will result in 6 of the proposed properties being local heritage listed as a group in the North Sydney LEP 2013.</p> |
| <p>State Significant Development Application (SSDA) (4%)</p> <p><i>Submissions raised concerns regarding the SSDA and its impact on heritage value of the properties</i></p> | <p><u>Council Response:</u></p> <p>Council does not support progression of the SSDA for seniors housing including 60 independent living units in the manner proposed and made a submission on 15 September 2023 objecting to the SSDA on heritage, built form and environmental grounds. Council's submission states the SSDA does not have adequate regard to the heritage value of the subject properties.</p> <p><u>Department Response:</u></p> <p>The Department notes that submissions have referred to the SSDA as it encompasses all sites subject to this proposal in addition to many surrounding properties. At the time of writing, the proponent is currently preparing a response to submissions received on the SSDA following public exhibition.</p> <p>It is noted the planning proposal is unaffected by lodgement of the SSDA as this does not alter the potential heritage value of any properties. The SSDA will be assessed independently of this planning proposal.</p> |

3.1.2 Submissions objecting to and/or raising issues about the proposal

2 submissions objected to the proposal (approximately 4%), including a submission from Gyde Consulting on behalf of the landowner and applicant of the State Significant Development Application (SSDA) that applies to the subject sites. This submission was accompanied by a detailed heritage assessment report undertaken by Architectural Projects Pty Ltd (**Attachment F1**) in support of the objection.

Table 8 provides a summary of the submissions and responses from Council and the Department.

Table 8 Summary of Key Issues

| Issue raised | Council response and Department assessment of adequacy of response |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Heritage</p> <p><i>Submissions object to the proposed heritage listings</i></p> <p><i>The landowner objection is accompanied by a heritage assessment recommending none of subject properties warrant listing as a heritage item</i></p> | <p><u>Council Response:</u></p> <p>Refer to Council's response in Table 7 regarding the issue of heritage.</p> <p><u>Department Response:</u></p> <p>As stated in Table 7 above, Expanding on the above response, as discussed in detail in Section 3.3 of this report, the Department review is recommending the LEP be made consistent with the findings of the Kemp & Johnson independent heritage review. This will result in 6 of the proposed properties being local heritage listed as a group in the North Sydney LEP 2013.</p> <p>The Department notes the Kemp & Johnson heritage review considered the heritage assessment accompanying the landowner submission and provides a response to the report completed by Architectural Projects Pty Ltd.</p> |

3.2 Advice from agencies

In accordance with the Gateway determination, Council was not required to consult with any public agencies.

3.3 Post-exhibition changes

3.3.1 The Department's recommended changes

Following receipt of the revised planning proposal and all documents responding to the Gateway determination from Council, the Department at finalisation is recommending a change to the composition and number of properties to be identified as a local heritage item in the North Sydney LEP 2013. The Department has considered Council's post-exhibition report and the Kemp & Johnson independent heritage review and acknowledges the Council recommendation that the planning proposal be finalised as proposed. It is further noted Council has not commented on the independent heritage review.

However, as discussed below, the Department considers it appropriate to align the finalised local heritage listings with the recommendation of the independent heritage review to identify 6 of the 12 properties as a group local heritage listing.

The Department has recommended the properties at 78-88 Parraween Street, Cremorne be identified as local heritage items as a group. This represents an overall reduction of 6 properties initially proposed for heritage listing and groups the remaining 6 properties Council had sought to list as a pairing and individuals.

Table 4 in Section 1.1.3 above contains the final heritage listings recommended by the Department and drafted by Parliamentary Counsel for finalisation of the LEP amendment.

3.3.2 Justification for post-exhibition changes

The Department notes this post-exhibition change is justified and does not require re-exhibition. It is considered that the post-exhibition change:

- is consistent with an independent heritage review of the proposed listings;
- is a reasonable response to issues identified during assessment of the proposal;

- does not alter the intent of the planning proposal to identify properties as local heritage items; and
- allows a future redevelopment of the site under the current planning controls that could include adaptive reuse of the buildings with most heritage value.

Kemp & Johnson (KJ) Heritage Consultants Independent Heritage Review of Planning Proposal and Submissions

The Department has considered the KJ Heritage Consultants independent heritage review in recommending the reduction to the number of properties to be local heritage listed. Council was required to obtain this review per condition 2 of the Gateway determination. KJ Heritage Consultants undertook a review of the Lucas Stapleton Johnson and Partners heritage assessment reports commissioned by Council, submissions received on the proposal and the Architectural Projects heritage assessment report supporting the landowner's submission.

The North Sydney Local Planning Panel (LPP) recommended in the event the planning proposal progresses and court appeals are dismissed, Council should obtain a peer review of its commissioned heritage assessment by another heritage consultant. The LPP recommended such a review should provide information in the context of an assessment of the LGA with existing comparable items.

The Department adopted this recommendation in condition 2 of the Gateway determination, extending the requirement for a heritage review to review all submissions. Due to this, KJ Heritage Consultants' independent review considered the conflicting recommendations of Council's Lucas Stapleton Johnson and Partners commissioned reports and the Architectural Projects report submitted on behalf of the landowner.

Table 9 below outlines the conclusion of KJ Heritage Consultants' independent review of the appropriateness of the proposed heritage listing for each of the 12 properties.

Table 9 Conclusion of KJ Heritage Consultants Independent Heritage Review

| Property Address | KJ Conclusion and Recommendation |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50, 52, 54 & 56 Parraween Street | <ul style="list-style-type: none"> • 50 Parraween Street is considered to have only a moderate level of integrity due to alterations. • Terrace row at 52-56 Parraween Street is considered to have questionable local heritage significance as due to irreversible alterations to No. 56 and the western side addition to No. 52. The row is considered to have low-moderate integrity due to alterations. • These 4 houses are the oldest in this section of Parraween Street. Due to alterations, they are not considered good representative examples of their period and style. |
| 70 & 72 Parraween Street | <ul style="list-style-type: none"> • Houses are isolated and No. 72 is only of moderate integrity due to alterations. Due to this, it is not recommended that heritage listing proceed for this pair of houses. |
| 78 & 80 Parraween Street | <p>The group of houses from 78 and 88 Parraween Street (pairing) and 82-88 Parraween Street (grouping) are recommended for a group heritage listing for the following reasons:</p> <ul style="list-style-type: none"> • Local aesthetic significance as they form a contiguous group of relatively intact houses representative of the work of two local builders from the Federation period. |
| 82 Parraween Street | |
| 84 Parraween Street | |

| Property Address | KJ Conclusion and Recommendation |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 86 Parraween Street | <ul style="list-style-type: none"> Due to their high integrity, the houses are considered good representative examples of modest Federation Queen Anne style houses. |
| 88 Parraween Street | <ul style="list-style-type: none"> The Helier Harbutt built group has additional aesthetic significance for the street tree planting outside the group. The group has additional local aesthetic significance as it provides a historic streetscape setting for the Cremorne Orpheum Picture Palace on the opposite side of Parraween Street. |

The Department is recommending proceeding with a group heritage listing consistent with the conclusion of KJ in **Table 9**. Consistent with the heritage listing conventions proposed by Council, the 6 houses will be grouped by name as part of the Parraween Street group and individually listed as entries within Schedule 5 – Environmental Heritage of the North Sydney LEP 2013.

4 Department's assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement. Further, an independent heritage review was conducted.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified in response to the Gateway determination). It is noted the Department's recommendation to list 6 of the 12 properties proposed for identification as local heritage items does not alter the intent of the proposal to identify properties as local heritage items.

As outlined in the Gateway determination report (**Attachment B1**), the planning proposal submitted for finalisation and subject to the Department's recommended changes:

- proposes heritage listings that are supported by the findings of an independent heritage review of multiple heritage assessments;
- has removed rezoning provisions that were inconsistent with directions and priorities of the Greater Sydney Region Plan, North District Plan and Section 9.1 Ministerial Directions;
- adequately responds to the proposed heritage listings inconsistency with Ministerial Direction 6.1 Residential Zones which will be further addressed by the Department's recommended changes; and
- intends to recognise and provide greater consideration of the items of heritage significance.

The following **Tables 10 and 11** identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1 below.

Table 10 Summary of strategic assessment

| | Consistent with Gateway determination report Assessment | |
|---------------|---------------------------------------------------------|---------------------------------------------------|
| Regional Plan | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| District Plan | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |

| | Consistent with Gateway determination report Assessment | |
|-----------------------------------------------|---------------------------------------------------------|---------------------------------------------------|
| Local Strategic Planning Statement | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| Local Planning Panel (LPP) recommendation | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| Section 9.1 Ministerial Directions | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| State Environmental Planning Policies (SEPPs) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |

Table 11 Summary of site-specific assessment

| Site-specific assessment | Consistent with Gateway determination report Assessment | |
|-----------------------------|---------------------------------------------------------|---------------------------------------------------|
| Social and economic impacts | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| Environmental impacts | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |
| Infrastructure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No, refer to section 4.1 |

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable. It is noted Section 3.3 above addresses the Department's recommended changes to the planning proposal.

4.1.1 Section 9.1 Ministerial Direction – 6.1 Residential Zones

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 to 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.

The Gateway determination required the proposal to be updated prior to exhibition to provide justification for the inconsistency with Ministerial Direction 6.1 Residential Zones in relation to the proposed local heritage listings. The updated planning proposal provides a sufficient level of detail responding to the inconsistency with the direction resulting from the proposed heritage listings. Council acknowledges heritage listing the properties will result in a modest shortfall in residential density as the sites may not be able to realise the full potential of the existing R4 High Density Residential zoning. The Department endorsed Council's updated proposal in a letter to Council dated 17 August 2023 (**Attachment B2**), including the consideration of Direction 6.1, prior to exhibition.

Inconsistency with this direction will be further addressed by the Department's recommended changes to reduce the number of properties listed as a result of the proposal to 6 houses.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 12 Consultation following the Department’s assessment

| Stakeholder | Consultation | The Department is satisfied with the draft LEP |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Mapping (DPHI GIS) | 1 map has been prepared by the Department’s GIS team and meets the technical requirements. The map giving effect to the planning proposal is Heritage HER_003. Council was consulted on the draft LEP map. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details |
| Council | <p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979 (Attachment E)</i>.</p> <p>Council advised on 20 February 2024 that it does not support the Department’s post-exhibition change to remove the properties 50, 52, 54, 56, 70 and 72 Parraween Street, Cremorne. These properties were the subject of Council’s resolution and Council reaffirmed their proposed listing is supported by heritage assessments conducted by LSJ (Attachment E).</p> <p>Council does not support the plan as recommended by the Department to be made. Council seeks the local heritage listing of all 12 properties.</p> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details |
| Parliamentary Counsel Opinion | On 28 February 2024, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC . | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details |

6 Recommendation

It is recommended that the Minister’s delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the Department’s recommended change to list 6 of the proposed 12 properties is justified based on an independent heritage review of applicable heritage assessments and the assessment in Section 3.3 of this report above;
- the draft LEP has strategic merit being consistent with the Greater Sydney Region Plan and North District Plan objectives pertaining to recognising and preserving local heritage;
- it is consistent with the Gateway determination assessment;
- it is generally consistent with all relevant Section 9.1 Directions and SEPPs, noting Council has sufficiently addressed inconsistency of heritage listing R4 High Density Residential zone properties with Direction 6.1 Residential Zones;
- issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal; and
- the draft LEP gives effect to the provisions of the planning proposal.



10/4/24

Derryn John
Manager, Metro North
Metro Central and North



12/4/24

Brendan Metcalfe
Director, Metro North
Metro Central and North



7/5/2024

Daniel Thompson
A/Executive Director
Local Planning and Council Support

Assessment officer

Matthew Rothwell
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Attachments

| Attachment | Document |
|------------|-----------------------------------------------------------------------------------------------------------------------|
| A | Planning proposal (17 August 2023) |
| A1 | Council's request to make the plan (27 October 2023) |
| B | Gateway determination (31 July 2023) |
| B1 | Gateway determination report |
| B2 | Department endorsement of amended planning proposal (17 August 2023) |
| C | Council post-exhibition resolution and report (23 October 2023) |
| D | Independent Heritage Review of Planning Proposal (November 2023) |
| E | Consultation with Council – confirmation to seek final PC opinion |
| F | Gyde Consulting letter to the Department responding to independent heritage review (22 December 2023) |
| F1 | Gyde Consulting submission on planning proposal including Architectural Projects heritage assessment (September 2023) |
| F2 | Architectural Projects heritage assessment and comment on proposed heritage listings (December 2023) |
| F3 | Weir Philips Heritage and Planning heritage peer review (21 February 2024) |
| G1 | Parraween Street and Hayden Orpheum Picture Palace, Cremorne heritage assessment (October 2022) |
| G2 | Parraween Street, Cremorne heritage assessment addendum (28 March 2023) |
| G3 | Parraween Street, Cremorne heritage assessment addendum: 86 Parraween Street, Cremorne (18 April 2023) |
| Map | Draft LEP Map |
| MCS | Map Cover Sheet |
| PC | Parliamentary Counsel's Opinion |
| LEP | Draft LEP |