



IRF23/2230

Gateway determination report – PP-2023-1627

Heritage Listing – 115-125 Holt Avenue, Cremorne

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Acknowledgement 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	Objective of planning proposal.....	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	5
1.6	Background	7
1.6.1	Gateway Determination (7 October 2022).....	9
1.6.2	Gateway Review (PP-2022-2712).....	9
1.6.3	Landowner Concerns.....	10
2	Need for the planning proposal	10
2.1	Independent Planning Commission Advice	10
2.2	GML Heritage Assessment Report.....	11
3	Strategic assessment	15
3.1	Regional Plan	15
3.2	District Plan	15
3.3	Local Planning Framework.....	15
3.3.1	North Sydney Local Strategic Planning Statement (LSPS)	15
3.3.2	North Sydney Local Housing Strategy (LHS)	16
3.3.3	Community Strategic Plan	16
3.4	Local planning panel (LPP) recommendation.....	17
3.5	Section 9.1 Ministerial Directions	17
3.6	State environmental planning policies (SEPPs)	18
4	Site-specific assessment	18
4.1	Environmental.....	18
4.2	Social and economic.....	18
4.3	Infrastructure	19
5	Consultation.....	19
5.1	Community	19
5.2	Agencies.....	19
6	Timeframe	20
7	Local plan-making authority	20
8	Assessment summary	20
9	Recommendation.....	20

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal Report (11 July 2023)
Attachment B – Heritage Assessment Report - GML Heritage (10 July 2023)
Attachment C – Letter requesting Gateway Determination (17 August 2023)
Attachment D – Site Identification Map
Attachment E – Proposed Heritage Map Sheet
Attachment F – Council Resolution and Report (14 August 2023)
Attachment G – North Sydney Local Planning Panel Minutes and Report (19 July 2023)
Attachment H – Previous PP-2022-2712 (refused) Gateway Determination (7 October 2023)
Attachment I – Independent Planning Commission Advice Report (9 March 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	North Sydney
PPA	North Sydney Council
NAME	Heritage Listing – 115-125 Holt Avenue, Cremorne
NUMBER	PP-2023-1627
LEP TO BE AMENDED	North Sydney LEP 2013
ADDRESS	115-125 Holt Avenue, Cremorne
DESCRIPTION	115 Holt Avenue, Cremorne – Lot 1 DP 929395 117 Holt Avenue, Cremorne – Lot 1 DP 980449 119 Holt Avenue, Cremorne – Lot 1 DP 929074 121 Holt Avenue, Cremorne – Lots 1 and 2 DP 135515 123 Holt Avenue, Cremorne – Lot 1 DP 947542 125 Holt Avenue, Cremorne – SP 11200
RECEIVED	17/08/2023
FILE NO.	IRF23/2230
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 Objective of planning proposal

The objective of the planning proposal is to amend the North Sydney Local Environmental Plan (LEP) 2013 to identify 6 properties at 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne as local heritage items. The objective of the planning proposal is considered to be clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 5 – Environmental Heritage of the North Sydney LEP 2013 to include the proposed local heritage items as drafted by Council (**Table 3**). As noted in the proposal, item numbers are indicative only and will be confirmed at the finalisation stage.

The GML Heritage Assessment Report commissioned by Council (**Attachment B**) concluded that the 6 properties meet the criterion for heritage listing at a local level in the following forms:

- The 'Holt Avenue Group' comprising 115-123 Holt Avenue, Cremorne (group listing)
- 'Carina', 125 Holt Avenue Cremorne (individual listing)

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 980449	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

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 six properties to be heritage listed are located on the northern side of Holt Avenue, Cremorne between Spofforth Street and Military Road. The sites are to the south of the Military Road corridor in an area comprising residential dwellings including low density housing and medium to high density residential flat buildings.

The proposed heritage listings are outlined in **Figure 1** below with 115 Holt Avenue to the east (right) and 125 Holt Avenue to the west (left).

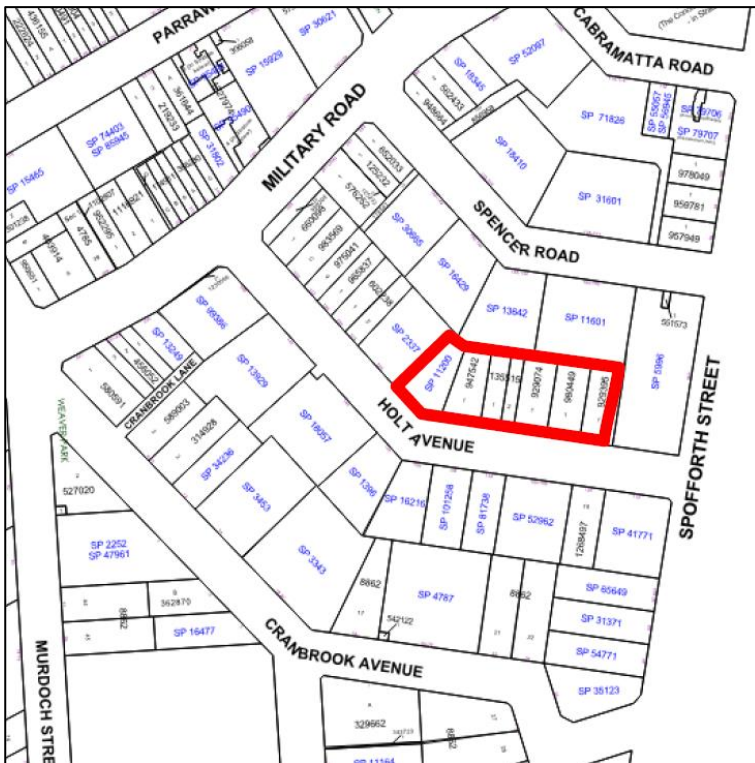




Figure 1 Subject sites (source: *planning proposal*)

Site location and descriptions

A description of each proposed heritage listing is provided in **Table 4**. The descriptions in the table have been summarised from the GML Heritage Assessment Report.

Table 4 Properties identified for potential heritage listing

Proposed House (Holt Avenue Group) heritage listing	
Site Description	<p>The properties at 115-123 Holt Avenue contain a group of detached Federation era Bungalow style houses set on large allotments with wide frontages. Each property is single storey and share similar elements. The group is largely intact when viewed from the street. Internally, the dwellings demonstrate some degree of intactness, particularly in the front section of the dwellings. The original layouts remain discernible while the rear of the dwellings have been extended and are distinctly contemporary in form and materiality.</p>
Site Images	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Figure 2. 115 Holt Avenue (source: <i>GML Heritage Assessment Report</i>)</p> </div> <div style="text-align: center;">  <p>Figure 3. 117 Holt Avenue (source: <i>GML Heritage Assessment Report</i>)</p> </div> </div>

Proposed House (Holt Avenue Group) heritage listing



Figure 4. 119 Holt Avenue
(source: *GML Heritage Assessment Report*)



Figure 5. 121 Holt Avenue
(source: *GML Heritage Assessment Report*)



Figure 6. 123 Holt Avenue (source: *GML Heritage Assessment Report*)

Proposed “Carina” (125 Holt Avenue) heritage listing

Site Description

125 Holt Avenue is a 2 storey brick masonry detached Federation bungalow. The Federation house was converted into apartments during the interwar period. Internally, the original structure was divided and converted into apartments. However, original and early interwar features have been retained.

While the apartments have been modified with contemporary fit outs to the kitchen and bathrooms, they demonstrate a relatively high degree of intactness and remain discernible as Federation / interwar apartments.

Site Image



Figure 7. 125 Holt Avenue (source: *GML Heritage Assessment Report*)

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 North Sydney LEP 2013 Heritage Map to include 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne (**Figure 10**). None of these sites are currently featured on the heritage map (**Figure 9**).

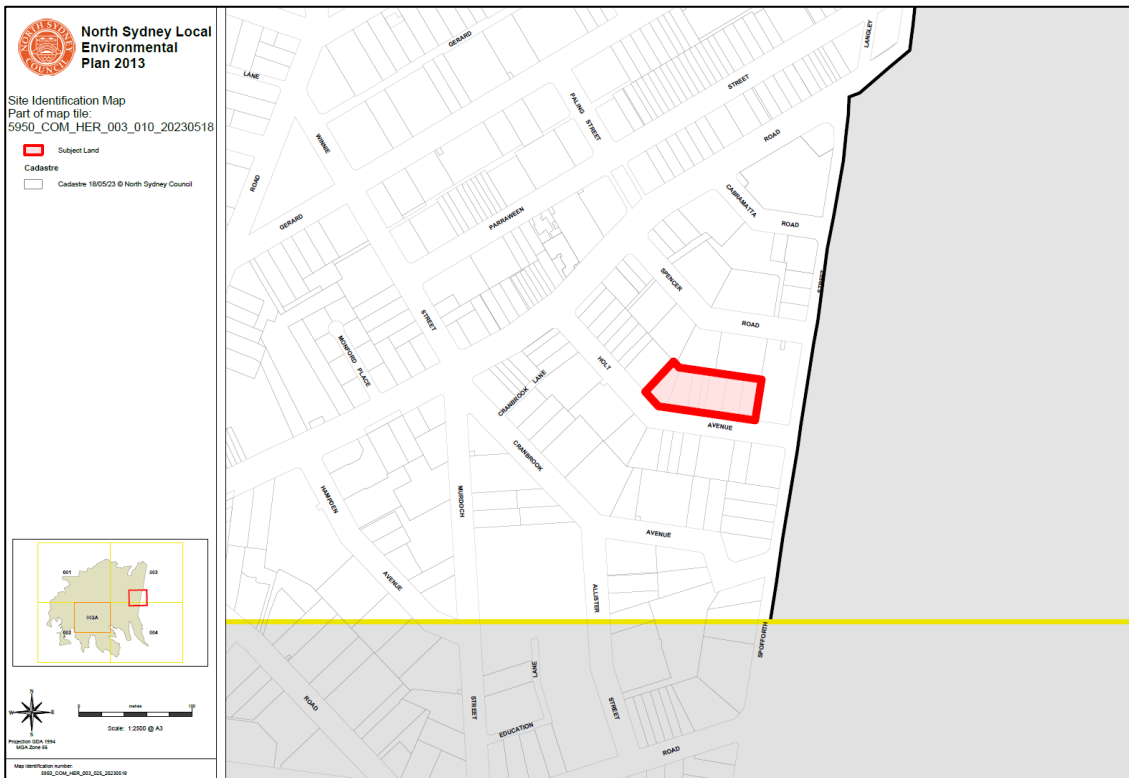


Figure 8 Site identification map, subject sites highlighted (source: *planning proposal*)

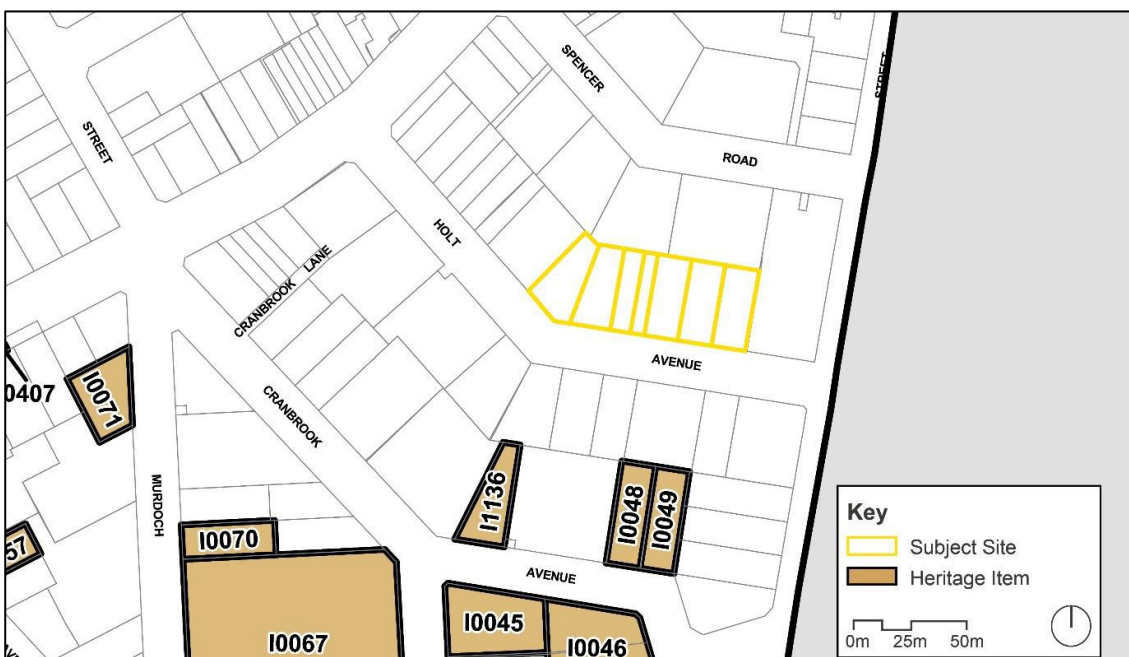


Figure 9 Current heritage map (source: *GML Heritage Assessment Report*)

The map shows a residential area with various streets and buildings. A large area is outlined in red with diagonal lines, indicating an existing Heritage Conservation Area (HCA). Within this area, several buildings are marked with orange numbers, including 10066, 10065, 10064, 10063, 10062, 10061, 10060, 10059, 10058, 10057, 10056, 10055, 10054, 10053, 10052, 10051, 10050, 10049, 10048, 10047, 10046, 10045, 10044, 10043, 10042, 10041, 10040, 10039, 10038, 10037, 10036, 10035, 10034, 10033, 10032, 10031, 10030, 10029, 10028, 10027, 10026, 10025, 10024, 10023, 10022, 10021, 10020, 10019, 10018, 10017, 10016, 10015, 10014, 10013, 10012, 10011, 10010, 10009, 10008, 10007, 10006, 10005, 10004, 10003, 10002, 10001. A yellow rectangle highlights a specific site. A scale bar at the bottom left indicates 0m, 100m, and 200m. A north arrow is located at the bottom right.

NSW Department of Planning and Environment | 6

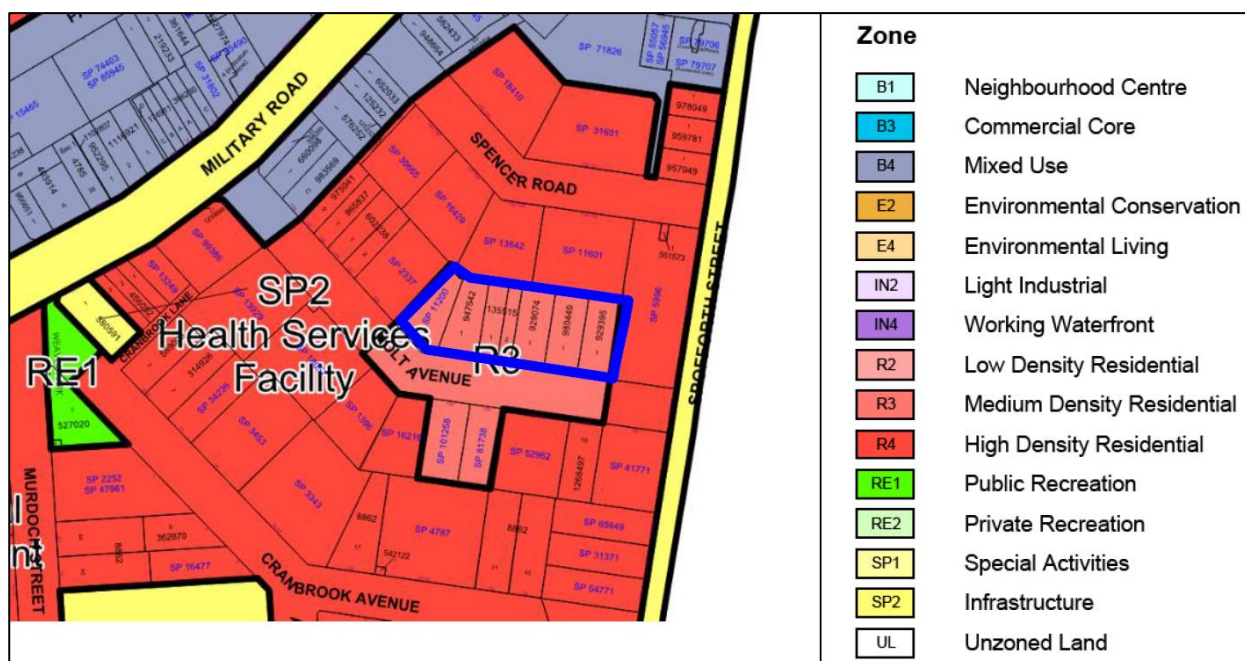


Figure 12 Current land zoning map, subject sites outlined blue (source: *planning proposal*)

1.6 Background

A summarised timeline of all background events relevant to this planning proposal is provided in **Table 5**. A previous planning proposal for the properties at 115-125 and 131-133 Holt Avenue, Cremorne was not supported to progress by the Department at Gateway assessment and was subject to a Gateway review by the Independent Planning Commission. Council has addressed matters raised during the Gateway review in this planning proposal.

Table 5 Timeline of background to the planning proposal

Date	Background Event
1981, 1993 & 2007	LGA wide heritage studies undertaken on behalf of Council. 125 Holt Avenue, Cremorne was identified as having heritage significance under the 1993 heritage review and was listed as a heritage item within the NSLEP 2001. Following the 2007 heritage review, 125 Holt Avenue, Cremorne was removed as a heritage item under NSLEP 2013.
9 August 2021	Development application (DA 243/21) was lodged with Council seeking the demolition of existing structures and construction of a 3 storey residential flat building with basement parking at 115-119 Holt Avenue, Cremorne. This DA is currently the subject of a NSW Land and Environment Court (LEC) appeal lodged on 30 July 2022 against Council's deemed refusal. This matter is ongoing.
11 March 2022	Council imposed an IHO on 115, 117, 119 Holt Avenue, Cremorne. This IHO was published in the NSW Government Gazette and expired after 12 months on 11 March 2023.

Date	Background Event
13 July 2022	North Sydney Local Planning Panel (NSLPP) considered previous planning proposal (PP-2022-2712) and did not support it proceeding to Gateway determination. The NSLPP recommended a more thorough and lengthy inquiry be undertaken to reconcile whether the properties warrant local heritage listing.
28 July 2022	Council lodged a planning proposal seeking to heritage list the properties 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne (PP-2022-2712), following the council resolution on 25 July 2022.
11 August 2022	The Department requested planning proposal (PP-2022-2712) be withdrawn and re-submitted to address the concerns outlined in the Department's letter. Council responded to this letter on 23 August 2022 requesting the previous proposal proceed in its submitted form to consider a Gateway determination.
17 August 2022	A Class 1 LEC appeal seeking the revocation of the IHO imposed by Council was dismissed. The IHO was retained.
7 October 2022	The Department issued a Gateway determination for planning proposal (PP-2022-2712) not to proceed.
22 November 2022	Council sought a Gateway Review for the previous planning proposal (PP-2022-2712).
9 March 2023	<p>The IPC issued its Commission's Advice Report on the Gateway review that recommended the previous planning proposal should not proceed past Gateway.</p> <p>The IPC was of the view further investigation may support a finding the subject sites are of heritage significance and advised Council should be given an opportunity to conduct further inquiry and submit a new planning proposal.</p> <p>The Department wrote to Council on 15 March 2023 advising a new planning proposal could be submitted for Gateway assessment and should address the recommendations of the IPC.</p>
2 March 2023	The Minister for Environment and Heritage imposed a new IHO on 115, 117 and 119 Holt Avenue, Cremorne for 12 months to expire on 2 March 2024.
4 April 2023	<p>A new development application (DA 115/23) was lodged with Council seeking the demolition of 3 existing houses at 115, 117 and 119 Holt Avenue and ancillary works, and construction of a 3 storey residential flat building containing 16 dwellings, basement parking and rooftop communal open space.</p> <p>As stated in the proposal, lodgement of this DA benefits from the savings provision implemented with the North Sydney LEP 2013 Amendment 35 on 19 May 2023 that prohibited RFBs in the R3 Medium Density Residential zone.</p>
July 2023	A revised heritage assessment report was prepared by GML Heritage.
19 July 2023	NSLPP recommended the proposal proceed to Gateway assessment and were satisfied the updated proposal addresses the issues raised by the IPC.
14 August 2023	Council resolved to forward the planning proposal for Gateway determination.

Date	Background Event
17 August 2023	Planning proposal lodged seeking to heritage list the properties 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne.
21 August 2023	The Minister for Heritage revoked the IHO applying to 115, 117 and 119 Holt Avenue, Cremorne.
25 August 2023	Council informed the Department it had received a notification of intent to issue a CDC for demolition for 115-119 Holt Avenue.

1.6.1 Gateway Determination (7 October 2022)

A previous planning proposal (PP-2022-2712) was lodged with the Department on 28 July 2022. This proposal sought to heritage list the properties at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne.

A Gateway determination (**Attachment H**) was issued on 7 October 2022 that the planning proposal should not proceed for the following reasons:

1. The Department does not support the local heritage listing of the properties without further inquiry, research and justification.
2. The Department provided Council an opportunity to withdraw, update and resubmit the proposal in response to the latest information, court decisions and heritage studies.
3. The Department does not support the listing of 131 and 133 Holt Avenue due to their demolition.
4. Section 9.1 Ministerial Direction 6.1 Residential Zones has not been adequately addressed.
5. The North Sydney Local Planning Panel did not support the planning proposal.
6. Land and Environment Court decision relating to the Interim Heritage Order imposed on 115-119 Holt Avenue, Cremorne.
7. 125 Holt Avenue was previously de-listed as a local heritage item due to lack of heritage significance.

Council's new planning proposal responds the reasons for refusal of the previous Gateway determination.

1.6.2 Gateway Review (PP-2022-2712)

Council wrote to the Department on 11 October 2022 informing of its intention to seek a Gateway review from the IPC. On 22 November 2022 Council formally submitted a Gateway Review request to the Department.

The Department proceeded to request the advice of the IPC on 8 February 2023. The IPC considered all relevant documents including responses to the Gateway conditions from Council and the Department. Separate meetings were held with the IPC to discuss each party's position on 23 February 2023 with transcripts of these meetings available to view on the IPC website.

The IPC issued its Advice Report (**Attachment I**) on 9 March 2023 where it advised the planning proposal as submitted should not proceed past Gateway. The IPC found the listing of the subject residences as local heritage items had not been sufficiently justified.

The IPC was of the view that further investigation may support a finding that the subject properties are of heritage significance. It was advised that Council be given the opportunity to conduct further inquiry and submit a new planning proposal.

The IPC recommended that any new planning proposal submitted by Council should:

- not include the demolished residences at 131-133 Holt Avenue, Cremorne;
- clearly set out the basis of the nomination (i.e. group and/or individual listing);
- give consideration of the LEC findings, NSLPP recommendations, Department's Gateway determination and matters raised in this Advice Report;
- address Section 9.1 Ministerial Direction 6.1 in further detail; and
- respond directly to the findings of the heritage reports considered by the Commission. This includes the reports provided by landowners.

On receipt of this advice, the Department wrote to Council on 15 March 2023 advising a new planning proposal could be submitted for Gateway assessment, that is updated to address the recommendations outlined in the IPC advice. It is noted Council has directly responded to the IPC advice in this proposal. An assessment of this proposal's response to the IPC advice is in Section 2.1 below.

1.6.3 Landowner Concerns

The Department notes receipt of correspondence from the landowners of 115-119 Holt Avenue, Cremorne and their legal representatives regarding the process undertaken by Council, the North Sydney Local Planning Panel recommendation (LPP) and the appropriateness of the proposed heritage listings. This correspondence included the findings of five new reports commissioned by the landowner dated August 2023.

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. It is noted the North Sydney LPP supports this proposal to proceed to Gateway determination.

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.

The public exhibition period will provide an opportunity for submissions to be made and considered in relation to the planning proposal.

2 Need for the planning proposal

A planning proposal is the best means of achieving the intended outcomes to list the subject properties as local heritage items prior to the expiry of the IHO currently applying to the 115-119 Holt Avenue sites.

The planning proposal is a result of the recommendations of the IPC's Advice Report dated 9 March 2023 in response to Council's request for a Gateway Review relating to a previous planning proposal (PP-2022-2712). This planning proposal addresses the matters raised by the IPC and the Department.

2.1 Independent Planning Commission Advice

The Department's assessment of the updated planning proposal against the advice and recommendations received by the IPC on 9 March 2023 (**Attachment I**) is outlined in **Table 6**.

Table 6 Summary of how the new planning proposal responds to the IPC advice

IPC Advice	Planning Proposal Response
Further investigation may support a finding that the subject residences are of heritage significance and advises that Council should be given the opportunity to conduct further inquiry and submit a new planning proposal	<p>The planning proposal is supported by a revised heritage assessment report completed by GML Heritage. GML has included additional assessment on the integrity of the properties and additional historical research to further justify that the properties meet the threshold for local heritage listing.</p> <p>The Department is satisfied in the context of the NSLPP support of this new proposal, that Council has adequately addressed this advice.</p>
Any new planning proposal should not include the demolished residences at 131-133 Holt Avenue	The new planning proposal does not apply to the demolished residences at 131-133 Holt Avenue, Cremorne.
Any new planning proposal should clearly set out the basis of the nomination (i.e. group and/or individual listing)	<p>The planning proposal clearly delineates 115-123 Holt Avenue are a group heritage listing, while 125 Holt Avenue is an individual listing.</p> <p>It is noted different item numbers are proposed for each listing, with 115-123 Holt Avenue grouped by name.</p>
Any new planning proposal should give consideration to the LEC findings, NSLPP recommendations, Department's Gateway determination and matters raised in this Advice Report	<p>The planning proposal contains a series of tables and sections that state Council's response to each item raised by the IPC and relevant decisions and determinations.</p> <p>The Department is satisfied that the revised heritage assessment report and planning proposal adequately respond to the matters identified by the IPC, to allow it to proceed to exhibition. The Department notes the NSLPP is satisfied the new proposal addresses the issues raised by the IPC and supported it proceeding to Gateway assessment.</p>
Any new planning proposal should address Section 9.1 Ministerial Direction 6.1 in further detail	An assessment of the new planning proposal against all relevant Ministerial Directions is in Table 16 of Section 3.5 of this report.
Any new planning proposal should respond directly to the findings of the heritage reports considered by the IPC	<p>GML Heritage in its revised assessment report has provided responses to the multiple heritage assessment reports provided by the landowner as required by the IPC recommendations.</p> <p>The Department is satisfied this matter has been adequately addressed by GML and conveyed by Council in the planning proposal.</p>

2.2 GML Heritage Assessment Report

The planning proposal is consistent with the recommendations of the revised GML Heritage Assessment Report (**Attachment B**) dated 10 July 2023 commissioned by Council. The assessment recommended that Council prepare a planning proposal to list the 6 properties in the following form:

- The 'Holt Avenue Group' comprising 115, 117, 119, 121 and 123 Holt Avenue, Cremorne as a group heritage item.
- 'Carina', 125 Holt Avenue, Cremorne as an individual heritage item.

The items were assessed in accordance with the standard criteria established in the NSW Heritage Office guidelines and set out below in **Table 7**. 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 as the recommended group and individual item.

Table 7 Summary of Assessment of Significance

Address	Assessment of Significance						
	a) historic	b) association	c) aesthetic	d) social	e) research potential	f) rarity	g) representative- ness
115-123 Holt Avenue	✓	✓	✓	✗	✗	✓	✓
125 Holt Avenue	✓	✓	✓	✗	✗	✓	✓

The following summarises the heritage assessment conducted by GML.

Criterion a) Historical Significance

Regarding 'historical significance', GML identifies both proposed listings meet the criteria at a local level on account of the findings summarised in **Table 8**.

Table 8 Summary of GML findings for Criterion a) Historical Significance

Site Address	Criterion a) Historical Significance
115-123 Holt Avenue	<ul style="list-style-type: none"> • When viewed as a group, the properties form an important part of the streetscape. • Provide rare evidence of the phenomenon of speculative development throughout the Cremorne area. They are now a rare physical example of the practice of speculative development in Cremorne. • Despite modifications to the interiors and rears, the buildings collectively display a high degree of integrity externally.
125 Holt Avenue	<ul style="list-style-type: none"> • Designed as a 2 storey private residence, it was initially grand in its local environment compared to modest single storey dwellings along Holt Avenue. • Is one of a small number of 2 storey bungalows created for middle-class owners towards the north of Cremorne. • Conversion of a grand predominant house is communicative of the need to introduce additional housing in proximity to transport routes.

Criterion b) Historical Associational Significance

Regarding 'historical associational significance', GML found both proposed listings meet the criteria at a local level on account of the findings summarised in **Table 9**. It is noted GML did not previously identify the properties as meeting this criterion. The assessment has been updated in the July 2023 revision.

Table 9 Summary of GML findings for Criterion b) Historical Associational Significance

Site Address	Criterion b) Historical Associational Significance
115-123 Holt Avenue	<ul style="list-style-type: none"> Edward Skelton Garton was a significant architect at a local level. Properties 119 and 123 are Garton's work and 115 and 117 are likely works by Garton but no documentary confirmation of this has been obtained. Properties represent Garton's work on modest speculative homes. Architectural style incorporated by Garton remains discernible and the buildings, despite minor modifications, are good examples of Garton's works.
125 Holt Avenue	<ul style="list-style-type: none"> Is associated with the builder Richard Henry Pierce and architect Edward Skelton Garton who were locally active in the period and responsible for several dwellings. The property shows stylistic similarities to other dwellings designed by Garton.

Criterion c) Aesthetic Significance

Regarding 'aesthetic significance', GML identifies both proposed listings meet the criteria at a local level on account of the findings summarised in **Table 10**.

Table 10 Summary of GML findings for Criterion c) Aesthetic Significance

Site Address	Criterion c) Aesthetic Significance
115-123 Holt Avenue	<ul style="list-style-type: none"> Properties are typical Federation bungalows, sharing characteristic elements of the typology. As a group, the properties retain their original siting and setbacks. They maintain a consistent low-rise scale, building line and demonstrate similar roof forms. The dwellings display a high degree of design integrity and retain their visual appeal along the streetscape.
125 Holt Avenue	<ul style="list-style-type: none"> A 2 storey Federation bungalow with restrained elements of the Queen Anne and Arts and Crafts styles. It is aesthetically representative of middle-class housing which would have been more common towards transport routes along Military Road. Property is well maintained, conserves its Federation presentation and retains its setback and landscaped garden that contribute to the character of the streetscape.

Criterion d) Social Significance

Regarding 'social significance', GML identifies neither proposed listing meets the threshold for listing under this criterion.

Criterion e) Research Potential

Regarding 'research potential', GML identifies neither proposed listing meets the threshold for listing under this criterion.

Criterion f) Rarity

Regarding 'rarity', GML identifies both proposed listings meet the criteria at a local level on account of the findings summarised in **Table 11**.

Table 11 Summary of GML findings for Criterion f) Rarity

Site Address	Criterion f) Rarity
115-123 Holt Avenue	<ul style="list-style-type: none"> These developments established a residential character and scale in the area, with the group demonstrating the shared architectural character, and consistent form and siting typical of such a group. Similar properties have since been lost to development in Cremorne. The group now provides a rare example of what was once a widespread development. Overall external integrity is high, and they can be readily understood as a group.
125 Holt Avenue	<ul style="list-style-type: none"> A rare remnant example of a 2 storey Federation bungalow in the central Cremorne area. It is rare as a grander example of middle-class housing. Significance as a rare example of a transitional building demonstrating the shift in development focus at the end of the Federation period to flat buildings.

Criterion g) Representativeness

Regarding 'representativeness', GML identifies both proposed listings meet the criteria at a local level on account of the findings summarised in **Table 12**.

Table 12 Summary of LSJ findings for Criterion g) Representativeness

Site Address	Criterion g) Representativeness
115-123 Holt Avenue	<ul style="list-style-type: none"> Properties maintain the subdivision pattern of the 1885 Longview Estate and are representative of an early period of intensive subdivision in the Cremorne area. Properties are also representative of the phenomenon of speculative development in the Cremorne area. The modifications do not diminish the representative value of the group. The group demonstrates a high degree of integrity externally.
125 Holt Avenue	<ul style="list-style-type: none"> Property is a characteristic 2 storey Federation bungalow. The property was designed as a middle-class private dwelling and is a good example of its typology and was historically grand in its immediate setting. Historically, it is representative of the transition from Federation to interwar housing. Having been converted to flats in the interwar period, the property is demonstrative of the built form response to the influx of workers in this period.

3 Strategic assessment

3.1 Regional Plan

The following **Table 13** provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 13 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13 – Environmental heritage is identified, conserved and enhanced	<p>The planning proposal will achieve outcomes of protecting and preserving the built form heritage of the Cremorne area for its social, aesthetic, economic, historic and environmental values. The proposal will retain items that contribute to the place and character of the Cremorne area.</p> <p>The heritage value of the potential listings is supported by a detailed heritage assessment conducted by GML Heritage and is consistent with the recommendations of the revised report.</p> <p>Council commissioning GML to conduct a heritage assessment and its findings indicate the planning proposal is consistent in its intentions with this objective.</p>

3.2 District Plan

The North District 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 14** includes an assessment of the planning proposal against relevant priorities.

Table 14 District Plan assessment

District Plan Priorities	Justification
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 proposal is consistent with this priority as it seeks to list 6 properties on Holt Avenue as local heritage items under Schedule 5 of the North Sydney LEP 2013.</p>

3.3 Local Planning Framework

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.

Table 15 includes an assessment of the planning proposal against the relevant priority of the LSPS.

Table 15 Local strategic planning assessment

Local Strategies	Justification
L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage	<p>The planning proposal identifies and preserves the environmental heritage environmental heritage in the Cremorne area. It retains the character and heritage of Cremorne.</p> <p>The proposal is consistent with the purpose of this priority.</p>

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 notes the North Sydney LHS intends to continue relying on existing capacity within residential zoned land across the LGA to meet future dwelling targets of the North Sydney LGA. The proposal also notes North Sydney LEP 2013 (Amendment 35) that came into effect on 19 May 2023. This amendment prohibited construction of new RFBs in the R3 Medium Density Residential zone.

Council’s analysis indicates a modest loss in potential gross floor area (GFA) will result from retaining the existing 6 buildings for the purposes of heritage listing. Council state the proposed heritage listing of these 6 dwellings in the R3 Medium Density Residential zone would have a minor but justifiable inconsistency with the LHS. This is in the context of recently approved planning proposals and those currently under assessment within various locations including the North Sydney CBD positively contributing towards meeting Council’s dwelling targets.

DPE Comment

The housing potential identified in the LHS did not include potential additional dwellings that could be achieved in the redevelopment of Residential Flat Buildings in the R3 Medium Density Residential zone. The inclusion of RFBs in the R3 zone was to address existing use rights issues and it was not included in the calculations of Council’s housing supply forecasts. It is noted however that the development applications that were lodged prior to this amendment are subject to a savings provision implemented in North Sydney LEP 2013 (Amendment 35).

As the LHS does not include the potential RFB developments proposed at 115-119 Holt Avenue, Cremorne, the planning proposal is not considered to have any impact on supplying housing under the LHS. It is further noted that heritage listing does not preclude development from occurring.

3.3.3 Community Strategic Plan

The North Sydney Vision 2040 Community Strategic Plan 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 Our Innovative City**
Outcome 3.2 Distinctive sense of place and design excellence
- **Direction 4 Our Social Vitality**
North Sydney’s history is preserved and recognised

The planning proposal is consistent with these directions and outcomes as it proposes to preserve and recognise local heritage items.

3.4 Local planning panel (LPP) recommendation

The planning proposal was considered by the North Sydney LPP on 19 July 2023 (**Attachment G**) where it was unanimously recommended the planning proposal proceed to Gateway. The LPP recommendation is:

The Panel is satisfied the updated revised report addresses the issues raised by the IPC. In particular, the Panel notes that this is a new Planning Proposal and the heritage significance of the group (115-123 Holt Ave, Cremorne), requires an assessment that includes the cohesiveness and integrity of the external fabric of the group. In addition the individual listing of (125 Holt Avenue, Cremorne), as a local heritage item has been considered in the revised heritage report. Given the above defined criteria, the Panel is of the opinion the Planning Proposal should proceed to exhibition.

As such, the Panel, recommends to the Council that the Planning Proposal proceed to Gateway – and any draft instrument should provide clear explanatory notes for the ‘group listing’.

It is noted the North Sydney LPP considered the previous planning proposal (PP-2022-2712) on 13 July 2022 and unanimously recommended the proposal not be supported as heritage listing of the properties required a more thorough and lengthy review to fully reconcile whether they warrant being heritage listed.

DPE Comment

The Department notes the LPP support of the current proposal having been satisfied the revised heritage report addresses the issues raised by the IPC. The recommendation that the heritage assessment of the group include the cohesiveness and integrity of the external fabric of the group appears to be addressed in the revised GML Heritage Assessment Report.

Council has clearly delineated the proposed forms of heritage lists as a group and individual item. Council as the local plan-making authority will be responsible for providing clear and adequate drafting instructions to Parliamentary Counsel.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 16** below:

Table 16 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 6 properties as items of local heritage that has resulted from the recommendations of a revised detailed assessment completed by GML. The proposal is consistent with this direction as an assessment was undertaken in accordance with the NSW Heritage Office guidelines.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
6.1 Residential Zones	Justifiably inconsistent	<p>This direction aims to encourage a variety and choice of housing types for existing and future housing needs, make efficient use of existing infrastructure and services 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 it has a justifiable minor inconsistency with this direction. Council recognises the proposal does not contain a specific provision that would directly reduce the permissible residential density of the land.</p> <p>Council's analysis indicates a modest loss in GFA will result from retaining the existing 6 buildings for the purpose of heritage listing. Council consider in the context of the recent prohibition of RFBs in the R3 Medium Density Residential zone, the proposal will have a marginal implication on potential GFA loss.</p> <p><u>DPE Comment</u></p> <p>The Department considers Council has adequately addressed this direction. The Department notes 125 Holt Avenue is an existing RFB featuring 4 dwellings that are currently occupied. It is further noted the introduction of North Sydney LEP 2013 (Amendment 35) included a savings provision that applies to the DAs lodged on 115-1119 Holt Avenue, which continues to allow consideration of the DA for the site, for the prohibition of RFBs in the R3 zone.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal states that it is consistent with the relevant SEPPs.

The proposal is not considered to be in conflict with any relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not likely to 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 17** provides an assessment of the potential social and economic impacts associated with the proposal.

Table 17 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal notes during the assessment of the two DAs applying to 115-119 Holt Avenue, Council received a number of community submissions based on heritage grounds.</p> <p>The proposal is anticipated by Council to address community concerns and is supported by the revised heritage assessment conducted by GML which establishes the heritage justification of the proposed listings.</p> <p>The report to Council's meeting of 14 August 2023 (Attachment F) indicates following publication of Council's assessment report to the NSLPP, the LPP received 42 submissions supporting the proposed heritage listings and 7 submissions in opposition to the proposed heritage listings.</p> <p><u>DPE Comment</u></p> <p>Public exhibition of the planning proposal will provide the opportunity for the community and landowners to comment on the proposed heritage listings.</p>
Economic	<p>The Department acknowledges that there is likely to be economic impacts on landowners as the proposal seeks to heritage list properties and reduce the redevelopment capability of the sites. There has been a significant economic impact on landowners that have obtained multiple heritage studies in response to the original findings of GML supporting the previous planning proposal.</p>

4.3 Infrastructure

There is no significant infrastructure demand resulting from the planning proposal as it would reduce the potential development capacity of the sites. The proposal does not include amendments to planning controls that would facilitate intensified development. The proposed heritage listings are unlikely to generate additional infrastructure requirements.

5 Consultation

5.1 Community

Council's timeline indicates public exhibition should take place during October 2023.

The Department recommends an exhibition period of 20 working days. A condition to this effect has been included in the Gateway determination.

5.2 Agencies

Council has nominated the following agencies be consulted on the planning proposal:

- Heritage Council of NSW;
- North Shore Historical Society; and
- National Trust.

It is noted the Gateway determination does not require agency consultation.

6 Timeframe

Council proposes an approximate 6 month time frame to complete the LEP.

The Department recommends a time frame of 8 months to ensure it is completed in line with its commitment to reduce processing times. This timeframe accounts for the Christmas period to occur after exhibition. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit the proposal by a specified milestone date.

As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 2 months.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Given the nature of the planning proposal, the Department does not authorise Council to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is adequately updated to address the IPC findings on the previous planning proposal (PP-2022-2712). It is noted the North Sydney LPP concurs this proposal has adequately addressed the IPC recommendations for inclusion in this new proposal;
- the proposed heritage listings are supported by a revised assessment of heritage significance that identifies the sites meet the threshold for local heritage listing in the proposed forms; and the assessment was undertaken in accordance with the NSW Heritage Office guidelines;
- the proposal is consistent with the priorities of the Greater Sydney Region Plan, North District Plan and applicable North Sydney Council local plans, and is consistent or justifiably inconsistent with relevant Section 9.1 Ministerial Directions; and
- the proposal intends to recognise and provide ongoing protection to items of potential heritage significance.

It is noted the proposal must be updated before consultation to update the proposed heritage map to the current heritage map sheet following heritage listing of 15 Allister Street, Cremorne on 11 August 2023.

9 Recommendation

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act.

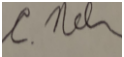
Gateway Conditions

1. Prior to public exhibition, the planning proposal mapping is to be updated to include the proposed listings on the current heritage map sheet following listing of 15 Allister Street, Cremorne on 11 August 2023.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **2 months** following the date of the gateway determination.

- 3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act
- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 5. The LEP should be completed within **8 months** of the date of the Gateway determination.



1/9/2023

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5 September 2023

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