



IRF22/2946

Gateway determination report – PP-2022-2712

Heritage Listing – 115, 117, 119, 121, 123, 125, 131
and 133 Holt Avenue, Cremorne – North Sydney LGA

September 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-2712

Subtitle: Heritage Listing – 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne – North Sydney LGA

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

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

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area	2
1.5	Mapping	5
1.6	Background	8
1.6.1	North Sydney Council Heritage Studies	8
1.6.2	Development Applications	8
1.6.3	Interim Heritage Order and Council’s Heritage Conservation Area Resolution	9
1.6.4	Interim Heritage Order Court Proceedings	10
1.6.5	Detailed Heritage Assessment Report - GML	10
1.6.6	Heritage Assessments undertaken for the properties	11
1.6.7	Planning Proposal Withdrawal Request	12
1.6.8	Landowner Concerns	12
1.6.9	Demolition of 131-133 Holt Avenue	12
2	Need for the planning proposal	13
3	Strategic assessment	15
3.1	Regional Plan	15
3.2	District Plan	16
3.3	Local	16
3.3.1	North Sydney Local Strategic Planning Statement (LSPS)	16
3.3.2	North Sydney Local Housing Strategy (LHS)	17
3.3.3	Community Strategic Plan 2018-2028	17
3.4	Local planning panel (LPP) recommendation	17
3.5	Section 9.1 Ministerial Directions	18
3.6	State environmental planning policies (SEPPs)	19
4	Site-specific assessment	19
4.1	Environmental	19
4.2	Social and economic	19
4.3	Infrastructure	19
5	Consultation	20
5.1	Community	20

5.2	Agencies.....	20
6	Timeframe	20
7	Local plan-making authority	20
8	Assessment summary.....	20
9	Recommendation.....	21

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
A1 – Planning Proposal Report (dated 30 June 2022)
A2.1 – Detailed Heritage Assessment Report prepared by GML Heritage (dated 3 June 2022)
A2.2 – Preliminary Heritage Assessment Report (dated 7 March 2022)
A3 – Site Identification Map
A4 – Proposed North Sydney LEP 2013 Heritage Map Sheet
A5 – North Sydney Local Planning Panel Minutes and Report (13 July 2022)
A6 – Council Resolution and Report (25 July 2022)
Attachment B – Department of Planning and Environment Request for Information
B1 – DPE Withdrawal Request (dated 11 August 2022)
B2 – North Sydney Council Response to Withdrawal Request (dated 23 August 2022)
Attachment C – Interim Heritage Order Court Appeals
C1 – Holt Avenue Cremorne Pty Ltd v North Sydney Council (17 August 2022)
C2 – Helm No. 18 Pty Ltd v North Sydney Council (29 July 2022)
Attachment D – Extraordinary Council Meeting Resolution (24 January 2022)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	North Sydney Council
NAME	Heritage Listing – 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne
NUMBER	PP-2022-2712
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS	115 Holt Avenue, Cremorne – Lot 1 DP 929395 117 Holt Avenue, Cremorne – Lot 1 DP 980 449 119 Holt Avenue, Cremorne – Lot 1 DP 929074
DESCRIPTION	121 Holt Avenue, Cremorne – Lots 1 and 2 DP 135515 123 Holt Avenue, Cremorne – Lot 1 DP 947542 125 Holt Avenue, Cremorne – SP 11200 131 Holt Avenue, Cremorne – Lot 2 DP 602238 133 Holt Avenue, Cremorne – Lot 1 DP 602238
RECEIVED	28/07/2022
FILE NO.	IRF22/2946
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The primary objective of the planning proposal is to identify the properties at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne as local heritage items under the North Sydney LEP 2013. The proposed listings are consistent with the recommendations of a heritage assessment undertaken by GML Heritage (3 June 2022) which was commissioned by North Sydney Council.

The objective of this planning proposal is considered to be clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the North Sydney LEP 2013 per the changes below:

- Insert eight (8) new items as local heritage items within Schedule 5 – Environmental Heritage of the North Sydney LEP 2013 (refer to **table 3**); and
- Including eight (8) new items on the Heritage Map by replacing the following Sheet:
HER_003 5950_COM_HER_003_010_20200810 (**Figure 11**); with
HER_003 5950_COM_HER_003_010_20220621 (**Figure 12**)

Table 3 Proposed additions to Schedule 5 – Environmental Heritage

Locality	Item Name	Address	Property Description	Significance	Item No.
Cremorne	House (Holt Avenue Group)	115 Holt Avenue	Lot 1 DP 929395	Local	I1138
Cremorne	House (Holt Avenue Group)	117 Holt Avenue	Lot 1 DP 980 449	Local	I1139
Cremorne	House (Holt Avenue Group)	119 Holt Avenue	Lot 1 DP 929074	Local	I1140
Cremorne	House (Holt Avenue Group)	121 Holt Avenue	Lots 1 and 2 DP 135515	Local	I1141
Cremorne	House (Holt Avenue Group)	123 Holt Avenue	Lot 1 DP 947542	Local	I1142
Cremorne	“Carina”	125 Holt Avenue	SP 11200	Local	I1143
Cremorne	House	131 Holt Avenue	Lot 2 DP 602238	Local	I1144
Cremorne	House	133 Holt Avenue	Lot 1 DP 602238	Local	I1145

The GML heritage assessment report supporting the proposal concluded that the properties meet the criterion for heritage listing at a local level in the following group, pair and individual item:

- The ‘Holt Avenue Group’ comprising 115-123 Holt Avenue, Cremorne
- ‘Carina’, 125 Holt Avenue, Cremorne
- ‘Victorian semi-detached houses’ comprising 131 and 133 Holt Avenue, Cremorne

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

1.4 Site description and surrounding area

The subject sites are located on the northern side of Holt Avenue, Cremorne and are specifically addresses 115, 117, 119, 121, 123, 125, 131 and 133. The proposed listing identifies the grouping of 115-123 Holt Avenue as the ‘Holt Avenue Group’, 125 Holt Avenue as ‘Carina’ and the pairing of 131-133 Holt Avenue as ‘Victorian semi-detached houses’. The properties are outlined in **Figure 1** below with 115 furthest East (right) and 133 furthest West (left).

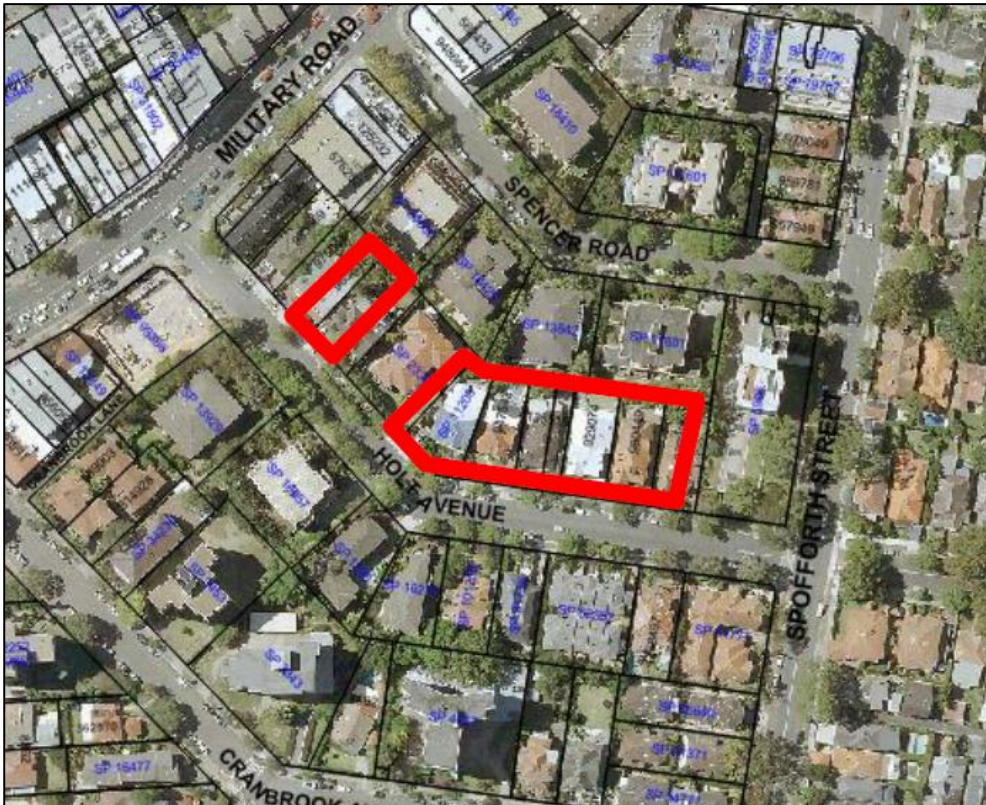


Figure 1 Subject sites (source: Planning Proposal)

Holt Avenue Group

The properties at 115-123 Holt Avenue (**Figures 2-6**) contain a group of detached Federation era Bungalow style houses set on large allotments with wide frontages. Each property is subject to LEP controls of R3 Medium Density Residential and a maximum building height of 8.5m. Each house is deemed by GML Heritage to contain similar elements, particularly noting that all houses are single storey, located on generally flat sites and all are largely intact when viewed from the street. Each house has undergone some degree of change, yet the group’s integrity remains largely intact. Internally, the dwellings demonstrate some degree of intactness, especially at the front as the rear of each property has been extended and are distinctly contemporary.



Figure 2 View of 115 Holt Avenue (source: planning proposal)



Figure 3 View of 117 Holt Avenue (source: planning proposal)



Figure 4 View of 119 Holt Avenue (source: planning proposal)



Figure 5 View of 121 Holt Avenue (source: planning proposal)



Figure 6 View of 123 Holt Avenue (source: planning proposal)

Carina – 125 Holt Avenue

The property at 125 Holt Avenue (**Figure 7**) is a two-storey brick masonry detached Federation bungalow, with the name ‘Carina’. It is subject to LEP controls of R3 Medium Density Residential zoning and a maximum building height of 8.5m. The federation house was converted into apartments in the interwar period that have since been modified and demonstrate a relatively high degree of intactness and remain discernible as from the interwar period.



Figure 7 View of 125 Holt Avenue (source: GML Heritage Assessment Report)

Victorian Semi-Detached Houses

The houses at 131 and 133 Holt Avenue (**Figures 8-9**) comprise of single storey semi-detached dwellings. Both properties are subject to LEP controls of R4 High Density Residential zoning and a maximum building height of 12m. GML heritage identifies the properties as being put forward as a pair, however it is understood that following site inspections 131 Holt Avenue is in a better condition. The properties appear largely intact from the street and internally demonstrate features typical of the Victorian period.



Figure 8 View of 131 Holt Avenue (source: planning proposal)



Figure 9 View of 133 Holt Avenue (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the North Sydney LEP 2013 maps which are suitable for community consultation. Specifically, the proposal seeks to amend the following heritage map by removing:

- HER_003 5950_COM_HER_003_010_20200810 (**Figure 11**); and replacing with
- HER_003 5950_COM_HER_003_010_20220621 (**Figure 12**)

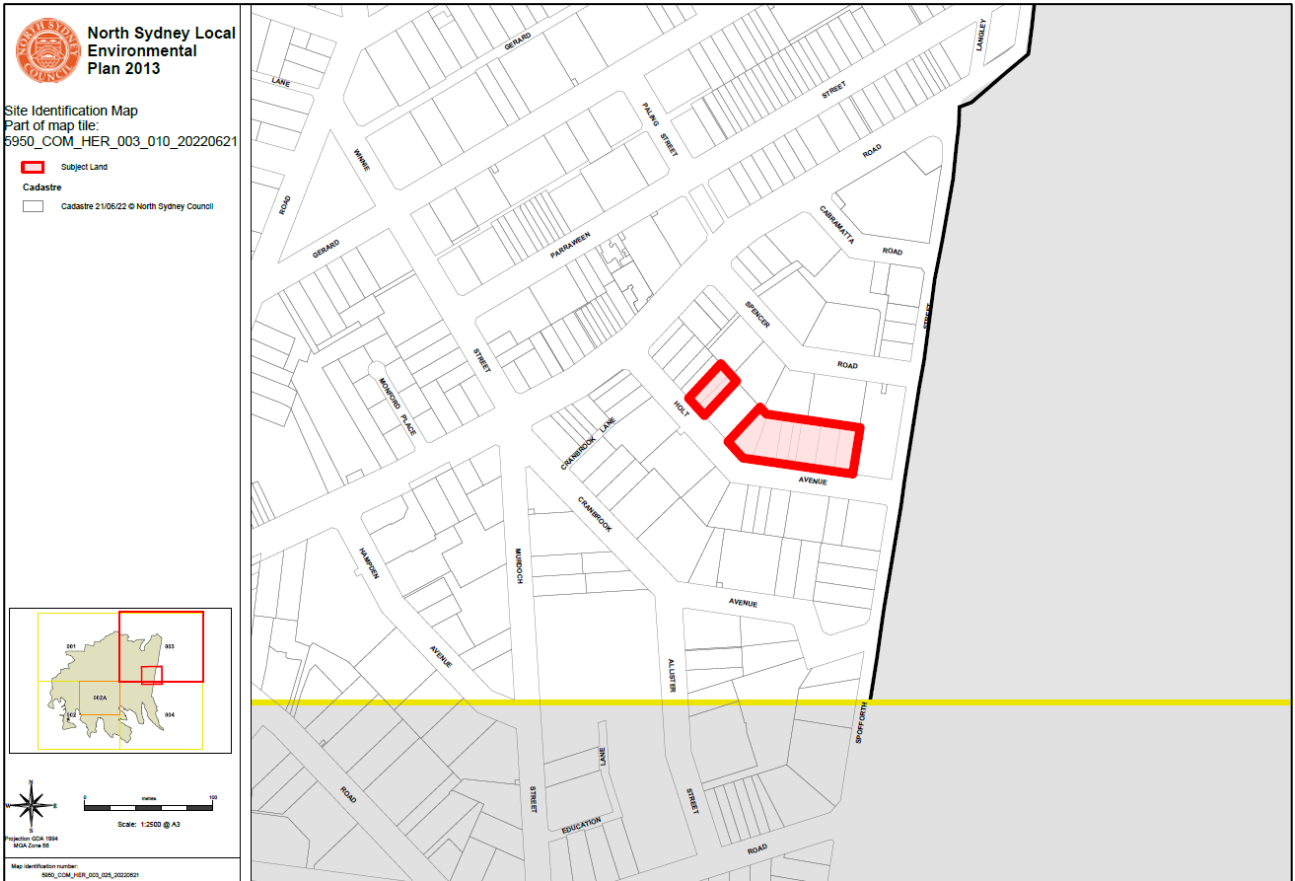


Figure 10 Site identification map, subject sites highlighted in red (source: planning proposal attachment A3)



Figure 11 Current heritage map (source: planning proposal)



Figure 12 Proposed amended heritage map, subject sites highlighted in red (source: planning proposal – refer to attachment A4 for official proposed map)



Figure 13 Heritage context map, subject sites highlighted yellow (source: GML Heritage Assessment Report)

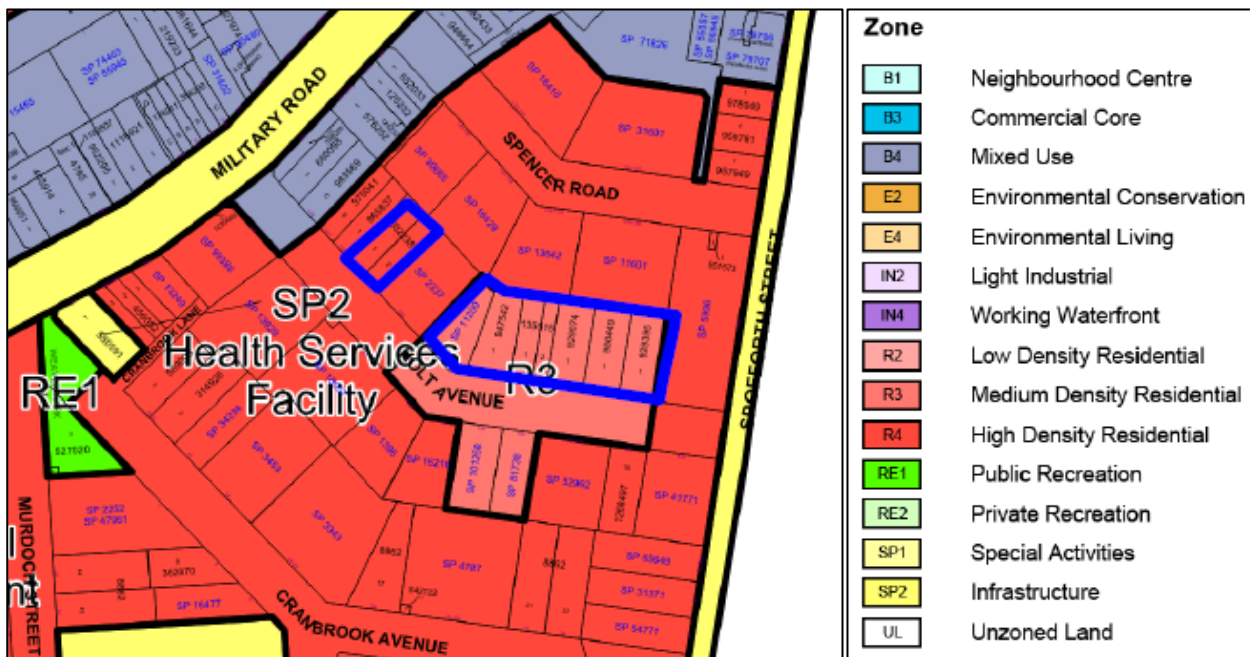


Figure 14 Current land zoning map, subject sites outlined in blue (source: planning proposal)



Figure 15 Subject sites in the context of the potential HCA (source: GML Heritage Assessment Report)

1.6 Background

1.6.1 North Sydney Council Heritage Studies

There have been three previous Local Government Area (LGA) wide heritage studies undertaken on behalf of North Sydney Council as follows:

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

It is noted that 125 Holt Avenue, Cremorne was identified as having heritage significance under the 1993 heritage review and was listed as a heritage item within Council's NSLEP 2001. Following the 2007 heritage review for the preparation of the NSLEP 2013, 125 Holt Avenue, Cremorne was removed as a heritage item under the current NSLEP 2013.

1.6.2 Development Applications

There are two current development applications applicable to sites subject to this planning proposal. During public exhibition of both applications Council received several submissions objecting to the proposed development on heritage grounds.

DA 239/21 – lodged with Council 5 June 2021

The development application seeks the demolition of existing structures, excavation and construction of a 5 storey mixed use development with basement parking and stratum subdivision at 131 and 133 Holt Avenue and the neighbouring properties at 135, 137 and 139. The later properties are not proposed to be heritage listed by the planning proposal.

On 12 May 2022, a deemed refusal appeal was lodged with the Land and Environment Court. This matter has been heard however a decision is yet to be published. An appeal was also upheld against an Interim Heritage Order discussed in detail at 1.6.4 below. Following the revocation of

the IHO applying to 131-133 Holt Avenue, a Complying Development Certificate was lodged the day of this decision on 29 July 2022 for the demolition of 131 Holt Avenue. This has since been approved and demolition works have commenced on 131-133 Holt Avenue.

DA 243/21 – lodged with Council 9 August 2021

The development application seeks the demolition of existing structures and construction of a three-storey residential flat building with basement parking at 115, 117 and 119 Holt Avenue.

On 30 July 2022, a deemed refusal appeal was lodged with the Land and Environment Court.

1.6.3 Interim Heritage Order and Council's Heritage Conservation Area Resolution

In response to the above development applications, at an extraordinary meeting on 24 January 2022, Council resolved (**Attachment D**):

1. **THAT** Council obtain urgent advice, including review of existing studies, in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.
2. **THAT** Council prepare an urgent report, including review of existing studies, to assess whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.
3. **THAT** the review consider whether there are contributory items within any recommended conservation area.

Figure 15 outlines the desired Heritage Conservation Area (HCA) and **Figure 13** outlines the nearby Holt Estate Conservation Area in the Mosman LEP.

In accordance with this resolution, Council engaged GML to prepare a preliminary heritage assessment (**Attachment A2.2**) to determine if the properties subject to the proposal satisfy criteria for heritage listing under the North Sydney LEP 2013.

This preliminary assessment identified the sites may be eligible for heritage listing, specifically due to the properties under DA's deemed to be under threat of harm and satisfying the requirements of placing an Interim Heritage Order (IHO). This preliminary assessment also concluded that the desired HCA would be highly unlikely to meet the threshold for listing under any criteria for the following reasons:

- The area no longer displays a cohesive historic character to provide an understanding of the historic development of the area, with few remaining original buildings.
- Due to its zoning, the area is predominantly contemporary residential and commercial development from the late twentieth and early twenty-first century.
- The original subdivision pattern has largely been altered.
- The only streetscape that retains an historic character is the northern side of Holt Avenue, and the dwellings on Cranbrook Avenue which are already individually heritage listed.

On 7 March 2022, Council's General Manager under delegation imposed an IHO on 115, 117, 119, 131 and 133 Holt Avenue, Cremorne, with the IHO published in the Government Gazette on 11 March 2022. As this planning proposal has been submitted, the IHO will run for 12 months before ceasing to take effect.

1.6.4 Interim Heritage Order Court (IHO) Proceedings

On 25 March 2022, a Class 1 appeal was lodged relating to the properties at 115-119 Holt Avenue, seeking the revocation of an IHO that North Sydney Council placed on the properties proposed to be heritage listed. On the same date, a Class 1 appeal was also lodged relating to the properties at 131-133 Holt Avenue seeking the revocation of the IHO.

The following court proceedings have since taken place:

Holt Avenue Cremorne Pty Ltd v North Sydney Council [2022] NSWLEC 1428

This Class 1 appeal relates to the properties at 115-119 Holt Avenue, Cremorne and was heard by the NSW Land and Environment Court on 18 and 19 July 2022. A decision on 17 August 2022 (**Attachment C1**) dismissed the appeal and retained the IHO, for the reasons summarised:

- The court is of the view that there may be further inquiry or investigation to be carried out, after which; the court considers it a real chance based on the existing research, that further inquiry may support a finding that the sites are of heritage significance.
- The court has formed its view based on the assessment that the sites may achieve rare or representative status within the LGA, consistent with the guidelines for inclusion under criterion (g).

It is noted at the time the planning proposal was received by the Department, 28 July 2022; these court proceedings were ongoing and therefore not considered by Council in the proposal.

Helm No. 18 Pty Ltd v North Sydney Council [2022] NSWLEC 1406

This Class 1 appeal relates to the properties at 131-133 Holt Avenue, Cremorne and was heard by the NSW Land and Environment Court on 6 and 7 June 2022. A decision was reached on 29 July 2022 (**Attachment C2**) to uphold the appeal and therefore revoke the IHO for the reasons summarised:

- The court considered that the IHO has served its statutory purpose and subsequent research undertaken has established that neither 131 nor 133 Holt Avenue are of heritage significance.
- The court was not persuaded that the properties are worthy of a local heritage listing on any other subsequently discovered grounds. On that basis, the Court determined it appropriate to revoke the IHO.

It is noted Council commenced an appeal pursuant to s56A of the *Land and Environment Court Act 1979 (NSW)* regarding the Court decision to revoke the IHO over 131-133 Holt Avenue, however Council has since discontinued the appeal. The IHO was accordingly revoked.

1.6.5 Detailed Heritage Assessment Report - GML

A final detailed heritage assessment report was produced by GML for North Sydney Council on 3 June 2022. The report included an assessment of significance of the properties in accordance with the standard criteria established in the NSW Heritage Office guidelines. This assessment will be discussed in further depth in section 2 of this report. The following summarises the key findings and recommendations of the report:

- The Holt Avenue group (115-123 Holt Avenue) meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare group of Federation Bungalows constructed as part of a speculative housing development in Cremorne.
- 125 Holt Avenue meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area.
- 131 and 133 Holt Avenue meet the threshold for cultural significance for historic, aesthetic and rarity values as a pair of Victorian semi-detached dwellings which serve as rare surviving examples of their type.

- It was therefore recommended a planning proposal be prepared to list the properties in the above arrangements.

1.6.6 Heritage Assessments undertaken for the properties

Table 4 displays a list of heritage assessments and studies conducted Council wide or in response to the events taking place at the affected proposed heritage listed properties.

Holt Avenue Cremorne Pty Ltd are the landowners of 115-119 Holt Avenue, Cremorne. It is understood the landowners are currently undertaking further heritage assessment reports that will include assessments of the properties at 121 and 123 Holt Avenue.

Each of the following studies specific to the properties affected by this proposal have been conducted by heritage experts in accordance with the assessment guidelines in the NSW Heritage Manual. The Department considers that each assessment addresses the same criteria that GML used to determine the properties should be heritage listed. It is noted that none of these specific assessments concluded the properties were worth listing under any criteria.

These studies were provided directly to the Department and were not considered by Council in the planning proposal. Previous iterations of two of these studies published in July and August 2021 were reviewed by GML in their preliminary heritage assessment report.

Given the circumstances around the revocation of the IHO and subsequent demolition of 131-133 Holt Avenue, heritage studies commissioned for these sites have not been considered as the properties will be required to be deleted from the planning proposal.

Table 4 List of Applicable Heritage Assessments to Subject Sites

Heritage Study	Date of Study	Subject Properties	Outcome	Criteria Met	Undertaken By:
North Sydney Heritage Study	1981	Council wide	No impact on subject properties	N/A	Latona Masterman Associates obo North Sydney Council (NSC)
North Sydney Heritage Study Review	1993	Council wide	Identified 125 Holt Avenue as having heritage significance	N/A	Godden Mackay Logan Pty Ltd obo NSC
North Sydney Heritage Review	2007	Council wide	Removed the heritage listing of 125 Holt Avenue	N/A	Architectus in association with John Oultram Heritage and Design obo NSC
Revised Heritage Assessment	June 2022	115-119 Holt Avenue	115-119 Holt Avenue do not achieve local heritage significance	The properties do not meet any criteria individually and do not concur with GML's group assessment	John Oultram Heritage and Design obo Holt Avenue Cremorne Pty Ltd

Heritage Study	Date of Study	Subject Properties	Outcome	Criteria Met	Undertaken By:
Heritage Impact Statement	July 2022	115-119 Holt Avenue	115-119 Holt Avenue do not meet the threshold for heritage listing at a local level	The properties do not meet any criteria	Weir Phillips Heritage and Planning obo Holt Avenue Cremorne Pty Ltd
Heritage Assessment	July 2022	115-119 Holt Avenue	115-119 Holt Avenue do not warrant an individual heritage listing, nor do they warrant a group listing	The properties do not meet any criteria individually or as a group listing	Urbis obo Holt Avenue Cremorne Pty Ltd

1.6.7 Planning Proposal Withdrawal Request

Following a review of the information submitted with the planning proposal, the Department considered that further justification was required to be provided in the planning proposal. The Department wrote to North Sydney Council on 11 August 2022 requesting the planning proposal be withdrawn and re-submitted to address the following (**Attachment B1**):

- The court decision for Helm No. 18 Pty Ltd v North Sydney Council (29 July 2022) revoking the IHO for 131 and 133 Holt Ave.
- North Sydney Local Planning Panel's recommendations that a more thorough and lengthy inquiry is required to support any heritage listing of the properties.
- Incorporate Council's response to the court decision for Holt Avenue Cremorne Pty Ltd v North Sydney Council, relating to 115-119 Holt Ave when decision is published (17 August 2022).

On 23 August 2022, North Sydney Council responded to the withdrawal request, requesting that the planning proposal proceed in its submitted form for the Department to consider a Gateway determination. Council determined this to be the most efficient manner in which to resolve the planning proposal.

1.6.8 Landowner Concerns

The Department notes receipt of correspondence from landowners and their legal representatives regarding the process undertaken by Council for the proposed heritage listings. A Council authorised under section 25 of the Heritage Act 1977 may make an IHO for a place if the Council considers it may, upon further investigation, be found to have local heritage significance, and that Council considers is being, or is likely to be harmed.

A planning proposal forms part of the plan making process under the *Environmental Planning and Assessment Act 1989* required to amend a Council's LEP to list a place as a local heritage item. As such, the current legislation allows a Council to pursue heritage listings through a planning proposal.

The proposed listing may inhibit the ability to progress the current DA's applying to some of the subject sites as demolition of the properties would not be possible.

1.6.9 Demolition of 131-133 Holt Avenue

On 8 September 2022, the Department was made aware that demolition had begun on the structures at 131 and 133 Holt Avenue following the approval of the complying development

certificate. This demolition is currently progressing. These properties are therefore required to be deleted from the planning proposal. **Figure 16** below demonstrates the progress of this demolition as of 12 September 2022.



Figure 16 Subject sites satellite image dated 12 September 2022 (source: Nearmap, subject sites outlined red, 131-133 located furthest left)

2 Need for the planning proposal

The proposal states the need for the planning proposal has arisen from the recommendations of a comprehensive heritage assessment of the subject sites prepared following the issuing of an IHO over some of the subject properties by Council under delegated authority on 11 March 2022.

The proposal states the planning proposal is the preferred way of achieving the objectives and intended outcomes. The planning proposal notes that Council had considered other alternatives prior to the proposed heritage listings, with these being:

- Create a schedule of prohibited uses to redevelopment potential of the sites in order to protect the buildings on the sites; and
- Do nothing and rely on existing controls.

The detailed heritage assessment report commissioned by North Sydney Council and conducted by GML Heritage was finalised 3 June 2022. The assessment recommended that Council prepare a planning proposal to list the eight properties following an assessment of each property in accordance with the standard criteria established in the NSW Heritage Office guidelines. The items were assessed in accordance with a specific set of criteria set out below the following table. If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance. The key findings of GML's assessment of significance are summarised in **table 5**. The items were assessed in the recommended group, pairing and individual listing of:

- The 'Holt Avenue Group' comprising 115-123 Holt Avenue, Cremorne
- 'Carina', 125 Holt Avenue, Cremorne
- 'Victorian semi-detached houses' comprising 131 and 133 Holt Avenue, Cremorne

Table 5 Summary of GML Assessment of Significance

Site	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
115-123 Holt Avenue	✓	✗	✓	✗	-	✓	✓
125 Holt Avenue	✓	✗	✓	✗	-	✓	✓
131 & 133 Holt Avenue	✓	✗	✓	✗	✗	✓	✗

The criteria GML has utilised to conduct the heritage assessment of significance is located in appendix A of their detailed assessment report (**Attachment A2.1**). This includes defining guidelines for inclusion and exclusion against each of the criterion.

Criterion a) Historical Significance

Regarding 'historical significance', GML heritage identifies all sites have cultural significance at a local level on account of:

- 115-123 Holt Avenue provide rare, physical evidence of the phenomenon of speculative development throughout the Cremorne area, forming part of the Longview Estate subdivision. The buildings display a good degree of integrity.
- 125 Holt Avenue constructed as a grand two-storey private residence represents a small number of remnant two-storey bungalows created to the north of Cremorne. Converted to flats in the interwar period, the building thus represents a historical period of transition that saw the intensification of developments to accommodate an influx of workers by transport.
- Constructed by 1893, 131-133 Holt Avenue is one of the earliest houses built in the Longview Estate to survive to the present day. Historical assessment indicates the dwellings were converted into semi-detached houses in 1911 and these Federation additions provide an overlay to the dwelling, enhancing its historical character.

Criterion b) Associative Significance

GML's heritage review does not find any strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

Criterion c) Aesthetic Significance

Regarding 'aesthetic significance', GML finds all the sites have cultural significance at a local level on account of:

- Each property retains a significant portion of its original design integrity and remain typical of their unique typology. They retain their original character and are complimented by site locations and landscape across the street.
- Alterations are considered sympathetic to the primary facades, with major works concentrated to the rear of properties not visible to the streetscape.

- The chosen collectives of listings group properties and enhance their aesthetic value, particularly in the case of 131-133 Holt Avenue.

Criterion d) Social Significance

A detailed social values assessment of the properties was not undertaken as part of the planning proposal submission and therefore the properties do not achieve the threshold for this criterion.

Criterion e) Research Potential

An archaeological assessment is not within the scope of GML's heritage report. It is therefore not known whether the Holt Avenue Group properties or 125 Holt Avenue meet the threshold for this criterion. GML does determine that 131-133 do not meet the threshold.

Criterion f) Rarity

Regarding 'rarity', GML has identified all properties achieve cultural significance at a local level on account of:

- The developments of 115-123 Holt Avenue established a residential character and scale in the Cremorne area, demonstrating architectural character typical of such a group. Subsequent development and redevelopment leave this group as a rare example of what was once a widespread development.
- 125 Holt Avenue presents a rare remnant example of grander middle-class housing in northern Cremorne, standing out among the more common single-storey bungalow developments.
- 131-133 Holt Avenue are among the earliest surviving dwellings of the Longview Estate and in Cremorne. Their facades are unique and serve as an unusual example of a Victorian dwelling converted into semi-detached dwellings with a Federation overlay.

Criterion g) Representativeness

Regarding 'representativeness', GML finds that 115-123 and 125 Holt Avenue have cultural significance at a local level on account of:

- 115-123 Holt Avenue are representative of an important period of Federation development in Cremorne, maintaining their original scale, setbacks, building lines and are representative of the popularity of this typology across the North Shore area.
 - The properties are also representative of the phenomenon of speculative building development in Cremorne.
- 125 Holt Avenue is representative of an important period of development in the Cremorne area and is a good example of its typology, being historically grand in its immediate setting. It is further representative of the transition from Federation to interwar housing in response to the influx of workers in this period.

GML finds that 131-133 Holt Avenue do not meet the threshold for listing under this criterion due to the significant alterations undertaken in 1911 that introduced Federation features to their primary facades, altering their original presentation and internal configuration.

3 Strategic assessment

3.1 Regional Plan

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

Table 6 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13 – Environmental heritage is identified, conserved and enhanced	<p>Objective 13 states that ‘Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations’. It notes that environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>Environmental heritage is defined as ‘the places, buildings, works, relics, movable objects and precincts of State or local heritage significance’.</p> <p>The heritage assessment report prepared by GML considers the sites in their collective, pair and individual state should be identified as heritage items under the North Sydney LEP 2013 as each listing has achieved the threshold for listing at the local level.</p> <p>Council commissioning the report and its findings indicate the planning proposal is consistent in its intentions with the objective.</p>

3.2 District Plan

The site is within the North District and the Greater Cities Commission (formerly the Greater Sydney Commission) released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant direction and action.

Table 7 District Plan assessment

District Plan Priorities	Justification
Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District’s heritage	<p>Action 21 – identify, conserve and enhance environmental heritage</p> <p>The planning proposal intends to identify and conserve the local environmental heritage in Cremorne. The planning proposal seeks to list 8 properties on Holt Avenue as local heritage items under Schedule 5 of the North Sydney LEP 2013.</p>

3.3 Local

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

3.3.1 North Sydney Local Strategic Planning Statement (LSPS)

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

The key Local Planning Priority and Actions of the LSPS relevant to the planning proposal are:

- **Local Planning Priority L3**

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

- **Local Planning Priority P3**

Enhance the commercial amenity and viability of North Sydney’s local centres.

The planning proposal is intended to address these planning priorities in protecting heritage and enhancing local character particularly in the Cremorne locality. The proposal is therefore consistent with the purpose of the above planning priorities.

3.3.2 North Sydney Local Housing Strategy (LHS)

The North Sydney LHS, adopted by Council on 25 November 2019 and endorsed by the Department on 10 May 2021, sets out the strategic direction for housing in the North Sydney LGA to 2036.

The planning proposal states the proposal is generally considered to be consistent with the LHS as the proposal is specific to eight properties in Cremorne it is not considered to be consequential for the provision of housing within the North Sydney LGA, nor will the proposal unduly restrict development in surrounding areas.

Although the planning proposal seeks to conserve and protect items of environmental heritage consistent with the directions of the North District Plan, the sites are currently zoned R3 Medium Density and R4 High Density Residential under the North Sydney LEP 2013 which provides for increased densities under existing LEP controls. The planning proposal does not address any proposed changes to zoning, as highlighted by the Local Planning Panel comments. It is noted that the proposal may have implications on development potential in the R3 and R4 zones and if listed as heritage items this would retain the current single storey detached dwelling houses.

3.3.3 Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan (2018-2028) outlines the community-wide priorities and aspirations for the LGA, providing long term goals, objectives and actions to achieve these visions.

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

- **Direction 3 Future Planning**

Outcome 3.4 North Sydney is distinctive with a sense of place and quality design

Strategy 3.4.6 Protect and promote North Sydney’s built heritage including significant architecture, objects, places and landscapes.

The planning proposal is considered to be consistent with these directions, outcomes and strategies as it allows them to be pursued in a robust and strategic manner in relation to heritage.

3.4 Local planning panel (LPP) recommendation

The planning proposal was considered by the North Sydney LPP on 13 July 2022 (**Attachment A5**) where it was unanimously not supported for the following reasons:

Panel consideration:

Based on the reports, information and submissions the Panel is not persuaded, given the extensive alterations and additions over decades, and in more recent years, that these properties would warrant listing as heritage items in their own right. Furthermore, the streetscape has been significantly altered by redevelopment over the years and the Panel agrees with the Council’s heritage consultant that an HCA is not warranted.

It is also noted that these 8 sites have been zoned for many years to permit higher densities, however, the Planning Proposal does not seek to change the zoning. As noted above over the last few decades redevelopment has occurred that has changed the streetscape character in this section of Holt Avenue and the context of these sites in question.

Panel recommendation:

In the opinion of the Panel the subject properties require a more thorough and lengthy inquiry to fully review and reconcile whether these 8 properties warrant being listed as heritage items and meet the necessary threshold for heritage listing under the North Sydney Local Environmental Plan.

On the information before it, the Panel is not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines and that the current Planning Proposal lacks both site specific and strategic merit and does not meet the objectives of the Act.

It is noted that Council Officers report for Council consideration at the 25 July 2022 meeting states that Council Officers are satisfied that the relevant criteria as set out by the NSW Heritage Office have been adequately addressed and recommended the planning proposal proceed.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal seeks to list 8 properties as items of local heritage and is supported by a heritage assessment of significance that identifies the subject listings satisfy at least three of the assessment criteria. The proposal is consistent with this direction as the assessment was undertaken in accordance with the NSW Heritage Office guidelines.</p>
6.1 Residential Zones	No	<p>This direction aims to encourage variety and choice of housing types for existing and future housing needs, make efficient use of existing infrastructure and services and ensure new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment. The direction also requires that a planning proposal must not contain provisions which will reduce the permissible residential density of land.</p> <p>The planning proposal states that it is consistent with this direction as it will not reduce the ability to undertake residential development on these parcels of land where residential development is currently permitted.</p> <p>However, the planning proposal does not address that the proposed heritage items are currently zoned for R3 Medium Density or R4 High Density Residential zones. Although the planning proposal does not include any proposed change to the current residential zoning of any of the sites or to the applicable development standards, the heritage listings will have implications for the future development on the site and any</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		higher density development envisaged under the current R3 and R4 zonings. A potential reduction in development capacity provided under the current LEP zonings should be addressed in the planning proposal.

3.6 State environmental planning policies (SEPPs)

There are no specific SEPPs that directly relate to the planning proposal. It is considered the planning proposal is generally consistent with the aims and objectives of the current SEPPs that apply to the North Sydney LGA.

4 Site-specific assessment

4.1 Environmental

The planning proposal seeks to identify 8 new items of heritage significance and will likely not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

4.2 Social and economic

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

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>It is noted in the proposal that during the assessment of both DA's applicable to the proposal, many residents raised strong objections to the demolition of the dwellings on heritage grounds.</p> <p>The planning proposal is the result of a detailed heritage assessment report undertaken by GML in response to IHO's being placed on the subject sites. It is considered that the intent of the planning proposal satisfies the concerns of the local community.</p>
Economic	<p>Site-specific economic considerations are not addressed in the planning proposal. There is likely to be some economic impacts on landowners that have conducted multiple heritage studies in response to the findings of GML supporting this proposal.</p>

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The proposed heritage listing is unlikely to generate additional infrastructure requirements. The planning proposal does not involve any amendments to the planning controls that would facilitate intensified development.

5 Consultation

5.1 Community

The timeline in the planning proposal indicates public exhibition should take place during October 2022 for a minimum of 28 days.

As the planning proposal is recommended not to proceed to exhibition, no consultation details are required.

5.2 Agencies

The planning proposal outlined that Council intends to undertake consultation during the public exhibition process with Heritage Council of NSW, North Shore Historical Society and National Trust.

The planning proposal is recommended not to proceed, and as such no agency consultation is required.

6 Timeframe

The planning proposal provides a total project timeline of approximately 6 months, ranging from July 2022 to completion in January 2023.

The planning proposal is recommended not to proceed, therefore there are no timeframes specified to complete the LEP.

7 Local plan-making authority

The planning proposal is recommended not to proceed, as such, there is no requirement to appoint a local plan-making authority. Council did not request local plan-making authority for the proposal.

8 Assessment summary

Based on the assessment outlined in this report, the proposal is recommended not to proceed.

The proposal seeks to heritage list 8 properties based on the findings of a heritage assessment report undertaken by GML on behalf of Council. The Department, as stated in its withdrawal request is not satisfied that the justification presented in this assessment is sufficient to list the properties in the context of the recommendations of the Local Planning Panel and the Land and Environment Court decisions.

The North Sydney Local Planning Panel is not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines. The Panel noted the heritage assessment undertaken was to investigate a new heritage conservation area which was not considered warranted. The report recommended instead heritage listing the 8 properties in Holt Street Cremorne.

The Panel considered the proposal should not proceed as both site specific and strategic merit has not been demonstrated. The Panel identifies the proposal seeks to heritage list properties that have undergone extensive alterations and additions over decades and in more recent years and that more thorough and lengthy inquiry to fully review the listing of properties would be required.

While the Interim Heritage Order on 115-119 Holt Avenue was not revoked, Council has not addressed the key items outlined the Court decision that highlights that on the basis of the GML assessment, further inquiry may support a finding that the sites are of heritage significance. Council has not provided any further inquiry.

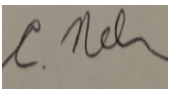
The proposal in its current form seeks to heritage list 131-133 Holt Avenue where the Interim Heritage Order has been revoked by the Land and Environment Court and demolition on the structures is currently underway. These sites are required to be deleted from this proposal. The court decision also noted that one property, 125 Holt Avenue, has previously been heritage listed however this was removed in Council's current NSLEP 2013 following its 2007 heritage review due to the substantial alterations.

The proposal has also not addressed the inconsistency with Section 9.1 Ministerial Directions 6.1 Residential zones which seeks to heritage list properties located in R3 and R4 Medium and High Density Residential zonings that accommodate development controls that provide capacity for higher densities under the current LEP.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed for the following reasons:

- Adequate justification has not been provided to list the properties as heritage items in the context of the recommendations of the Local Planning Panel and the Land and Environment Court decisions.
- A more thorough and lengthy inquiry to fully review the listing of properties to demonstrate that the properties meet the threshold for individual heritage listing under the Heritage Assessment Guidelines is required.
- The proposal in its current form seeks to heritage list 131-133 Holt Avenue which has had its Interim Heritage Order revoked by the Land and Environment Court and demolition on the structures is currently underway.
- The proposal has not adequately addressed consistency with Section 9.1 Ministerial Directions-6.1 Residential zones with regard to the R3 and R4 Medium and High Density Residential zonings under the North Sydney LEP 2013 that would allow development controls that provide capacity for higher densities under the current LEP.



16.9.2022

Charlene Nelson

Manager, Place and Infrastructure, North District



30 September 2022

Brendan Metcalfe

Director, Metro North

Metro Central and North

Assessment officer

Matthew Rothwell

Planning Officer, Metro North

8275 1066