



New South Wales Government
Independent Planning Commission

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Pathways Cremorne Seniors Housing

SSD 49472213

Statement of Reasons for Decision

Ken Kanofski (Chair)
Duncan Marshall AM
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4 April 2025

Executive Summary

Skermanic Pty Ltd (Applicant) has applied for State Significant Development (SSD) consent for the construction of a new seniors' housing development, known as Pathways Cremorne Seniors' Housing (Project). The Site is located at 50-88 Parraween Street and 59-67 Gerard Street, Cremorne, within the North Sydney Council (Council) local government area (LGA).

The Project represents an approximately \$87 million investment, generating up to 150 construction related jobs and up to 80 operational jobs.

The Project is SSD pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and section 2.6(1) of *State Environmental Planning Policy (Planning Systems) 2021* (SEPP Planning Systems). The NSW Independent Planning Commission (Commission) is the consent authority for the Project as Council objected to the proposal and more than 50 objections in the form of public submissions were made to the Department of Planning, Housing and Infrastructure during its assessment of the application.

Commissioners Ken Kanofski (Chair), Suellen Fitzgerald and Duncan Marshall AM were appointed to constitute the Commission in determining the application. As part of the determination process the Commission met with representatives of the Applicant and the Department. North Sydney Council (Council) declined to meet with the Commission separately, however the Mayor of the Council addressed the Commission's Panel along with community members at the Commission's public meeting for the application.

Key issues which are the subject of findings in this Statement of Reasons relate to heritage, built form (and associated impacts), traffic and car parking.

The Commission sought additional information from the Applicant and the Department. After consideration of the material and having considered the views of the community, the Commission has determined that, subject to conditions, development consent should be granted to the SSD application.

Specific conditions have been imposed by the Commission to ensure potential impacts arising from the development are adequately addressed. This includes community consultation being incorporated into the Project's construction and environmental management plan, the protection of significant building fabric of local heritage items and supervision of works to heritage items by a suitably qualified heritage architect throughout the development.

The Commission finds that the Project has been well designed to address the heritage significance of the locality and that it provides a suitable design response to the Site's constraints and opportunities through the biasing of its mass towards Gerard Street, providing a height transition from Parraween Street. The Site is suitable for the Project given its close proximity to retail goods, services, amenities and public transport links, its consistency with the applicable strategic land use planning framework, and relevant statutory requirements. The Project will provide new publicly accessible open spaces and represents a contribution to the State's housing supply needs. It supports the delivery of a diverse housing mix for the locality and provides much needed aged care facilities for the ageing North Sydney population.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons.

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Defined Terms

ABBREVIATION	DEFINITION
ADG	Apartment Design Guide
AIP	NSW Aquifer Interference Policy
Amendment Report	Amendment report submitted by the Applicant, dated 14 November 2024
Applicant	Skermanic Pty Ltd
Application	Pathways Seniors' Housing Cremorne (SSD-49472213)
Approved Methods	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
AR para	Paragraph of the Department's Assessment Report
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity, Conservation, and Science Group
CCPF	NSW Climate Change Policy Framework
CPTED	Crime Prevention Through Environmental Design
Commission	Independent Planning Commission of NSW
Council	North Sydney Council
Department	Department of Planning, Housing and Infrastructure
Department's AR	Department's Assessment Report, dated February 2025
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor space ratio
GFA	Gross floor area
ILUs	Independent living units
LGA	Local Government Area
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 3.1 of this Statement of Reasons for Decision
Minister	Minister for Planning and Public Spaces
NIA	Noise impact assessment
NSLEP	<i>North Sydney Local Environmental Plan 2013</i>
PoM	Plan of Management
Project	As described in section 2.2 of this Statement of Reasons for Decision
RCF	Residential care facility
Regulations	<i>Environmental Planning and Assessment Regulation 2021</i>
RFB	Residential Flat Building
RtS	Response to Submissions
SDRP	State Design Review Panel
SEPP 65	<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i>
SEPP Biodiversity and Conservation	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
SEPP Housing	<i>State Environmental Planning Policy (Housing) 2021</i>
SEPP Planning Systems	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
SEPP Resilience and Hazards	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

SEPP Sustainable Buildings	<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>
SEPP Transport and Infrastructure	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Site	50-88 Parraween Street and 59-67 Gerard Street, Cremorne
SSD	State Significant Development
TfNSW	Transport for NSW
TPIA	Traffic and Parking Impact Assessment
VIA	Visual impact assessment

1. Introduction

1. On 11 February 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-49472213 (**Application**) from Skermanic Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Pathways Cremorne Seniors' Housing Development (the **Project**) located in the North Sydney Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning & Assessment Act 1979* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the Commission is the consent authority for the Application as more than 50 public objections have been made, and Council also objected to the proposal.
4. Andrew Mills, Chair of the Commission, determined that Ken Kanofski (Chair), Duncan Marshall AM and Suellen Fitzgerald would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) that the Project would deliver well-located housing meeting the changing needs of an ageing population, and that the Project is in the public interest and approvable, subject to conditions.

2. The Application

2.1 Site and Locality

6. The site is located at 50-88 Parraween Street and 59-67 Gerard Street, Cremorne (the **Site**). Cremorne Town Centre adjoins the Site, located to the south-east on the opposite side of Parraween Street. The Site, depicted in Figure 1 over page, forms a 'T' shape and has a 143.64m frontage to Parraween Street to the south-east and 50.42m frontage to Gerard Street to the north-west.
7. The Site has an area of 7,355.3m² with existing development comprised of five dwelling houses and 15 semi-detached dwellings with frontage to Parraween Street, and one dwelling house, two semi-detached dwellings, and a residential flat building containing 18 strata titled dwellings with frontage to Gerard Street. The Site contains six locally listed heritage items comprised of two semi-detached cottages (78 and 80 Parraween Street) and four detached cottages (82, 84, 86 and 88 Parraween Street) (AR, Table 1).

Figure 1 - The Site (source: Department's AR)



2.2 The Project

2.2.1 Background

8. The Applicant submitted an amendment report (including a response to submissions) dated 13 August 2024, which responded to issues raised in the EIS and the gazettal of the heritage cottages at 78-88 Parraween Street as local heritage items. The Department, as the Commission’s delegate, accepted the amendment on 16 August 2024. Following exhibition of the amended application, the Applicant submitted a further amendment report, dated 14 November 2024. The application as so amended is the Application determined by the Commission.

2.2.2 Proposed development

9. The Applicant sought approval for a seniors’ housing development comprising 58 independent living units (**ILUs**) and a 42-bed residential care facility (**RCF**). A summary of the key project details is provided in Table 1.

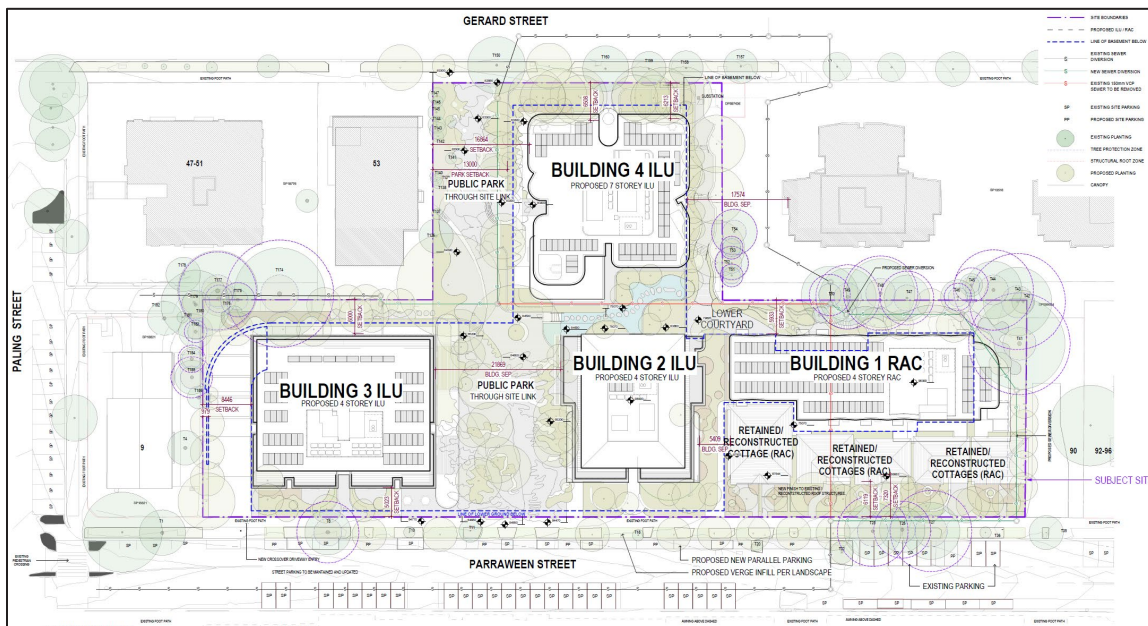
Table 1 – Key project details (source: AR Table 3)

Aspect	Proposed Project
Site preparation	<ul style="list-style-type: none"> Demolition of existing dwellings (except 78-88 Parraween Street) Bulk earthworks, excavation and site remediation
Gross floor area (GFA)	A total of 13,831m ² , comprising: <ul style="list-style-type: none"> Residential Aged Care Facility 2,594m² Independent Living Units 8,442m² Carpark 1,942m²

	<ul style="list-style-type: none"> Public assembly (i.e. facilities such a pool, change rooms, hair salon, gymnasium, circulation space, offices etc) 853m²
Adaptive re-use of 78-88 Parraween Street	Retention and adaptive reuse of 78-88 Parraween Street, comprising: <ul style="list-style-type: none"> demolition of non-contributory rear elements and internal alterations retention of primary contributory elements, including the main building form and structure and presentation to Parraween Street Building Code of Australia (BCA) building alterations enhancement of existing streetscape character through restoration works to reinstate front gardens and low picket fencing.
Building heights	<ul style="list-style-type: none"> Building 1 (RCF): Four-storeys at 15.27m Building 2: Four-storeys at 15.48m Building 3: Four-storeys at 15.01m Building 4: Seven-storeys at 23.45m
Seniors' housing accommodation	<ul style="list-style-type: none"> 58 ILUs including 1 x 1-bed, 26 x 2-bed, 30 x 3-bed and 1 x 4-bed units within Buildings 2, 3 and 4 41 RCF beds within Building 1 and four existing cottages
Basement	Two-levels of basement known as lower ground floor and basement: <ul style="list-style-type: none"> Lower Ground Floor: <ul style="list-style-type: none"> 20 ILU car parking spaces, 3 RCF residential car parking spaces, 8 RCF car staff parking spaces, loading dock and plant RCF facilities including hair salon, lounge and dining areas RCF servicing facilities such as laundry, kitchen and staff facilities Pool, gymnasium and change rooms Basement: <ul style="list-style-type: none"> 57 ILU car parking spaces, 20 bicycle spaces
Access	<ul style="list-style-type: none"> Basement vehicle access via Parraween Street driveway Pedestrian entrances via Parraween Street and Gerard Street
Communal open space and ancillary amenities	<ul style="list-style-type: none"> 615m² of open space comprising sitting areas and terraces Indoor ILU and RCF administration and resident amenity spaces
Parking	<ul style="list-style-type: none"> 88 seniors' housing car parking spaces 10 motorcycle spaces and 20 bicycle parking spaces Two loading bays which can provide for ambulance parking
Landscaping and public domain	Through-site link connecting Gerard and Parraween Streets providing 1,261m ² of publicly accessible open space <ul style="list-style-type: none"> 1469.2m² of deep soil zone (19.9% of total site area) Tree removal and replanting, including tree retention and relocation
Jobs	150 during construction, 80 during operation
Estimated Development Cost	\$87,462,938

10. Further details of the main aspects of the Project are set out in Table 3 of the Department's AR. The proposed Site layout is depicted in Figure 2.

Figure 2 - Proposed Site layout (source: Applicant's Amendment Report)



3. The Commission's Consideration

3.1 Material Considered by the Commission

11. In this determination, the Commission has considered the following material (**Material**):
- the Planning Secretary's Environmental Assessment Requirements dated 24 October 2022;
 - the following information provided by the Applicant to the Department:
 - Environmental Impact Statement (**EIS**) dated 4 August 2023 and its accompanying appendices;
 - Amendment Report and Response to Submissions (**RtS**) dated 13 August 2024 and its accompanying appendices;
 - Amendment Report dated 14 November 2024 (**Amendment Report**) and its accompanying appendices; and
 - all public submissions made to the Department during public exhibition;
 - all Government Agency advice to the Department;
 - the Department's AR and recommended conditions of consent, dated February 2025;
 - comments and presentation material from meetings with the Department and Applicant, as referenced in Table 2 below.
 - the Applicant's correspondence to the Commission, dated 27 February 2025;
 - the Department's correspondence to the Commission, dated 6 March 2025, 19 March 2025, 28 March 2025 and 31 March 2025;
 - all written comments made to the Commission and material presented at the public meeting;
 - all written submissions received by the Commission up until 5pm, 12 March 2025; and

- the Department’s comments dated 31 March 2025 on the feasibility and workability of proposed conditions.

3.2 Strategic Context

12. The NSW Government has a target for 377,000 additional well-located homes over the next 5 years. This policy supports the National Housing Accord that provides an aspirational national target of delivering 1.2 million new, well-located homes over 5 years (AR para 11). The Commission notes the NSW Government’s recently established housing target for the North Sydney LGA is for 5,900 newly completed homes by 2029.
13. The Project would deliver 58 new ILUs and 41 RCF beds in an accessible location close to Cremorne town centre, which is a well serviced area with good public transport links and amenities.
14. The Commission has considered the NSW Government’s strategic framework, policies and guidelines as they apply to the Site and Application and is satisfied that the Application is consistent with those documents. The Project would deliver diverse housing typologies in a well serviced location, contribute to delivery of the NSW Government’s and Council’s housing targets and respond to the needs of an ageing demographic. The Application’s strategic context is further outlined below in **Table 2**.

Table 2 – Strategic context

Consideration	Commission’s comments
Greater Sydney Regional Plan (GSRP) and North District Plan (NDP)	<p>The GSRP guides and informs planning across five districts including the North District. The NDP notes the district has an ageing population - by 2036 the number of residents over 85 is expected to grow by 85%, with a 47% increase in the 65-84 age group (p. 28). The North Sydney LGA specifically is projected to see the number of residents over 85 grow by >120% (p.28, fig 4).</p> <p>Providing seniors’ housing at the Site is aligned with the NDP’s Planning Priority N3 ‘<i>Providing services and social infrastructure to meet people’s changing needs</i>’. In this regard the NDP states:</p> <p><i>More diverse housing types and medium density housing, as well as the design of walkable opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people’s wellbeing.</i></p> <p>Accordingly, the Commission finds the Project to be generally consistent with the GSRP and NDP.</p>
North Sydney Local Strategic Planning Statement (LSPS)	<p>Providing seniors’ housing within the North Sydney LGA is consistent with Planning Priority L1 of Council’s LSPS, which aims for “<i>Diverse housing options that meet the needs of the North Sydney community</i>”. The LSPS further notes in this regard:</p> <p><i>“Plan for housing that supports North Sydney’s growing and changing population with a range of housing types and tenures, and provide new housing in the right locations with good access to public transport, services and amenity”.</i></p> <p>Noting the LGA has an ageing population, and that seniors’ housing will diversify housing options within the locality close to public transport, retail goods, services and amenities, the Commission finds the Project to be generally consistent with the LSPS.</p>

3.3 Statutory Context

15. The Commission has considered the statutory context relevant to the Project in **Table 3** below.

Table 3 – Statutory context

Consideration	Commission’s comments
<i>Objects of the EP&A Act</i>	In this determination, the Commission has carefully considered the Objects of the EP&A Act and is satisfied that the Project is consistent with the Objects of the EP&A Act.
<i>Ecologically sustainable development (ESD)</i>	The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
<i>State Significant Development</i>	The Application is declared SSD pursuant to section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) and section 28 of Schedule 1 of SEPP Planning Systems. The Project will provide seniors’ housing with an EDC of more than \$30 million, includes a residential care facility (RCF) and there are no prohibited components of the development under an EPI.
<i>Permissibility</i>	<p>The Site is located within the R4 High Density Residential zone (the R4 zone) pursuant to the <i>North Sydney Local Environmental Plan 2012 (NSLEP)</i>. Seniors’ housing is permitted with consent within the R4 pursuant to <i>State Environmental Planning Policy (Housing) 2021 (SEPP Housing)</i>.</p> <p>The use of the proposed development is for seniors’ housing. The Department’s AR notes that the scale and intended operation of the Application’s café, salon, spa and gym is minor and sufficiently ancillary and incidental to the seniors’ housing use to be subsumed by that dominant use.</p>
<i>Amended Application</i>	On 16 August 2024, the Department, as the Commission’s delegate, accepted the Applicant’s amended application in accordance with clause 37 of the <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> .
<i>Integrated development and other NSW approvals</i>	Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD process and therefore are not required to be separately obtained for the Application. Pursuant to section 4.42 of the EP&A Act, further approvals are required but must be substantially consistent with any development consent for the Project.

3.4 Mandatory Considerations

16. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the listed matters as are of relevance to the development (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

Table 4 – Mandatory Considerations

Mandatory Considerations	Commission's Comments
Relevant EPIs	<p>Appendix D of the Department's AR identifies relevant EPIs for consideration. The key EPIs include:</p> <ul style="list-style-type: none"> • SEPP Planning Systems; • SEPP Housing; • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure)</i>; • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards)</i>; • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation)</i>; • <i>State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings)</i>; • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65); and • NSLEP. <p>The Commission agrees with the Department's assessment of EPIs set out in Appendix D of the AR.</p>
Relevant Development Control Plans	<p>Section 2.10 of SEPP Planning Systems states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.</p>
Likely Impacts of the Development	<p>The likely impacts of the development have been considered in section 5 of this Statement of Reasons.</p>
Suitability of the Site for Development	<p>The Commission has considered the suitability of the Site for the Project and finds it to be suitable for the following reasons:</p> <ul style="list-style-type: none"> • the Project is consistent with the objectives of the R4 High Density Residential zone; • the Project would provide well-located, built-for-purpose seniors' housing to meet the changing needs of an ageing population in an accessible location close to Cremorne town centre; • the built form and scale is compatible with the established character of the area and provides an appropriate built form relationship to adjoining development; • the Project would retain, restore, and adaptively reuse the six heritage listed dwelling houses at 78-88 Parraween Street; • the Project would not result in unreasonable overshadowing, view, or privacy impacts on adjoining development or the public domain; • the Project would deliver a public benefits, including the through-site link; • the Project is an orderly and economic use of land; • the Project would generate up to 150 construction jobs and 80 operational jobs; and • the Site can physically accommodate the proposed development with potential impacts on surrounding land uses minimised where possible and capable of being further mitigated through conditions of consent.

The Public Interest	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Project against its predicted negative impacts.</p> <p>Among other factors, the public interest in having well-serviced seniors' housing, particularly in the context of increasing demand, along with the generation of up to 150 construction jobs and 80 operational jobs, outweigh the other impacts of the Project, as managed and mitigated by the Commission's imposed conditions of development consent. The Commission's consideration of the public interest has also been informed by consideration of the principles of ESD.</p>
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3.5 The Commission's Meetings

17. As part of the determination process, the Commission met with various persons as set out in **Table 5**. All meeting and site inspection notes were made available on the Commission's website.

Table 5 – Commission's Meetings

Meeting	Date	Transcript/Notes Available on
Department	25 February 2025	28 March 2025
Applicant	25 February 2025	28 March 2025
Site Inspection	4 March 2025	7 March 2025
Public Meeting	5 March 2025	7 March 2025

The Commission notes it also extended an invitation to Council to meet to discuss the Application. Council declined to meet with the Commission in its initial stage, confirming that it had stated its position in earlier submissions made to the Department and that its Mayor would address the Commission at the Public Meeting.

4. Community Engagement

18. **Appendix A** to this Statement of Reasons provides an overview of community engagement undertaken by the Department and the Commission for the Project. In addition to the Commission's public meeting (see Table 5), all persons were offered the opportunity to make written submissions to the Commission until 5pm on Wednesday 12 March 2025. A total of 32 written submissions were received.

4.1 Key Matters Raised

19. Key issues raised in written submissions are outlined in **Table 6** below. The Commission notes this is not an exhaustive report of the written submissions but is reflective and illustrative of what the Commission regards as the key issues that emerged from those submissions.

Table 6 – Key issues

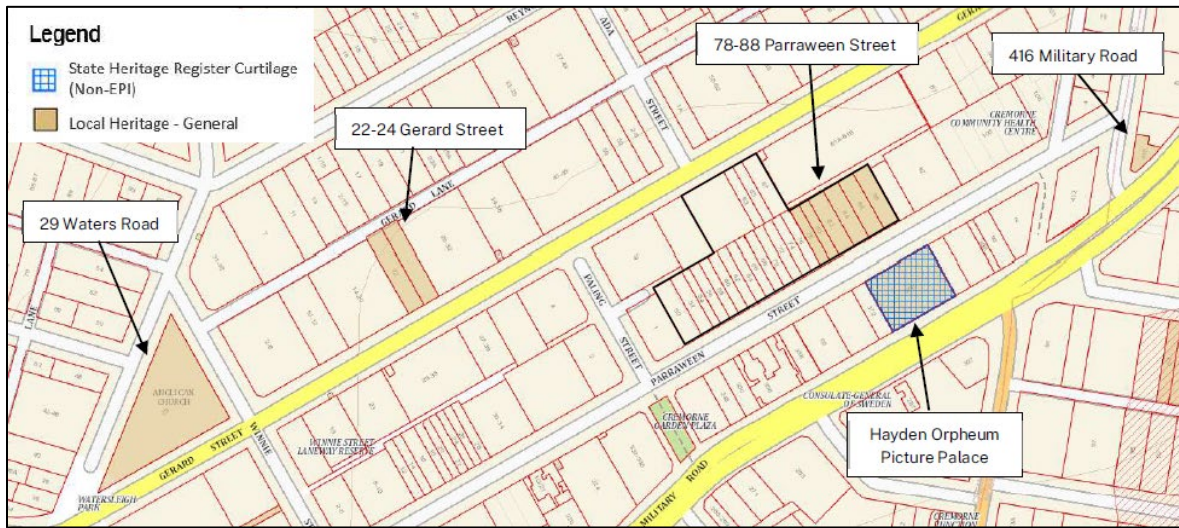
Key issues	Summary of issues raised in written submissions
<i>Heritage</i>	The Project's potential impacts on the existing items of environmental heritage on the Site, including impacts to their existing curtilage, built form/fabric and excessive bulk and scale was a key theme. Impacts on the general character of the area were also raised in several submissions.
<i>Built form</i>	Potential impact associated with the Project's built form were raised, including being out of character with the locality, excessive height, density and visually prominence within the locality. Concerns around amenity for current adjacent and future occupants of the development were also raised as a key issue.
<i>Traffic and Transport</i>	Issues raised include increased traffic within the locality with consequent parking and amenity impacts. Concerns of traffic and pedestrian safety were also raised.
<i>Other issues</i>	Other issues raised included appropriateness of land use mix, construction impacts (including traffic generated during construction), streetscape setbacks, through-site link (including public access) and noise impacts.

5. Key Issues

5.1 Heritage

20. The Site contains six existing dwelling houses (78-88 Parraween Street) that are identified in the NSLEP as items of environmental heritage with local significance. The dwelling houses are proposed to be adapted and reused as part of the proposed RCF, providing residential suites, a communal lounge area and the entrance and reception area for the RCF. Works proposed to the dwelling houses include partial demolition of non-significant fabric, reinstatement of front gardens, interior alterations and internal reconfiguration to allow for their use as part of the RCF (AR para 43-45).
21. The Site is located to the north and rear of the Hayden Orpheum Picture Palace (**Figure 3**), which is listed in the State heritage register. Heritage NSW provided comment to the Department during its assessment of the Project which confirmed the proposed development will have no impact on the heritage significance of the Hayden Orpheum Picture Palace.

Figure 3 - The Site's heritage context (Source: Department's AR, Figure 3).



22. Potential heritage impacts were identified in many submissions received by the Commission. The Department's AR (para 43) notes the proposal initially sought to retain, reconstruct and adaptively reuse nine dwelling houses at 52-56 and 70-80 Parraween Street. In response to concerns raised by Council, public submissions, and the subsequent heritage listing of the six dwelling houses at 78-88 Parraween Street, the proposal was amended to retain these six dwelling houses (AR, para 43).
23. The Applicant provided a Heritage Impact Statement (**HIS**) and a HIS Peer Review (**HISPR**) which considered the heritage impacts of the proposed development and the HIS conclusions. The HISPR supported the conclusions of the HIS and stated that the proposed restoration of the six dwelling houses would enhance the streetscape with new landscaping assisting to mitigate part of the impact of the interior demolition (AR, para 46-47).
24. The Department also sought its own independent heritage advice, engaging an external consultant to review the Applicant's Amendment Report, Response to Submissions (**RTS**), HIS, HISPR, architectural drawings, and the advice provided by HNSW on the Application (as amended). The consultant concluded that the Project ensures the original form and presentation to Parraween Street is retained and conserved, allowing for the primary significance of the cottages to be protected and enhanced. The proposed demolition works were also found to have minor and acceptable impacts on the significance of the group of buildings (AR, para 54).

5.1.1 Commission's findings

25. The Commission finds the adaptive reuse of the cottages for the proposed RCF appropriate as it will enable a continued residential use of the buildings, in keeping with their historical and intended use. Potential streetscape impacts of the overall development will be minimised through the retention of the dwelling houses and the reinstatement of their 'cottage' garden settings.
26. With respect to the State Heritage Register listed Hayden Orpheum Picture Palace, the Commission agrees with Heritage NSW that the proposed development will have no impact on the heritage significance of this item.

- 27. The Commission has imposed condition B4 to ensure the stability of the structures at 78-88 Parraween Street during construction. Condition B9 has been imposed to require the Applicant to prepare a Photographic Archival Record of the existing cottages at 50-88 Parraween Street. The Applicant is also required to engage a suitably qualified heritage conservation architect to guide conservation works for the duration of the Project (condition B10).

5.2 Built Form

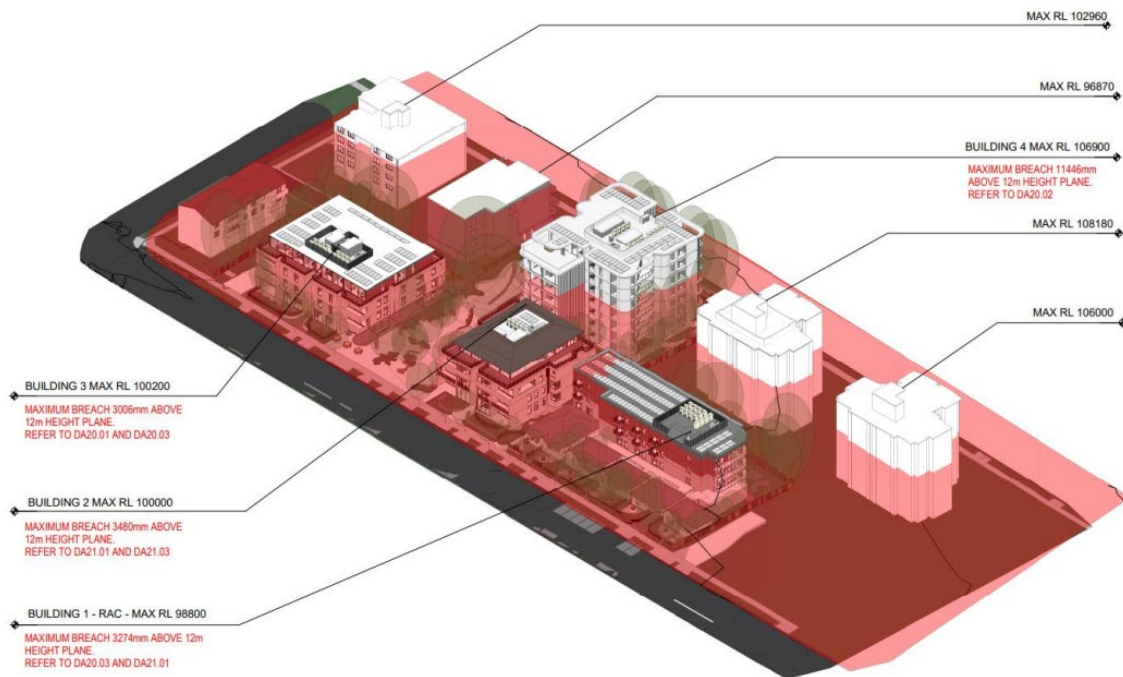
- 28. Most submissions received by the Commission raised concerns with the Project’s built form and related impacts, these matters are discussed in the subsections below.

5.2.1 Height and density

Height

- 29. The Commission acknowledges that the Project seeks to vary a NSLEP 12m height of buildings development standard, as shown in **Figure 4** below.

Figure 4 – NSLEP 12m height development standard shown in red, proposed development shown in context of existing adjoining development (white buildings) (Source: Applicant’s clause 4.6 variation request, Figure 2).



- 30. The NSLEP applies a 12m height of buildings development standard across the Site (AR, para 61). SEPP Housing affords an additional 3.8m of height along with floor space ratio (FSR) bonuses for seniors’ housing where residential flat buildings (RFBs) or shop top housing is permitted, and a site has an area of 1,500m² (AR, para 62).
- 31. The Applicant has not applied the additional height available pursuant to the SEPP Housing to the Project as there is no FSR control applicable to the Site. Consequently, the Application seeks approval for building heights between 15.01m to 23.45m which are 3m (Building 3) to 11.45m (Building 4) above the NSLEP 12m height control (AR, para 62-63).

32. The Department has found the Project's height to be suitable for the locality and that the variation request is acceptable, noting (AR, para 70):
- proposed Building 4 will be consistent with the existing RFBs located along Gerard Street, which are notably taller than proposed Building 4;
 - proposed heights along Parraween Street are complementary to the scale of the adjacent Cremorne town centre;
 - potential heritage, visual and amenity impacts have been found to be acceptable (discussed further below); and
 - the Project has been subject to the State Design Review Panel (**SDRP**) process, is generally consistent with the Apartment Design Guide (**ADG**) and will result in a built form outcome consistent with the objectives for R4 zone that will provide public benefits via a through-site link and retaining heritage items of local significance.

Density

33. The Commission notes there is no FSR control applicable to the Site (AR, para 72). In the absence of an FSR control, the Department assessed the Project's built form, design quality and potential impacts noting (AR, para 76):
- the Project has been subject to the NSW SDRP process and as a result the Project's height and massing was refined, further amendments were made for 78-88 Parraween Street to be retained and the proposed through-site link proposed;
 - Buildings 1-3 along Parraween Street and Building 4 fronting Gerard Street are consistent with the built form of their respective existing streetscapes; and
 - Height and density have been focused to the northern part of the Site to minimise visual, heritage and amenity impacts.

5.2.2 Visual and view impacts

Visual impacts

34. The Applicant provided a Visual Impact Assessment (**VIA**) which compared a 'compliant' four-storey development (with setbacks aligned with the ADG) against the Project. **Figure 5** and **Figure 6** show a compliant design against the Project from the public domain.

Figure 5 – Comparative view analysis along Parraween Street (Source: AR, Figure 11).

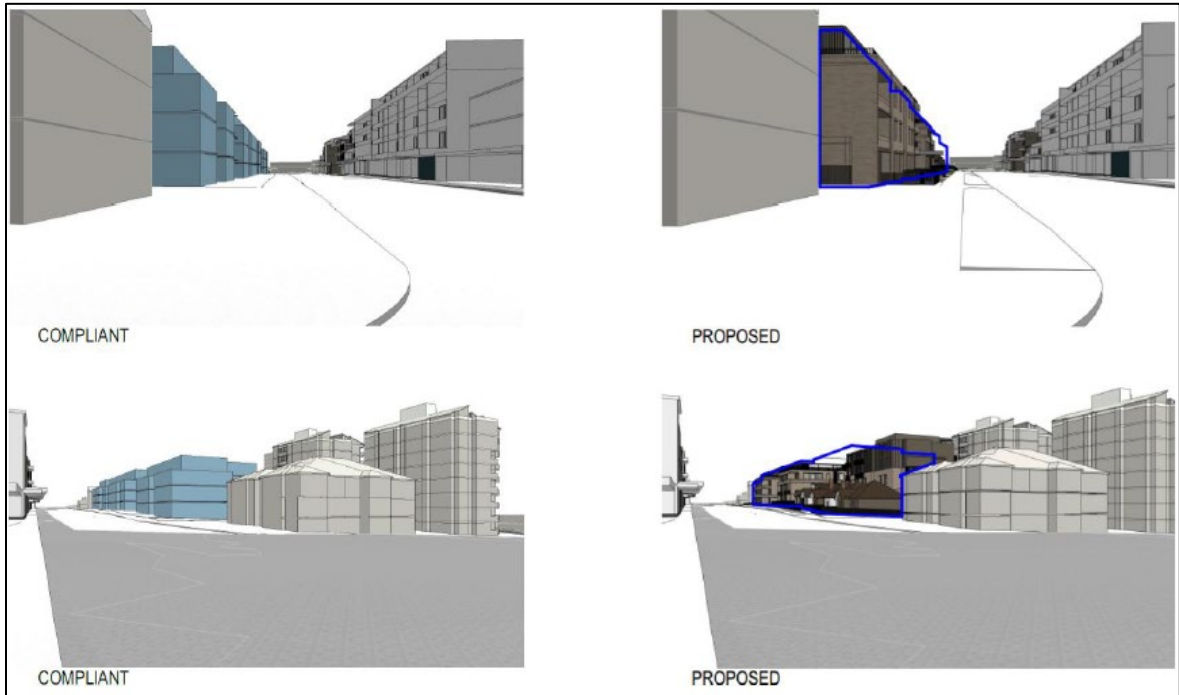


Figure 6 – Comparative view analysis along Gerard Street (Source: AR, Figure 12).



35. Impacts to the public domain were found to be acceptable to the Department, as the scale of the Project is compatible with the locality and the existing streetscapes of Parraween and Gerard Streets (AR, para 87-88).

View impacts

36. The Department's AR (Table 8, para 89-90) states existing impacts on outlooks/views from surrounding properties will largely be negligible to low, with some moderate impacts to the upper levels of the eight storey RFB located at 81B Gerard Street. Noting that the existing outlooks from surrounding properties are already partially obscured by existing developments and mature trees, and that the primary northern views from 81B Gerard Street will remain unimpacted, the Department determined that impacts to views in the locality are acceptable. The Department's conclusion on view impacts further notes that no iconic views will be impacted and that affected properties would still be afforded substantial district and sky outlooks/views.

5.2.3 Overshadowing (external impacts)

37. The Applicant's Amendment Report (p. A46) refers to a mid-winter shadow analysis which demonstrates land to the west of the Site would be impacted by shadowing at 9am, however by midday there is no shadowing on the buildings. Accordingly, solar access to the main living rooms of adjoining dwellings will not be below two hours between 9am-3pm.
38. The through-site link will be overshadowed during midwinter morning, however from 11am solar access will be provided to parts of the through-site link and it will be in full sunlight at 2pm mid-winter. To the east of the Site, there are no overshadowing impacts arising, and the southern side of Parraween Street is only impacted late afternoon.
39. In its assessment of overshadowing impacts, the Department determined that the Project will not result in any adverse or unacceptable impacts, noting the Applicant's analysis that affected dwellings would retain more than two hours of direct solar access mid-winter (AR, para 96).

5.2.4 Residential amenity

Building separation and visual privacy

40. During its assessment, the Department found the Project to be generally consistent with the relevant design criteria of the ADG, except for criteria relating to building separation (AR, para 98).
41. Noting the ADG does not apply to the RCF, the Department undertook an assessment the proposed setbacks for Building 2, Building 3 and Building 4 to neighbouring property boundaries in the context of the ADG recommendations (AR, 102). The assessment revealed that whilst some setbacks for Building 2 and Building 4 did not meet specific numerical setbacks, the setbacks proposed were found to be satisfactory when considering such factors as:
- total separation between buildings (not just to property boundaries);
 - fenestration (i.e. minimal window openings or windows arranged to be offset from one another); and
 - lines of sight and balconies being offset from one another.
42. The Commission notes that the Department has recommended a condition to provide an additional privacy treatment to the slot window of a bedroom on the ground level in Building 2 as a result of its assessment. The Department's detailed analysis can be found at Table 10 of its AR. To this end, the Project's setbacks and subsequent visual privacy for adjoining landowners and future residents was found to be acceptable (AR, para 108).

Solar Access (internal amenity)

43. SEPP Housing specifies that 70% of apartments (i.e. Buildings 2 to 4) are to receive at minimum two hours of direct sunlight between 9am and 3pm in mid-winter. A recommendation of the ADG is also that no more than 15% of apartments should have no direct sunlight at mid-winter (AR, 109).
44. The Applicant provided a design statement verifying the Project's compliance with SEPP 65, as well as an urban design report and shadow analysis which demonstrate the Project's design outcome results in satisfactory solar access, in particular (AR, para 111):
- the through-site link will have two hours of sunlight to approximately 50% of the area at all times;
 - over 70% of the ILUs will receive the minimum two hours of sunlight as required by SEPP Housing and recommended by the ADG with just two ILUs not receiving direct sunlight (i.e. less than 15% of apartments);
 - the lower ground RCF area will receive intermittent solar access mid-winter to complement its landscape setting and views; and
 - the ILUs have been designed to achieve good privacy, excellent natural cross ventilation with living and private open spaces orientated to be afforded the greatest levels of daylight access.

5.2.5 Commission's findings on built form

45. Although the development exceeds the height of building control applicable to the Site pursuant to the NSLEP, the Commission finds the Project demonstrates a high-quality design which has been carefully refined throughout the SDRP process in consideration of the Site's constraints and opportunities. The Commission also notes that the SDRP considered the Project twice prior to lodgement of the Application with the Department. The SDRP expressed support for the following aspects of the Project (AR, para 78):
- the distribution of mass and height transition away from Parraween Street;
 - retention of heritage items;
 - enhancement of community focus on Parraween Street; and
 - the extension of Ada Street as a public through-site link and resulting views of Middle Harbour.
46. The result is a built form outcome that is consistent and complementary to the existing height and built form of the locality and established streetscape settings. The height of the Project results in minimal adverse amenity and built environment impacts - accordingly, the Commission agrees to the Applicant's request for the variation to the height of building development standard.
47. Distributing the floor space of the Project appropriately via a taller development (i.e. Building 4 in particular) is a sound planning outcome supporting the proposed through-site link and its associated benefits for future residents and the community, as well as heritage. The massing and scale of the Project is well balanced in the context of the locality, its established character and the Site's constraints and opportunities.
48. The Commission agrees with the Department in that the Project will;
- not be visually prominent within the locality or result in significant view loss;
 - not create any significant overshadowing impacts;
 - afford future residents a high level of amenity with minimal privacy impacts and good solar access.

The Commission is therefore satisfied that the built form of the Project is acceptable with potential adverse impacts mitigated through the design of the development and any residual impacts managed via appropriate conditions, including providing additional privacy screening to a window of a bedroom on the ground level in Building 2.

5.3 Traffic and Parking

49. Concerns about traffic generation, car parking and vehicular access were heard by the Commission at the public meeting and raised in written submissions.
50. The Applicant's Traffic and Parking Impact Assessment (**TPIA**) states that the Project would generate 16-19 vehicle trips during peak morning and afternoon periods, which is 6-8 fewer trips than the current/existing use of the Site for residential purposes (AR, Table 11). This was found to result from seniors' housing being a land use which generates lower levels of traffic movements than low to medium density residential land uses (TPIA, p. 19-21). The TPIA also noted that the intersection of Winnie Street and Military Road would operate with an 'A' level of service in the morning peak and at a 'B' level of service in the afternoon peak, and this was found satisfactory by the Department. The proposed two-way single access point to the Project was also assessed by the TPIA to operate efficiently (AR, Table 11).
51. Car parking proposed by the Project includes a total of 88 spaces, which satisfies the 85 spaces required pursuant to the provisions of SEPP Housing. The car parking provided includes (AR, Table 11):
 - 3 spaces for the RCF (1 space per 15 RCF beds);
 - 8 staff spaces; and
 - 77 resident spaces.
52. The proposed parking satisfies SEPP Housing requirements and with the removal of 18 driveways from Parraween Street as a result of the Project, additional on-street parking could be provided directly adjacent to the Site (AR, Table 11).

5.3.1 Commission's findings on traffic and transport

53. As part of the Department's assessment process, the Application was referred to Transport for NSW (**TfNSW**) which was satisfied that the Project is unlikely to create a significant impact on the classified road network (AR, Table 11). The Commission also notes the Applicant's TPIA and the Department's assessment of traffic generation which concludes that the Project is not likely to create adverse traffic impacts within the locality or local road network (AR, Table). Based on this evidence, the Commission agrees that the Project will not generate significant or unacceptable traffic impacts.
54. Car parking figures proposed for the Project were queried by the Commission, with additional information sought from both the Applicant and Department in this regard. Upon receipt and consideration of this information, the Commission is satisfied that the Project will provide excess car parking above the minimum requirements of SEPP Housing, with three additional spaces provided (noting that SEPP Housing does not specifically require visitor parking). Further, noting the fewer traffic movements associated with the development and the potential for increased availability of on-street parking, the Commission finds the Project's associated car parking needs to be satisfied and its impacts on the availability of car parking more broadly to be acceptable.

5.4 Other Issues

55. The Commission's findings on other issues are summarised in **Table 7** below.

Table 7 – Key issues

Issues	Commission's Comments
<i>Land use mix</i>	<p>A submission received by the Commission stated that the proposed seniors' housing use is not suitable for the area, suggesting that housing for families should be prioritised.</p> <p>As discussed as Section 3 of this Statement of Reasons, the North Sydney LGA has an ageing population. The Commission finds that providing seniors' housing within the locality will contribute to diversifying the housing typology and aged care infrastructure needs of the LGA and the State.</p>
<i>Construction impacts</i>	<p>The Commission heard from speakers at the public meeting that the proposed 18-month construction timeframe would cause significant impacts and disruption within the locality, especially if the construction period is extended. The Applicant committed to the proposed construction timeframe at the public meeting, noting timeframe adherence would be a key element of their process when appointing a builder (Public Meeting Transcript, p. 6).</p> <p>The Commission has also imposed Condition C1 which requires the Applicant to prepare a Construction Environmental Management Plan (CEMP) that details community consultation procedures, including details of how the community will be informed of construction milestones, construction program changes (including any delays), and traffic management matters. There are several factors that can contribute to construction timeframes, however the Commission is satisfied that with the CEMP in place, potential construction related impacts can be suitably mitigated.</p>
<i>Streetscape setbacks</i>	<p>Submissions to the Commission raised concerns in relation to building setbacks. Concerns were specifically raised regarding the encroachment of balconies into the building setback along Parraween Street. During the public meeting, the Applicant addressed this concern and confirmed that Building 2 is setback 6m and Building 3 is setback 5m from the front boundary respectively with all levels above also aligning with this setback (Public Meeting Transcript, p.21).</p> <p>The Commission is satisfied that that setbacks for the Project are suitable and will not create any adverse amenity or streetscape impacts.</p>
<i>Through-site link and public access</i>	<p>During the public meeting, the Commission heard concerns about ensuring on-going public access to the through-site link. Some submitters were also concerned that the Applicant could extinguish public access rights to the area.</p> <p>The Commission's conditions of development consent require the Applicant to place an easement and/or positive covenant over the through-site link on the title of the land that names Council as the prescribed authority. The easement and/or positive covenant can only be revoked, varied or modified with the consent of Council, and will provide for public access within and through the site link connecting Parraween Street to Gerard Street.</p> <p>Additional concerns raised included that area was not grassed and there was no shading provided by canopy trees. The Commission is satisfied that suitable canopy trees are proposed for the space to provide shading. The Commission also acknowledges that the area does provide for a modest turfed area and finds this appropriate for the scale and purpose of the link.</p>

Issues	Commission's Comments
	<p>The Commission notes that the Applicant provided a Crime Prevention Through Environmental Design (CPTED) report and a Plan of Management (PoM) for the through-site link. The Department is satisfied that CPTED principles are incorporated into the link's design through the use of lighting, closed circuit television system(s), wayfinding information and accessible distress alarms. The Commission also notes landscaping and fencing will be used to delineate private and public spaces (AR, Table 11).</p> <p>Based on the Department's assessment and noting the Commission considers the through-site link to be of a suitable scale and width for its locality and intended purposes, the Commission finds the link to be a well-designed element of the development which will afford amenity for both future residents of the development and the local broader community.</p>
Noise impacts	<p>The potential for operational noise impacts arising was raised in submissions to the Commission, specifically concerns of noise impacts from the Project's air conditioning condensers. The Noise Impact Assessment (NIA) and revised acoustic report provided by the Applicant addresses air conditioning condenser noise and makes several acoustic mitigation recommendations for the Project's mechanical services in general. The Commission has imposed conditions B17 and F14 to ensure compliance with the NIA and its requirements.</p>
All other issues	<p>The Commission agrees with the Department's assessment of all other issues at section 5.5 of its AR. Subject to the imposition of conditions as relevant to each of these issues, the Commission is satisfied that the Project's impacts are capable of being appropriately monitored and managed.</p>

6. The Commission's Findings and Determination

56. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as well as in verbal presentations to the Commission at the Public Meeting. The Commission considered all of these views in making its decision.
57. The Commission finds the Project to be a suitable development within the locality that has been well designed to mitigate its potential heritage and amenity impacts, while preserving and complimenting the character of the area. The proposed public through-site link also provides additional passive open space in the area to the benefit of the community. In an area with an ageing population, the Project will also contribute to the social infrastructure and housing needs of the North Sydney LGA.
58. The Commission has considered the Material before it as set out in section 3.1 of this Statement of Reasons. Based on its consideration of the Material, the Commission finds that the Project should be granted development consent subject to conditions.
59. The imposed conditions of consent are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
60. The reasons for the Decision are given in the Statement of Reasons for Decision dated 4 April 2025.



Ken Kanofski (Chair)
Member of the Commission



Suellen Fitzgerald
Member of the Commission



Duncan Marshall AM
Member of the Commission

Appendix A: Community Engagement Report



New South Wales Government
Independent Planning Commission

Community Engagement Report

Pathways Cremorne Seniors Housing

SSD-49472213

Public engagement overview

A summary of the Project timeline and key engagement milestones is provided at Table 1 below.

Table 1: Project and engagement timeline

Project stage	Date	Number of submissions
Application accepted	9 August 2023	-
Application exhibited by Department	21 August 2023 – 17 September 2023	131
Amended Application lodged	13 August 2024	-
Amended Application accepted	16 August 2024	-
Amended Application exhibited	30 August 2024 – 13 September 2024	60
Amendment report submitted	14 November 2024	-
Application referred to the Commission	11 February 2025	-
Commission's Public Meeting	5 March 2025	7
Written submissions to the Commission	12 February 2025 - 12 March 2025	32

Public Meeting

The Commission conducted a public meeting on 5 March 2025. The Public Meeting was held in-person at Fred Huntley Hall, 200 Miller Street, North Sydney, with registered speakers presenting to the Commission Panel in-person or via telephone.

The Commission heard from the Department of Planning, Housing and Infrastructure (Department), the Applicant, various community group representatives and individual community members. In total, 7 speakers presented to the Commission during the Public Meeting.

Public Submissions

Submissions to the Department of Planning, Housing and Infrastructure

As part of its determination, the Commission has considered all submissions previously made to the Department during public exhibition.

Submissions to the Commission

As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5pm on Wednesday 12 March 2025.

The Commission received a total of 32 written submissions on the Application. An overview of submissions to the Commission is provided in Figure 1 and Figure 2.

Figure 1: Commission's submissions overview

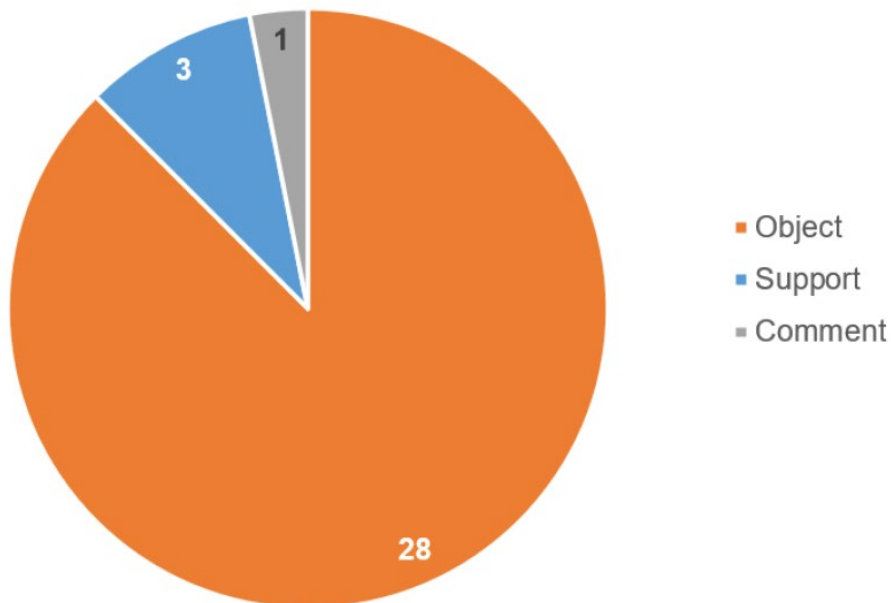
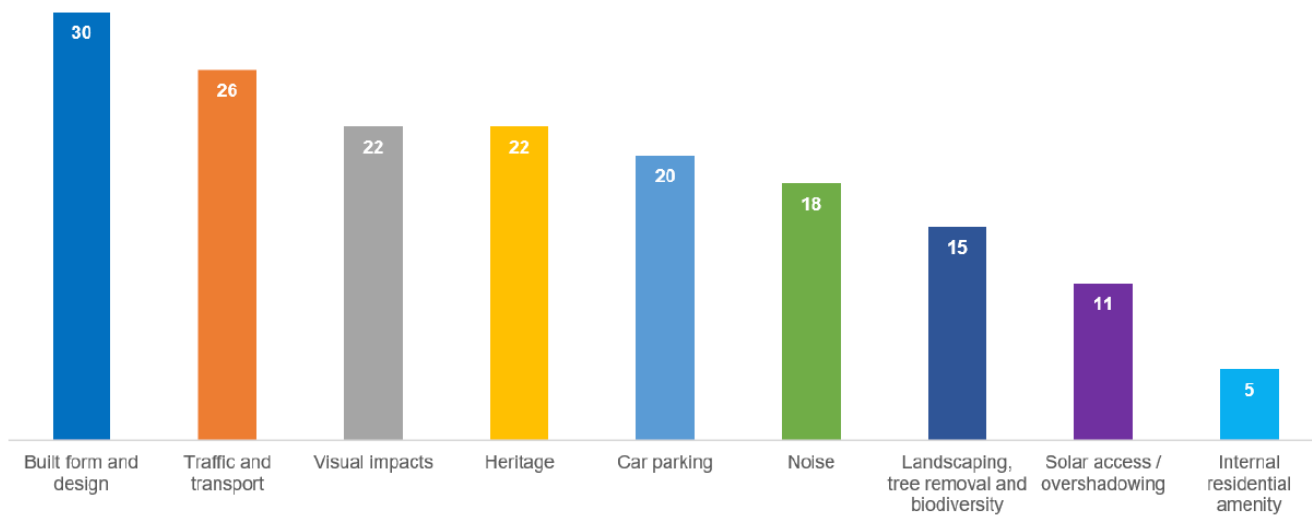


Figure 2: Key matters raised in submissions to the Commission





New South Wales Government
Independent Planning Commission

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