

10.3. Planning Proposal 3/23 - 50-56, 70-72, and 78-88 Parraween Street Cremorne - Post Exhibition Report

AUTHOR	Tom Mojsiejuk, Strategic Planner
ENDORSED BY	Marcelo Occhiuzzi, Director Community, Planning and Environment
ATTACHMENTS	<ol style="list-style-type: none"> 1. Planning Proposal [10.3.1 - 47 pages] 2. Submission Summary Table - pp 3 23 - Parraween Street [10.3.2 - 11 pages] 3. Gateway Determination [10.3.3 - 2 pages]
CSP LINK	<ol style="list-style-type: none"> 1. Our Living Environment <ol style="list-style-type: none"> 1.1 Protected, enhanced and biodiverse natural environment 2. Our Built Infrastructure <ol style="list-style-type: none"> 2.2 Vibrant public domains and villages 3. Our Innovative City <ol style="list-style-type: none"> 3.3 Distinctive sense of place and design excellence 4. Our Social Vitality <ol style="list-style-type: none"> 4.3 North Sydney’s history is preserved and recognised 5. Our Civic Leadership <ol style="list-style-type: none"> 5.1 Lead North Sydney’s strategic direction

PURPOSE:

The purpose of this report is to present the outcomes of the public exhibition of a Council-initiated Planning Proposal to amend North Sydney Local Environmental Plan 2013 to list 50-56, 70-72, and 78-88 Parraween Street Cremorne as heritage items of local significance.

The report seeks Council’s endorsement to forward the Planning Proposal to the Department of Planning and Environment with a request that the Plan be made.

EXECUTIVE SUMMARY:

- At its meeting of 8 May 2023, Council resolved to forward a Planning Proposal (PP3/22) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to the Department of Planning and Environment (DPE) to:
 - list 12 properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as local heritage items; and
 - rezone 20 properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne from R4 High Density Residential to R3 Medium Density Residential and reduce the maximum building height of these properties from 12m to 8.5m.

- On 31 July 2023, the Minister for Planning issued a Gateway Determination allowing the Planning Proposal to proceed to public exhibition, subject to meeting a number of conditions. The Gateway conditions included a requirement that the Planning Proposal be updated prior to exhibition to:
 - remove provisions to rezone land from R4 High Density Residential to R3 Medium Density Residential and reduce the maximum building height from 12m to 8.5m; and
 - remove properties without any identified heritage value from the Planning Proposal such that the proposal refers only to the remaining 12 properties (i.e., 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne), proposed for local heritage listing.
- The Planning Proposal was amended to comply with the conditions of the Gateway Determination and was placed on public exhibition for a period of 28 calendar days (20 working days) from 25 August 2023 to 22 September 2023.
- 49 submissions were received during the exhibition period, including 47 submissions in support of the Planning Proposal and two submissions which raised objections to the proposed heritage listings.
- In the circumstances of the Interim Heritage Orders (IHOs) applying to the relevant properties lapsing in November 2023 and the recent lodgement of a State Significant Development Application (SSDA) with the DPE, it is recommended that Council progress the Planning Proposal, as exhibited, as expeditiously as possible, and forward the Planning Proposal to the DPE with a request that an LEP be made.
- A condition of the Gateway Determination requires that a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, be undertaken by an independent heritage consultant prior to the finalisation of the Planning Proposal. Work is currently underway to satisfy this condition and the findings of the independent report will be provided to the DPE upon completion.
- Due to the nature of the proposal and Gateway conditions, Council has not been granted delegation to be the Local Plan Making Authority (LPMA) to finalise the making of this Plan.

RECOMMENDATION:

1. THAT having completed the community consultation requirements of the Gateway Determination, that:

- a) Council forward the Planning Proposal to list properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as heritage items of local significance (as detailed in Attachment 1) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979; and
- b) The outcomes of the independent post-exhibition review of submissions and relevant heritage studies be provided to the Department of Planning and Environment upon completion.

2. THAT Council note the submissions made to the public exhibition of the Planning Proposal, forming attachment 2 of this report.

3. THAT Council note the Department of Planning and Environment's advice that Condition 2 of its Gateway Determination requires a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This review is currently under way and required to be completed prior to finalisation of the Planning Proposal.

4. THAT all submitters be notified of Council's resolution and thanked for their submission.

Background

The following outlines the chronology and milestones of the various planning processes to date:

1. Heritage Investigations

10 January 2022 – Council resolved:

1. *THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.*
2. *THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.*

14 March 2022 - Council's Legal and Planning Committee considered a Council Officer's report to determine whether Council could potentially establish an IHO for the properties on the northern side of Parraween Street if heritage significance was established.

The report indicated that, notwithstanding any potential heritage value of the properties, the sites did not meet the criteria under Section 25(2) of the Heritage Act 1977 to establish an IHO as there was no immediate threat of harm at that time.

May 2022 - Council engaged a suitably qualified heritage consultant, Lucas Stapleton Johnson & Partners (LSJ), to undertake a heritage review of the properties along the northern side of Parraween Street to determine if the properties may potentially satisfy the criteria for heritage listing under NSLEP 2013.

10 October 2022 - Council received the LSJ Heritage Assessment Report, which established the potential heritage significance of properties at 50, 52, 54, 56, 70, 72, 78, and 80 Parraween Street, and recommended further research into the history of 82, 84, 86, and 88 Parraween Street to confirm the heritage significance of these properties.

An Addendum Heritage Assessment Report was completed by LSJ in March 2023, following an internal inspection of all properties which were the subject of the IHOs and which included further research into the history of the Harbutt Brothers. The addendum report concluded that 50, 52, 54, 56, 70, 72, and 78-88 Parraween Street warranted listing as local heritage items.

2. Threat of Harm

24 October 2022 - Seniors Housing Provider, *Pathways Residences*, obtained the Planning Secretary's Environmental Assessment Requirements (SEARS) from the DPE for the

lodgement of a State Significant Development application (SSD-49472213). The SSD concept proposed demolition and construction of a seniors living development including 60 independent living units contained within two x four-storey buildings fronting Parraween Street, a six to eight-storey building fronting Gerard Street, and a residential aged care facility at 50-88 Parraween Street and 59-67 Gerard Street Cremorne.

4 November 2022 – Council received an ‘Advice of Application for a Complying Development Certificate’ (CDC) from a registered certifier, in relation to the proposed full or partial demolition of 23 dwellings and structures at 50 - 88 Parraween Street and 59 - 67 Gerard Street Cremorne.

The receipt of the CDC notification confirmed the intention to demolish potential heritage items, establishing a clear ‘threat of harm’ to the subject sites.

3. Interim Heritage Orders

9 November 2022 - Council issued an Interim Heritage Order (3/2022) on the properties at 50, 52,54, 56, 70, 72, 78, and 80 Parraween Street Cremorne. IHO 3/2022 was published on the NSW Government Gazette (No. 531) on 11 November 2022.

11 November 2022 - Council issued an Interim Heritage Order (4/2022) on the properties at 82, 84, 86, and 88 Parraween Street Cremorne. IHO 4/2022 was published on the NSW Government Gazette (No. 534) on 17 November 2022.

The IHOs were made in accordance with Section 25 of the Heritage Act 1977 in response to a clear ‘threat of harm’ to the subject sites, consistent with the outcomes of the heritage assessment report which identified that the sites may be eligible for heritage listing.

4. Court Proceedings

22 November 2022 - The property owners of 50, 52, 54, 56, 70,72, 78, and 80 Parraween Street Cremorne filed a Class 1 Appeal (Proceedings No.22/351880) in the Land and Environment Court (LEC) against the imposition of IHO 3/2022 over these subject properties.

The property owners of 82, 84, 86, and 88 Parraween Street Cremorne also filed a Class 1 Appeal (Proceedings No.22/351906-22) in the LEC against the imposition of IHO 4/2022 over these subject properties.

The appeal was subsequently heard by the LEC on 7 April and 21 June 2023, with a judgement handed down on 26 July 2023 dismissing the appeals.

5. Planning Proposal (PP3/23)

19 April 2023 -The North Sydney Local Planning Panel (NSLPP) considered Planning Proposal (PP3/22), which sought to identify 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as local heritage items and to amend the existing zone

and maximum height applying to certain properties in order to manage an appropriate interface for the identified heritage items. The NSLPP recommended the Planning Proposal be deferred due to the ongoing Class 1 Court proceedings.

8 May 2023 - Council resolved to endorse the Planning Proposal and forward it to the Minister for Planning to obtain a Gateway Determination.

6. Gateway Determination

26 July 2023 - The presiding Commissioner at the LEC dismissed both appeals, meaning that the IHOs were enabled to continue operating for a 12-month period (until 11 and 17 November 2023 for each IHO respectively).

31 July 2023 - A Gateway Determination was issued by the Minister for Planning for the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions, which included a requirement that the Planning Proposal be updated to refer only to the listing of 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street, Cremorne as local heritage items.

A revised Planning Proposal was prepared by Council and submitted to the DPE for review and endorsement as per the requirements of the Gateway Determination.

17 August 2023 - The revised Planning Proposal was endorsed by the Minister for Planning to proceed to public exhibition, and subsequently placed on exhibition by Council from 25 August 2023 to 22 September 2023.

7. State Significant Development Application

21 August 2023 – Having obtained the Planning Secretary’s Environmental Assessment Requirements (SEARS) in October 2022, the State Significant Development Application (SSDA) lodged by *Pathways Residences* was placed on public exhibition by the DPE from 21 August 2023 until 17 September 2023.

The development description of the SSDA, as exhibited by the DPE, outlines the following proposed works:

- construction of a five-storey residential care facility comprising 41 beds, kitchen, ancillary services, and a rooftop communal open space;
- construction of 58 independent living units in two x four-storey buildings fronting Parraween Street and an 8-storey building fronting Gerard Street including on-site ancillary services, café and rooftop open space areas;
- construction of a two-level basement containing 134 car parking spaces;
- a new public park providing through-site access between Parraween and Gerard Streets;
- landscaping, public domain works, and the adaptive reuse of nine cottages located on Parraween Street; and
- demolition and site preparation works.

The dwellings at 50-56, 70-72, and 78- 88 Parraween Street that are the subject of this Planning Proposal are identified as being significantly impacted under the application.

The exhibited plans indicate the complete demolition of 50 and 82-88 Parraween Street, the significant modification of 52-56 Parraween Street to 'maintain the primary form only', and the complete demolition and 'reconstruction' of elements of dwellings at 70, 72, 74, 76, 78, and 80 Parraween Street Cremorne.

28 August 2023 – Council resolved:

THAT Council prepare a submission to the Department of Planning based on the heritage advice in the Lucas Stapleton Johnson & Partners report and addressing height, bulk, scale, and impacts of the development on the surrounding precinct.

15 September 2023 – Council officers lodged a submission objecting to the proposed SSDA, outlining concerns that the proposal exceeds the anticipated development scale under the current LEP and does not have adequate regard to the heritage value of 50-56, 70-72, and 78- 88 Parraween Street as identified in the Planning Proposal recently exhibited publicly.

DETAIL

1. Issue of Gateway Determination

On 31 July 2023, the Minister for Planning issued a Gateway Determination (Attachment 3), allowing the Planning Proposal to be placed on public exhibition subject to meeting a number of conditions.

2. Response to Gateway Determination Conditions

The eight conditions imposed on the Gateway Determination are addressed in the following subsections.

2.1. Amendment of Planning Proposal prior to public exhibition

Condition 1 of the Gateway Determination required the planning proposal be updated to address the following matters and submitted to the Minister (or delegate) for review and endorsement, prior to public exhibition:

- (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.*

The Planning Proposal was amended to address the above conditions and endorsed by DPE on 17 August 2023 to proceed to public exhibition.

For clarity, the Planning Proposal was amended prior to exhibition to remove reference to the rezoning of land from R4 High Density Residential to R3 Medium Density Residential and reduce the maximum building height from 12m to 8.5m. It was also amended to remove reference to properties without any identified heritage value from the Planning Proposal (i.e., 58, 60, 62, 64, 66, 68, 74, and 76 Parraween Street Cremorne) such that the proposal refers only to the remaining 12 properties proposed for local heritage listing (i.e., 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne).

2.2. Post-Exhibition Review by Independent Heritage Consultant

Condition 2 of the Gateway Determination requires a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings. This review is required to be completed prior to finalisation of the Planning Proposal.

As previously outlined, 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street, Cremorne are subject to Interim Heritage Orders (IHO) which lapse in November 2023. Due to the time constraints imposed by the lapsing IHOs, the reporting timeframes within the Gateway Determination and the availability of an independent heritage consultant to undertake the review, it is considered appropriate to report and forward the Planning Proposal to the DPE at this time to advance the Plan making process as much as possible.

Forwarding the Planning Proposal to the DPE at this point in time will allow for the finalisation process to commence, which will involve further coordination and reporting with the DPE. An independent heritage consultant has been engaged to review all background documentation and submissions as per the conditions and

finalisation timeframes within the Gateway Determination. The findings of the independent report will be provided to the DPE upon completion.

2.3. Public Exhibition Requirements

Condition 3 of the Gateway Determination required that the Planning Proposal be placed on public exhibition for a minimum of 20 working days, with the commencement of the public exhibition to occur within three months of the date of the Gateway Determination.

The Planning Proposal was placed on public exhibition for a total 28 calendar days (20 working days), from 25 August 2023 to Friday 22 September 2023, commencing within one (1) month of the Gateway Determination being issued.

2.4. Consultation with Public Bodies

Condition 4 of the Gateway Determination stated no consultation was required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.

2.5. Public Hearing Requirements

Condition 5 of the Gateway Determination does not require the undertaking of a public hearing in accordance with s.3.34(2)(e) of the EP&A Act. However, the Condition stated that this did not remove the need to undertake a public hearing in relation to the reclassification of land under the Local Government Act, 1993.

The Planning Proposal does not seek to reclassify any land under the Local Government Act, 1993 and therefore did not necessitate the holding of a public hearing under s.3.34(2)(e) of the EP&A Act.

2.6. Local Plan Making Authority

Condition 6 of the Gateway Determination stated that due to the complexity of the Planning Proposal and extent of the Gateway conditions, Council is not authorised to be the Local Plan Making Authority (LPMA) to finalise the making of the LEP amendment and give effect to the Planning Proposal.

2.7. Council Reporting and Completion Timeframes

Conditions 7 and 8 of the Gateway Determination states that the Planning Proposal must be reported to Council for final recommendation within six months from the date of the Gateway Determination (January 2024), and the LEP implementing the intent of the Planning Proposal should be completed within nine months of the date of the Gateway Determination (April 2024).

3. Public Exhibition

The Planning Proposal (Attachment 1) was placed on public exhibition for 28 days (20 working days), from 25 August 2023 to 22 September 2023.

The following provides a summary of the engagement methods that were used to generate awareness of the Planning Proposal:

- letter notifications to property owners and occupiers located in vicinity of the site (483 letters sent);
- Memo to Precinct Committees;
- Notification in Council's e-newsletters, including:
 - Council eNews (1,550 subscribers)
 - Precincts eNews (167 subscribers)
 - DA eNews (223 subscribers)
- a dedicated exhibition page on Council's website (Your Say) with all documentation and contact information. There were 306 visits to the project page during the exhibition period, and 40 downloads of the Planning Proposal documents;
- a dedicated exhibition web page on the NSW Planning Portal; and
- physical copies of all supporting documentation and contact information on display at Council's Customer Service Centre and Stanton Library.

4. Submissions Overview

49 submissions were received in response to the public exhibition of the Planning Proposal:

- 47 submissions from local residents, including submissions from the Harrison/Bennett and Brightmore Precinct Committees and the Cremorne Conservation Group;
- One submission from the North Shore Historical Society; and
- One submission from the landowner/applicant of the SSDA.

A detailed breakdown of submissions is included in Attachment 2.

All submissions were received during the formal public exhibition period, with the exception of three public submissions which were received after the formal public exhibition concluded.

5. Concerns Raised

The following provides a summary of the issues and concerns raised in the submissions received during the public exhibition. Attachment 2 provides additional information on the submissions received.

47 submissions (approximately 96%) supported the Planning Proposal. The key reasons raised for providing support included;

- the listing of 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as local heritage items;
- the preservation of local heritage and character in the Cremorne area; and
- recognition of the value of the cottages, and streetscape to the Hayden Orpheum Picture Palace's setting.

Two submissions (approximately 4%) objected to the Planning Proposal. This included a submission from Gyde Consulting on behalf of the landowner/applicant of the SSDA, which was accompanied by a detailed heritage assessment report undertaken by Architectural Projects Pty Ltd in support of their objection. The key reasons raised for not supporting the Planning Proposal included;

- the properties do not have heritage value as they are heavily modified and do not meet the threshold for preservation;
- the Planning Proposal does not meet the threshold test for strategic merit as the Parraween Street locality is zoned high density residential and the proposal would restrict development potential in this location contrary to the North Sydney Local Housing Strategy, and three previous LGA-wide heritage studies did not identify the subject sites as being of heritage significance;
- the Planning Proposal does not meet the threshold test for site- specific merit, as the heritage assessment undertaken by Architectural Projects Pty Ltd does not characterise the properties along Parraween Street as warranting listing as a heritage item or as a contributing component of the streetscape;
- NSLPP did not support the progression of a Planning Proposal proceeding to the DPE for a Gateway Determination;
- Condition 2 of the Gateway Determination requires a review of all submissions and heritage studies prior to finalisation, including the heritage assessment undertaken by Architectural Projects Pty Ltd;
- the future development scenario under the SSDA would provide a quality aged care development, and would retain select cottages through adaptive reuse and design features;
- the SSDA would allow for a more appropriate use of the land and contribute to urban renewal;
- concerns re traffic and local shopping are based on speculation; and
- objection to the heritage listing of dwellings and ad hoc granting of IHOs.

The key issues raised in the submissions received are discussed in further detail in the following subsections.

5.1. Heritage

The majority of submissions received (47) supported the listing of 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne as local heritage items as identified in the Planning Proposal. A further 24 submissions emphasised the need to protect local heritage within the Cremorne area and an additional 11 submissions highlighted the importance of the dwellings to the curtilage of the Hayden Orpheum Picture Palace – a nominated state heritage item.

Two submissions objected to the proposed heritage listing of 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne. One objection was of the view that the buildings on the subject sites do not reach the threshold for local heritage significance. The accompanying heritage assessment report undertaken by Architectural Projects Pty Ltd asserts that the Parraween Street precinct is not a unique or isolated example of

Victorian workers' cottages, Federation semi-detached dwelling, or Federation individual houses, and that comparative representative examples of a higher quality and integrity are already included in Schedule 5 to NSLEP 2013.

Comment

In May 2022, Council engaged a heritage consultant, Lucas Stapleton Johnson & Partners (LSJ) to undertake an independent review and comparative analysis of heritage values of the subject sites. The detailed heritage assessment undertaken by LSJ found the dwellings at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street warrant listing as local heritage items under NSLEP 2013. The Land and Environment Court's decision to dismiss both Class 1 appeals against the imposition of Interim Heritage Orders 3/23 and 4/23 was guided by the evidence that the properties have potential heritage value.

The recommendation of the North Sydney Local Planning Panel to defer the consideration of the Planning Proposal was largely due to the then-ongoing Class 1 appeal. The appeal decision by the Land and Environment Court and DPE to issue a Gateway Determination supports the position that the dwellings have strategic merit and site-specific merit as discussed in detail within the Planning Proposal report (Attachment 1).

As discussed in section 2.2 of this report, Condition No. 2 of the Gateway Determination requires a post-exhibition review of submissions and relevant heritage studies, including those commissioned by Council, to be undertaken by an independent heritage consultant to provide a recommendation on the appropriateness of the proposed heritage listings prior to the finalisation of the Planning Proposal. Work is currently underway to satisfy this condition and the findings of the independent report will be provided to the DPE upon completion.

5.2. State Significant Development Application (SSD-49472213)

Two submissions raised concerns with the SSDA for a senior's living development at 50-88 Parraween Street and 67-69 Gerard Street Cremorne, and its impact on the heritage value of the properties identified in the Planning Proposal for heritage listing.

Comment

The progression of the SSDA in the manner proposed is objected to by North Sydney Council. The DPE, however, is the consent authority for the SSDA. On 15 September 2023, Council made a submission to the DPE objecting to the proposal on heritage, built form and environmental grounds. In particular, concern was raised that the proposal exceeds the anticipated development scale under the current Local Environmental Plan and does not have adequate regard to the Heritage value of 50-56, 70-72, and 78- 88 Parraween Street.

6. Options

Council has the following options in relation to this matter:

1. Do nothing/ not forward the Planning Proposal to the DPE with a request that the LEP be made;
2. Forward the Planning Proposal and the outcomes of an independent post-exhibition review of submissions and relevant heritage studies, to the DPE with a request that the LEP be made.

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Do nothing/not forwarding the Planning Proposal to the DPE will have a negligible financial/resourcing impact.	Abandoning the Planning Proposal at this stage could potentially result in the wholesale demolition of the subject properties, which are of identified heritage value.	Beyond this report, no further consultation is required in relation to the Planning Proposal.
2.	Forwarding the Planning Proposal to the DPE with a request for finalisation will have a negligible financial/resourcing impact. However, additional costs have been incurred by Council to engage an independent heritage consultant to conduct a post-exhibition review of submissions and relevant heritage studies in accordance with the conditions of the Gateway Determination.	Progressing the Planning Proposal to finalisation will enable the heritage values of the subject sites to be recognised and protected, and ensure any future development has due consideration to the heritage values of the dwellings.	Beyond this report, no further consultation is required in relation to the Planning Proposal.

Option 2, is recommended for the following reasons:

1. The progression of the Planning Proposal to finalisation would recognise the built heritage of the dwellings at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86, and 88 Parraween Street Cremorne and ensure any future development has due consideration to the heritage values of these properties;
2. Community consultation has been conducted, and whilst two submissions objected to the Planning Proposal, the overwhelming majority of submissions are supportive of the Planning Proposal progressing and being finalised.

3. If Council were to not progress the Planning Proposal, the Interim Heritage Orders would lapse and the subject dwellings could potentially be at risk of wholesale demolition.

7. Consultation Requirements

Community consultation has occurred in accordance with Council's *Community Engagement Protocol*. The detail of this report provides the outcomes from the Engagement for Council to consider prior to making a decision.

8. Financial/Resource Implications

This report recommends forwarding the Planning Proposal to identify 50-56, 70-72, and 78-88 Parraween Street Cremorne as local heritage items under NSLEP 2013 to the DPE with a request for finalisation. Whilst Council has incurred additional costs engaging a suitably qualified heritage consultant to undertake an independent post-exhibition review of submissions and relevant heritage studies, this is a requirement of the Gateway Determination.

9. Legislation

The proposal's compliance with the relevant provisions of the Environmental Planning and Assessment Act, (1979) and accompanying Regulations (2021) have been addressed throughout this report.



PLANNING PROPOSAL

***50-56, 70-72 & 78-88 Parraween Street,
Cremorne***

V3 - 17 August 2023

(For Public Exhibition)

Council Ref: PP 3/23

Dept of Planning Ref: PP-2023-987

1 Introduction

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

The primary intent of the Planning Proposal is to identify 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne as local heritage items under NSLEP 2013. In particular, the proposed amendment seeks to include twelve (12) new heritage items within Schedule 5 – *Environmental Heritage* and identify those items as general heritage items on the *Heritage Map* to NSLEP 2013.

The need for the Planning Proposal has arisen from the recommendations of detailed heritage assessments undertaken by heritage consultant, Lucas Stapleton Johnson & Partners (LSJ). The assessments demonstrate that the subject sites adequately meet the threshold for local heritage listing, consistent with the criteria set out by the NSW Heritage Office and therefore the subject sites have site-specific merit to support the progress of the proposal.

In addition, two Interim Heritage Orders (IHOs) have been applied across the subject sites to provide temporary protection from demolition and are due to expire in November 2023. The imposition of the IHOs were in response a request by a developer to obtain a Complying Development Certificate to fully or partially demolish dwellings on the subject sites. The purpose of this was to prepare the site with the view to lodging a State Significant Development (SSD) application for the erection of a seniors living development, for which the developer has obtained SEARs (Secretary's Environmental Assessment Requirements) from the Department of Planning & Environment.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning and Environment's (DPE) document '*Local Environmental Plan Making Guideline*' (September 2022).

2 BACKGROUND

2.1 Previous Heritage Studies

There have been three previous major heritage studies undertaken on behalf of North Sydney Council as follows:

- *North Sydney Heritage Study (1981). Latona Masterman Associates.*
- *North Sydney Heritage Study Review (1993). Godden Mackay Logan Pty Ltd.*
- *North Sydney Heritage Review (2007). Architectus in association with John Oultram Heritage and Design.*

None of the subject sites were identified as potential heritage items under these previous heritage studies. Nor have the sites been identified as heritage items under any environmental planning instrument.

2.2 Notice of Motion - Request to investigate heritage potential

At its meeting of 10 January 2022, Council raised a Notice of Motion as Matter of Urgency – Creation of Heritage Conservation Area and resolved the following:

1. ***THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.***
2. ***THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.***

2.2.1 Preliminary Interim Heritage Order Advice

Consistent with Resolution No.2 to the Council Meeting of 10 January 2022, Council officers undertook an initial assessment of the matter to determine whether Council could potentially establish an Interim Heritage Order (IHO) for the properties on the northern side of Parraween Street.

On 14 March 2022, Council's Legal and Planning Committee considered a report to determine whether Council could potentially establish an IHO for the properties on the northern side of Parraween Street if heritage significance was established. The report indicated that, notwithstanding any potential heritage value of the properties, the sites did not meet the criteria under Section 25(2) of the Heritage Act 1977 to establish an IHO as there was no immediate threat of harm at that time.

2.2.2 Heritage Assessment Report

In accordance with Resolution No.1 to the Council Meeting of 10 January 2022, Council procured the services of a suitably qualified heritage consultant, Lucas Stapleton Johnson & Partners (LSJ) in May 2022 to undertake a heritage review of the properties along the northern side of Parraween Street in order to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The heritage review considered the history of the properties, historical development of the area and physical evidence. A comparative analysis of the subject properties in Parraween Street was undertaken as per Heritage NSW guidelines, the Australia ICOMOS Burra Charter 2013 and NSW Heritage publication Conservation Areas: Guidelines for Managing Change in Heritage for Conservation Areas.

In October 2022, Council received a detailed heritage assessment report in response to Council's resolution of 10 January 2022. The report made the following key recommendations:

- That the dwellings at Nos. 50, 52, 54 and 56 Parraween Street, Cremorne warrant listing as local heritage items, either individually or as a group, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That the dwellings at Nos. 70 and 72 Parraween Street, Cremorne warrant listing as local heritage items, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That the dwellings at Nos. 78 and 80 Parraween Street, Cremorne warrant listing as local heritage items, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That further research be undertaken into the history of the Harbutt Brothers and in particular the work of Helier Harbutt, including identifying the location of surviving examples of his early 20th century developments, in the context of potential heritage dwellings at Nos. 82-88 Parraween Street, Cremorne.

The report was considered at Council's extraordinary meeting of 7 November 2022, wherein it was recommended:

- 1. THAT** Council resolve to commence preparation of a Planning Proposal to list properties Nos. 50, 52, 54 and 56 Parraween Street, Cremorne as a group under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- 2. THAT** as part of this work, Council request access to the internal areas of the properties for the purpose of preparation of a more detailed photographic inventory.
- 3. THAT** Council note that the preparation of a Planning Proposal will necessitate referral of the draft documentation to the North Sydney Local Planning Panel in the first instance.
- 4. THAT** Council resolve to nominate the Hayden Orpheum Picture Palace for inclusion on the State Heritage Register for listing under the Heritage Act 1977 and commence the process with the Office of Environment and Heritage.

Council subsequently resolved:

- 1. THAT** Council resolve to issue an Interim Heritage Order on No's 50, 52, 54, 56, 70, 72, 78, 80 Parraween Street, Cremorne 2.
- 2. THAT** Council resolve to commence preparation of a Planning Proposal to list properties Nos. 50, 52, 54, 56, 70, 72, 78, 80 Parraween Street, Cremorne under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- 3. THAT** as part of this work, Council request access to the internal areas of the properties for the purpose of preparation of a more detailed photographic inventory.
- 4. THAT** Council note that the preparation of a Planning Proposal will necessitate referral of the draft documentation to the North Sydney Local Planning Panel in the first instance.
- 5. THAT** Council resolve to nominate the Hayden Orpheum Picture Palace for inclusion on the State Heritage Register for listing under the Heritage Act 1977 and commence the process with the Office of Environment and Heritage.

2.3 Imposition of Interim Heritage Orders

The purpose of an IHO is to provide temporary protection to buildings and sites from demolition to enable an adequate investigation to be undertaken to determine if a property is worthy of heritage listing under a council’s local environmental plan.

One of the key criteria in imposing an IHO is establishing a “*threat of harm*”.

2.3.1 Threat of Harm

Preliminary State Significant Development Processes

On 24 October 2022, Pathways Residences (a seniors housing provider) obtained the Planning Secretary’s Environmental Assessment Requirements (SEARS) from the DPE for demolition of all buildings at 50-88 Parraween Street and 59-67 Gerard Street Cremorne and construct a seniors living development. This State Significant Development (SSD) intends to propose 60 independent living units contained within 2 x 4 storey buildings facing Parraween Street, a 6-8 storey building facing Gerard Street, and a residential aged care facility.

It is understood that the proposed SSD scheme has been discussed with the State Design Review Panel. The information presented by the owner’s representative to the NSLPP meeting of 19 April 2023 indicated that the SSD would require full/partial demolition of a number of dwellings to allow for a basement access for the seniors housing and the development itself.

Whilst no formal application has been lodged in relation to this SSD at this time, the seeking and issuing of SEARs demonstrates that there is some level of intent to harm the subject sites.

Complying Development Certificate (CDC) Application

On 4 November 2022, Council received an ‘Advice of application for a Complying Development Certificate’ (CDC) from a registered certifier, in relation to the proposed full or partial demolition of dwellings and structures on land at Nos. 50-88 Parraween Street and Nos. 63-67 Gerard Street, Cremorne, under the Demolition Code to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The ‘Advice of Application’ indicated that the proposal involves the seeking of 23 separate CDCs as outlined in Table 1.

Application No.	Address	Description
3023170-50CDC	50 Parraween St, Cremorne	Demolition of existing dwelling and structures
3023170-52CDC	52 Parraween St, Cremorne	Partial demolition of existing attached dwelling and demolition of shed
3023170-54CDC	54 Parraween St, Cremorne	Partial demolition of existing attached dwelling and demolition of structures
3023170-56CDC	56 Parraween St, Cremorne	Partial demolition of existing attached dwelling and demolition of structures
3023170-58CDC	58 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-60CDC	60 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-62CDC	62 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures

Planning Proposal – 50-56, 70-72 & 78-88 Parraween Street, Cremorne

TABLE 1: Proposed Complying Development Certificates		
Application No.	Address	Description
3023170-64CDC	64 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-66CDC	66 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-68CDC	68 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-70CDC	70 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-72CDC	72 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-74CDC	74 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-76CDC	76 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-78CDC	78 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-80CDC	80 Parraween St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-82CDC	82 Parraween St, Cremorne	Demolition of existing dwelling and structures
3023170-84CDC	84 Parraween St, Cremorne	Demolition of existing dwelling and structures
3023170-86CDC	86 Parraween St, Cremorne	Demolition of existing dwelling and structures
3023170-88CDC	88 Parraween St, Cremorne	Demolition of existing dwelling and structures
3023170-G63CDC	63 Gerard St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-G65CDC	65 Gerard St, Cremorne	Partial demolition of existing semi-detached dwelling and demolition of structures
3023170-G67CDC	67 Gerard St, Cremorne	Demolition of existing dwelling and structures

The Advice of Application is required to be provided under clause 132 of the Environmental Planning and Assessment Regulation 2021 and prevents any certifier from issuing a CDC within 14 days of this notice.

The receipt of the CDC notification (although withdrawn subsequently in April 2023), confirmed the likely demolition (both full and partial) of potential heritage items within the subject site, establishing a clear ‘threat of harm’ to the subject sites.

2.3.2 Imposition of IHO 3/2022 (50, 52, 54, 56, 70,72, 78 and 80 Parraween Street)

As a result of the potential issuing of a CDC for demolition, an extraordinary Council meeting was held on 7 November 2022. At this meeting, Council resolved to support the issuing of an IHO on Nos. 50, 52, 54, 56, 70,72, 78 and 80 Parraween Street, based on the evidence identified in the detailed heritage assessments undertaken by LSJ.

On 9 November 2022, the General Manager considered the Heritage Review Report from LSJ together with a report prepared by Council staff on the matter which included an assessment of relevant matters against the NSW Heritage Act, 1977 and Schedule 2 of the Ministerial Order issued

on 12 July 2013. Having considered the report, the General Manager under delegation, made the IHO on 9 November 2022 in accordance with Section 25 of the NSW Heritage Act 1977 for Nos. 50, 52, 54, 56, 70,72, 78 and 80 Parraween Street, Cremorne. The IHO was subsequently published in the NSW Government Gazette No. 531 on 11 November 2022.

2.3.3 Imposition of IHO 4/2022 (Nos. 82, 84, 86 and 88 Parraween Street)

As a result of the potential issuing of a CDC for demolition, Council considered a Mayoral Minute at its meeting of 14 November 2022, whereupon it resolved to issue an IHO on Nos. 82, 84, 86 and 88 Parraween Street and undertake further research to identify the extent of surviving buildings credited to Helier Harbutt to provide a better understanding of the involvement of the Harbutt Brothers on the early 20th century development of North Sydney Council LGA, as recommended by LSJ in October 2022.

In response to the Mayoral Minute of 14 November 2022, Council staff sought further heritage advice from LSJ who then provided an addendum advice on 15 November 2022 which confirmed that following further inquiry and investigation, the properties at No.82, 84, 86 and 88 Parraween Street, Cremorne are likely to be found to be of local heritage significance for their historical association and potentially aesthetic/technical significance.

On 16 November 2022, the General Manager considered the Heritage Review Report from LSJ together with a report prepared by the Council Staff on the matter which included an assessment of matters against the NSW Heritage Act, 1977 and Schedule 2 of the Ministerial Order issued on 12 July 2013. Having considered the report, the General Manager under delegation made the IHO on 16 November 2022 in accordance with Section 25 of the NSW Heritage Act 1977 for Nos. 82, 84, 86 and 88 Parraween Street, Cremorne. The IHO was subsequently published in the NSW Government Gazette No. 534 on 17 November 2022.

Planning Proposal – 50-56, 70-72 & 78-88 Parraween Street, Cremorne

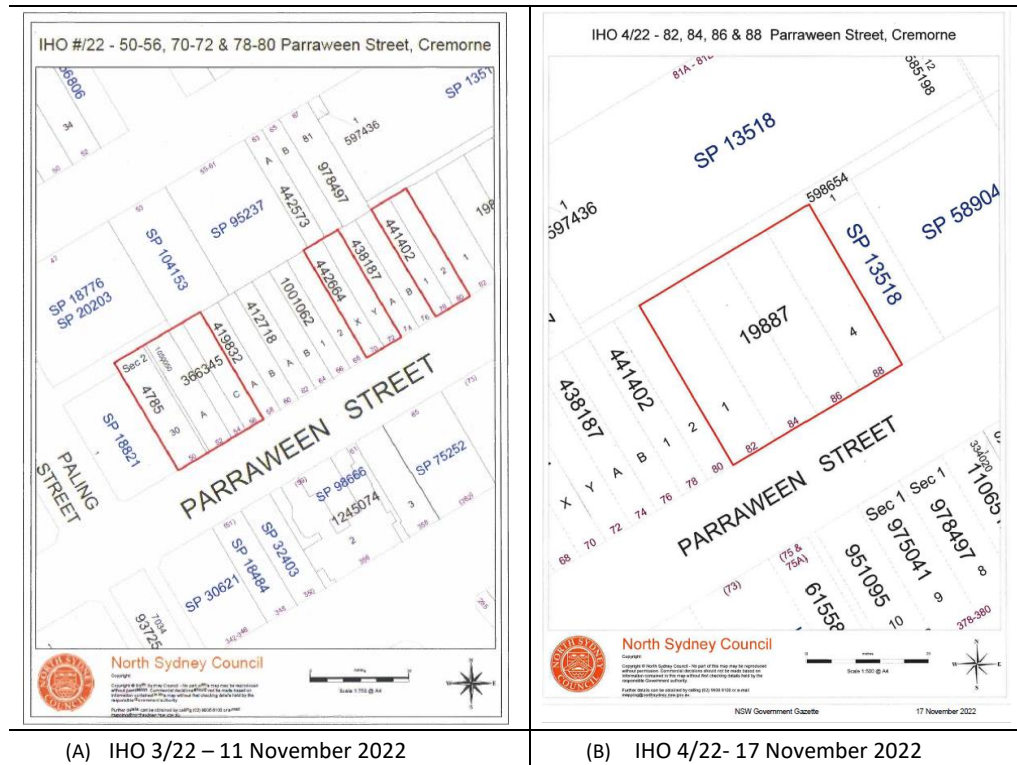


FIGURE 1: Interim Heritage Orders attachments

2.3.4 Court Appeal against the Imposition of the IHOs

On 22 November 2022, the property owners of Nos. 50, 52, 54, 56, 70,72, 78 and 80 Parraween Street, Cremorne filed a Class 1 Appeal (Proceedings No.22/351880) in the Land and Environment Court (L&EC) against the imposition of IHO 3/2022 over these subject properties.

On that same date, the property owners of Nos. 82, 84, 86 and 88 Parraween Street, Cremorne filed a Class 1 Appeal (Proceedings No.22/351906-22) in the L&EC against the imposition of IHO 4/2022 over these subject properties.

Both Class 1 Appeals were scheduled to be heard on 17 and 18 April 2023. On 17 April 2023, the Court and the representatives of both parties inspected the subject sites, including No. 86 Parraween Street. This was the first opportunity for Council's heritage consultant to view the interior of this property. The scheduled Court hearing of 18 April 2023 was adjourned due to an unfortunate circumstance relating to the Commissioner's health.

On 26 July 2023, the presiding Commissioner handed down their decision and dismissed both Class 1 Appeals, meaning that the IHOs were enabled to continue operating for a 12 month period (i.e. IHO 3/22 applying to 50-56, 70-72 & 78-80 Parraween Street will lapse on 11 November 2023; and IHO 4/22 applying to 82- 88 Parraween Street will lapse on 17 November 2023). The decision can be accessed at:

<https://www.caselaw.nsw.gov.au/decision/189850f7b1f64b52ee6c8f7d>

2.4 Initial Planning Proposal Endorsement

2.4.1 North Sydney Local Planning Panel Recommendations

On 19 April 2023, the North Sydney Local Planning Panel (NSLPP) considered a report to progress a Planning Proposal to heritage list the subject properties and to rezone the subject site between 50-88 Parraween Street from *R4 High Density Residential* to *R3 Medium Density Residential* and amend the corresponding maximum height of buildings control from 12m to 8.5m.

The Panel recommended to defer providing their advice until the proceedings relating to the current Appeals to the two IHOs are finalised by the L&EC.

The following is an extract from the Minutes of the NSLPP meeting of 19 April 2023 can be accessed via:

<https://www.northsydney.nsw.gov.au/downloads/file/2367/nslpp-pp-minutes-19-april-2023>.

Panel Recommendation:

In the circumstances that the Interim Heritage Order is the subject of an appeal to the NSW Land and Environment Court that has already commenced, although proceedings have been adjourned, the Panel considers that it would be inappropriate to make a recommendation to the Council at this point in time.

Furthermore, the Panel is not in a position to provide advice or a recommendation to the Council on the local heritage significance of the dwellings given the contradictory heritage advice that has been provided by Council's consultant heritage expert and the Applicant's heritage expert.

Given the above the Panel considers the Planning Proposal initiated by Council in its resolution of 10 January 2022 should be deferred to allow the current appeal on the IHO to be determined prior to this panel making a recommendation to the Council.

Similarly, with respect to the issue of rezoning the subject sites from R4 to R3 it follows that the Panel considers this premature given the need to have regard to the outcome of the IHO appeal and proposed heritage listings.

In the event the appeal is discontinued it is recommended the Council have its consultant's heritage study peer reviewed by another heritage consultant. Such a review should also provide information in the context of an assessment of the Local Government Area with existing comparable items. The findings of such a review can then be also considered before proceeding with a draft LEP amendment to the heritage schedule.

If the Council's decision is to defer the matter, the Panel will reconsider the matter when the above information is at hand and this will also inform the site specific and strategic merit.

2.4.2 Council resolution to progress a Planning Proposal

At its meeting of 8 May 2023, Council resolved to submit a Planning Proposal to the DPE to seek a Gateway Determination. The Planning Proposal sought the following amendments to NSLEP 2013:

- the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map;

- Zoning Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from Zone R4 High Density Residential to Zone R3 Medium Density Residential; and
- Height of Building Map for the properties at 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne is amended from 12m to 8.5m.

2.5 Gateway Determination (DPE ref: PP-2023-987)

On 11 May 2023, Council submitted a request for Gateway Determination on the NSW Planning Portal.

On 31 July 2023, the DPE issued a Gateway Determination (Ref: PP-2022-987) for the Planning Proposal allowing a revised Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions.

2.5.1 Amendment of Planning Proposal

Condition 1 requires the Planning Proposal to be amended prior to being placed on public exhibition. In particular, this condition states:

Prior to community consultation, the planning proposal is to be updated to address the following and submitted to the Minister for Review and endorsement prior to public exhibition:

- 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;*
- 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;*
- incorporate the outcome of the Interim Heritage Order (IHO) NSW Land and Environment Court appeals on the sites;*
- provide justification for the inconsistency with Ministerial Direction 6.1 Residential Zones in relation to the proposed local heritage listings;*
- appropriately define item names as drafted for inclusion as additions to Schedule 5 – Environmental Heritage;*
- include an advisory note that the heritage item numbers are indicative only and will be confirmed at the finalisation stage;*
- identify the current MU1 Mixed Use zone applying to nearby land following commencement of the Employment Zones Reform for all mapping and documents; and*
- include an updated timeline based on the issuing of the Gateway determination.*

This version of the Planning Proposal (V2_3 August 2023) has been amended to comply with the conditions as imposed by the Gateway Determination and was endorsed by the Minister for Planning or their delegate on the 17th of August 2023 for the purposes of public exhibition.

Of particular note was the specific requirement not to include the consequential amendments to the underlying land use zone and decrease in maximum building height control as resolved by Council.

2.5.2 Peer Review

In addition, it is noted that Condition 2 states:

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.

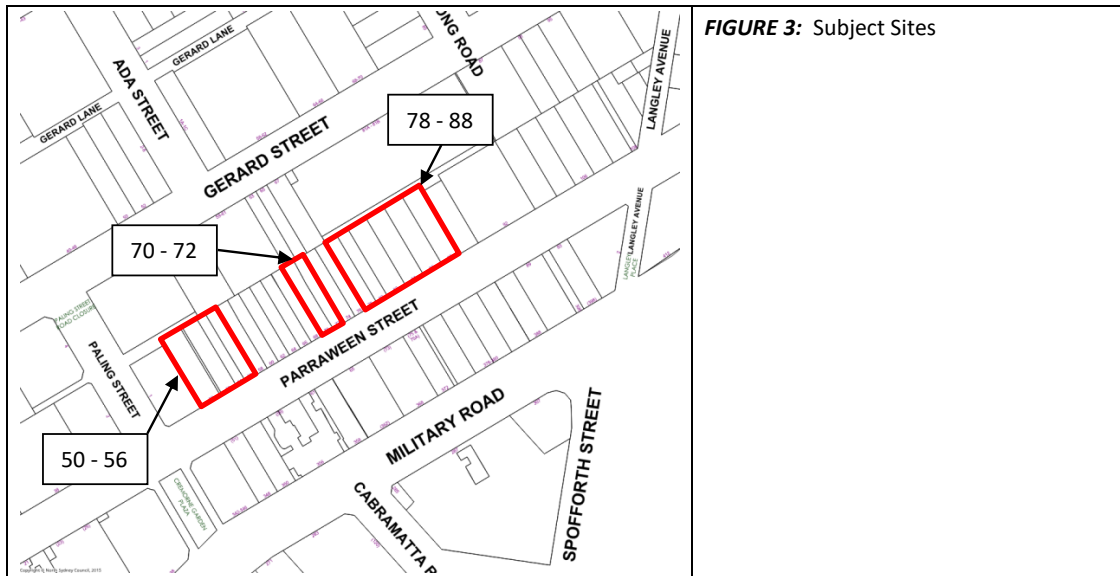
This aspect will be undertaken following the conclusion of the public exhibition of the Planning Proposal.

3 SITE & LOCALITY

3.1 Site Description

The subject sites are located along the northern side of Parraween Street, between Paling Street and Langley Avenue in Cremorne. Access to the sites is directly via Parraween Street. The legal property description of the sites is outlined in Table 2.

TABLE 2: Property Description	
Address	Lot and DP
50 Parraween Street	Lot 30 Section 2 DP4785 Lot 1 DP1050050
52 Parraween Street	Lot A DP 366345
54 Parraween Street	Lot B DP 366345
56 Parraween Street	Lot C DP 366345
70 Parraween Street	Lot X DP 442664
72 Parraween Street	Lot Y DP 442664
78 Parraween Street	Lot 1 DP 441402
80 Parraween Street	Lot 2 DP 441402
82 Parraween Street	Lot 1 DP 19887
84 Parraween Street	Lot 2 DP 19887
86 Parraween Street	Lot 3 DP 19887
88 Parraween Street	Lot 4 DP 19887



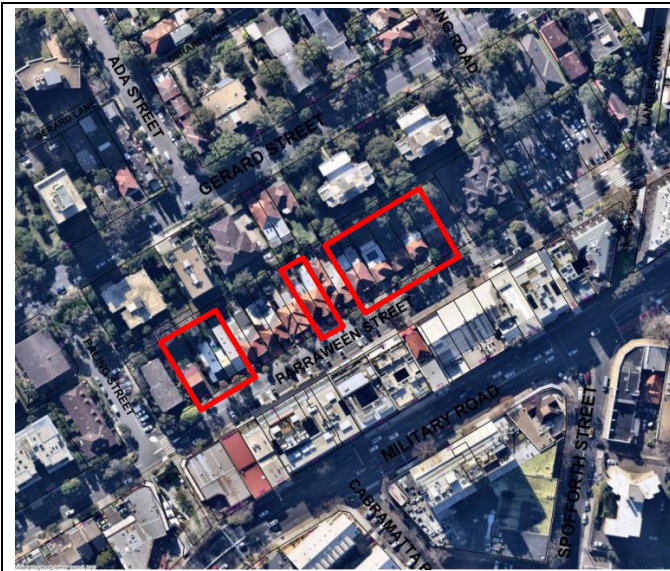


FIGURE 4: Aerial Photo

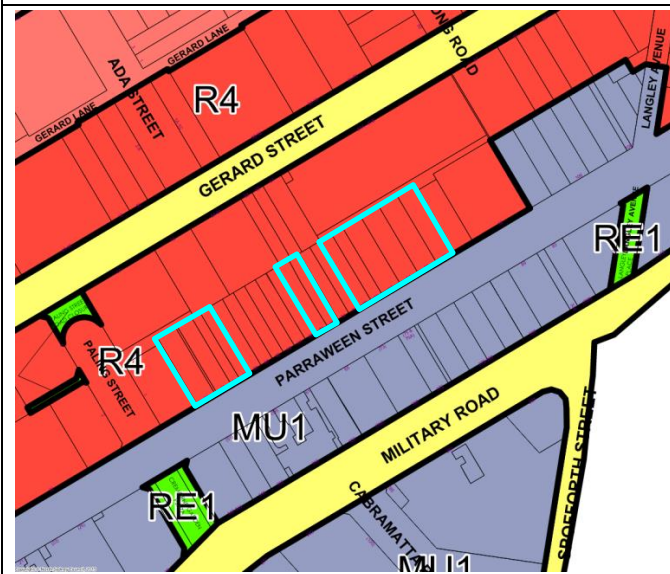
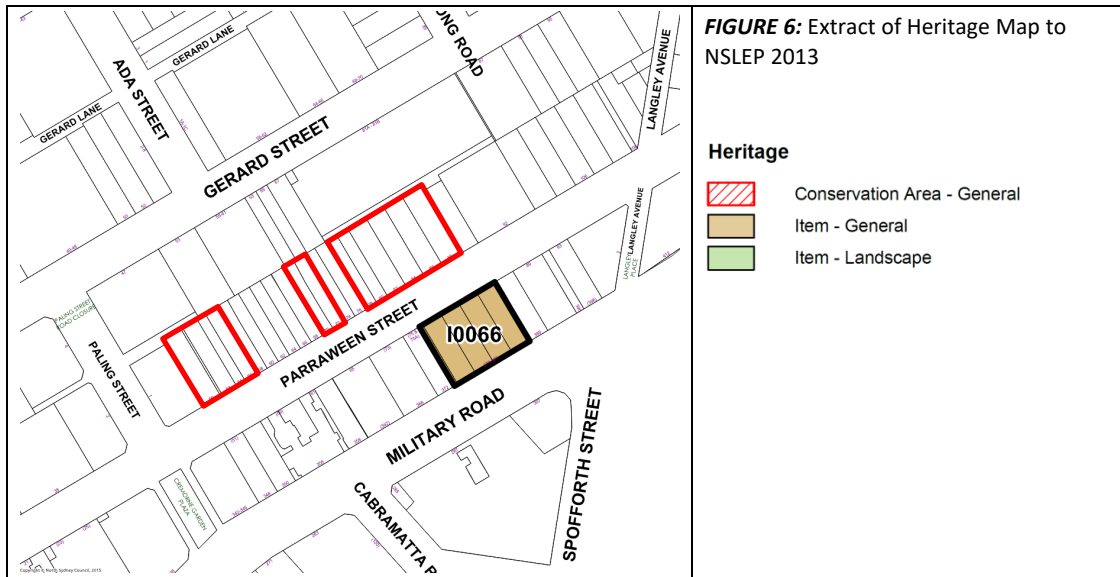


FIGURE 5: Extract of Land Zoning Map to NSLEP 2013

Zone	
C2	Environmental Conservation
C4	Environmental Living
E1	Local Centre
E2	Commercial Core
E3	Productivity Support
MU1	Mixed Use
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land
W4	Working Waterfront



The properties at 50-56 Parraween Street contain a group of late Victorian vernacular cottages, one of the oldest surviving buildings of the locality of Parraween Street, east of Paling Street (Figure 7-16). The properties at 70 and 72 comprise a pair of single storey Federation cottages of unusual configuration presenting as a single dwelling, with typical Federation details. (Figure 18-20). The properties at 78 and 80 Parraween Street contain a pair of substantially intact, modest, semi-attached, single storey Federation bungalows of high integrity (Figure 21-23). The properties at 82, 84, 86 and 88 Parraween Street contain single storey Federation cottages constructed in c1908 by local builder and property developers the Harbutt Brothers as speculative development (Figure 24-29).



FIGURE 7: 50 Parraween Street

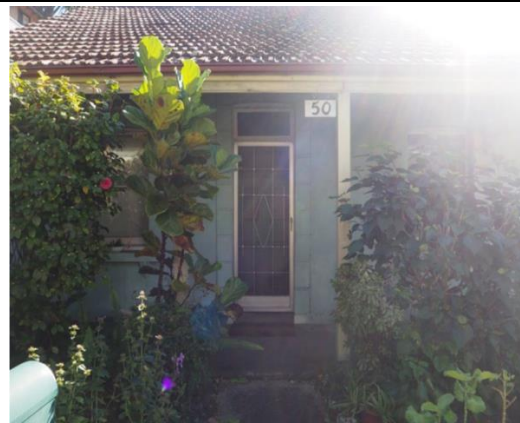


FIGURE 8: 50 Parraween Street

Planning Proposal – 50-56, 70-72 & 78-88 Parraween Street, Cremorne



FIGURE 9: 50-56 Parraween Street, Cremorne



FIGURE 10: 52 Parraween Street, Cremorne



FIGURE 11: 52 Parraween Street



FIGURE 12: 52 Parraween Street



FIGURE 13: 54 Parraween Street



FIGURE 14: 54 Parraween Street



FIGURE 15: 56 Parraween Street



FIGURE 16: 56 Parraween Street



FIGURE 17: 70 Parraween Street



FIGURE 18: 70 Parraween Street



FIGURE 19: 72 Parraween Street



FIGURE 20: 72 Parraween Street

Planning Proposal – 50-56, 70-72 & 78-88 Parraween Street, Cremorne



FIGURE 21: 78 - 80 Parraween Street, Cremorne



FIGURE 22: Front elevation of No. 78 Parraween Street, Cremorne



FIGURE 23: Frontage of 80 Parraween Street with No. 82 Parraween



FIGURE 24: 82 Parraween Street



FIGURE 25: 82 Parraween Street



FIGURE 26: 84 Parraween Street



FIGURE 27: 84 Parraween Street



FIGURE 28: 88 Parraween Street



FIGURE 29: 88 Parraween Street

3.2 Local Context

The properties are located along the northern side of Parraween Street between Paling Street and Langley Avenue. This section of Parraween Street between Paling Street and Langley Avenue is characterised predominantly by a group of single storey dwelling houses. The remainder of Parraween Street consists of town houses and residential flat buildings.

The southern side of Parraween Street consists of four to five storeys mixed use developments. The Hayden Orpheum picture palace is located within the vicinity of the subject site at No. 380 Military Road (located on the other side of Parraween Street) and is a local heritage item.

4 STATUTORY CONTEXT

NSLEP 2013 is the principal planning instrument that applies to the land subject to the Planning Proposal. The relevant sections of NSLEP 2013 are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) ...
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance, ...*

4.2 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

- (1) *Objectives*
The objectives of this clause are as follows:
 - (a) *to conserve the environmental heritage of North Sydney,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent*
Development consent is required for any of the following:
 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
 - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required*
However, development consent under this clause is not required if:

-
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
- (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
- (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) *the development is in a cemetery or burial ground and the proposed development:*
- (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
- (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) *the development is exempt development.*
- (4) *Effect of proposed development on heritage significance*
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment*
The consent authority may, before granting consent to any development:
- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) *Heritage conservation management plans*
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites*
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
- (a) *notify the Heritage Council of its intention to grant consent, and*
- (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) *Aboriginal places of heritage significance*
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) *Demolition of nominated State heritage items*
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) *notify the Heritage Council about the application, and*
- (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
-

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

A note is also attached to this clause which states:

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

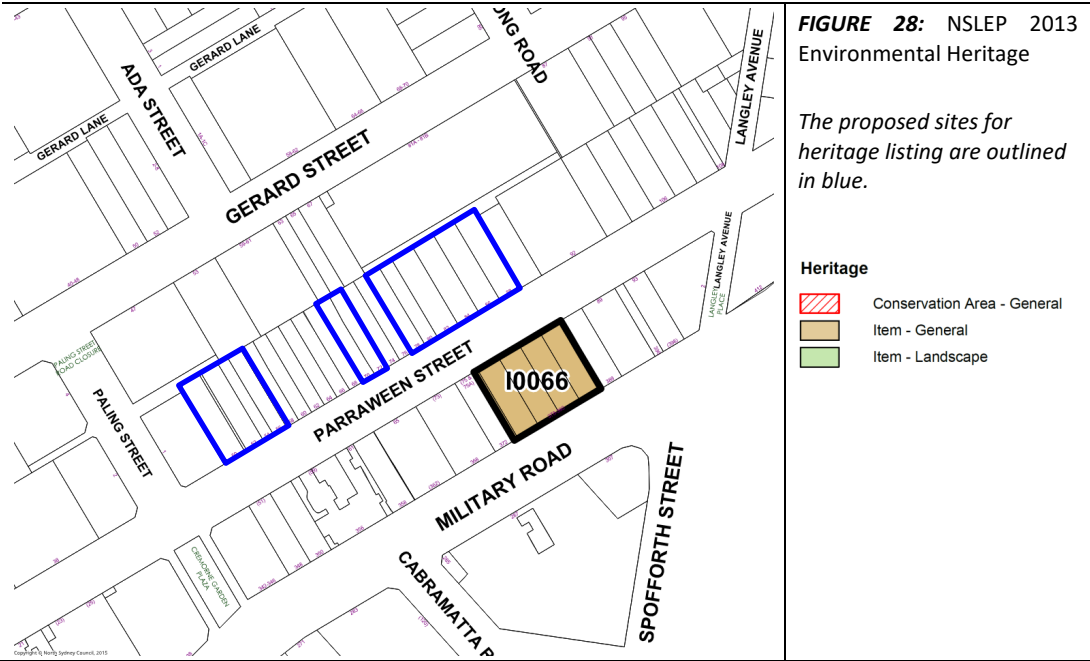
4.3 Schedule 5 – Environmental Heritage

All heritage items are identified within Schedule 5 to NSLEP 2013. The listing comprises, if any:

- Locality (suburb)
- Item name
- Address (street address)
- Property description (legal description)
- Significance
- Item No.

4.4 Heritage Map

Heritage items are identified on the Heritage Map to NSLEP 2013. The subject sites are located on Sheet 3 to the Heritage Map, a copy of which is included in Appendix 5 of this Planning Proposal and an extract provided in Figure 28.



5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of the Planning Proposal is to identify the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne as local heritage items under NSLEP 2013. This is consistent with the outcomes of the heritage assessment undertaken by LSJ Heritage (Heritage Assessment, October 2022 and Addendum Heritage Assessment, March 2023)

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal can be achieved by amending NSLEP 2013 as follows:

- Inserting twelve (12) new local heritage items within Schedule 5; and
- Including a twelve (12) new local heritage items on the Heritage Map.

The specific amendments sought are identified in the following subsections, but are subject to amendment by Parliamentary Counsel in finalising any LEP amendment.

5.2.1 Schedule 5 – Environmental Heritage

The Planning Proposal will amend Schedule 5 – Environmental Heritage of NSLEP 2013 by adding 12 new local heritage items as follows ([blue underline](#) represents an insertion):

TABLE 3: Proposed Schedule 5 Additions					
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*

Planning Proposal – 50-56, 70-72 & 78-88 Parraween Street, Cremorne

TABLE 3: Proposed Schedule 5 Additions					
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*

* The heritage item numbers are indicative only and will be confirmed at the finalisation stage.

The “Item Name” for each proposed item is consistent with NSW Heritage’s Guidelines for identification of heritage items within its Heritage Management System.

5.2.2 Heritage Map

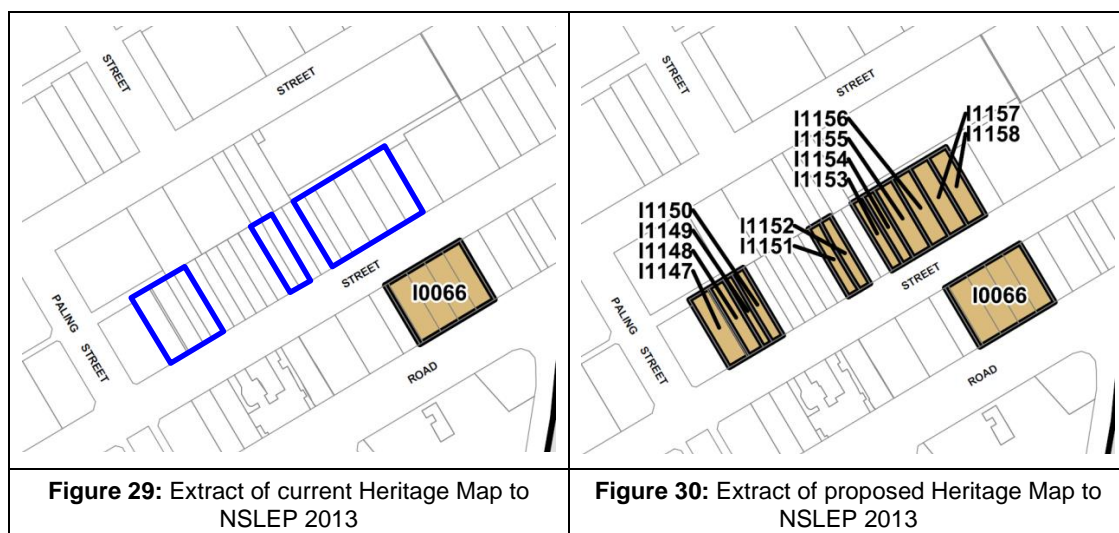
The intent of the Planning Proposal is proposed to be achieved by replacing the following Sheet to the Heritage Map:

- HER_003 5950_COM_HER_003_010_2020810 (refer to Appendix 5)

with:

- HER_003 5950_COM_HER_003_010_20230117 (refer to Appendix 6)

The extent of the change to the heritage map is illustrated in Figures 29 & 30.



5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes.

Heritage Assessment Report, October 2022

Heritage Consultants Lucas Stapleton and Johnson were engaged by Council for the purposes of undertaking a detailed Heritage Assessment in response to Council's resolutions of 10th January 2022.

In October 2022, Council was provided with the finalised Heritage report. The Heritage Report has considered the history of the properties, historical development of the area and physical evidence. In addition, an Assessment of Significance was undertaken in accordance with the Australia ICOMOS Burra Charter 2013 and NSW Heritage publication Conservation Areas: Guidelines for Managing Change in Heritage for Conservation Areas for Parraween Street. The report made the following key recommendations:

- That the dwellings at Nos. 50, 52, 54 and 56 Parraween Street, Cremorne warrant listing as local heritage items, either individually or as a group, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That the dwellings at Nos. 70 and 72 Parraween Street, Cremorne warrant listing as local heritage items, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That the dwellings at Nos. 78 and 80 Parraween Street, Cremorne warrant listing as local heritage items, under Schedule 5 of the North Sydney Local Environmental Plan 2013.
- That further research be undertaken into the history of the Harbutt Brothers and in particular the work of Helier Harbutt, including identifying the location of surviving examples of his early 20th century developments, in the context of potential heritage dwellings at Nos. 82-88 Parraween Street, Cremorne.

Addendum Heritage Assessment Report, March 2023

An Addendum Heritage Assessment Report was completed in March 2023, following an internal inspection of all properties (with exception of 86 Parraween Street where access couldn't be made available despite of multiple requests) which were the subject of the IHOs and further research into the history of the Harbutt Brothers.

The addendum report included a revised statement of heritage significance of the properties in accordance with the standard criteria established in the NSW Heritage Office guidelines. These guidelines provide the framework for heritage assessment and incorporate the five types of cultural heritage values identified in the Burra Charter into a structured framework.

A detailed assessment against this framework can be found in section 4 (refer pages 61-87) of the LSJ March 2023 report. The assessment concluded that the following group, pair and individual items meet the criterion for heritage listing under Schedule 5 of the North Sydney Local Environmental Plan 2013 at a local level:

- Nos. 50, 52, 54 and 56 Parraween Street warrant listing as a local heritage item (group listing);

- Nos. 70 and 72 Parraween Street warrant listing as local heritage item (group listing);
- Nos. 78 and 80 Parraween Street warrant listing as local heritage item (group listing); and
- Nos. 82, 84, 86 and 88 Parraween Street warrant listing as local heritage items (individual listings).

Addendum Heritage Assessment Report - No 86 Parraween Street, 18 April 2023

On 17 April 2023, as part of the Class 1 Appeal Court Proceedings against the IHOs, the interiors of the affected properties (including No. 86 Parraween Street) were inspected by the Court and representatives of both parties. This was the first opportunity for Council's heritage consultant to view the interior of this property.

The inspection revealed sufficient information to establish that No. 86 Parraween Street is worthy of identification as a local heritage item. The addendum heritage assessment of 86 Parraween Street (dated 18 April 2023) supports the heritage significance of this item. The revised heritage assessment found that No. 86 Parraween Street is considered to be of historical, associational, aesthetic and representational significance.

On the basis of the above, it was recommended that No. 86 Parraween Street be included as a local heritage item in the Council's LEP 2013.

Summary of Heritage Significance

The paragraphs below are extracted from the Heritage Assessment reports which summarises the heritage significance of the subject properties:

No. 50 and Nos. 52 to 56 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

The group of four cottages at No. 50 and Nos. 52 to 56 Parraween Street Cremorne are of significance on a local level for their historical, aesthetic and representational values and their rarity. The group consists of four relatively intact late Victorian cottages, developed for the working classes, displaying modest Georgian Revival and Italianate detailing, and their significance is strengthened by their linked histories and shared architectural details (both internally and externally).

Constructed by bricklayer John Connor in c.1887-89, comprising his own free-standing residence with adjacent row of semi-detached workers cottages, the residences survive as examples of the earliest phase of development that occurred following the release, subdivision and sale (leasehold) of the Cooperville Estate lands for suburban development in c.1883. The group of cottages are of historical significance as evidence of the earliest phase of development within the Parraween Estate.

The relative intactness and consistency in form, materials and detailing of the cottages, together with their relatively intact front gardens (aside from No. 56), make a strong contribution to the surviving historical character of the immediate locality and are a distinctive feature in the streetscape of Parraween Street. As a group of buildings, all constructed by the one person, and linked by way of history, form, style and architectural detailing, Nos. 50 to 56 Parraween Street are considered to be rare on a local level.

Nos. 70 and 72 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

Nos. 70 and 72 Parraween Street, Cremorne are of significance on a local level for their historical, aesthetic and representational values and their relative rarity. The buildings are a pair of substantially intact, modest, single storey, semi-attached Federation cottages of high

integrity to their original configuration and detailing (externally and internally). Their significance is strengthened by their unusual form and configuration, presenting as a single dwelling rather than as a pair.

The pair of bungalows are also representative of a type of modest housing, erected in the early 20th century to accommodate local workers and displays many of the key characteristics of the Federation architectural style including face brick on sandstone base course, hipped tiled roof, face brick chimney, projecting gable front with timber shingling and boarded under-eaves, tiled (fibre cement?) window awning with shaped timber stays, exposed eaves rafters, timber panelled half-glazed door with fanlight and tessellated tiled verandah with squared timber posts and decorative timber brackets.

Internally, the cottages retain original features including timber joinery, four panelled doors with fanlights, moulded skirtings, picture rails, ceiling roses and timber mantelpieces. No. 70 retains its original, tiled fireplace and hearth.

Forming part of a larger group of similar types of pairs of cottages along Parraween Street (of mixed intactness and integrity), all built by local building contractor Charles Blackman, Nos. 70 & 72 Parraween Street make a strong contribution to the streetscape due to their relative intactness, form, Federation details, integrity and historical character.

Nos. 78 & 80 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

Nos. 78 & 80 Parraween Street, Cremorne are of significance on a local level for their historical, aesthetic and representational values. The buildings are a pair of substantially intact, modest, single storey, semi-attached Federation bungalows of high integrity to their original configuration and detailing.

The pair of semi-attached bungalows, constructed between 1908 and 1910, are of historical significance on a local level as forming part of the earliest phases of residential development of the Parraween Estate (part of the Cooperville Estate lands).

The pair of bungalows are representative of modest Federation style housing, erected in the early 20th century to accommodate local workers. Retaining a number of key style characteristics of the Federation style, the houses are mirrored under a single hipped gabled terracotta tiled roof with projecting front gablet with timber shingling defining the two entries, face brick chimney, exposed eaves rafters, verandah under the main roof with squared timber posts and decorative brackets.

Originally of face brick, both houses are now painted, with rendered windowsills, timber joinery and fanlight over the front doors. Minor differences in detailing (a pair of sash windows to No. 78 and a single sash window to No. 80) subtly individualise the pair. Internally, both houses remain substantially intact in configuration and detailing to the main body of the bungalows.

Forming part of a row of pairs of semi-attached cottages along Parraween Street of mixed intactness and integrity built by local building contractor Charles Blackman (Nos. 58 to 80 Parraween Street), Nos. 78 & 80 Parraween Street are of a notably different form and make a strong contribution to the streetscape due to their relative intactness and integrity, Federation detailing, and historical character.

No. 82 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

No. 82 Parraween Street, Cremorne is of significance on a local level for its historical, associational, aesthetic, and representational values. The single storey, free-standing Federation cottage is substantially intact (externally and internally) and makes a notable contribution to the streetscape due to its integrity and historical character.

Constructed in c1908, the cottage is of historical significance on a local level as forming part of the earliest phases of residential development of the Parraween Estate (part of the Cooperville Estate lands).

The place is a good, though modest, representative example of a Federation style cottage with Arts & Crafts elements, including a timber battened gable front, arch headed timber framed sash windows and inset verandah with chamfered timber posts. Internally the original configuration of the main body of the house survives with original details including fibrous cement ceilings, moulded cornices, ceiling roses and skirtings.

As one of a small number of surviving cottages attributed to the Harbutt Brothers on Parraween Street (together with Nos. 84, 86 and 88 Parraween Street), No. 82 Parraween Street, is representative of the work of the Helier and Percy Harbutt, notable local builders and property developers, displaying the design preferences of the Harbutt Brothers (notably the projecting front bay with gable). The Harbutt Brothers are notable contributors to the residential development of the North Sydney LGA and the quality and diversity in form of their work, including No. 82 Parraween Street, make a substantial contribution to the recognised historical character of the residential precincts of North Sydney.

No. 84 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

No. 84 Parraween Street, Cremorne is of significance on a local level for its historical, associational, aesthetic, and representational values. The single storey, free-standing Federation cottage is substantially intact (externally and internally) and makes a notable contribution to the streetscape due to its integrity and historical character.

Constructed in c1908, the cottage is of historical significance on a local level as forming part of the earliest phases of residential development of the Parraween Estate (part of the Cooperville Estate lands).

The place is a good, though modest, representative example of a Federation style cottage with Arts & Crafts elements, including a roughcast rendered gable front, exposed eaves rafters, arched brick window heads, and inset verandah with chamfered timber posts and ornate timber brackets. Internally the original configuration of the main body of the house survives with surviving details including fibrous cement ceilings, moulded cornices, ceiling roses and skirtings. The two surviving original ornate timber mantelpieces with tiled fireplace surrounds and hearths are noteworthy.

As one of a small number of surviving cottages attributed to the Harbutt Brothers on Parraween Street (together with Nos. 82, 86 and 88 Parraween Street), No. 84 Parraween Street, is representative of the work of the Helier and Percy Harbutt, notable local builders and property developers, displaying the design preferences of the Harbutt Brothers (notably the projecting front bay with gable). The Harbutt Brothers are notable contributors to the residential development of the North Sydney LGA and the quality and diversity in form of their work, including No. 84 Parraween Street, make a substantial contribution to the recognised historical character of the residential precincts of North Sydney.

No. 86 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report – No. 86 Parraween Street (LSJ), 18 April 2023)

No. 86 Parraween Street, Cremorne is of significance on a local level for its historical, associational, aesthetic, and representational values. The single storey, free-standing Federation cottage is substantially intact (externally and internally) and makes a notable contribution to the streetscape due to its integrity and historical character.

Constructed in c1908, the cottage is of historical significance on a local level as forming part of the earliest phases of residential development of the Parraween Estate (part of the Cooperville

Estate lands) and for its associations with noted local builders and developers the Harbutt Brothers.

The place is a good, though modest, representative example of a Federation style cottage with Arts & Crafts elements, with arch brick window heads, exposed eaves rafters, tall face brick chimney with terracotta pots and inset verandah with chamfered timber posts, the cottage is a modest example of the type. Internally the original configuration of the main body of the house survives with original details including square set cornices, decorative moulded vents, timber floorboards (painted), some internal joinery and dado lines within the majority of the interior spaces.

As one of a small number of surviving cottages attributed to the Harbutt Brothers on Parraween Street (together with Nos. 82, 84 and 88 Parraween Street), No. 86 Parraween Street, is representative of the work of the Helier and Percy Harbutt, notable local builders and property developers, displaying the design preferences of the Harbutt Brothers (notably the projecting front bay with gable). The Harbutt Brothers are notable contributors to the residential development of the North Sydney LGA and the quality and diversity in form of their work, including No. 86 Parraween Street, make a substantial contribution to the recognised historical character of the residential precincts of North Sydney.

No. 88 Parraween Street Cremorne

(Source: Addendum Heritage Assessment Report (LSJ), March 2023)

No. 88 Parraween Street, Cremorne is of significance on a local level for its historical, associational, aesthetic, and representational values. The single storey, free-standing Federation cottage is substantially intact (externally and internally) and makes a notable contribution to the streetscape due to its integrity and historical character. Constructed in c1908, the cottage is of historical significance on a local level as forming part of the earliest phases of residential development of the Parraween Estate (part of the Cooperville Estate lands).

The place is a good, though modest, representative example of a Federation style cottage with Arts & Crafts elements, including a timber battened gable front, arch headed timber framed sash windows and inset verandah with chamfered timber posts. Internally the original configuration of the main body of the house survives with original details including fibrous cement ceilings, moulded cornices, ceiling roses and skirtings.

As one of a small number of surviving cottages attributed to the Harbutt Brothers on Parraween Street (together with Nos. 82, 84 and 86 Parraween Street), No. 88 Parraween Street, is representative of the work of the Helier and Percy Harbutt, local builders and property developers, displaying the design preferences of the Harbutt Brothers (notably the projecting front bay with gable). The Harbutt Brothers are notable contributors to the residential development of the North Sydney LGA and the quality and diversity in form of their work, including No. 88 Parraween Street, make a substantial contribution to the recognised historical character of the residential precincts of North Sydney.

Having considered the detailed reports prepared by LSJ, Council Officers are satisfied that the relevant criteria as set out by the NSW Heritage Office has been addressed. In accordance with legislative requirements, it is proposed that each property be listed individually, however, are to be grouped by name consistent with the recommendations of LSJ.

On this basis the heritage assessment recommended that the subject sites be included as items of local heritage significance under Schedule 5 and on the Heritage Map to NSLEP 2013.

L&EC Decision on implementation of the IHOs

On 26 July 2023, the presiding Commissioner handed down their decision and dismissed both Appeals seeking the revocation of the IHOs applying to the subject sites. In making their decision, the Commissioner, had considered the Heritage assessments undertaken on behalf of Council and supported the position that the subject sites are worthy of protection against potential demolition.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. There is no other way to provide long term protection to the heritage significance of the building. An IHO only provides a temporary (up to 1 year) level of protection.

5.3.2 Section B – Relationship to strategic planning framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Greater Sydney Region Plan - A Metropolis of Three Cities

Released by the Greater Sydney Commission (GSC) in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

There is one objective identified in the Metropolitan Plan which is relevant to the Planning Proposal:

- **Objective 13:** Environmental heritage is identified, conserved and enhanced

The Planning Proposal is not inconsistent with the above Direction or Objectives of the Regional Plan. The Planning Proposal has been prepared in consistency with the strategic directions, objectives and strategies of the Regional Plan, as it will:

- Protect and preserve the built form heritage of the Cremorne area for its social, aesthetic, economic, historic and environmental values.
- Retain items that contribute to the place and character of the Cremorne area.

The Planning Proposal is considered to be consistent with the directions and objectives identified in the Plan.

North District Plan

Also in March 2018, the GSC released *North District Plan*. The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai, Hornsby and Northern Beaches.

There is one Planning Priority identified in the *North District Plan* which is relevant to the Planning Proposal:

- **Planning Priority N6:** Creating and renewing great places and local centres, and respecting the District's heritage

The proposal to list the subject sites as heritage items is consistent with the Planning Priority in the North District Plan and accompanying objective in the Metropolitan Plan.

4. Will the planning proposal give effect to a councils endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes.

North Sydney Local Strategic Planning Statement

On 25 November 2019, Council resolved to adopt an LSPS for the LGA. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Metropolitan Plan and NDP. The Greater Sydney Commission gave its assurance to the LSPS on 20 March 2020. The relevant *Local Planning Priorities* of the LSPS are identified as follows:

Local Planning Priority L3

Create great places that recognise and preserve North Sydney's distinct local character and heritage.

The proposed heritage listing is generally consistent with standards set out by NSW Heritage. The proposal identifies and preserves the environmental heritage in the Cremorne area and will allow Cremorne to retain its character and heritage.

As such, the proposal is considered to be generally consistent with the priorities and actions of the North Sydney LSPS.

North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS), which was adopted on 25 November 2019, and approved by the DPE in March 2021, establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's North District Plan. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013. A large portion of these dwelling targets are met by recent strategic studies undertaken by the state government in St Leonards / Crows Nest under the 2036 Plan and by Council studies (e.g Civic Precinct Planning Study).

Council's LHS will continue to rely on the existing capacity within the residential zoned land LGA-wide to help meet the future dwelling targets of the North Sydney LGA.

Council's analysis has indicated that the proposed heritage listings may potentially result in a modest shortfall in residential density as the sites may not be able to realise their full potential for a residential flat building. The proposed intensification of Council's Strategic Centres, St Leonards and Crows Nest Planned Precinct and the North Sydney Civic Precinct can absorb this potential dwelling density shortfall arising from this Planning Proposal.

The minor inconsistency with North Sydney LHS is therefore considered to be adequately justified.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council’s most important strategic document and is used to guide and inform Council’s decision making and planning for the next ten years.

The relevant Directions, Outcomes and Strategies of the Plan are identified as follows:

Direction: 3 Our Innovative City

“...Land use planning and contemporary planning controls ensure the protection of historic buildings and places, and that new development respects North Sydney’s distinct identity, heritage character and natural environment...”

- Outcome: 3.2 Distinctive sense of place and design excellence
- Strategies: Leading strategic land use planning

Direction: 4 Our Social Vitality

“...Local heritage and our First Nations history and culture is preserved, respected and celebrated...”

- Outcome: 4.3 North Sydney’s history is preserved and recognised
- Strategies:
 - Interpret and promote North Sydney’s history and heritage;
 - Protect and maintain historical sites, items and records.

The Planning Proposal will allow the relevant Directions, Outcomes and Strategies to be pursued in a robust and strategic manner.

North Sydney Council Delivery Program 2018/19-2021/22

The North Sydney Council Delivery Program 2018/19-2021/22 (Delivery Program) was prepared in accordance with NSW State Government’s Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council’s priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 4.

TABLE 4: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Biodiversity and Conservation) 2021		
2 – Vegetation in Non-Rural Areas	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP’s aims and objectives.
3 – Koala Habitat Protection 2020	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.

TABLE 4: Consistency with SEPPs		
Direction	Consistency	Comment
4 – Koala Habitat Protection 2021	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Murray River Lands	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
6 – Water Catchments	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Housing) 2021		
2 - Affordable Rental Housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 – Diverse housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Industry and Employment) 2021		
2 – Western Sydney employment area	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 - Advertising and signage	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Planning Systems) 2021		
2 - State and Regional Development	N/A	This aspect of the SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
3 – Aboriginal Land	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 - Concurrences and Consents	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Precincts-Eastern Harbour City) 2021		
2 – State Significant Precincts	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3- Darling Harbour	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 – City West	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Walsh Bay	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.

TABLE 4: Consistency with SEPPs		
Direction	Consistency	Comment
6 – Cooks Cove	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
7 – Moore Park Showground	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Primary Production) 2021		
2 – Primary Production and Rural Development	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 – Central Coast Plateau	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Resilience and Hazards) 2021		
2 - Coastal Management	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
4 - Remediation of land	YES	The Planning Proposal does not seek to amend the permissibility of land use within any zone nor introduce a site-specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
SEPP (Resources and Energy) 2021		
2 - Mining, Petroleum Production and Extractive Industries	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
3 – Extractive Industries	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Transport and Infrastructure) 2021		
2- Infrastructure	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 - Educational Establishments and Child Care Facilities	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
4 – Major Infrastructure Corridors	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Three Ports	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to councils, as demonstrated in TABLE 5.

A minor justifiable inconsistency relating to Directions 6.1 Residential Zones is discussed below.

Directions 6.1 Residential Zones

The objectives of Directions 6.1 Residential Zones are to encourage a variety and choice of housing types to provide for existing and future housing needs and to not contain provisions which will reduce the permissible residential density of land.

Whilst the Planning Proposal does not seek to down zone the sites, nor reduce the development standards applying to the sites, there is potential that the proposed heritage listings may prevent the sites being developed for residential flat buildings and therefore not being developed to their full development potential.

Council's Local Housing Strategy (LHS) will continue to rely on the existing capacity within the residential zoned land LGA-wide to help meet the future dwelling targets of the North Sydney LGA.

Council's analysis has indicated that the proposed heritage listings may potentially result in a modest shortfall in residential density as the sites may not be able to realise their full potential for a residential flat building. The proposed intensification of Council's Strategic Centres, St Leonards and Crows Nest Planned Precinct and the North Sydney Civic Precinct can absorb this potential dwelling density shortfall arising from this Planning Proposal. In this regard, the minor inconsistency with Local Planning Directions 6.1 Residential Zones is therefore justified.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
1. Planning Systems		
1.1 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
1.2 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.
1.3 Approval & Referral Requirements	YES	The Planning Proposal does not seek to introduce new concurrence, consultation or referral requirements, nor identify development types for the purpose of designated development.
1.4 Site Specific Provisions	N/A	This Direction does not apply as the Planning Proposal does not relate to any site specific land use controls, nor introduce new development standards not already contained in the LEP.
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to the identified area.
1.14 Implementation of Greater Macarthur 2040	N/A	This Direction does not apply as the Planning Proposal does not relate to the identified area.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to the identified area.
1.16 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.17 Implementation of the Bays West Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
2 Design and Place		
3 Biodiversity and Conservation		
3.1 Conservation Zones	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
3.2 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction. In addition, the Planning Proposal seeks to undertake amendments to the Heritage Map and Schedule 5 to NSLEP 2013 to include additional items of local heritage significance resulting from the recommendations of a detailed heritage assessment of the subject site, completed by LSJ Architect in October 2022 and March 2023.
3.3 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.5 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
4 Resilience and Hazards		
4.1 Flooding	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.2 Coastal Management	N/A	The Planning Proposal does not affect land that covered by the Coastal Management SEPP.
4.3 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire affected land.
4.4 Remediation of Contaminated Land	YES	The proposal does not seek to alter the zoning of any land, thereby increasing the potential risk to exposure to contamination.
4.5 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.6 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
5 Transport and Infrastructure		
5.1 Integrating Land Use & Transport	YES	The Planning Proposal does not seek to minimise development potential in close proximity to mass public transport. The proposal would encourage a variety and choice of housing types for the locality in close proximity to Cremorne Town Center.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
5.2 Reserving Land for Public Purposes	N/A	This Direction does not apply as the Planning Proposal does not relate to land reserved for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal does not seek to increase the maximum height permitted on any land within the LGA.
5.4 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
6 Housing		
6.1 Residential Zones	Justifiable minor inconsistency	Please see the details at the start of Section Question 6 of this Planning Proposal.
6.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
7 Industry and Employment		
7.1 Business & Industrial Zones	N/A	This Direction does not apply as the Planning Proposal does not relate to any land zoned business or industrial.
7.2 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
8 Resources and Energy		
8.1 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
9 Primary Production		
9.1 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 nor proposed under the Planning Proposal.
9.2 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
9.3 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
9.4 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.

7. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No.

The Planning Proposal seeks to identify twelve (12) new items of local heritage significance and will not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. ***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No.

The Planning Proposal intends to identify twelve (12) new items of local heritage significance and is unlikely to result in any adverse environmental impacts.

9. ***How has the planning proposal adequately addressed any social and economic effects?***

This Planning Proposal intends to provide protection to potential heritage items by listing these properties as local heritage items in the Schedule 5 Environmental heritage of the North Sydney LEP 2013.

The subject items are currently granted temporary protection via two IHOs against any potential demolition.

The local community has been generally supportive of Council's intent on issuing of the IHOs and the Planning Proposal in general in order to protect items of local significance. The recent LEC decision dismissed both the Class 1 Appeals seeking revocation of the IHOs applying to the subject sites.

Council notes that a significantly large portion of the subject sites have been acquired by a developer with the intent to lodge a SSD for a seniors living development on the subject and adjoining sites. On 24 October 2022, the developer obtained the Planning Secretary's Environmental Assessment Requirements (SEARS) for the subject sites in order to progress a redevelopment of the site for a seniors living development.

The proposed SSD scheme has been discussed with the State Design Review Panel. The information presented by the owner's representative to the NSLPP meeting indicated that the SSD would require full/partial demolition of a number of dwellings to allow for a basement access for the seniors living and the development itself.

It is to be noted that the Planning Proposal does not prohibit the prospect of gaining approval for a proposed seniors living development within the subject and adjoining sites. The permissibility of senior housing on the subject site is permitted under SEPP (Housing) 2021. The only implication arising from this Planning Proposal is the need for the applicant to address heritage considerations as part of its SSD application. The Court decision demonstrates that these properties are worthy of protection due to their potential local heritage significance and therefore the request for revocation of the IHOs was dismissed.

Accordingly, the intent of the Planning Proposal would satisfy the concerns of the local community. The Planning Proposal does not prohibit the applicant pursuing an SSD application for the intended use. The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the property and the wider community to provide feedback on the Planning Proposal.

5.3.4 Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to identify new items of heritage significance and is likely to have negligible impact upon the demand for public infrastructure.

If required, consultation with relevant public infrastructure agencies during the public exhibition of the planning proposal will ensure any concerns are addressed prior to progressing any heritage listing.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal has not yet been considered by State or Commonwealth public authorities and would be typically gained through the Gateway Determination process.

In light of the proposed changes to NSLEP 2013, Council considers that, the Heritage Council of NSW be consulted with during the public exhibition process.

5.4 PART 4 : MAPPING

The Planning Proposal requires amendments of the Heritage Map to NSLEP 2013. Table 6 summarises the proposed amendments to the maps.

TABLE 6: List of Proposed Maps		
Maps	Existing Maps	Proposed Maps
Heritage	5950_COM_HER_003_010_20200810 (refer to Appendix 5)	5950_COM_HER_003_010_20230117 (refer to Appendix 6)

5.5 PART 5 : COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's internal stakeholder engagement guidelines.

The Gateway Determination does not mandate consultation with any public authorities or agencies.

In light of the proposed changes to NSLEP 2013, Council considers that in addition to owners and occupiers in the vicinity of the sites, the following stakeholders be consulted with during the public exhibition process:

- Heritage Council of NSW
- North Shore Historical Society
- National Trust

5.6 PART 6 : PROJECT TIMELINE

TABLE 7 provides a project timeline having regard to identified milestones and estimating approximately 8-12 months from the submitting the proposal to the DPE for Gateway Determination to the amending LEP being made.

Milestone	Apr. 2023	May 2023	Jun. 2023	Jul. 2023	Aug. 2023	Sep. 2023	Oct. 2023	Nov. 2023	Dec. 2023	Jan. 2024	Feb. 2024	Mar. 2024	Apr. 2024
1. Local Planning Panel considers Planning Proposal													
2. Council determines whether to progress to Gateway Determination													
3. Request for Gateway Determination sent to DPE													
4. DPE considers request													
5. Gateway Determination issued													
6. Council reviews Gateway Determination for adequacy													
7. Revise Planning Proposal to meet Gateway Determination Conditions													
8. Pre – exhibition ministerial review & endorsement													
9. Public exhibition undertaken									GS				
10. Council considers submissions													
11. Council considers post exhibition report													
12. Submission to DPE requesting making of LEP													
13. Drafting of LEP and making													GE

Note: “GS” represents a Gateway start point requirement
“GE” represents a Gateway end point requirement

APPENDIX 1

*Heritage Assessment Report
prepared by LSJ Heritage, October 2022*

APPENDIX 2

***Addendum Heritage Assessment Report
prepared by LSJ Heritage, March 2023***

APPENDIX 3

***Addendum Heritage Assessment Report – No 86 Parraween Street
prepared by LSJ Heritage, 18 April 2023***

APPENDIX 4

Site Identification Map

APPENDIX 5

Existing Heritage Map – Sheet 3

APPENDIX 6

Proposed Heritage Map – Sheet 3

ATTACHMENT 2

**Planning Proposal 3/22 to amend North Sydney Local Environmental Plan 2013
Summary of submissions received during public exhibition period
(25 August 2023 – 22 September 2023)**

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would be** amended if issues raised in the submission:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the Planning Proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal to amend North Sydney Local Environmental Plan 2013 **would not be** amended if the issues raised in the submission:
 - a addressed issues beyond the scope of the Planning Proposal.
 - b was already in the Planning Proposal or will be considered during the development of a subordinate plan (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the Planning Proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the Planning Proposal was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
1076 1834	1	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1076 1834	2	Local resident - Cremorne	Type development of	Cremorne is a vibrant area, with schools and close access to the city. It is a suburb perfect for families and not for retirees.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA and proposed land use should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1076 9103	3	Local resident – Neutral Bay	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 1457	4	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 7427	5	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 7427	6	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
					court and conditions of the Gateway determination.		
1077 9097	7	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 9626	8	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 9627	9	Harrison – Bennett Precinct Committee	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1077 6181	10	Local Resident – Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved. Indicates a petition has been signed by 750 residents to preserve the cottages.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 1344	11	Brightmore Precinct Committee	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 1564	12	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Raises concerns with SSDA.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
					as Council is not the consent authority and objects to the application.		
1078 2906	13	North Shore Historical Society	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 3615	14	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 3616	15	Local resident - Unknown	Support	Supports listing of the 12 cottages as heritage items. Raises concerns with SSDA.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 3617	16	Local resident - Wollstonecraft	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre. Raises concerns with SSDA.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
1078 3897	17	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved. Raises concerns with demolition. Raises concerns with SSDA.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 4263	18	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved. Raises concerns with SSDA.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 4262	19	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 4261	20	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 4260	21	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
					as Council is not the consent authority and objects to the application.		
1078 4757	22	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 4788	23	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items. Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 5269	24	Local resident - Unknown	Support	Supports listing of the 12 cottages as heritage items Raises concerns with SSDA application. Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 5021	25	Cremorne Conservation Group	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 5022	26	Local resident - Cammeray	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
0785 270	27	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
1078 5333	28	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 5974	29	Local resident - Unknown	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 5979	30	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraveen Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 5994	31	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6071	32	Local resident - Unknown	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6072	33	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6074	34	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraveen Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
1078 6075	35	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 6077	36	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Raises concerns with demolition.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination. Any concerns with the SSDA should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.	N/A	2E
1078 6073	37	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6076	38	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6345	39	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
1078 6347	40	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 6346	41	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 7140	42	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 7141	43	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of Parraween Street with Hayden Orpheum Theatre	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 7540	44	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 7541	45	Local Resident - Cremorne	Support	Raises concern with demolition of existing dwelling. Not supportive of an IHO process. Supportive of listing 78 Parraween Street as heritage item to preserve history.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1078 7542	46	Gyde Consulting on behalf of the landowner/applicant of the SSDA (Skermanic Pty Ltd)	Objection	Independent heritage review by Ms Jennifer Hill of Architectural Projects Pty Ltd identifies that the subject properties do not have heritage value as they are heavily modified and do not meet the threshold for preservation and are of low heritage value.	Noted. These matters have been addressed under Parts 5.1 and 5.2 of the Post Exhibition Report.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
				<p>The NSLPP did not support the progression of a PP proceeding to the DPE for a gateway determination.</p> <p>Condition 2 of the gateway determination requires a review of all submissions and heritage studies need to be considered prior to finalisation.</p> <p>All planning proposals require to demonstrate strategic and site specific merit. The planning proposal lacks strategic merit as it would result in a reduction in housing supply and previous heritage studies have not identified these dwellings as having heritage significance.</p> <p>The planning proposal does not meet the threshold test in relation to site specific merit as their latest heritage study indicates the buildings do not warrant listing as a heritage item or as a contributing component of the streetscape.</p> <p>Argues that the future development scenario under the SSD would provide a quality aged care development and would retain select cottages through adaptive reuse and design features.</p>			
1078 7788	47	Local resident - Cremorne	Support	Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved.	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E
1079 1887	48	Local resident - Cremorne	Support Concern with SSDA development	<p>Raises concern with height, overshadowing, traffic generation and parking.</p> <p>Supports listing of the 12 cottages as heritage items Highlights that local heritage needs to be protected and preserved. Highlights connection of</p>	Noted. The recommendation of the report is to progress the proposal based on the advice received, advice of the court and conditions of the Gateway determination.	N/A	2E

ECM No	No.	Name and Address	Issue/Theme	Key Points Raised	Council Response		
				Parraveen Street with Hayden Orpheum Theatre	Any concerns with the SSDA is should be forwarded to the DPE for consideration as Council is not the consent authority and objects to the application.		
1079 1887	49	Local resident - Cremorne	Objection	<p>Objects to heritage listing of dwellings and ad hoc granting of interim heritage orders.</p> <p>Highlights that SSDA would allow for more appropriate use of the land and contribution to urban renewal.</p> <p>Identifies that concerns with traffic and local shopping are based on speculation.</p>	<p>Noted.</p> <p>These matters have been addressed under Parts 5.1 and 5.2 of the Post Exhibition Report.</p>	N/A	2E



Gateway Determination

Planning proposal (Department Ref: PP-2023-987): to amend the North Sydney LEP 2013 as it applies to 50-88 Parraween Street, Cremorne by identifying the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84, 86 and 88 Parraween Street as local heritage items, rezoning all sites from R4 High Density Residential to R3 Medium Density Residential, and reducing the maximum building height of all sites from 12m to 8.5m.

I, the Acting Executive Director, Metro Central and North at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to identify 12 properties as local heritage items, rezone 20 properties and reduce the maximum building height of 20 properties should proceed subject to the following conditions:

1. The planning proposal is to be updated to address the following and submitted to the Minister (or delegate) for review and endorsement, prior to public exhibition:
 - (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.
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.

Dated 31st day of July 2023.



Leah Schramm
Acting Executive Director, Metro Central and North
Planning and Land Use Strategy
Department of Planning and Environment
Delegate of the Minister for Planning and Homes