

Mr Robert Emerson
Acting General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/2673

Via email: Marcelo.Occhiuzzi@northsydney.nsw.gov.au
Via Planning Portal

Attention: Marcelo Occhiuzzi, Manager, Strategic Planning

Dear Mr Emerson

Planning Proposal (PP-2022-2712) for heritage listing of 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne

I am writing in relation to planning proposal (PP-2022-2712) for the proposed heritage listing of 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne which was lodged on the planning portal on 28 July 2022.

The Department has undertaken a preliminary review of the planning proposal. I note Council's advice that on 7 March 2022 two interim heritage order's (IHO) were imposed under delegation by Council's General Manager on 115, 117, 119 and 131, 133 Holt Avenue respectively, and subsequently published in the NSW Government Gazette on 11 March 2022. It is also noted that these orders are subject to Class 1 appeal proceedings in the Land and Environment Court which seek the revocation of the orders. I understand that an outcome has been reached in one of these cases relating to 131 and 133 Holt Avenue.

Upon review of the information submitted on the planning portal for this planning proposal, it is considered that further justification is required to be provided in the planning proposal as follows to support this request. The Department requests Council to respond to the outcome of court proceedings and decision for Helm No. 18 Pty Ltd v North Sydney Council [2022] NSWLEC 1406 (29 July 2022) relating to 131 and 133 Holt Avenue, which was issued following lodgement of the planning proposal for Gateway determination.

The court findings for 131 and 133 Holt Avenue considered that the IHO has served its statutory purpose and subsequent research undertaken has established that neither 131 or 133 Holt Avenue are of heritage significance, and that 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 was also noted in the court decision that the property at 125 Holt Avenue was previously listed under the North Sydney LEP 2013 and was removed from Schedule 5 in a recent heritage review.

The Department requests Council to address the North Sydney Local Planning Panel's recommendations to Council on the matter from the meeting held 13 July 2022. In the opinion of the Panel, the subject properties require a more thorough and lengthy inquiry and the Panel advice was that it was 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. The proposal should provide more information as to why further work is not considered necessary to address the Panel's concerns that the listings do not meet the threshold under the Heritage Assessment Guidelines.

It is requested that Council withdraw the planning proposal and re-submit the proposal to address the above decisions and recommendations, as well as incorporate Council response to the outcome of the pending decision relating to the appeal for 115, 117 and 119 Holt Ave Cremorne once it is available.

Should you have any further enquiries about this matter, I have arranged for Brendan Metcalfe, Director of the Department's North District team to assist you. Mr Metcalfe can be contacted on

Yours sincerely

A handwritten signature in purple ink that reads "Alison McLaren".

Alison McLaren
Executive Director
Metro Central and North
Planning and Land Use Strategy
11/8/2022