



TRANSCRIPT OF MEETING

RE: PATHWAYS CREMORNE SENIORS HOUSING (SSD-49472213)

PUBLIC MEETING

PANEL: KEN KANOFSKI (CHAIR)
SUELLEN FITZGERALD
DUNCAN MARSHALL AM

OFFICE OF THE IPC: KENDALL CLYDSDALE
PHOEBE JARVIS

APPLICANT REPRESENTATIVES: GRAEME SKERRITT
TINA CHRISTY
JENNIFER HILL

SPEAKERS: FIONA GRACIE
SETA SAMIMI
MAYOR ZOË BAKER
KEN PRITCHETT
ROB MCKAY

DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE: BEN LUSHER
PAULINA WYTHES
PETER MCMANUS

LOCATION: FRED HUTLEY HALL
200 MILLER STREET
NORTH SYDNEY NSW 2060

DATE: 10:00AM – 11:40PM
WEDNESDAY, 5 MARCH 2025

<THE MEETING COMMENCED

5 **MR KEN KANOFSKI:** Good morning and welcome to the Independent Planning Commission public meeting into the State Significant Development Application for the Pathways Cremorne Seniors Housing (State Significant Development number 49472213).

10 I'm speaking to you from Cammerygal land. I acknowledge the traditional owners of the land on which we meet and pay my respects to Elders past, present and emerging. I also recognise any Aboriginal people who are participating today.

15 I'm Ken Kanofski, I'm the Chair of the Panel. Joining me are my fellow commissioners, Duncan Marshall and Suellen Fitzgerald. No conflicts of interest have been identified to our determination of this development application.

20 We have a limited and specific role at the end of the planning process. We decide if an application should go ahead, and if so, on what conditions. We consider the Department's assessment report, the application, your written and oral submissions, and other materials that the Planning Law requires us to consider. All of these materials are either already publicly available or will be made available on our website.

25 In making a decision on this case, the Commission must obey all relevant laws and consider all applicable policies and the public interest. We are also obliged to consider public submission, and that is the purpose of today.

30 We want to hear what you think about the merits of this application. This is not a forum for submissions on whether you like or approve of the Applicant, the laws we must obey, or the policies we must consider.

The application has already been assessed by the Department on our behalf. Many of you may have already participated in the Department's process. Thank you for your participation.

35 There is no need to repeat your previous submissions; they are all available to us for our consideration. The Applicant and the Department have considered your submissions and taken them into account in the application and assessment and conditions we're considering today.

40 Today we want to hear your response to the Department's assessment, recommendation and the recommended conditions. Even if your submission today objects to the application being approved at all, we encourage you to tell us whether any of your concerns could be addressed either wholly or in part by the imposition of conditions. Your consideration of alternatives does not in any way
45 compromise your submission, and it enables the panel to consider all options.

While we'll endeavour to stick with our published schedule, this will be dependent on registered speakers being ready to present at their allocated time. I will

introduce each speaker when it's their turn to present to the Panel. Everyone has been advised in advance how long they have to speak. A bell will sound when the speaker has one minute remaining. A second bell will sound when the speaker's time has expired.

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To ensure everyone receives a fair share of time, I will enforce timekeeping rules. Extensions may be granted on a case-by-case basis by the Panel Chair, however, in the interest of fairness to other registered speakers, an extension may or may not be granted.

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If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you could provide a copy to the commission. Please note that any information given to the Commission may be made public. The Commission's Privacy Statement governs its approach to managing your information and is available on the Commission's website.

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Exits from this venue in the case of emergency are located next to the stage on the right-hand side. And toilets are located in the hallway to the left of the main entrance.

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First, we'll hear from the Applicant. Then at the conclusion of the public meeting, we'll hear from the Department of Planning, Housing and Infrastructure, and the Applicant, to answer any questions or respond to any issues raised during the public meeting.

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So, first up we have the Applicant, so we have Graeme Skerritt, Managing Director of Pathways, and Tina Christy, Director.

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MS TINA CHRISTY: We'd like to thank the Panel today for their time. We do have a short presentation, if – yes, thank you, so I'll just go through this presentation.

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What we've done is we've prepared a slide to have a look at the amendments that we have done or made to the design based on all the submissions that we've received. The proposal has had a full amendment and then further revision again based on public submissions, Department of Planning, Council, and also other agencies.

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Next slide please. Okay, so the main matters raised during the submissions were relating to heritage, which were for more details to be provided on the extent and nature of alterations and restoration work to the cottages, and which cottages were to be retained. Height and bulk, view loss, and privacy, traffic and parking, and then canopy trees, landscaping and green link. So, I'll just discuss those very briefly.

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Next slide please. Okay. So, with heritage, as you can see on the diagram on the right-hand side, the proposal has been amended so that we can retain the heritage listed items 78 to 88. In accordance with the requirements that the Department

asked for further information, so we provided detailed drawings and further heritage advice on the retention and the demolition plans for those cottages.

5 We changed the basement underneath so that it does not go under those cottages. We have changed the location and design behind the cottages, so that it improves the interface with the proposed Building 1. And we've also reinstated landscaping – or will, as part of the proposal – reinstate landscaping in front of the cottages. We will get rid of all the driveways. We'll reinstate the fencing and try to make sure that those cottages retain the existing subdivision pattern and scale that they
10 have at the moment.

Next slide please. So, these are the photos of the existing cottages that have been retained, from 78 and 80 to the left, through to 88 Parraween on the right.

15 Next slide. For height and bulk, as you can see with the drawing or the diagram on the right-hand side, the blue line outlines what the four-storey height limit is that's allowed on the site. To reduce the height and bulk of the development from the original proposal, we have deleted one level of the Gerard Street Building, which I'll show you that in a minute, and it's now only seven storeys.

20 We've reduced, with the buildings facing Parraween Street, we've actually reduced the height of the habitable space, the minimum that they can be, to comply with the relevant legislation. We've deleted all rooftop terraces to reduce the height but also to reduce the privacy impacts from rooftop terraces. And we've
25 also stepped the top floor of the Parraween buildings back, similar to the buildings across the road that have their top levels stepped back, we've stepped back the top level of ours. So, although they're four-storey, they will appear as three-storey, with a top storey set back.

30 Next slide please. This shows our proposal on the right-hand side is now a seven-storey building fronting Parraween Street. As you can see, it's smaller than the building – sorry, Gerard Street, sorry – as you can see, it's smaller than the building on the left-hand side. The dotted line for our proposal on the right is what our original proposal was. We've brought it down some 4 metres or more to make
35 it comparable with the building next door. It actually sits lower than the building next door, and it's one less storey than the building next door.

40 Next slide please. With regards to view and privacy loss, as I said, we have deleted the communal rooftop private open spaces from all buildings. We've enhanced the landscape setting at the rear of the retained cottages. As part of the amended proposal, we provided more detailed visual impact analysis for nearby properties. There were some properties that were mentioned and we went into more detail.

45 We've orientated the main living areas and windows of our proposal away from the neighbouring living areas. You can see with the diagram on the right where the red arrows are, where our balconies and windows are orientated towards our open space areas and away from next doors.

We've retained the lower scale along Parraween Street, with the cottage retention and, as I said before, set back the top floors to try and improve the privacy for adjoining residents. And we have provided as part of our amended application, comprehensive additional visual view and shadow impact analysis. The shadows that we provided showed that from afternoon mid-winter, the shadows are only on the footpath of the southern side of Parraween Street. So, and all the shadow for the adjoining properties complies with what is required under the relevant legislation.

If you go to the next slide please. This shows the separation that we've retained from our proposed four buildings, and how they sit with the adjoining buildings. I know the figures are a bit hard to read, but we've got some 18 metres on the right to the adjoining building in Gerard Street. It's similar on the left. And then even in between our buildings, we've got some 20-odd metres for what is going to be that public open space area. For the building on the bottom-left, we've got 8 metres to our boundary. And then obviously whatever the building is set back as well.

So, we've been very careful and mindful of our separation with adjoining buildings. This is to allow views through our buildings and also to preserve privacy from not only our buildings but the adjoining buildings.

Next slide please. With traffic and parking, we've provided additional traffic survey and modelling work undertaken. There were some concerns raised regarding the intersections that were being used and whether our proposal would add to the intersections. The additional information provided with our submission shows or demonstrates that all of the intersections will be able to cope with our proposal. And in fact our proposal will result in less traffic demand than what is existing at the moment, because of the nature of the use.

We've redesigned the basement for easier way-finding within the basement. So, we've got signage and pathways in the basement. We intend to remove all the driveways along Parraween Street, which will allow for additional on-street parking. We obviously can't mark that out; that will be up to Council, but the provision will be there, because we will reinstate all those driveways for [urban 00:12:48] gutter.

And as part of our application, we did provide a more detailed Construction and Transport Management Plan which provided some details about the truck movements for construction. If the application is approved, as part of their consent, they will require a more detailed Construction and Transport Management Plan as well, but we have provided some initial advice regarding that.

Next slide please. Okay, with landscaping and green link, as you can see with the diagram on the right, we've got an extensive landscape and tree cover. With the through-site link, we have reduced the stairs and improved the grade of that link. There was some concern raised initially about the change in grade, so we've actually changed the levels slightly and created a 1-in-20 maximum grade

throughout that whole link.

We've provided laid planting and fencing to distinguish public from private, to make it clear – because that public through-site link is intended for public use, but obviously there are the private buildings around it, so we've got landscaping and fencing details that will demarcate those areas for safety and security.

We will improve the streetscape appearance along Parraween Street with varied landscaping that I've discussed before. And, also, the deletion of the driveways will allow street tree planting that's not currently there. We can improve that street tree planting. So, the intention is that Parraween Street will eventually, with only the one driveway on the left, all the rest of Parraween Street will eventually be a more treed, green area than what is currently there at the moment.

The end result is that we will achieve 45% of the site as at maturity with canopies. And we have provided a management plan for the through-site link.

Next slide please. So, these are just some final slides. This is what the proposal will look like from Gerard Street with the entrance into the through-site link.

Next slide. This is what the proposal will look like from Parraween Street, with the smaller-scaled buildings, the cottages are to the right of this screen, and that is the entry to the through-site link.

So, we believe that we've listened to the concerns that have been raised. We have made substantial changes to the design. We've lowered it. We've reduced it. We're improving the landscaping. We believe we've considered all the issues raised. Thank you.

MR KANOFSKI: Thank you. Sorry, any questions?

MS SUELLEN FITZGERALD: Only one, Ken. Construction time, 18 months. The Traffic Management Plan, the Construction Plan of course will cover the details. But just tell us a little bit about your plans to achieve that 18-month timeframe.

MS CHRISTY: I'll defer to Graeme on that.

MR GRAEME SKERRITT: If the development is approved, we'd engage with a range of builders and do our due diligence, and one of the key criteria would be that 18 months. But first things first, we've got extensive experience in construction, and we're confident we can find a builder that we can work with who will build this in the required timeframe.

MS FITZGERALD: Thank you.

MR KANOFSKI: Anything else, Commissioners?

MS FITZGERALD: No, Ken.

MR KANOFSKI: Thank you.

5 **MR SKERRITT:** Thank you.

MS CHRISTY: Thank you.

10 **MR KANOFSKI:** So, the next speaker is Fiona Gracie. Welcome. Take a seat. Grab one of the waters if you ...

MS FIONA GRACIE: You're right, because I have a really bad cough. It's kind of an asthmatic cough.

15 **MR KANOFSKI:** Yes. Oh ...

MS GRACIE: [Unintelligible 00:16:46].

20 **MR KANOFSKI:** Yes, no, absolutely. If you need to take a break to – yes, feel absolutely free to do so.

MS GRACIE: All right. I'm going to refer to some slides which if I do that might extend my talk a bit beyond five minutes.

25 **MR KANOFSKI:** Yes.

MS GRACIE: Otherwise, I'm well within the five.

30 **MR KANOFSKI:** So, I'm happy to ...

MS GRACIE: I'll see how I go.

35 **MR KANOFSKI:** Yes, well, let's make it – why don't we call it seven, why don't we give you an extra couple to start with and then we'll see how you go.

MS GRACIE: All right. Thanks. Is that all right?

MR KANOFSKI: So, are we okay with that? Kendall, Phoebe? Yes, thank you.

40 **MS GRACIE:** Well, first of all, good morning. My name is Fiona Gracie. I'm the founder of the Cremorne Conservation Group, a representative on Council's Neutral Bay Live Community Committee, which looked at the commercial structures around Neutral Bay. And I'm also a local resident. And thank you for the opportunity to speak here today.

45 We acknowledge there's a need for seniors housing and we also acknowledge that the proponent has put forward a number of amendments. However, we still have concerns with the Pathways development. And today I'm going to briefly talk to

three of those concerns and make recommendations, which are informed by the government planning controls and advice from construction, landscaping and social impact assessment experts. The other concerns we have will be addressed in our written submission.

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So, point 1 is to do with heritage. This is the existing sight line of the heritage cottages on Parraween Street. If you could go to slide 2 please. They are now will be completely overshadowed by this looming four-storey aged care facility behind it. The structure, we believe, is excessive in bulk and scale. It lacks clear separation from the cottages and infringes on the site's curtilage. It does not respect the heritage significance of these items.

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Point 2, next slide please. So, Building 4 facing Gerard Street. It is set at the moment at 23.45 metres, exceeding the height limit of the Seniors Housing SEPP by almost 100%. Seniors building heights has set to ensure the safety and wellbeing of residents, allowing first responders and emergency services to safely access and evacuate residents. Building 4 fails to comply with this important condition.

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Further, Building 4 design does not consider scale and character to immediate eastern neighbours. Compared to these 1970s blocks, it has a significant larger footprint with less green space around it. Those buildings have around about a 50% footprint on their site.

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The existing building line of Parraween Street – next slide please. The existing building line on Parraween Street is set back 6 to 7 metres as required by the government controls. However, the balconies which are shown in a slightly light outline where the building – it's hard to point to – but where Building 3 is behind that. Those are actually private balconies. Those balconies are on the ground floor units in Building 2 and 3 are less than 1 metre from the footpath. This does not conform to the existing government controls.

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The North Sydney states that, "Habitable rooms" (next slide please), "such as dining rooms, should not be located more than 1 metre below ground level for more than 50% of the room's floor area." However, 100% of this dining room and bar is located below ground on basement level one. It also does not conform to the existing controls.

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Next slide please. The third point is regarding landscaping. We all like instant mature gardens. They take, however, some years to establish, requiring regular care. But this is a bit difficult to achieve because no soil analysis for common parasites is proposed, nor a long-term commitment to plant, regenerate soil and landscaping maintenance is required in the conditions.

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Next slide please. The public plaza is, and I quote from the proponent's reports, "Providing much needed space for socialising, picnics, kids play, and finally, a memorable space for gatherings." It will in fact be a fully paved area with hard seating, tall trees around the perimeter, no canopy for shade or cover from the

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elements. And what about the public impact from noise from Pathways residents that will be adjacent to the plaza?

5 Local parking is very limited, so for those who want to use the plaza, will on-site parking be available, as well as for visitors to Pathways? But no, we note that no visitor parking is proposed.

10 The SIA states, “Pathways, by providing the walkway, provides a significant positive impact for the community.” But due to its design it’s primarily a walkway for Pathways residents’ benefit who live in Building 4. And there’s no guarantee that it’ll even remain open to the public in perpetuity.

We ask that the Panel consider the following recommendations, and I have seven:

- 15 • Firstly, the set-back levels on three and four of the aged care facility facing the cottages, to reduce the bulk and scale, that they be set back. This will increase perspective of separation from these heritage items, as well as help improve solar access and ventilation to the below ground level dining room and bar.
- 20 • Set back the Parraween Street balconies on Building 2 and 3 to conform with the government controls.
- Reduce the height of Building 4 to 12 metres, as per the existing Seniors Housing SEPP.
- 25 • Require soil testing before replanting, and plant trees to allow roots to establish and thrive, and require a long-term landscaping maintenance contract be struck.
- Incorporate a year-round cover over the plaza at the Parraween Street end of the walkway, to make it more usable for public and residents.
- Provide on-street visitor parking for the facility visitors and the public using the plaza.
- 30 • And lastly, dedicate the walkway in perpetuity for public use.

So, in summary, I ask that the Panel consider the concerns I’ve raised and take on board the recommendations that I’ve put to you. Thank you.

35 **MR KANOFSKI:** Thank you very much.

MS GRACIE: I did.

40 **MR KANOFSKI:** You did it. You did it in perfect timing. Thank you. Commissioners, questions?

MR DUNCAN MARSHALL: No.

MS FITZGERALD: Not from me. I'm good.

MR KANOFSKI: Okay. All right. Thank you.

5 **MS GRACIE:** Thank you.

MR KANOFSKI: Yes, take it with you. Okay. So, the next speaker – is the telephone hookup? So, the next speaker is Seta Samimi.

10 **MS SETA SAMIMI:** Hi.

MR KANOFSKI: Yes, hi. How are you, Seta?

15 **MS SAMIMI:** I'm good, thank you. How are you?

MR KANOFSKI: I'm very well. So, you are on the speaker in the room. And so, I invite you to make your submission.

20 **MS SAMIMI:** Thank you. I appreciate the opportunity to address you. I'm the owner of Unit 56 at building 81B Gerard Street and situated on the sixth floor. What I would like to express myself for this development, I ask the Commission to consider my primary concerns related to the height and footprint of Pathways Buildings 1 and 2 and 4, as these aspects will adversely impact my living experience and daily life.

25 Building 4 is positioned to the west of my unit, while Buildings number 1 and 2 are south, directly in front of my block. Building 4 is planned to reach a height of 23.4, equivalent to the seven storeys, while Building number 1 would have a height of 15.27 metres, which corresponds to four storeys.

30 All buildings exceed the maximum height limit set by the ADP and the New South Wales Housing SEPP by 11.45 metres and 3.27 metres, respectively. The height of Building 4 combined with its footprint will greatly diminish the sunlight, the views of the sky and surrounding area that I currently enjoy from my three windows located in the balcony, living and dining area and kitchen. And please note these are the sole windows that I receive direct sunlight, as all the other windows are facing south.

35 The residents on the lower floors of my building facing west and south will also be adversely impacted. Additionally, the larger footprint compared to the other tall buildings in Gerard Street will also negatively affect my privacy in those same areas in my unit, being the windows in the balcony, living area and dining and kitchen.

40 I would like to present four proposed suggestions for the Commission's review.

45 Number one, modify the height of Building 4 and 1 to adhere to the permitted specification, and limit the footprint to 50% of the land's total area, particularly in

the case of Building 4. This aligns with the architectural structures and footprint of nearby buildings in the near vicinity which are referred to [unintelligible 00:27:31]. This will enhance the green space, creating a gentle impact on the surroundings and increase opportunity for flora to flourish.

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Consider the angle of the eastern façade of Building number 4 so that the balconies and living areas face away from the kitchen, living and dining areas and balcony of my unit, and others located in 81B Gerard Street. I believe this will create a more private environment for all residents and offer an improved view for the senior residents in the ILU. Looking away from the 81 Gerard Street building, they will get a northeast aspect with an open view towards the Willoughby Street or looking down into greener space.

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Consider six vertical angled panels on the kitchen and bedrooms of the northeastern units of Building 4 to provide privacy for Pathways residents and residents of adjacent buildings.

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And number four, develop additional green spaces in the area between Buildings 4 and 1 and 81/81B Gerard Street, so that our windows can offer a view of nature, rather than a solid façade of building through windows and open balconies.

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Thank you for listening to my concerns and considering my recommendations for amended conditions of consent, as it will help us to cultivate an atmosphere for the community, the residents of the Pathways, and the developer can achieve a favourable outcome.

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MR KANOFSKI: Thank you. I'll just ask my fellow commissioners if they have any questions. Duncan? No?

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MS FITZGERALD: No, Ken.

MR KANOFSKI: Thank you very much. Thank you for your submission.

MS SAMIMI: Thank you, cheers, bye.

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MR KANOFSKI: Okay. The next speaker we have the Mayor of North Sydney, Zoë Baker.

MAYOR ZOË BAKER: Chair and commissioners, thank you for the opportunity to address you on behalf of Council and the community. I'm really conscious of time constraints, so I would urge you to give serious weight to Council's written submissions, to any discussions you've had with Council planning staff, to the submissions made by residents, but particularly that put forward by the Cremorne Conservation Group.

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You have been to the site, and you would have observed a very constrained locality. The highly trafficked artery of Military Road, the major school campus of Redlands at the Winnie Street end, and Macpherson Street which is a significant

rat run to the city from Mosman and beyond.

5 Parraween Street has an eclectic mix of built form and uses. Medium and high-density flat buildings, low-scale single dwellings, the heritage cottages, a State Significant art deco cinema in the Orpheum, restaurants, cafés, shops, and a council car park with an early childhood centre. It is the heart of the Cremorne town centre. It is busy throughout the day, but what you may not have seen is that it is a bustling, lively entertainment precinct at night, with bars and restaurants overflowing with people.

10 Like the rest of our local government area, it is dense, and that density is increasing exponentially with consequential traffic and parking impacts, and amplified demand for public open space and community facilities.

15 So, I'm going to address three points. Desired future character, it's not just found in building envelopes and zoning controls within the LEP and the DCP character statements. The heritage listing of the cottages is a mark of the community's expectations about the desired future character of this locality, particularly for the streetscape in Parraween Street.

20 So too is Council's commitment to upgrading Cremorne Plaza to support local open space and the lively food scene. And similarly, Council has approved plans for the transformation of the Parraween Street car park for a park with underground parking, a new community health centre, and affordable housing above.

25 Council's existing height controls seek to accommodate density whilst preserving the human scale. In relation to height, I would just say that the Department site is a 15-storey building in the locality. I would say to you, I would suggest to you that that is anomalous. There was a consent under a long-abandoned set of controls from the '70s.

30 The amended proposal retains and adaptively reuses the heritage items, and that is to be commended. The visual impact of the proposed additional height though, is overbearing, overwhelming and contrary to good urban design principles. There is little separation between the low-scale heritage cottages and the three to four-storey of aged care facility that looms behind them. It is an abrupt and jarring relationship, presenting over-scale buildings within the true curtilage of the retained heritage items.

35 So, whilst the Department's heritage specialists may be satisfied, the built form is still a very poor outcome. And a more skilful design would not permit such an abrupt transition to the cottages. The design seems to me to be driven by desire to maximise the yield through additional height as a result of the retention of the heritage items, and it doesn't deliver design excellence nor positively contribute to the streetscape.

40 The clause 4.6 variation request relies too heavily on the provision of publicly

accessible open space as a justification for a departure from the controls. It doesn't adequately address the objectives of the development standard, and as you know, that's a legal requirement, and I'd ask that you be really satisfied that that has been met.

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The Applicant relies in part on rearranging an assumed building yield around the site to make up for losses caused by the retention of the heritage items and the provisions of the through-site link.

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So, I have one final issue on public open space, and then some closing remarks, if you'd indulge me.

MR KANOFSKI: Sure.

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MAYOR BAKER: The provision of the open space is very welcome, in principle, but it must be designed and operate as fully public open space in order to be of any genuine value to the wider community. The through-site link – the 3D render as you've seen from Cremorne Conservation Group's slides, is substantial hard paving and its structure.

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And couple that with the narrowing of the through-site link as it moves toward Gerard Street, which will then have a relationship with the seven and eight-storey residential buildings, that reinforces a sense of enclosure, and it significantly reduces its value as even a passive recreation space, reducing its ability to be read as public and inviting.

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Draft condition E38 requires registration of a public easement, but it does not prescribe any specifics on the terms of the easement. And if approved, this condition must be amended to ensure that the space is both by design and legal right, fully public, available 24 hours a day, safe, welcoming and inclusive, and that it makes certain that it is a space that is not managed by the owner in such a way that it is not truly public. The maintenance and upkeep of that link should be at no cost to Council.

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So, finally, if you are minded to approve this application, I urge you to require further amendments to address height and scale, to ensure that the relationship between the cottages, the Parraween streetscape and the proposed buildings provides a reasonable transition to the heritage items and surrounding properties.

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I would also urge you to consider the amendments advocated by residents, but particularly those in the Cremorne Conservation Group submission, those relating to public benefits.

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Finally, in other state significant developments and major infrastructure project consents, the conditions as drafted by the Department are often ambiguous and difficult to enforce. So, I would urge you to engage with Council staff to ensure that they are clear, measurable and enforceable, and particularly with consideration of construction traffic management issues.

The previous amendments that retain the cottages went somewhat to addressing the concerns, but it can and should be done better, and this is the only opportunity for that to happen. Thank you.

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MR KANOFSKI: Thank you. Questions, commissioners?

MR FITZGERALD: Not from me, Ken. Thank you. Thank you for your time.

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MR KANOFSKI: Thank you very much. Okay. The next speaker is Ken Pritchett. Ken, welcome.

MR KEN PRITCHETT: Thank you.

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MR KANOFSKI: Feel free to grab one of those

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MR PRITCHETT: Thank you. Commissioners, Mayor and ladies and gentlemen, I'm the Chair of Niche Cremorne, a strata block opposite the site, which has 46 apartments in it. Our submission which we will deliver in written form, calls for minor but we believe important changes in the design of Buildings 2 and 3 which we are opposite. It also seeks an ongoing community involvement and consultation in order to ameliorate the impacts of this rather major development.

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To start with, I acknowledge the import and timing of the government's declaration of Cremorne as a town centre. We all have to live with that. What that does for us is that town centre is incredibly important. We've been thinking towards that as our own objective for many years.

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Niche also commends to the Commission the report and recommendations of the Cremorne Conservation Group. An extraordinary amount of work has been done positively towards this.

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Our next acknowledgement is that this development of 7,355 square metres is simply vast. I'm a 70-year resident and I know of no single development in the whole of Cremorne, ever, of this size. So, the importance of us getting this right is paramount.

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Its location between two major arteries, two of the five major intersections or passes through of Military Road, are affected dramatically by this proposal. As a result, we are very concerned that the construction and traffic planning be absolutely and utterly done properly.

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The impacts of this will not only be major for this, the community, but they will be permanent. Nothing can be done after this. So, let's get things right.

After a non-consultative beginning, we have to acknowledge that Skermanic has in fact accommodated a lot of things in their latest proposals. Heritage, heights, spaces and rooftops. We simply ask for this to continue.

We are seeking accommodation on two fronts. Firstly, in relation to design, and secondly, and most importantly, in relation to impact. The bulk of Buildings 2 and 3 are the things that affect Niche most. We seek approval or conditions to the approval which, one, provide a uniform setback of Buildings 2 and 3; at the moment, they're not uniform. Building 3 is 1 metre approximately in front of Building 2 in terms of setback. But we would prefer and seek a setback of 7 metres, which I understand is the Council's desired setback as set out in the Laurier development in 38 Parraween Street.

We also seek a further stepping back of levels 0, 2 and 3 of Buildings 2 and 3. This is to reduce the look of bulk which the CCG and the Mayor so appropriately pointed out.

And we also seek every endeavour to be made by the developers to minimise the noise and impact of the vehicles using the drive; 88 vehicles, one drive, right adjacent to a busy plaza and entertainment area is very confronting. Ingress and egress from any of the buildings in Parraween Street is a complexity and, in our view, the potential for parking opposite our building is almost impossible. We go on to the other side to get out of our building. Bearing in mind the 90-degree parking also includes a lot of commercial buildings.

I'll just ...

MR KANOFSKI: Yes, go, if you can just wrap up in the next minute or so.

MR PRITCHETT: The second is impact conditions. The absence of clear timelines, as raised earlier, is a major concern. The 12, sorry, 16-to-18-month period mentioned today, we believe, is ludicrous. Without realistic timelines, how can the Commission, let alone the community, fully comprehend the magnitude of the impacts.

This is a joint problem that all of us here have. And that is that any extension of time has a compounding effect not only on individual impacts; on every impact – parking, transport, blah-blah-blah. We therefore commend to the Commission that the developer meaningfully consult as part of their approach with the builder and with the CTMP and that the developer regularly consult during the implementation phases so that we will have an ability to understand and influence impacts and should lead to building cooperation and allow us to disseminate the material through to our community.

That is the essence of it. In terms of one of the consultation issue which I think is very, very important, the community has consulted mechanisms, we believe a small team of five people consulting with the building would be all that is required, representing the Council, representing the CCG (the conservation group). We have a very active Brightmore Precinct, which covers this site, and I strongly believe some of the businesses should be involved. All one needs to do is look at the impact of George Street and Randwick on the businesses to understand what

the potential impact is here.

Thank you.

5 **MR KANOFSKI:** Thank you. Thanks for your submission. Questions? Sorry, just one second. Questions from commissioners?

MS FITZGERALD: No.

10 **MR KANOFSKI:** No? Okay. Thank you. Our final speaker is Rob McKay, or is it McKay, sorry?

MR ROB MCKAY: Fifty-fifty chance.

15 **MR KANOFSKI:** Yes. My apologies.

MR MCKAY: That's all right. A couple of housekeeping things. Can I face this way a little bit, because the acoustics are pretty poor in the room?

20 **MR KANOFSKI:** Yes, okay. So, just maybe go that way a little bit so that you pick up that mic as well.

MR MCKAY: If I may have a couple of extra minutes too, please.

25 **MR KANOFSKI:** Yes, so just try and keep it to just ...

MR MCKAY: I'll grab a [unintelligible 00:46:00].

MR KANOFSKI: Yes.

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MR MCKAY: Let me know when you're happy to go.

MR KANOFSKI: Yes. We're right.

35 **MR MCKAY:** Good morning all, and thank you for the opportunity to speak. My name is Rob McKay, I'm the Co-Chair of Brightmore Precinct, which forms part of North Sydney's community-based precinct system.

40 This development is located within Brightmore Precinct. I'm also Chair of strata plan 32731 in Parraween Street where I've resided for almost 30 years. And I was also a member of North Sydney Council's Neutral Bay Alive Community Body, which worked with Council to create a vision for Neutral Bay Village and surrounding areas.

45 There is near universal agreement across all levels of government that there needs to be better solutions for housing. The mantra "density done well" is a recurring theme, as is the need to share the burden of the solutions. North Sydney LGA with a density of about 6,600 residents per square kilometre has met all previous

housing targets and understands density better than most, with only 11% of residents living in detached housing.

5 The World Health Organization recommends 50 square metres of open space per resident as a minimum. Our LGA has only 19 metres of open space per resident, a number which has recently reduced further due to the Western Harbour Tunnel and Warringah Freeway upgrade reclamations.

10 Therefore, the Council and its residents are acutely aware of the need to ensure development is appropriately managed and density is done well. The North Sydney Local Environmental Plan and Development Control Plan reflect this. This is manifested at a local level in Parraween Street, which has seen the continual presence of construction site cranes for years, as lower density sites are uplifted.

15 The southern side of the street is now almost a monolith and lacking in housing diversity, broken up only by the two small public plazas at Langley Place and Cremorne Plaza, the latter in particular especially treasured by the local community.

20 Community is important by any measure and critical to social cohesion. Our community overwhelmingly does not support this development in its current form. It is not supported by North Sydney Council, whose function ordinarily includes managing such developments. And the number of submissions opposing this development lends further weight.

25 Likewise, Brightmore Precinct, as one of Council's more active and well-attended precincts, does not support it either. Such a development needs to be engaged with its community, but the behaviour to date has led to a mood of cynicism and distrust, no doubt driven by poor communication, the treatment of the residents of the cottages within the proposed development area, and the protracted battle over the heritage listing of some of those cottages. The heritage battle went to the brink with the developer within days of demolishing the cottages, which were ultimately heritage listed.

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35 So, that is the context of the community concern regarding the heritage elements within the development. The partial demolition and adaptive reuse of the six heritage cottages contravenes the Seniors Housing Design Guide, as it does not preserve the integrity, character and fine detail of heritage significant buildings. Nor will the buildings complement existing character and add value.

40 Furthermore, the amended plans still totally ignore the significant impact on the curtilage of the State Heritage listed Orpheum Theatre. The overwhelming bulk and scale of the development and demolition of the cottages from 50 to 76 will do irreparable damage to the character of the street.

45 Moreover, the development isn't compliant. The tallest building is almost double the permissible height, and that's after the development was modified. The street is only 500 metres long, and this development takes up about one-third on one

side. The modification which reduced the height actually resulted in an increase in bulk and scale due to the need to accommodate the independent living units over a broader footprint, resulting in the former public park becoming a through-site link only.

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The excuse given is that the building is of a similar stature to an existing neighbouring building, which should be a moot point given the existing building was allowed under a planning regime long since superseded. Why was it superseded? Because that sort of scale is inappropriate, so why should permission be given to double down and make it worse. We have planning controls for a reason.

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The impact on traffic is another material issue. Parraween lies between major arterial roads, both of which incur major congestion. With Military Road being regularly ranked as one of the most congested in the country. Residents north of Military Road are being increasingly marginalised as Transport for New South Wales changes traffic flows, including reducing access to Military Road and the harbour crossings. Residents north of Military Road cannot access Military Road during peak hour, and due to impending Transport for New South Wales changes, will not be able to access the Sydney Harbour Bridge from Ernest Street at all.

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Furthermore, Parraween Street is used as a rat run to and from Mosman, carrying through traffic in a designated 40 kilometre-hour zone. This will be further compounded by the Redlands development with the proposal to install a driveway on Winnie Street opposite Parraween Street. Winnie Street regularly gridlocks in peak hour, with red right and left-turn arrows in operation at the Military Road intersection, and a breakdown illegally parked vehicle or a work zone make the area inoperable.

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The increased development on Parraween Street has seen this worsen in public times. Public transport may have been expected to provide some mitigation, but this too has been compromised by the B-Line. It has been to the local cost of local bus services and bus stops. Queues to board the morning buses stretch hundreds of metres.

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These changed patterns are the result of cumulative changes in behaviour, yet individual developments are assessed in isolation, such as this. Hence, the network issues. And so we see it happening again, with the Transport for New South Wales reporting that they foresee no impact on their arterial roads. This from the same agency that believes a major portal for the Western Harbour Tunnell should be through the middle of a major CBD and past numerous schools, and who oversaw the Rosehill interchange debacle.

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At a more granular level, construction traffic will be problematic. The total construction time is estimated at 16 months using truck and dog tippers and articulated combinations. Benchmarked developments suggest this is highly unlikely. Pienza, a single building on the site with three street frontages and six storeys commenced construction in 2022. It is yet to top out and still has a crane in

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situ. Even more locally, 75 Parraween Street, a small site directly opposite the Pathways site, with only a handful of apartments, commenced construction in the middle of 2023.

5 **MR KANOFSKI:** I'll get you to start wrapping up.

MR MCKAY: Yes, I'm wrapping.

10 It is not yet complete. Furthermore, the reliance on the aforementioned vehicles is impractical. Parraween Street is narrow, has speed humps and chicanes, and the swept path of these vehicles will struggle at both ends of the street, more so in peak hour when they are expected to be operating. Nor will they be able to access Military Road at that time. Meaning they will either need to exit at the western end of Parraween Street, turning north into Winnie; a highly unlikely scenario given traffic loads at that time, including Redlands drop-offs. Exiting Parraween at the eastern end only offers eastbound on Military Road; unlikely, given most spoil heads west. Or northbound on Macpherson Street and then westbound into Gerard Street.

20 Both options involve negotiating traffic islands and acute turns. In my experience, having operated large fleets of these vehicles, this is highly unlikely, which in turn casts doubt on the construction timetable. Again, another reason for concern for residents.

25 Ongoing traffic will also present issues. With increased vehicle movement in and out of the development in addition to visitors being forced to park on the street, this will only add to the existing issues. And it's not just in peak hour. The Orpheum brings many visitors to the area by car, and when the cinema is busy, the parking is at a premium. To the point where driveways and footpaths are regularly blocked. This development will only add to this issue.

30 Not unlike the heritage issues, the maintenance of the tree canopy is paramount. Mature tree canopy coverage is one of the primary mitigators of heat, and Council has a goal to increase the LGA's tree canopy, which is currently diminishing. The development houses a significant number of mature trees, and it is imperative these are retained. There is concern they will not be, and that is not good enough.

40 Therefore, the development in its current form should not be permitted. If it is not viable within the current local planning controls, then why should these rules be breached for the benefit of the developer, and to the detriment of the community? The issues of community connection, heritage compliance, traffic and safety, infrastructure and tree canopy need to be addressed. We as a community should not be expected to accept the lowest common denominator solution. Rather, we should be encouraging best practice, and this development is a long way from that.

45 This is not density done well. Thank you.

MR KANOFSKI: Commissioners, questions?

MS FITZGERALD: No.

MR KANOFSKI: Thank you.

5 **MR MCKAY:** Thanks very much.

MR KANOFSKI: And that concludes the public submissions. We're going to ask the Applicant back, but we might just take a brief break, we'll take a 5-minute break and then we'll get the Applicant back to address some of the issues raised.
10 Thank you.

MR KANOFSKI: Okay. Thank you, and welcome back. I'll invite the Applicants to come forward again. We've got some issues that I wouldn't mind putting to you to address. We'll give you some opportunity as well at the end of that to address anything else, but I've got some issues and then my fellow commissioners might also have some issues as well.
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MS CHRISTY: Okay. I've just invited Jennifer, our heritage consultant, up.

20 **MR KANOFSKI:** Okay. Thank you. Just, I guess a first question from me is really to address the issue of the height. I mean, it's height, bulk, scale kind of issues that all run together. So, I'm wondering if you can talk about that.

MS CHRISTY: Sure. I think the first thing that's important to understand is the density for the whole development is no more than what we would achieve with a compliant scheme, four-storey compliant scheme. What we have done is we have shifted the density to the taller building in Gerard Street to account for the provision of the 20-metre wide through-site link, and also the retention of the single cottages, the heritage cottages. So, the density overall is no greater than what would be achieved with a normal scheme.
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Then, because of the additional height, the buildings along Parraween Street, they are only marginally exceeding the 4 metres – ah, 4 metres – four storeys, it's mainly for parapets, roof plant, things like that, and we've stepped the top floor of those buildings back so that, like the buildings across the road, they don't appear as a sheer four-storey to the street.
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With Gerard Street, we've reduced one level, brought it down to seven storeys, so that it does sit in the context of the surrounding streetscape. It is a smaller, thinner building rather than what could be achieved on the site under the current controls of a shorter, squat, fatter building. That allows greater separation between the adjoining residents and it allows a provision of canopy trees and view vistas to be provided throughout and around the development. So, we think that despite the variation in height, the proposal sits within the context of what is existing and allows a greater design for the adjoining residents.
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MR KANOFSKI: Okay. Before we leave that issue, any other further questions? Suellen?

MS FITZGERALD: Just one, Chair, and that is the balconies and their setback along Parraween Street.

5 **MS CHRISTY:** Yes, I was going to correct that. So, for Building 3, the building itself is set back just over 5 metres from the front boundary. So, on the ground floor there's private open space within that front yard, just like any other normal cottage has their private open space, there might be like a little fence, but that's their private open space.

10 The building and then all the levels above are set back just over 5 metres for Building 3. It's fairly similar to what the adjoining buildings are to the west of our development. And then as you move onto Building 2, that's actually set back 6 metres from the front boundary. And then obviously the cottages are as they are.

15 It's a varied front setback. So, we've tried to retain some of that, but it's 5 metres to the building. And that's shown on drawing number DA10.04, it's very clear what the setbacks are.

20 **MR KANOFSKI:** And that includes the balconies or the ...?

MS CHRISTY: Yes, yes.

25 **MR KANOFSKI:** Other questions? No? So, that probably takes us to – you kind of led into the through-site link and public open space. So, I guess there were questions raised around the permanency or the dedication of that, and also the landscaping style and what's planned.

30 **MS CHRISTY:** Okay. So, with regards to the permanency, it is intended it will be a public through-site link 24/7, it will be accessible to the public. That is the intention of the condition for the easement on the site.

35 As far as the – I know that there was concern raised about the actual hard surface versus landscaping. The pathway isn't just a straight pathway, it does meander. We've taken that from the local Scribbly Gums and things like that to try and get a meandering pathway to some extent. The path itself, the hardstand area, is probably only one-and-a-half to two metres wide. As you know, it varies from like 16 to 20 metres wide, that whole area.

40 The intention is that we will have at least 1 metre of deep soil, so that you can, over the podium area that is, so that you can plant canopy trees. The landscape plan shows that once the development is finished, we will have 45% of the site as canopy trees, and we will be able to achieve that through that public link-through site, as well as around the other parts of the area.

45 So, we provide more deep soil than what's required under the SEPP provisions, and we've been very careful about where we put planting around the perimeters and between the buildings to help with views and to help with the separation, and

to just give that green feel that we know is required along that area, particularly also along Parraween Street where we're going to improve the street tree planting.

5 **MR KANOFSKI:** I mean, just to follow up on the easement provisions. I mean, the conditions are providing a framework for that, but I'm assuming that the applicant is amenable to the idea of the easement having more detail about what that dedication might mean in terms of 24-hour public access and things like that.

10 **MS CHRISTY:** Sure, yes.

MR KANOFSKI: Suellen?

15 **MS FITZGERALD:** Just one question, Chair. You mentioned the paving being actually quite narrow, within 16 metres width. Could you just clarify that for me?

MS CHRISTY: Well, as I said, it meanders and it's not just a straight uniform path. So, some parts will be wider, some parts will be narrower. But the narrowest will be one-and-a-half to two metres. It kind of averages that as it goes around. There's a water feature proposed partway through.

20 The idea is to create a nice setting for people that can walk through if they need aids but also seating areas and the landscaped areas that people can enjoy as well throughout that park.

25 **MS FITZGERALD:** Thank you.

MR SKERRITT: We brought our landscape architect today, who can speak to the concerns.

30 **MR KANOFSKI:** Do we need anything more? I don't need anything more.

MS FITZGERALD: I don't need anymore more, no, I've got the plans.

35 **MR KANOFSKI:** But thank you. Thank you. The final issue for me before I then ask my fellow commissioners more things, this issue of construction timing and particularly traffic impact or construction impact more generally, but traffic as well as construction impact.

40 **MR SKERRITT:** So, we're estimating, I believe, 18 months for construction. The last five years during COVID, it's been extremely difficult for the construction industry, but we're now through that period. We're seeing increasingly builders are interested in tendering for projects. As I stated earlier, we'll be inviting a range of builders, probably three or four builders, to tender for this project. And the construction timeframe will be key criteria. Is it possible it runs beyond 18
45 months? In extraordinary circumstances, yes, and then obviously we'd have to consider our plan.

In relation to community consultation during the project, each project we have, we

have a dedicated community consultation team that does community consultation and liaises with the local community during that period. So, any concerns can be raised either via our website or via the semi-regular meetings that the community consultation team have.

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So, we do have a history and experience of managing these developments. There's always going to be a forum for the community to raise concerns during the construction period and indeed thereafter.

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MR KANOFSKI: Okay. Duncan?

MR DUNCAN MARSHALL: Nothing on that issue.

MR KANOFSKI: Anything on that issue?

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MS FITZGERALD: No, no, Chair.

MR KANOFSKI: Okay. More generally, questions?

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MR MARSHALL: I guess we heard concerns about the interface between the heritage cottages and the Building 1 behind it and saw images of how that looks from the street. I'm just wondering if you want to say a few words about your feelings or your assessment of how that interface will operate in terms of presenting the heritage of those cottages.

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MS CHRISTY: I defer to Jennifer for that.

MS JENNIFER HILL: So, one of the objectors commented that listing is a mark of community expectations. It is. However, the professional assessment of the significance of this group of six buildings is about the contribution to the streetscape opposite the Cremorne Orpheum and their group [unintelligible 01:06:49].

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And when we're assessing the impact, we're actually talking about how the proposal impacts on their identified heritage significance. And as this is primarily about their exterior understanding as a group and the interpretation of their history, the proposal achieves that. And I think there is a response that managing change, which is really what we're trying to do, is quite different to no change.

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But specifically, in the context of the scale change, this overall impact of the juxtaposition of four storeys behind, that's the quote. This is behind a group of six buildings which are retained and restored their primary form. That retains their identified significance.

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So, the concept of scale change is not a new concept. The Institute of Architects designing context is probably 25 years old now. It rehashed the infill guidelines. This tall and small idea is common, particularly in areas of higher density. A successful outcome, in my opinion, is all about the legibility of the heritage items.

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5 And I think the retained primary forms, the restored gardens, and creating a setting that frankly hasn't naturally been there for quite a long period of time, probably 50 plus years, is actually the positive aspect of that. It's not so much related to heritage, but I do think the scale in [unintelligible 01:08:14] Street from a heritage urban design perspective, is a highly appropriate response to that typology.

10 And so the last comment that was made about impact was the impact on the curtilage to the Orpheum, which is on the other side of the street, set within four-storey buildings and, in my opinion, again a minimal impact.

MR KANOFSKI: Thank you. Other questions?

MR MARSHALL: No.

15 **MR KANOFSKI:** I'll invite you to address any other issues. Obviously, it's not an opportunity to create new submission, but simply if there are any other issues raised today that you'd like to address briefly.

20 **MS CHRISTY:** Yes, there's just a couple of things that were raised, although you have taken most of my thunder, so thank you for that.

25 The second speaker raised some concerns about Building 4 and the balconies and kitchens and whatever be angled away from the adjoining building in Gerard Street. The floor plans do show that the balconies are actually angled away from their primary living area. And, also, the separation between those buildings is some 18 metres, so we believe that we've addressed that. We don't really want to see angled louvres on kitchens, we don't believe that given the separation, that that should be a requirement for that building. We believe we've addressed it sufficiently.

30 With regards to the consultation. The fourth speaker raised some concerns about our ongoing consultation with neighbours during construction. The client is very aware and conscious of that and has all intentions of doing that ongoing consultation, so they're quite happy to do that.

35 With regards to visitor parking. The fifth speaker raised some concerns about visitor parking. The RAC development provides – or these 11 spaces in the basement for the residential aged care facility. Now, obviously most of those residents don't drive, so in effect most of that parking will be for visitors and the staff. It complies with the SEPP. Also, for the ILUs (independent living units), we have 77 parking spaces, which is actually 3 more than what's required. So, we believe that we achieve the parking. In fact, we provide additional parking. Plus what will be able to be achieved on the street once the driveways are deleted, early guttering is reinstated.

45 I think that's the main thing. I'll just go through my notes. Yes, that's really the main issues, I think, that were raised, I think with our presentation and answering your questions, we've answered most of the concerns that were raised.

Graeme just has a couple of comments that he'd like to say, if that's okay?

5 **MR SKERRITT:** So, I'd just like to say this project is not about additional housing. This project is about providing for seniors in the local community and providing amenity and quality of life for those seniors as our community ages.

10 Research shows that seniors communities that are existing communities provide better mental wellbeing and better amenity for the residents. And so often in our community and in our Australian broader community, we build seniors housing and aged care in areas where people don't come from. And our vision for this is to provide seniors housing in a locality where people can access seniors living in an aged care in their local community.

15 The statistics are between now and 2041, there's going to be an 80% increase in people between 55 and 85 in the Mosman and North Sydney LGAs. Two million Australians are set to turn 80 in the next 10 years. It's forecast we'll need an additional 50,000 aged care beds by 2030. Last year, in Australia, we opened just over 2,000 aged care beds Australia-wide. We need 50,000 within the next five
20 years.

According to the Aged Care Financing Authority, \$51 billion needs to be spent on capital investment in aged care.

25 **MR KANOFSKI:** I think we're probably getting a bit outside addressing people's submissions and making new submission. So, I'd invite you to kind of confine your comments.

30 **MR SKERRITT:** Okay. So, I commend this project as a project which is going to provide seniors housing and aged care in a locality where it's desperately needed, and there's been no aged care built in the area for some years.

35 **MR KANOFSKI:** Thank you. And thank you for addressing those issues. I'll invite the Department, who will be ... So, we've got Ben. Yes. So, we have Ben Lusher. We've got Paulina Wythes and Peter McManus. So, welcome.

40 And I guess what might – again, we'll follow a bit of the same process, although I'm sure you don't want to make any extra submissions, so we'll confine ourselves to questions. But I guess from – my question is really around this critical issue here which is the height issue and the bulk and scale issue. Just really getting a bit more from the Department's point of view of how you went about assessing that and whether you've got any comments on that.

45 **MR BEN LUSHER:** Sure. I'm happy to go through that. I might just start but I won't make an extra submission. I understand. I hope everyone in the room who's interested in the application has had the chance to read the Department's assessment report. That is on the record as our view and how we've kind of considered everyone's concerns, including the issue around the height of buildings

fronting onto Parraween Street and Gerard Street as well.

I think I will let Pete go through the more detailed analysis. But long story short, we looked at the built form and the scale, in particular the height. We're of the view that it's not out of keeping with the area. We accept that there's an eclectic mix of different types of building typologies here, but ...

MR KANOFSKI: I'll just get that a bit closer to you.

MR LUSHER: We think that that building form has an appropriate relationship with the existing nearby building or development on Gerard Street as well as Parraween Street. And the way in which the buildings are proposed to be sited are consistent with the setbacks on Parraween Street, and the Building 4 fronting onto Gerard Street is consistent with the character of buildings on Gerard Street as well.

Noting of course as well that that building I think that's already been kind of outlined, the level of separation between buildings is, in our view, adequate to make sure that the impacts associated with that building form are reasonable.

I'll handover to Pete to go through a more detailed analysis than that.

MR PETER MCMANUS: So, I think firstly the Department acknowledges the concerns that have been raised by Council and the public in the submissions over both the courses of exhibition on the original EIS and the subsequent amended proposal. And specifically, relating to the height of Building 4 on Gerard Street.

While the proposal does exceed the existing 12-metre height control, the Department, as Ben has noted, we consider, or we formed the view that the proposed scale of Building 4 was generally consistent with the existing built form and character in the immediate surroundings.

It's important to note that the Applicant sought to vary this development standard by clause 4.6, which is inherently designed to provide consideration of development standards in a flexible manner but based on a series of considerations. And throughout the Department's assessment, we considered the Applicant's clause 4.6 variation and to that end, felt that it was unreasonable and unnecessary given what had been proposed and the existing scale, that compliance with the 12-metre standard was necessary in that respect.

Specifically, the Department was satisfied that the proposal meets the objectives of the Zone 4 high density residential zone under North Sydney's LEP 2013. Specifically, the objectives, sorry, the objectives of that zone and noting that the proposed built form outcome will provide a compatible built form with the surrounding character of the area.

The Department also considered the potential amenity impacts of the proposal through its assessment and found that these impacts are acceptable and on balance considers the proposed bulk and scale of the proposal, including the height

exceedance, to be acceptable.

5 Lastly, the Department also notes that the built form and massing arrangement of the proposal, whilst considered originally by the State Design Review Panel, the general massing and location of Building 4 on Gerard Street was commended by the State Design Review Panel. Noting that, I guess, the arrangement of built form over the site did allow for the provision of the public through-site link, which has been discussed here today and will form a public accessible contribution to the public 24/7, and we've got a recommended condition of consent to ensure that that occurs.

10 **MR KANOFSKI:** Thank you. Any further questions, commissioners, on that issue?

15 **MR MARSHALL:** I mean, I was trying to, I mean, I can look at the Department's assessment, but one thought that keeps coming to my mind is that the height of Building 4 is really the result of this offset, in a way, between keeping the heritage cottages, providing the through-site link, and still achieving the density that would otherwise be permissible on this site.

20 I mean, it's a more complicated equation perhaps, but I just wonder whether that in those few words is kind of a summary of where the Department landed in the assessment of that. Coupled with the existing developments along Gerard Street.

25 **MR MCMANUS:** Leaving the public through-site link aside, yes, there's the built form and site arrangements is a consideration that we would give regardless of any variation or non-compliance with the development standard.

30 But to the height non-compliance itself, obviously there's set principles that we walk through with regard to a clause 4.6 and then having consideration of that. And we undertook that process and yes, there is a public through-site link which takes up a proportion of the site and forces buildings to be arranged in a certain manner. But notwithstanding that, the Department's assessment did conclude that the built form proposed was generally compatible and the primary intent of clause 4.6 to provide that flexibility in considering these unique situations, to acknowledge that it is a high-density zone across the entire precinct.

35 Yes, we understand that the height control is set at 12 metres, but we feel that the built form outcome proposed here on the site is consistent and compatible with the surrounding location. And again, the amenity impacts or impacts broadly speaking associated with the non-compliance aren't significantly or detrimental to what will be delivered in the future.

40 **MR LUSHER:** Just to add to Pete's point, I think I agree with what Peter just took you through. We acknowledge that the driver of the built form of Building 4 – or one of the drivers, I should say – goes to the point that the through-site link, that type of thing.

5 But I think the Department's assessment has set that side for the purpose of looking at, is this an acceptable building form and to the point of what are the relative impacts, are they acceptable. We've used things like the Department's Design Guide as a point of reference to understand that, to make sure that we're looking at the level of impact associated with that building form quite objectively and in a measured way, and going through that process which is, I think, what you were trying to get at.

10 We've come to the view that the impacts associated with that built form are acceptable. We think the building sets well in that context.

MR KANOFSKI: Yes, so regardless of whether there's a through-site link or heritage maintenance whatever ...

15 **MR LUSHER:** We understand the drivers, of course, but that's context, it's not actually ...

MR KANOFSKI: So, what you're saying is it's assessed separately from that.

20 **MR LUSHER:** That's right.

MR KANOFSKI: What you're saying to me is you've assessed it on its merits under clause 4.6.

25 **MR LUSHER:** Yes, that's right.

MR KANOFSKI: And the impacts of the exceedance itself. Yes, okay. Other questions?

30 **MS FITZGERALD:** Not on that topic.

MR KANOFSKI: The last one from me, but the construction impacts. So, just remind me, the conditions really are just kind of pretty vanilla around ...

35 **MS PAULINA WYTHES:** To deal with construction impacts, so the relevant [unintelligible 1:22:7] plans, traffic plans prior to construction.

40 **MR KANOFSKI:** And just remind me, I mean, what does Transport for New South Wales say about – not about permanent impacts of traffic, but about construction traffic and the impacts. Because it is a pretty busy area.

MR MCMANUS: The specifics regarding Transport for New South Wales comments regarding construction traffic exactly, I would have to take that on notice, and I can come back to you.

45 **MR KANOFSKI:** Yes, and I – yes, I've read them but it's a few weeks ago now, so.

MR MCMANUS: So, yes, I couldn't answer that.

MR LUSHER: We'd be happy to work with you, I foresee, on those conditions if there's specific points that the IPC ...

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MR KANOFSKI: Yes, because I think we'd kind of like to work through ...

MR LUSHER: We'd be happy to work with the Commission ...

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MR KANOFSKI: I suspect we'll want to work through that and just make sure ...

MR LUSHER: ... and provide advice back.

MR KANOFSKI: Other questions?

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MR MARSHALL: Well, it's kind of related, I guess. I mean, there was an offer, I think, from the Applicant or an intention about ongoing community consultation, especially during the construction phase. I don't think that appears in the conditions at the moment, and maybe it's needed, maybe it's not needed in the conditions. But I just wondered whether you had any comments or experience with other situations where ...

20

MR LUSHER: I'd have to reread the conditions just to make sure exactly what it is we're requiring. But it's not uncommon for us to make sure that the construction or management plan has inbuilt in it to share information with the community and to make sure that people are kept in the loop for what's going on and things like that. Which, again, I'd have to double check it.

25

MR MCMANUS: Yes, it may not be in the conditions, it may be in the Construction and Management Plan.

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MR LUSHER: Or we say in the condition, the CMP has to include ...

MR KANOFSKI: It must address, yes.

35

MR LUSHER: ... this type of information.

MR KANOFSKI: Okay. All right. Suellen?

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MS FITZGERALD: Chair, while we're on the topic of traffic. I'm interested in Transport for New South Wales view of the cumulative impact of traffic, which is something that the Mayor and a number of other speakers raised around that area. Did Transport for New South Wales specifically – and again, like Ken, I've read it sometime ago – have they specifically commented on that cumulative impact factor?

45

MR LUSHER: From recollection, no, I don't believe they did, but we would have to double check and get back to you, particularly regarding cumulative traffic

5 impact. But broadly speaking, I think as has been acknowledged, they were supportive of the proposal and noted that it would not impact on the local traffic network and there was sufficient capacity within the surrounding network as well as intersections to accommodate the anticipated traffic demand generated by the proposal.

MR MARSHALL: And construction or ...?

10 **MR LUSHER:** I would have to double check on that. But we can come back and clarify that matter.

15 **MR KANOFSKI:** Because I think it's a, from the submissions, it's the construction traffic that – traffic is always a concern in every development in busy areas, right, but I think it's the construction traffic that is having the most or creating the most comment.

20 **MR LUSHER:** Typically, there's always going to be an increased flow of traffic associated with the construction on any development site. And hence why the Department always recommends management conditions around construction and construction management.

25 I guess the primary purpose of those plans is to ensure that any potential impacts associated with that are mitigated to an appropriate extent. This could be with respects to scheduling of large vehicle movements outside of peak periods, the need for on-site traffic management and traffic control to ensure that those impacts are mitigated and that there isn't any additional risk or conflict from an interface perspective, with the locals and pedestrians to ensure that matters do move smoothly across the site. So, we acknowledge that, but that's why we've recommended those conditions be put in place.

30 **MR KANOFSKI:** Thank you, Ben. Anything else you'd like to address that was raised today?

35 **MR LUSHER:** I'd open it up to Peter and Pauline if they wanted to kind of run through any specific points. I think we were jotting notes down, but the return discussion I think covered a lot of the questions that seemed to be left open. So, unless there's anything you ...

40 **MR MCMANUS:** Just one point of clarification regarding the through-site link. I don't think that there's a dedication element to this. It's always, from the Department's understanding, to be deemed to be owned and retained in ownership by the developer.

45 **MR KANOFSKI:** And an easement granted.

MR MCMANUS: And that an easement for access would be granted over the top of that, to maintain that through-site link element. So, again, to that end, I guess maintenance and landscape upkeep ...

MR KANOFSKI: And presumably easement in favour of the Council?

MR MCMANUS: That's right, as stipulated by the conditions. Correct.

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MR KANOFSKI: Yes.

MR LUSHER: It's an easement for public access in favour of Council.

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MR KANOFSKI: Yes, okay. Okay. Thank you very much for your time and contribution.

MR LUSHER: Thank you very much.

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MR KANOFSKI: Thank you everyone, and that brings us to the end of this public meeting into the Pathways Cremorne Seniors Housing Project (State Significant Development 49472213). Thank you to everyone who has participated in this important process. Duncan, Suellen and myself have appreciated your input.

20

Just a reminder, it is not too late to have your say on this application. Simply click on the "Make a submission" portal on the Commission's website, or send us a submission via email or post. The deadline for written submissions is 5 p.m. next Wednesday, the 12th of March 2025.

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In the interests of openness and transparency, we will be making a full transcript of this public meeting available on our website in the next few days. At the time of determination, the Commission will publish a Statement of Reasons for Decision, which will outline how the Panel took the community's views into consideration as part of its decision-making process.

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Finally, a quick thank you to my fellow commissioners, Duncan Marshall and Suellen Fitzgerald. From all of us here at the Commission, thank you and enjoy the rest of your day. Thank you.

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MR MARSHALL: Thank you, Ken.

>THE MEETING CONCLUDED