



PLANNING PROPOSAL

115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne

V2_6 September 2023
(For Public Exhibition)

1 INTRODUCTION

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

The primary intent of the Planning Proposal is to identify the properties at 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne as heritage items under NSLEP 2013. In particular, the proposed amendment seeks to include 115-123 Holt Avenue as a group item and 125 Holt Avenue as an individual heritage item within Schedule 5 – *Environmental Heritage* and have them identified as heritage items of local significance on the Heritage Map to NSLEP 2013.

This Planning Proposal arises following the recommendations of the Independent Planning Commission's (the Commission) Advice Report dated 9 March 2023 in response to Council's request for a Gateway Review in relation to a previous Planning Proposal, PP-2022-2712.

Based on the recommendations of the Advice Report, the Department of Planning and Environment (DPE) subsequently advised Council on 15 March 2023 that it would be receptive to preparation of a new planning proposal in order to address the recommendations outlined in the Commission's advice.

The Planning Proposal is supported by a revised heritage assessment completed by a suitably qualified heritage consultant, Godden Mackay Logan (GML) in July 2023.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the DPE's *"Local Environmental Plan Making Guideline"* (September 2022).

This Planning Proposal addresses strategic and site-specific merit considerations for the proposed heritage listing and the matters previously raised by the Commission, the DPE and the North Sydney Local Planning Panel for progression to Gateway Determination.

2 BACKGROUND

2.1 Previous Planning Proposal (PP 2022-2712)

In July 2022, North Sydney Council submitted Planning Proposal (PP 2022-2712) to the DPE seeking a Gateway Determination which sought to identify and list properties at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne as local heritage items under NSLEP 2013.

In October 2022, the DPE issued a Gateway Determination advising that the Planning Proposal should not proceed due to the following reasons:

1. *The Department does not support the local heritage listing of the properties specified in this proposal without further inquiry, research and justification as reasoned in this determination to support any progression of the proposal. The Department notes a number of heritage assessments have been conducted by landowners in response to this planning proposal with findings contrary to that identified in Council's commissioned assessment by GML that outline the extent of modifications to the subject properties.*
2. *The Department wrote to Council 11 August 2022 to provide an opportunity to withdraw, update and resubmit the planning proposal in response to the latest information, court decisions and heritage studies. Council declined this offer and requested that the Gateway determination was made based on the planning proposal as submitted.*
3. *The planning proposal in its current form seeks to heritage list 131 and 133 Holt Avenue where the Interim Heritage Order has been revoked with the Land and Environment Court unequivocally establishing that neither 131 nor 133 Holt Avenue are of heritage significance. The demolition of the properties has commenced and therefore the listing of these properties is not supported.*
4. *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.*
5. *The Department notes the opinion of the North Sydney Local Planning Panel's 13 July 2022 consideration that due to the extent of alterations and additions to the subject properties, the proposal in its current form lacks both site specific and strategic merit. The Panel in its recommendation was not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines.*
6. *The Interim Heritage Order appeal relating to the properties 115, 117 and 119 Holt Avenue although dismissed, outlines the Land and Environment Court decision on the view that on the basis of the 2022 GML assessment, there is a real chance that further inquiry may support a finding that the properties are of heritage significance. Council has not provided any further inquiry or investigation to satisfy the decision to uphold the Interim Heritage Order on the sites.*
7. *The property at 125 Holt Street was previously de-listed as a local heritage item due to lack of heritage significance.*

2.2 Independent Planning Commission, Advice Report of 9 March 2023

In response to the Gateway Determination not to proceed with the previous Planning Proposal, Council submitted a *Notice of Intent* to the DPE seeking a Gateway Review via the Independent Planning Commission (the Commission) on 11 October 2022.

On 21 November 2022, Council submitted its formal Gateway Review Request to the DPE. The Commission received the request for advice relating to the above on 8 February 2023.

On 23 February 2022, a hearing was convened by the Commission and representations made by Council staff, the Mayor and Council's heritage specialists.

On 9 March 2023, The Commission's Advice Report, *Holt Avenue Cremorne Gateway Review PP-2022-2712/GR- 2022-22* was released and recommended that the Planning Proposal should not proceed past Gateway Determination.

However, the Commission's report also recommended that should Council wish to pursue a listing, that further heritage inquiry be carried out to justify the proposed heritage listing of the subject items and lodge a new planning proposal. The following is an extract from the Commission's advice report:

34. *The Commission has undertaken a review of the Gateway Determination as requested by the Department. In doing so, the Commission has considered the Material (see section....), including heritage reports, Council and Department submissions, and the reasons given the Department's Gateway Report.*
35. *For the reasons set in this Advice Report, the Commission finds that the listing of the subject residences as local heritage items under Schedule 5 NSLEP 2013 has not been sufficiently justified.*
36. *The Commission advises that the Planning proposal as submitted should therefore not proceed past Gateway.*
37. *The Commission is of the view however that further investigation may support a finding that the subject residences are of heritage significance and advised that Council should be given the opportunity to conduct further inquiry and submit a new planning proposal.*
38. *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 nomination (i.e. group and/or individual listing);*
 - *give consideration to the LEC findings, NSLPP recommendations, Department's Gateway Determination and matters - raised this Advice Report;*
 - *address Section 9.1 Ministerial Direction 6.1 in further detail;*
 - *respond directly to the findings of the heritage reports (see Table ...)*

A response to the above matters is included at Section 4.5.4 - *Section D – State and Commonwealth interests* to this Planning Proposal.

2.3 Interim Heritage Orders

On 7 March 2022, Council (under delegation) imposed an IHO over the properties at 115, 117, 119, 131 and 133 Holt Avenue, Cremorne. Notice of the IHO was published in the NSW Government Gazette on 11 March 2022 (refer to Appendix 1).

On 29 July 2022, the Land and Environment Court amended the IHO to specifically exclude 131 and 133 Holt Avenue.

Due to the time taken associated with the consideration being given to the Gateway Review Request, Council made a request to the Minister for Environment and Heritage to impose a new IHO over 115, 117 and 119 Holt Avenue to effectively extend the temporary protection afforded to 115, 117 and 119 Holt Avenue, Cremorne and allow Council sufficient time to proceed with a proposed amendment to NSLEP 2013 to list the properties as heritage items.

On 2 March 2023, the Minister for Environment and Heritage imposed a second IHO (No. 168) over 115, 117 and 119 Holt Avenue, Cremorne. Notice of the IHO was published in the NSW Government Gazette on the same day (Refer to Appendix 2). This IHO supersedes the IHO issued by Council in March 2022.

However, on 17 August 2023, the Minister for Environment and Heritage revoked IHO No. 168 that applied to the subject sites at 115, 117 and 119 Holt Avenue, Cremorne. Notice of revocation of the IHO was published in the NSW Government Gazette on 21 August 2023 (Refer to Appendix 3).

2.4 Land and Environment Court Appeals

Separate Appeals by were made to the Land and Environment Court against the imposition of the Council issued IHO by the owners of 131-133 Holt Avenue (DA 239/21) and 115-119 Holt Avenue (DA 243/21) respectively.

On 6 and 7 June 2022, the Land and Environment Court heard the Appeal for 131-133 Holt Avenue against the IHO. On 29 July 2022, the Court upheld the applicant's appeal and effectively removed the IHO from applying to 131-133 Holt Avenue.

The properties at 131 and 133 Holt Avenue were subsequently demolished following the Court decision.

On 18 and 19 July 2022, the Land and Environment Court heard the Appeal for 115-119 Holt Avenue against the IHO. On 17 August 2022 the Court dismissed the applicant's appeal, resulting in the IHO continuing to apply.

2.5 Active Development Applications

DA 243/21 was lodged with Council on 9 August 2021, seeking the demolition of existing structures and construction of a residential flat building with basement parking at 115, 117 and 119 Holt Avenue, Cremorne. This DA is currently the subject of a Court Appeal against Council's deemed refusal. The Court hearing of this DA is an ongoing matter.

On 4 April 2023, a new development application (DA 115/23) was lodged with Council seeking the demolition of three existing dwelling houses at 115, 117 and 119 Holt Avenue and ancillary works, and construction of a residential flat building of 16 dwellings, including basement parking, rooftop communal open space, landscaping and associated works.

The purpose of the lodgement of this second DA appears to have been to benefit from the savings provisions included within Amendment No. 35 to NSLEP 2013, which came into effect on 19 May 2023. Amendment 35 prohibits the erection of new residential flat buildings in the *R3 Medium Density Residential* zone.

2.6 Revised Heritage Assessment Report, GML (July 2023)

A revised detailed heritage assessment report was produced by GML Heritage in July 2023 (refer to Appendix 4).

The detailed assessment report includes an assessment of significance of the subject properties in accordance with the standard criteria established in the NSW Heritage Office guidelines. These guidelines provide the framework for heritage assessment and incorporate the seven types of cultural heritage values identified in the Burra Charter into a structured framework.

The detailed heritage assessment against this framework can be found in Section 7.2 (Pg.s 111-117) of the GML report for the proposed Group item and in Section 7.3 (Pg.s 118-123) for the proposed Individual item. The detailed assessment of the properties concluded that the following group and individual items meet the threshold for heritage listing at a local level as follows:

- *The Holt Avenue group (115-123 Holt Avenue) meets the threshold for cultural significance under historic, associative, aesthetic, rarity and representative values, as a rare group of Federation Bungalows constructed as part of a speculative housing development in Cremorne; and*
- *Individual Item, 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, rarity and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area.*

2.7 Gateway Determination (DPE ref: PP-2023-1627)

On 5 September 2023, a Gateway Determination was issued by the DPE allowing the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions.

Condition 1 requires the Planning Proposal to be amended prior to being placed on public exhibition. In particular, this condition states:

Prior to exhibition, the planning proposal mapping is to be updated to include the proposed listings on the current heritage map sheet following the recent listing of 15 Allister Street, Cremorne on 11 August 2023.

- (a) *include a plain English explanation of the intent of the provisions and the*

This version of the Planning Proposal (V2_6 September 2023) has been amended to comply with the conditions as imposed by the Gateway Determination and to incorporate some minor amendments to ensure compliance with the s.3.33 of the EP&A Act and the DPE's "Local Environmental Plan Making Guideline". In addition, the background section of the Planning Proposal has been revised to clarify the history of the two IHOs imposed over the sites and the recent revocation of the Minister's imposed IHO over 115, 117 and 119 Holt Avenue, post submitting the request to the DPE for a Gateway Determination.

3 SITE & LOCALITY

3.1 Site Description

The sites are located along the northern side of Holt Avenue, between Spofforth Street and Military Road in Cremorne. Access to the sites is directly via Holt Avenue. The legal property description is outlined in Table 1.

TABLE 1: Property Description	
Address	Lot and DP
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
121 Holt Avenue, Cremorne	Lots 1 and 2 DP 135515
123 Holt Avenue, Cremorne	Lot 1 DP 947542
125 Holt Avenue, Cremorne	SP 11200



FIGURE 1: Subject site

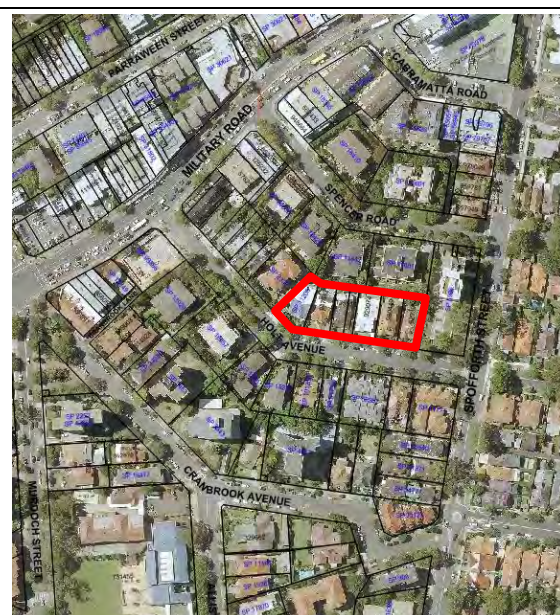


FIGURE 2: Aerial photo of subject site

The presentation of the subject sites along Holt Avenue is shown in Figures 3-8).



FIGURE 3: 115 Holt Avenue



FIGURE 4: 117 Holt Avenue



FIGURE 5: 119 Holt Avenue



FIGURE 6: 121 Holt Avenue



FIGURE 7: 123 Holt Avenue



FIGURE 8: 125 Holt Avenue

3.2 Local Context

The subject sites are located in the southern arm of Cremorne, directly south of the Military Road corridor. The surrounding area includes residential premises including low density housing and mid to high density residential flat buildings. Commercial premises generally characterise the Military Road corridor just north of the subject sites.



FIGURE 9: View from 121 Holt Avenue towards Military Road



FIGURE 10: View from 125 Holt Avenue towards Spofforth Street

4 STATUTORY CONTEXT

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. NSLEP 2013 has been amended numerous times since its coming into force.

The relevant provisions of NSLEP 2013 that relate to the Planning Proposal are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods:*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
 - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
 - (c) *in relation to residential development:*
 - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
 - (d) *in relation to non-residential development:*
 - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
 - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
 - (e) *in relation to environmental quality:*
 - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
 - (ii) *to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
 - (g) *to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

4.2 Land Use Table

The Planning Proposal applies to land in the *R3 Medium Density Residential zone*. The relevant objectives and provisions of this zone states:

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture

4 Prohibited

Any other development not specified in item 2 or 3

The zoning of land is identified on the *Land Zoning Map*, an extract of which is illustrated in FIGURE 11.

4.3 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the *Height of Buildings Map*. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
 - (b) *to promote the retention and, if appropriate, sharing of existing views,*
 - (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
 - (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
 - (e) *to ensure compatibility between development, particularly at zone boundaries,*
 - (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area,*
 - (g) *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone C4 Environmental Living*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) - (2C) *(Repealed)*

The maximum height of buildings is identified on the *Height of Buildings Map*, an extract of which is illustrated in FIGURE 12. The applicable maximum building height applying to the subject sites is 8.5m. The Planning Proposal does not intend to make any amendments to this existing provision.

4.4 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

- (1) *Objectives*

The objectives of this clause are as follows:

 - (a) *to conserve the environmental heritage of North Sydney,*

- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent*

Development consent is required for any of the following:

 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
 - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required*

However, development consent under this clause is not required if:

 - (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) *the development is exempt development.*
- (4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment*

The consent authority may, before granting consent to any development:

 - (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

- (6) *Heritage conservation management plans*
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites*
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
- (a) notify the Heritage Council of its intention to grant consent, and*
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) *Aboriginal places of heritage significance*
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) *Demolition of nominated State heritage items*
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and*
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (10) *Conservation incentives*
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

A note is also attached to this clause which states:

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

Heritage items and conservation areas are identified on the Heritage Map, an extract of which is illustrated in FIGURE 13. The subject sites are not identified as heritage items nor are they located in a heritage conservation area.

4.5 Maps

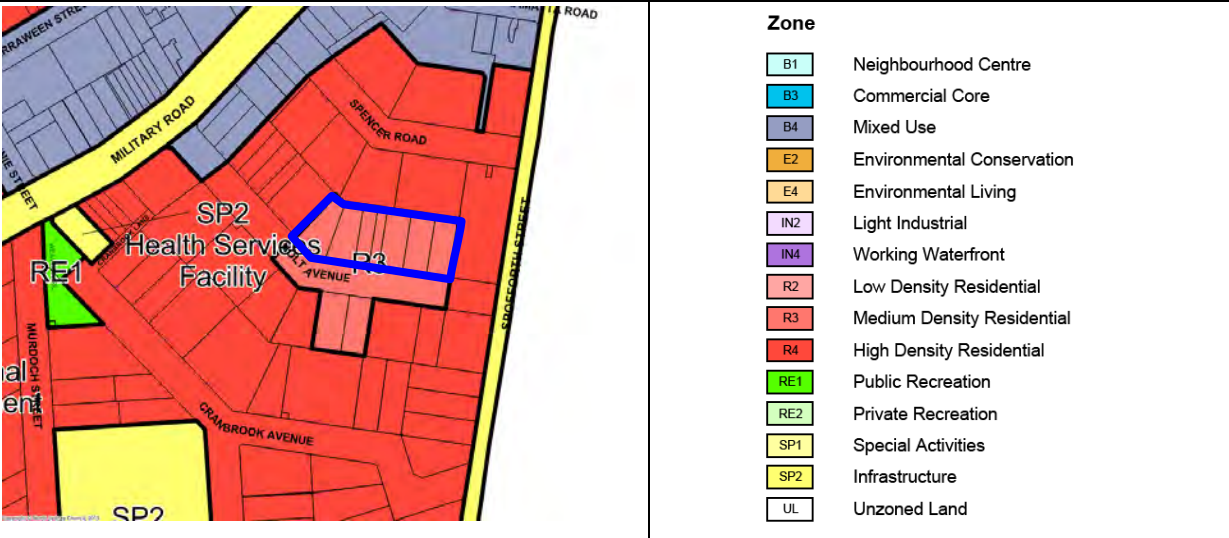


FIGURE 11: Extract of Land Zoning Map to NSLEP 2013

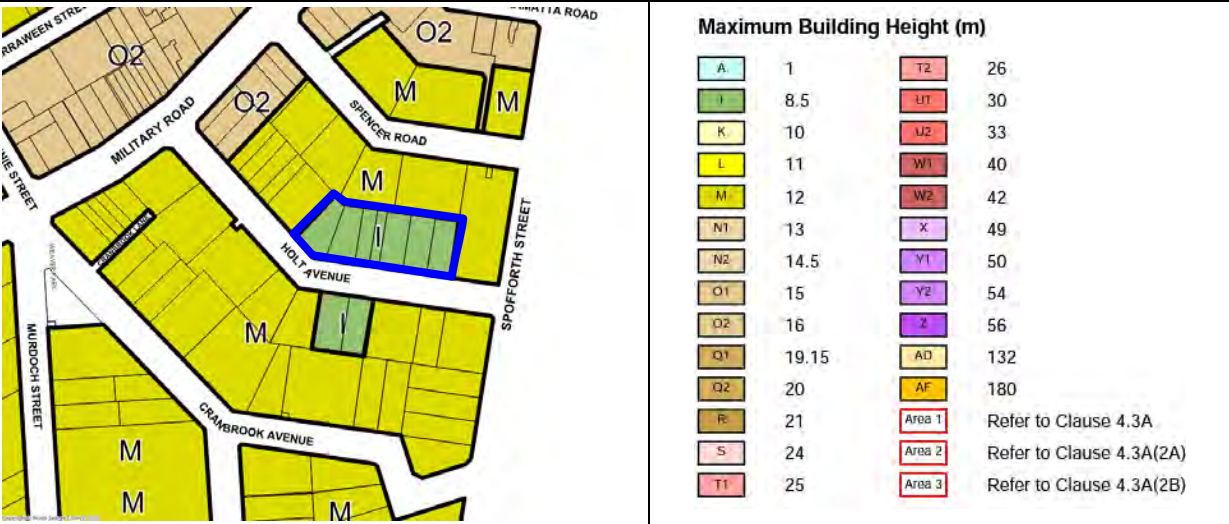


FIGURE 12: Extract of Height of Buildings Map to NSLEP 2013

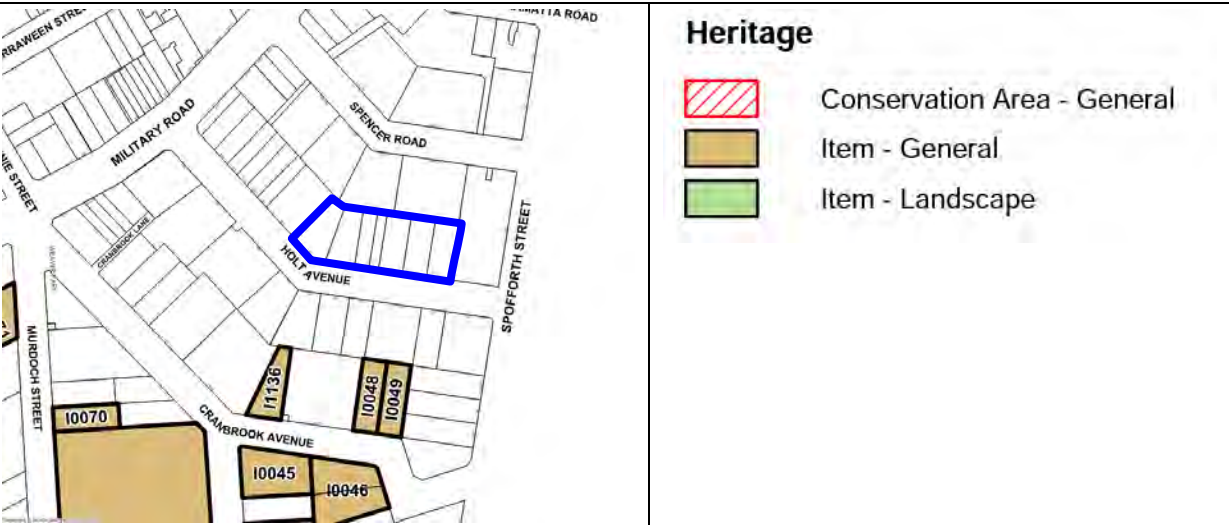


FIGURE 13: Extract of Heritage Map to NSLEP 2013

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of the Planning Proposal is to identify the properties at 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne as local heritage items under NSLEP 2013.

This is consistent with the recommendations of the revised heritage assessment undertaken by GML Heritage (refer to Appendix 4).

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal can be achieved by amending NSLEP 2013 as follows:

- Amend Schedule 5 - Environmental Heritage to include the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne as local heritage items as indicated in Table 2 ([blue underline](#) represents an insertion); and
- amend the *Heritage Map* (ref: 5950_COM_HER_003_010_20200810) to add Nos. 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne as local heritage items as indicated in Figure 16.

The specific amendments sought are identified in the following subsections:

5.2.1 Schedule 5 – Environmental Heritage

The intent of the Planning Proposal is proposed to be achieved by including six new items within Schedule 5 as follows ([blue underline](#) represents an insertion):

TABLE 2: Proposed Schedule 5 Additions					
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*

Note: *Heritage Item Nos. are indicative only at this stage and are to be confirmed at the finalisation stage.

5.2.2 Heritage Map

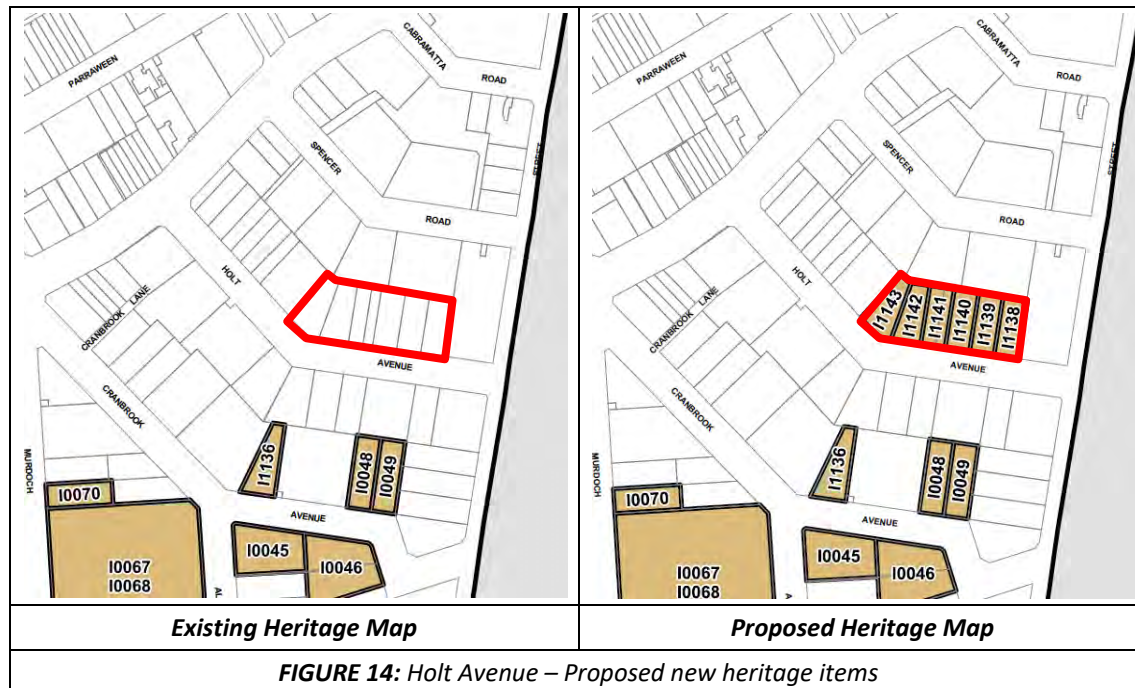
The intent of the Planning Proposal is proposed to be achieved by replacing the following Sheet to the Heritage Map:

- 5950_COM_HER_003_010_2023062
(refer to Appendix 5)

with:

- 5950_COM_HER_003_010_20230906
(refer to Appendix 7)

An extract of the existing and proposed amendments to the Heritage Map is illustrated in Figure 14.



5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. **Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes.

This Planning Proposal is a result of the recommendations of the Independent Planning Commission's (the Commission) report dated 9 March 2023 in response to Council's request for a Gateway Review relating to a Planning Proposal PP-2022-2712.

Based on the recommendations of the Advice Report, the DPE subsequently advised Council on 15 March 2023 that it would be receptive to preparation of a new planning proposal in order to address the recommendations outlined in the Commission's advice.

This Planning Proposal addresses the matters raised by the Commissioner and the Department.

2. **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes.

This Planning Proposal addresses key matters raised by the IPC on PP-2022-2712. The Planning Proposal is the best means of achieving the intended outcomes, i.e. listing of the subject sites as heritage items prior to the expiry of an IHO that currently apply to the subject sites.

Other potential options considered were:

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

Option 1 – Create a schedule of prohibited uses to limit the redevelopment potential of the sites in order to protect the buildings on site.

Including a schedule of prohibited uses consisting of all types of residential development would restrict the development potential of the subject sites.

This option, however, would result in the overcomplication of planning legislation and would not address the heritage value of the sites. The option was therefore considered not appropriate.

Option 2 – Do nothing and rely on existing controls.

The second option considered was to do nothing and rely on existing planning controls. This option would mean relying on the development assessment process to ensure the sites are protected from harm. The existing IHO provides protection against demolition on a temporary basis. Upon the expiry of the IHO, demolition of the items could be sought via a Complying Development Certificate (CDC).

As such, it is considered that this would not adequately protect the properties and was not considered to be a viable option in achieving the intended aims of this proposal.

Current Position

The chosen option of listing the sites as heritage items is being progressed, with an updated Planning Proposal, supported by a revised heritage assessment report.

5.3.2 Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan - A Metropolis of Three Cities

Released by the Greater Sydney Commission (GSC) in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

The objective of the Metropolitan Plan relevant to the Planning Proposal is discussed below:

- **Objective 13:** Environmental heritage is identified, conserved and enhanced.

The Planning Proposal is consistent with Objective 13 of the Metropolitan Plan. The heritage value of the subject sites is supported by a detailed heritage assessment report prepared by

a suitably qualified heritage consultant. Listing of the subject sites as local heritage items in Council's LEP 2013 will achieve the following outcomes:

- Protect and preserve the built form heritage of the Cremorne area for its social, aesthetic, economic, historic and environmental values.
- Retain items that contribute to the place and character of the Cremorne area.

The Planning Proposal is therefore considered to be consistent with the Metropolitan Plan.

North District Plan

Also in March 2018, the GSC released *North District Plan*. The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai, Hornsby and Northern Beaches.

The Planning Priority of the *North District Plan* relevant to the Planning Proposal is:

- **Planning Priority N6:** Creating and renewing great places and local centres, and respecting the District's heritage

Listing of the subject sites in Council's LEP as local heritage items is the primary step towards providing recognition of heritage values of these items. The implementation of the Planning Proposal ensures the ongoing future protection against potential demolition of the subject items.

The Planning Proposal is therefore consistent with this Planning Priority of the District Plan.

4. *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Yes.

North Sydney Local Strategic Planning Statement

On 25 November 2019, Council resolved to adopt an LSPS for the LGA. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Metropolitan Plan and the District Plan. The Greater Sydney Commission gave its assurance to the LSPS on 20 March 2020. The relevant *Local Planning Priorities* of the LSPS are identified as follows:

Local Planning Priority L3

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

The proposed heritage listing is generally consistent with standards set out by NSW Heritage. The proposal identifies and preserves the environmental heritage in the Cremorne area and will allow Cremorne to retain its character and heritage. As such, the proposal is considered to be generally consistent with the priorities and actions of the North Sydney LSPS.

North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's *North District Plan*. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of

demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013. A large portion of these dwelling targets are met by recent strategic studies undertaken by the state government in St Leonards / Crows Nest under the 2036 Plan and by Council studies (e.g Civic Precinct Planning Study).

This Planning Proposal notes that Council's Local Housing Strategy (LHS) intends to continue to rely on existing capacity within residential zoned land LGA-wide to meet the future dwelling targets of the North Sydney LGA. Council's Local Housing Strategy (LHS) will continue to rely on the existing capacity within the residential zoned land LGA-wide to help meet the future dwelling targets of the North Sydney LGA.

The Planning Proposal also notes a recent amendment (Amendment 35) to NSLEP 2013 which came into effect on 19 May 2023. Amendment 35 prohibits the erection of new residential flat buildings in Zone R3 Medium Density Residential.

Council's analysis has indicated that a modest loss in the potential gross floor area will result from retaining of the existing six (6) buildings for the purposes of heritage listing.

In consideration to the above, the proposed heritage listing of these dwellings within the Zone R3 would have a minor but justifiable inconsistency with the Housing Strategy since the recently approved planning proposals and those currently underway within the North Sydney CBD (various locations) are positively contributing towards meeting Council's dwelling targets.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes and Strategies of the Plan are identified as follows:

Direction: 3 Our Innovative City

"...Land use planning and contemporary planning controls ensure the protection of historic buildings and places, and that new development respects North Sydney's distinct identity, heritage character and natural environment..."

- Outcome: 3.2 Distinctive sense of place and design excellence
- Strategies: Leading strategic land use planning

Direction: 4 Our Social Vitality

"...Local heritage and our First Nations history and culture is preserved, respected and celebrated..."

The Planning Proposal will allow the relevant Directions, Outcomes and Strategies to be pursued in a robust and strategic manner via identification and listing of local heritage items in Council's Local Environmental Plan 2013 for long-term conservation and management of heritage significance.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 3.

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Biodiversity and Conservation) 2021		
2 – Vegetation in Non-Rural Areas	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 – Koala Habitat Protection 2020	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 – Koala Habitat Protection 2021	N/A	
5 – Murray River Lands	N/A	
6 – Water Catchments	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Housing) 2021		
2 - Affordable Rental Housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 – Diverse housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Industry and Employment) 2021		
2 – Western Sydney employment area	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 - Advertising and signage	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Planning Systems) 2021		
2 - State and Regional Development	N/A	This aspect of the SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
3 – Aboriginal Land	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 - Concurrences and Consents	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Precincts-Eastern Harbour City) 2021		
2 – State Significant Precincts	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3- Darling Harbour	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 – City West	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Walsh Bay	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
6 – Cooks Cove	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
7 – Moore Park Showground	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Primary Production) 2021		
2 – Primary Production and Rural Development	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 – Central Coast Plateau	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Resilience and Hazards) 2021		
2 - Coastal Management	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
4 - Remediation of land	YES	The Planning Proposal does not seek to amend the permissibility of land use within any zone nor introduce a site-specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
SEPP (Resources and Energy) 2021		
2 - Mining, Petroleum Production and Extractive Industries	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
3 – Extractive Industries	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Transport and Infrastructure) 2021		
2- Infrastructure	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
3 - Educational Establishments and Child Care Facilities	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
4 – Major Infrastructure Corridors	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Three Ports	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to councils, as demonstrated in TABLE 5, namely:

Direction 3.2 Heritage Conservation

The objective of the direction is to conserve items, areas, objects and places of heritage significance.

The Planning Proposal is consistent with Direction 3.2 Heritage Conservation as the Planning Proposal does not intend to alter any existing heritage conservation provisions within NSLEP 2013. With the identification and listing of six new local items, the Planning Proposal intends to protect and conserve these items of environmental heritage within the North Sydney LGA.

The Planning Proposal is supported by a heritage assessment undertaken by a suitably qualified heritage consultant, which establishes heritage context and the significance of the subject sites. The revised heritage assessment forms an attachment to this Planning Proposal.

Heritage Context and Justification: The Revised GML report included an assessment of significance of the subject properties in accordance with the standard criteria established in the NSW Heritage Office guidelines. These guidelines provide the framework for heritage assessment and incorporate the seven types of cultural heritage values identified in the Burra Charter into a structured framework. A detailed heritage assessment against this framework is included in Section 7.2 (Pg 111-123) of the GML report.

The revised report presents the following as the heritage context and justification for the proposed listing:

The 'Holt Avenue Group' - 115-123 Holt Avenue, Cremorne

The Holt Avenue group (115–123 Holt Avenue) meets the threshold for cultural significance for historic, associative, aesthetic, representative and rarity values for the following reasons:

- *The dwellings date from the early twentieth century, a key period of development in Cremorne, and provide an understanding of modest middleclass dwellings in the Cremorne area in the Federation period.*

- The group is associated with locally prominent architect Edward Skelton Garton who designed 119 and 123 and 115 and 117 are also likely works by Garton but no confirmation of this has been obtained.
- They form a cohesive group in the Federation Bungalow architectural style. They maintain their original scale, siting and setbacks, building lines, form, features and materials typical of their typology.
- While the properties have undergone some modification, they can be readily understood as a group, and provide a rare understanding of the early character of the northern area of Cremorne. They display a high level of integrity and intactness externally.
- The Holt Avenue Group has a high degree of representative significance, providing evidence of middle-class housing and lifestyles in Cremorne in the twentieth century.

'Carina' - 125 Holt Avenue, Cremorne

125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, rarity and representative values for the following reasons:

- It displays evidence of the historical development of North Sydney generally and Cremorne specifically in the late Federation period.
- 125 Holt Avenue was designed by locally prominent architect Edward Skelton Garton and comprises features typical of his style.
- It is a two-storey Federation Bungalow with restrained elements of the Queen Anne and Arts and Crafts styles, which has since been internally divided into apartments. Despite this alteration, the property displays a high degree of external integrity and intactness.
- The form, architecture and interwar modifications to the dwelling are representative of the built form response to the local influx of workers in the late Federation and interwar periods, and the concurrent intensification of residential development.
- It has significance as a rare example of a transitional building demonstrating the shift in development focus at the end of the Federation period.

The key findings of the heritage assessment are summarised in Table 4.

Table 4: Summary of the Assessment of Heritage Significance										
Address	Date	Style	Integrity	Assessment Criteria						
				A	B	C	D	E	F	G
Holt Avenue group—115–123 Holt Avenue	1907–1909	Modest Federation Bungalows	High externally Moderate internally	✓	✓	✓	X	X	✓	✓
125 Holt Avenue	1914	Federation Bungalow with influences of Queen Anne and Arts and Craft styles	High externally and internally	✓	✓	✓	X	X	✓	✓
Note:				E – Research Potential						
A – Historical Significance		C – Aesthetic Significance		F – Rarity						
B – Historical Associational Significance		D – Social Significance		G – Representativeness						

The following are more detailed statements of heritage significance of the subject items, as described in the Heritage Assessment Report by GML dated, July 2023):

The 'Holt Avenue Group' - 115-123 Holt Avenue, Cremorne

The Holt Avenue Group has historic, associative, aesthetic, rarity and representative value to the Cremorne area as a rare, intact group of Federation Bungalows developed during a period of speculative housing development in the Cremorne area.

Originating from land that was owned by Daniel and John Cooper from Alfred Thrupp's grant, the properties formed part of the 1885 Longview Estate subdivision, which was advertised as an area soon to be the most fashionable in the locality. The properties maintain the subdivision pattern of the 1885 Longview Estate.

Constructed between 1907 and 1909, the dwellings present as a cohesive group of characteristic Federation Bungalow dwellings. Single-storey in scale, the properties demonstrate characteristic elements of the typology such as projecting gable bays with overhanging eaves, roughcast rendered chimneys, timber shingles (apart from 119), timber-framed casement windows, hipped roof with tiling (apart from 119), and timber joinery to the verandah. The group maintains its original scale, siting and setbacks, and displays a generally consistent building line. Although the properties have been modified, additions have been generally contained to the rear of the dwellings, concealed from the public domain. Works to the primary elevation are sympathetic to the character and materiality and do not detract from, nor obscure, the legibility of the design.

Although modified, the dwellings are good examples of their type, and provide an understanding of modest middle-class dwellings which were developed in proximity to transport routes. They provide a counterpoint to the more ornate and substantial Federation housing stock created for more affluent dwellings towards the foreshore and communicate the varied social makeup of the suburb in the early twentieth century. The properties retain much of their original setting, maintaining pleasant front gardens, and collectively provide an understanding of the historic character of the Cremorne area in a significant period of expansion.

Significantly, the properties are also representative of the phenomenon of speculative building developments in Cremorne. Nos 115–121 were developed by Thomas Ross, with 123 constructed by Richard Henry Pearce. Archival documentation shows that these builders, along with the architect Edward Skelton Garton whose designs they often employed, owned several leases of land throughout the former Longview Estate which they developed for sale. Garton was a prolific and significant architect in the lower North Shore area, primarily for his work in Cremorne and Mosman. Nos 115–121 provide evidence of his design for modest homes in the Federation period. These developments established the residential character and scale in the area, and the Holt Avenue Group demonstrates the shared architectural character, consistent form and siting, typical of such a group with one subdivision of the era.

Later development and re-development has led to the loss of similar properties throughout the Cremorne area, and the Holt Avenue Group now provides a rare instance of what was once a widespread development. As such, while the properties have undergone some modification, they can be readily understood as a group, and provide a rare understanding of the early character of the northern area of Cremorne. They are particularly representative of a phase of development which at one time defined the character of the area, before the transition to the more intense residential development of the interwar period.

Although there are some extant groupings of Federation properties throughout the Cremorne and Cremorne Point areas, these groups are generally representative of grander housing designed for affluent residents, and were often constructed sporadically, rather than as part of an intentional group development. The Holt Avenue Group thus has a high degree of representative significance, providing evidence of middle-class housing and lifestyles in Cremorne in the twentieth century.

‘Carina’ - 125 Holt Avenue, Cremorne

The dwelling at No. 125 has historic, associative, aesthetic, rarity and representative value to the Cremorne area as a well-maintained, remnant example of a two-storey Federation Bungalow.

The property originates from the 1885 Longview Estate subdivision which created the street layout and lot forms of Holt Avenue. Although the property was not completed until November 1914, it retains its original lot. Much of the surrounding area within the Longview Estate was developed as part of a series of speculative building developments, with the south-eastern portion of Holt Avenue developed by builders Thomas Ross and Richard Henry Pearce, largely to designs by Edward Skelton Garton. Although built by Pearce, likely to Garton’s design, No. 125 is a rare instance of a two-storey dwelling constructed in the midst of these single-storey workers’ dwellings, and would have been one of the grander residences in the streetscape. Garton was a prolific and significant architect in the lower North Shore area, notably in Cremorne and Mosman. No 125 provides evidence of his design for modest middle-class homes in the Federation period.

Although later development has eroded much of the surrounding Federation developments, No. 125 is largely externally intact, retaining much of its original form and fabric. Significantly, the property retains its setback and a manicured garden, and being located at a bend in the road on the downwards slope of the street, and surrounded by hedges, it retains much of its historic setting, providing an understanding of its late Federation character and presentation.

Aesthetically, the property demonstrates typical elements of the Federation Bungalow style including a projecting gable bay, wide wraparound verandah and decorative roughcast render and timber detailing. Although the property is modest and restrained compared to the homes of affluent residents towards the south of the suburb, it has rarity as a grander example of middle-class housing. It is particularly well maintained at its street-facing elevation, and compared to similarly restrained two-storey Federation dwellings it demonstrates a good degree of decorative detailing.

Historically, it is representative of a period of transition in Cremorne. While the building’s ornamentation is typically Federation, its restrained rectangular form is an early example of the two-storey flat buildings that in the area following the Federation period. 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, and the concurrent intensification of residential development. As a rare example of this type, the property has a high degree of representative value in the Cremorne area.

Directions 6.1 Residential Zones

The objectives of Directions 6.1 Residential Zones are to encourage a variety and choice of housing types to provide for existing and future housing needs and to not contain provisions which will reduce the permissible residential density of land.

Although the Planning Proposal does not contain any specific provision which would directly reduce the permissible residential density of land (such as a rezoning), the implication of the heritage listing means more considered response to certain types of development such as group homes and multi dwelling housings, subject to the lands meeting Council’s planning controls on lot area and width requirements.

Council’s analysis has indicated that a modest loss in the gross floor area (GFA) will result from retaining of the existing six (6) buildings for the purposes of this Planning Proposal. No 125 Holt Avenue is currently occupied as a Residential Flat Buildings (containing 4 dwellings).

On the other hand, it is to be noted that Amendment 35 to NSLEP 2013 which came into effect on 19 May 2023 prohibits construction of new residential flat buildings in Zone R3 Medium Density Residential. In consideration to this recent amendment to the LEP, this

Planning Proposal is considered to have a marginal implication on potential loss of GFA and therefore the minor inconsistency with Directions 6.1 Residential Zones is considered justified.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
1. Planning Systems		
1.1 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this Planning Proposal.
1.2 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.
1.3 Approval & Referral Requirements	YES	The Planning Proposal does not seek to introduce new concurrence, consultation or referral requirements, nor identify development types for the purpose of designated development.
1.4 Site Specific Provisions	N/A	This Direction does not apply as the Planning Proposal does not relate to any site-specific land use controls, nor introduce new development standards not already contained in the LEP.
Focus Area 1: Planning Systems- Place Based		
1.5 Parramatta Road Corridor Transformation Strategy	N/A	These Directions do not apply as the Planning Proposal does not relate to any of the identified area.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	
1.14 Implementation of Greater Macarthur 2040	N/A	
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	
1.16 North West Rail Link Corridor Strategy	N/A	
1.17 Implementation of the Bays West Place Strategy		
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	
1.19 Implementation of the Westmead Place Strategy	N/A	
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A	
1.21 Implementation of South West Growth Area Structure Plan	N/A	
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A	
2 Design and Place		
3 Biodiversity and Conservation		
3.1 Conservation Zones	N/A	This Direction does not apply as the Planning Proposal does not relate to Conservation Zones.
3.2 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013. In addition, the Planning Proposal seeks to undertake minor amendments to the Heritage Map and Schedule 5 to NSLEP 2013 to include additional items of local heritage significance resulting from the recommendations of a detailed heritage assessment of the subject site (refer to Appendix 1).
3.3 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
3.5 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
3.6 Strategic Conservation Planning	N/A	This Direction does not apply as the Planning Proposal does not relate to areas with high biodiversity value.
3.7 Public Bushland	N/A	This Direction does not apply as the Planning Proposal does not relate to bushland in urban areas.
3.8 Willandra Lakes Region	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
3.10 Water Catchment Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
4 Resilience and Hazards		
4.1 Flooding	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.2 Coastal Management	N/A	The Planning Proposal does not affect land that covered by the Coastal Management SEPP.
4.3 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire affected land.
4.4 Remediation of Contaminated Land	YES	The proposal does not seek to alter the zoning of any land, thereby increasing the potential risk to exposure to contamination.
4.5 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.6 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
5 Transport and Infrastructure		
5.1 Integrating Land Use & Transport	YES	The Planning Proposal does not seek to minimise development potential in close proximity to mass public transport.
5.2 Reserving Land for Public Purposes	N/A	This Direction does not apply as the Planning Proposal does not relate to land reserved for public purposes.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
5.3 Development Near Regulated Airports and Defence Airfields	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal does not seek to increase the maximum height permitted on any land within the LGA.
5.4 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
6 Housing		
6.1 Residential Zones	Justifiable inconsistency	Matter further discussed in question 6, to Section 5.3.2 of this Planning Proposal.
6.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
7 Industry and Employment		
7.1 Business & Industrial Zones	N/A	This Direction does not apply as the Planning Proposal does not relate to any land zoned business or industrial.
7.2 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.
8 Resources and Energy		
8.1 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
9 Primary Production		
9.1 Rural Zones	N/A	The Planning Proposal does not seek to alter or introduce Rural zones in NSLEP 2013.
9.2 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not relate to rural lands.
9.3 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
9.4 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified area.

5.3.3 Section C – Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

The Planning Proposal seeks to identify six (6) new items of heritage significance and will not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

The intended heritage listing of six (6) new items is unlikely to result in any adverse environmental impacts.

9. How has the planning proposal adequately addressed any social and economic effects?

It was noted that during the assessment of the previous and the current DA applying to the subject sites which intends to demolish dwellings at No.115, 117 and 119, Holt Avenue, Council received a number of community submissions based on heritage grounds.

This Planning Proposal would satisfactorily address concerns raised by the community and is supported by a revised GML heritage assessment report which establishes heritage context and justification for the proposed heritage listing.

A justifiable inconsistency relating to Directions 6.1 Residential Zones has been addressed in Question 5 of this Planning Proposal which addresses economic effects arising from the Planning Proposal.

The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the property and the wider community to provide additional feedback.

5.3.4 Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to identify six (6) new items of heritage significance and is likely to have negligible impact upon the demand for public infrastructure.

If required, consultation with relevant public infrastructure agencies during the public exhibition of the planning proposal will ensure any concerns are addressed prior to progressing any heritage listing.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal has not yet been considered by State or Commonwealth public authorities and would be typically gained through the Gateway Determination process. Council considers it appropriate that the Heritage Council of NSW be consulted with during the public exhibition process.

Tables 6 – 8 inclusive provide Council's response to the various matters raised by the Department of Planning, the Independent Planning Commission and the North Sydney Local Planning Panel as part of the previous Planning Proposal applying to the subject sites.

TABLE 6: Matters raised in Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	
Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	Council's response
<p>1. <i>The Department does not support the local heritage listing of the properties specified in this proposal <u>without further inquiry, research and justification as reasoned in this determination to support any progression of the proposal</u>. The Department notes a number of heritage assessments have been conducted by landowners in response to this planning proposal with findings contrary to that identified in Council's commissioned assessment by GML that outline the extent of modifications to the subject properties.</i></p>	<p>This Planning Proposal (PP 5/23) demonstrates strategic and site-specific merit of the PP to proceed to Gateway Determination.</p> <p>The Planning Proposal is supported by GML's revised heritage assessment to address relevant matters in Gateway Determination. GML has provided evidence of additional review and research and provided a commentary on applicant's multiple heritage assessment reports which is detailed in later section of this Planning Proposal.</p> <p>GML has completed a review of the following reports from the applicant's (presented as part of a DA) heritage consultants:</p> <ul style="list-style-type: none"> • Urbis, Heritage Assessment of 115-119 Holt Avenue, Cremorne (July 2022); • Weir Phillips, Heritage Impact Statement on 115-119 Holt Avenue (July 2022); • John Outram, Revised Heritage Assessment (October 2022); and • City Plan Heritage-Heritage Assessment of Five Federation Period Cottages 115-123 Holt Avenue (November 2022). <p>The detailed analysis in Section 8.4 of the revised GML report (Page 127) demonstrate that these reports did not include a rigorous assessment and often lacked evidence.</p> <p>The limitations of these reports are detailed by GML in Section 8.4 of the revised heritage assessment report. Some of the reasons cited by GML are included below to indicate the nature of information deficiency in the applicant's heritage reports.</p>
<p>2. <i>The planning proposal in its current form seeks to heritage list 131 and 133 Holt Avenue where the Interim Heritage Order has been revoked with the Land and Environment Court unequivocally establishing that neither 131 nor 133 Holt Avenue are of heritage significance. The</i></p>	<p>The current Planning Proposal (5/23) does not apply to 131 and 133 Holt Avenue, Cremorne.</p>

TABLE 6: Matters raised in Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	
Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	Council's response
<i>demolition of the properties has commenced and therefore the listing of these properties is not supported.</i>	
3. <i>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.</i>	<p>Section 7.6 of this report (to the Panel) discusses justifiable inconsistency with Local Planning Direction 6.1 Residential zones for the matters pertaining Zone R3 Medium Density Residential.</p> <p>Please note that following the gazettal of Amendment 35 to NSLEP 2013 on 19 May 2023, construction of new residential flat buildings is now prohibited in Zone R3 Medium Density Residential.</p> <p>Council's analysis has indicated that the resulting modest loss in the gross floor area (GFA) arising from this Planning Proposal is considered of minor significance.</p>
4. <i>The Department notes the opinion of the North Sydney Local Planning Panel's 13 July 2022 consideration that due to the extent of alterations and additions to the subject properties, the proposal in its current form lacks both site specific and strategic merit. The Panel in its recommendation was not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines.</i>	<p>The GML revised heritage assessment established grading of significance of the subject site, taking into consideration integrity of the subject site in consideration to the matters raised by the Panel.</p> <p><i>Section 7 Assessment of Significance</i> of the revised GML heritage assessment report establishes that 115-123 and 125 Holt Avenue meet threshold for local heritage listing under multiple criteria, confirming site specific merit for heritage listing. Section 7.4 of the revised GML report contains a summary of the assessment of heritage significance, demonstrating that the subject sites meet the threshold for cultural significance under historic, associative, aesthetic, representative and rarity criteria.</p>
5. <i>The Interim Heritage Order appeal relating to the properties 115, 117 and 119 Holt Avenue although dismissed, outlines the Land and Environment Court decision on the view that on the basis of the 2022 GML assessment, there is a real chance that further inquiry may support a finding that the properties are of heritage significance. Council has not provided any further inquiry or investigation to satisfy the decision to uphold the Interim Heritage Order on the sites.</i>	<p>This new Planning Proposal is supported by a revised heritage assessment undertaken by GML to address multiple matters raised by Condition 6 of Gateway Determination.</p> <p>The additional review and research completed by GML provided additional information regarding the heritage values and management of group heritage items; additional assessment on the integrity of the properties, additional historical research pertaining to the architect of the subject properties, Edward Skelton Garton, to further justify that the properties meet the threshold for local heritage listing</p>
6. <i>The property at 125 Holt Street was previously de-listed as a local heritage item due to lack of heritage significance</i>	<p>The revised GML heritage report outlines the following findings:</p> <p><i>The North Sydney Heritage Review (1998) described 125 Holt Avenue as a rare successful synthesis of styles which has produced an attractive building whose bulk is not apparent</i></p>

TABLE 6: Matters raised in Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	
Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)	Council's response
	<p>from the frontage. It is a rare survivor in its immediate vicinity. On this basis, it was listed as a local heritage item within the LEP.</p> <p>125 Holt Avenue was then de-listed as a heritage item in the 2002 Heritage Review by Architectus with John Outram. However, the details of why it was delisted have not been found in Council's records and it is not known if the consultant viewed the interior of the building.</p> <p>Notwithstanding the de-listing of 125 Holt Avenue in 2013, it is the opinion of GML that, based on the full and thorough assessment provided in this report, 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, rarity and representative values, as detailed in Section 7.2. No evidence has been found to indicate that the building's significance has changed since 1998.</p> <p>Council officers support the findings of the revised GML report and the detailed heritage assessment which establishes that the subject item meets the threshold for local heritage listing.</p>

TABLE 7: Matters raised by Independent Planning Commission, Advice Report of 9 March 2023	
Independent Planning Commission, Advice Report of 9 March 2023	Council's response
34. The Commission has undertaken a review of the Gateway Determination as requested by the Department. In doing so, the Commission has considered the Material (see section....), including heritage reports, Council and Department submissions, and the reasons given the Department's Gateway Report.	Table 6 of this report details response to the matters raised by the previous Gateway Determination.
35. For the reasons set in this Advice Report, the Commission finds that the listing of the subject residences as local heritage items under Schedule 5 NSLEP 2013 has not been sufficiently justified.	Having completed a response to the matters raised by the previous Gateway Determination, including completion of a revised heritage assessment to address matters raised by the Commission and the Panel, the new Planning Proposal demonstrates strategic and site-specific merit.
36. The Commission advises that the Planning proposal as submitted should therefore not proceed past Gateway.	The previous Planning Proposal did not proceed past Gateway.
37. The Commission is of the view however that further investigation may support a finding that the subject residences are of heritage significance and advised that	<p>Table 6 above details the extent of additional research and review undertaken by GML as part of the new Planning Proposal.</p> <p>These include additional information regarding the heritage values and management of group heritage</p>

TABLE 7: Matters raised by Independent Planning Commission, Advice Report of 9 March 2023	
Independent Planning Commission, Advice Report of 9 March 2023	Council's response
<i>Council should be given the opportunity to conduct further inquiry and submit a new planning proposal.</i>	<p>items; additional assessment on the integrity of the properties, additional historical research pertaining to the architect of the subject properties, Edward Skelton Garton, to further justify that the properties meet the threshold for local heritage listing.</p> <p>It also included a response to the multiple heritage assessment reports provided by the owner's heritage consultants.</p> <p>The Planning Proposal addresses matters raised by the Commission.</p>
<p>38. Any new planning proposal submitted by Council should:</p> <ul style="list-style-type: none"> • not include the demolished residences at 131-133 Holt Avenue Cremorne • clearly set out the basis of nomination (i.e. group and/or individual listing); • give consideration to the LEC findings, NSLPP recommendations, Department's Gateway Determination and matters - raised this Advice Report; • address Section 9.1 Ministerial Direction 6.1 in further detail; • respond directly to the findings of the heritage reports (see Table ...) 	<p>The new Planning Proposal excludes the demolished residences at 131-133 Holt Avenue Cremorne.</p> <p>The current Planning Proposal clearly sets out that Group listing is applicable to 115-123 Holt Avenue and an individual listing for 125 Holt Avenue.</p> <p>The current Planning Proposal gives consideration to to the LEC findings, NSLPP recommendations, Department's Gateway Determination and matters - raised this Advice Report.</p> <p>The Planning Proposal details consistencies with applicable SEPPs and Local Planning Directions. Section 7.6 of this report to the Panel discusses a justifiable inconsistency with Local Planning Direction 6.1 Residential zones for the matters pertaining Zone R3 Medium Density Residential.</p> <p>GML has provided a response directly to the multiple heritage assessment reports provided by the owner's consultants. Table 4 above (as part of council's justification for Gateway Condition No 1) summarises review undertaken by GML which concluded that the owner's reports were deficient on multiple areas to establish true heritage significance of the subject sites. Details of this review are outlined by GML in Section 8.4 of their revised heritage assessment report.</p>

TABLE 8: Matters raised by the NSLPP, 13 July 2022	
Recommendations of NSLPP, 13 July 2022	Council's response
<i>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. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly. On the information before it, the Panel is not persuaded the properties meet the threshold for listing under the Heritage</i>	<p>GML's revised heritage assessment report recommends heritage listing of a total of 6 items (115, 117, 119, 121 & 123) Holt Avenue. This excludes demolished properties at 131 & 133 Holt Avenue.</p> <p>GML has conducted detailed historical research, physical assessment and comparative analysis to reach the conclusion that the Holt Avenue group (115-123 Holt Avenue) and 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, representative and rarity values.</p> <p>Despite some modifications of the dwellings, the overall integrity of the buildings remains high</p>

<p><i>Assessment Guidelines and that the current Planning Proposal lacks both site specific and strategic merit and does not meet the objectives of the Act.</i></p>	<p>externally as the modifications do not detract from the historical and architectural character of the group.</p> <p>GML's revised heritage assessment includes detailed and evidence-based assessment, including a response to multiple heritage assessment reports from the owner's consultants. The review concluded that a rigorous assessment has not been conducted by other consultants, and their assessments lack the independence and evidence-based assessment of the GML report. Their reports offer a different opinion rather than additional or different evidence. Having responded to the above matters, Council officer is satisfied that matters previously raised by the Panel are now satisfactorily addressed.</p>
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Response to Applicant's Heritage Assessment Reports

A detailed review undertaken by GML demonstrates that the heritage assessment reports prepared by the Applicant to DA 243/21 did not include a rigorous assessment and lacked evidence. GML's findings following its assessment of these reports are included below:

Urbis, Heritage Assessment 115–119 Holt Avenue Cremorne, July 2022

- The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group;
- The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;
- The report was '*revised to include the historical information ascertained by GML Heritage in their Heritage Assessment report prepared for North Sydney Council*'. There is no additional information about the history of the property. There is a short discussion of the architect Edward Garton and the builder, Thomas Ross, but no new information provided in this report.
- The comparative analysis notes that *the contemporary development that has been undertaken along Holt Avenue and within the immediate setting of the subject dwellings has significantly deteriorated the setting of the subject dwellings*. The statement supports the inclusion under the rarity criteria which provides the following guidelines for inclusion—*demonstrates a process, custom or other human activity that is in danger of being lost*. The group at Holt Avenue remain rare surviving cohesive group of Federation dwellings in the Cremorne area;
- The Statement of Significance for 85–95 Kirribilli Avenue, Kirribilli includes that the group is *an important streetscape element in the vicinity and a major visual relief to the surrounding flats development. Important as part of the diversity of building types in the area*. Similarly, the Holt Avenue group acts as a significant visual relief considering the development surrounding it.
- The contributions of architect Edward Skelton Garton has not been considered in the associative significance assessment;
- The assessment of the Holt Avenue group emphasises the modifications to the interiors and rear. However, the integrity of their external form and their cohesiveness and streetscape contribution understated;
- Due to the reasons statement above, the Urbis report was considered not thorough.

Weir Phillips, Heritage Impact Statement Nos 115–119 Holt Avenue, Cremorne, July 2022

- The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group;
- The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;
- The report does not offer any new historical information about the subject properties but does cite the documentary sources consulted during the preparation of the first report in 2021. This report presents a '*Brief Outline of the Historical Development*' only;
- The contributions of architect Edward Skelton Garton has not been considered in the associative significance assessment. The report states that *none of Garton's works are listed either as local or State heritage items*. However, research suggests that Garton's works are listed on the Mosman LEP and SHR, suggesting he was a significant architect in the local area;
- The comparative analysis has little commentary on the degree of modifications of the comparative examples and whether the Holt Avenue group has similar integrity;
- The significance assessment does not rely on any additional evidence and comprises a response to GML's assessment;
- Due to the reasons statement above, the findings of the Weir Phillips report were considered incomplete.

John Oultram, Revised Heritage Assessment, October 2022

- The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group;
- The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;
- A list of owners of 115–123 Holt Avenue is appended to the report. The history was revised in 2022 to include information taken from the Urbis Heritage Assessment Report and does not offer any additional historical information. The history is thorough and documented in references and illustrated with primary source documents and graphics. The only significant addition is of floor plans and elevations for the 2011 alterations and additions approved by CDC 110/11 supplied to John Oultram by 'owner' on pp 21–22;
- The comparative analysis has little commentary on the degree of modifications of the comparative examples and whether the Holt Avenue group has similar integrity; • The significance assessment does not rely on any additional evidence and comprises a response to GML's assessment;
- Due to the reasons statement above, the findings of the John Oultram report were considered incomplete.

City Plan Heritage, Heritage Assessment Five Federation Period Cottages 115, 117, 119, 121 & 123 Holt Avenue, Cremorne, November 2022

- The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;
- The report does not offer any additional historical information about the subject properties;
- The report states that the extent of Garton's involvement in the design is unknown but further research has established that Garton designed 119 and 123 Holt Avenue and was likely the architect of 115, 117 and 121 Holt Avenue;
- The significance assessment emphasises that the dwellings are highly modified but these modifications are largely to the interiors and rear;
- The assessment of significance of the group does not comprise any assessment of their cohesion in terms of scale, siting, form, features and materiality.

- Due to the reasons above, the findings of the City Plan Heritage report were considered incomplete.

Gateway Determination

It is further noted that the Gateway Determination issued on 5 September 2023 did not require any consultation with public authorities or government agencies.

5.4 PART 4 : MAPPING

The Planning Proposal requires amendment of the Heritage Map to NSLEP 2013. In particular, the Planning Proposal would require the replacement of the following Sheet to the Heritage Map:

- HER_003 5950_COM_HER_003_010_20230628
(refer to Appendix 6)

With the following sheet:

- HER_003 5950_COM_HER_003_010_20230906
(refer to Appendix 7)

5.5 PART 5 : COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's internal stakeholder engagement guidelines.

In light of the proposed changes to NSLEP 2013, Council considers that the following stakeholders be consulted with during the public exhibition process:

- Heritage Council of NSW
- North Shore Historical Society
- National Trust

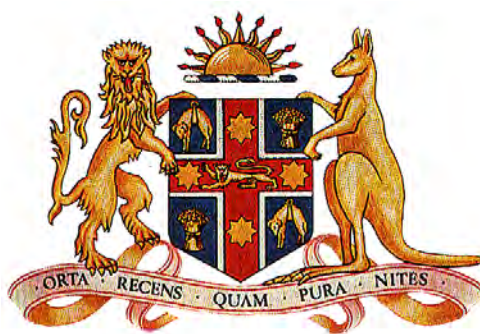
5.6 PART 6 : PROJECT TIMELINE

TABLE 9 provides a project timeline having regard to identified milestones and estimating approximately 6 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 9 – Project Timeline											
Milestone	Jul. 2023	Aug. 2023	Sep. 2023	Oct. 2023	Nov. 2023	Dec. 2023	Jan. 2024	Feb. 2024	Mar. 2024	Apr. 2024	May 2024
1. Local Planning Panel considers Planning Proposal											
2. Council determines whether to progress to Gateway Determination											
3. Request for Gateway Determination sent to DPE											
4. DPE considers request											
5. Gateway Determination issued											
6. Public exhibition undertaken											
7. Council considers submissions											
8. Council considers post exhibition report											
9. Submission to DPE requesting making of LEP											
10. Drafting of LEP and making											

APPENDIX 1

Council imposed Interim Heritage Order, March 2022



Government Gazette

of the State of

New South Wales

Number 103—Planning and Heritage

Friday, 11 March 2022

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

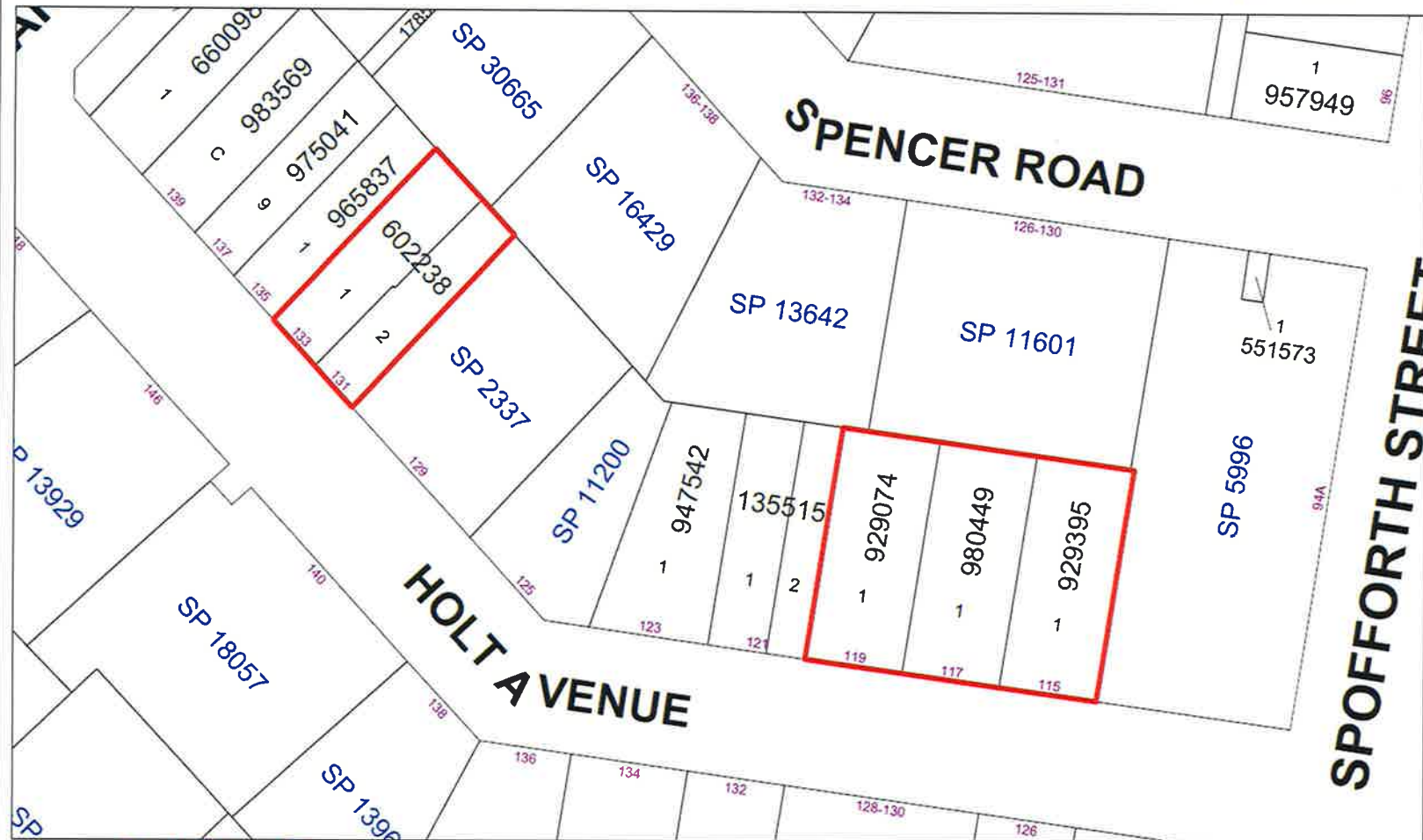
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The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

115, 117, 119, 131 and 133 Holt Avenue, Cremorne

NSC IHO 1/2022 - 115, 117, 119, 131 & 133 Holt Avenue, Cremorne NSW 2090



North Sydney Council

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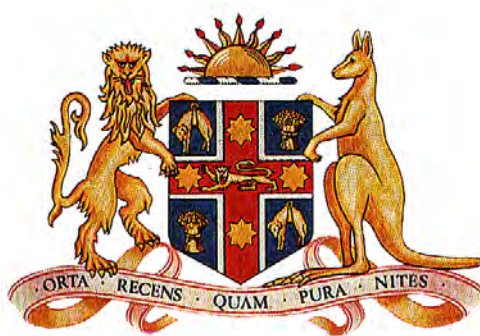


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APPENDIX 2

Minster imposed Interim Heritage Order, 11 March 2023



Government Gazette

of the State of

New South Wales

Number 115—Planning and Heritage

Thursday, 2 March 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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To submit a notice for gazettal, see the Gazette page.

HERITAGE ACT 1977
INTERIM HERITAGE ORDER NO. 168

115, 117, 119 Holt Avenue, Cremorne

I, James Griffin, Minister for the Environment and Heritage, being satisfied that the item specified in Schedule A may, on further inquiry or investigation, be found to be of local heritage significance, by this Order under section 24 of the *Heritage Act 1977*:

- (a) make an interim heritage order in respect of the item specified in Schedule A; and
- (b) declare that this interim heritage order will apply to the curtilage or site of the item, being the land described in Schedule B.

This Order will apply from the date this Order is published in the NSW Gazette for the period of 12 months.

The Hon James Griffin MP

Minister for the Environment and Heritage

Dated 2nd day of March 2023

SCHEDULE A

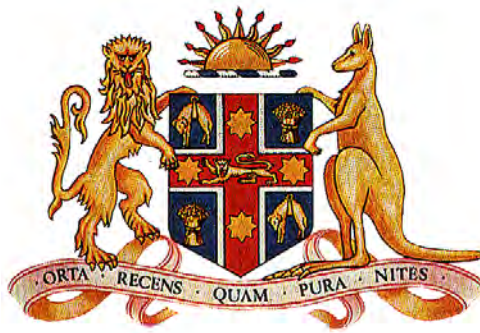
The buildings known as 115, 117, 119 Holt Avenue, Cremorne, situated on the land described in Schedule B.

SCHEDULE B

All those pieces or parcels of land known as Lot 1 DP 929395, Lot 1 DP 980449 and Lot 1 DP 929074 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3308 in the office of the Heritage Council of New South Wales.

APPENDIX 3

Minster revocation of Interim Heritage Order, 25 August 2023



Government Gazette

of the State of

New South Wales

**Number 372–Planning and Heritage
Monday, 21 August 2023**

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

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To submit a notice for gazettal, see the Gazette page.

HERITAGE ACT 1977

Revocation of Interim Heritage Order No. 168

115, 117, 119 Holt Avenue, Cremorne

In pursuance of section 29(3) of the *Heritage Act 1977*, I, the Minister for Heritage, do, by this notice, revoke the interim heritage order no. 168 over the item specified in Schedule “A”. This revocation shall apply to the curtilage or site of the item, being the land described in Schedule “B”.

Hon Penny Sharpe MLC
Minister for Heritage

Dated: 17th day of August 2023

SCHEDULE “A”

The item known as the 115, 117, 119 Holt Avenue, Cremorne, situated on the land described in Schedule “B”.

SCHEDULE “B”

All those pieces or parcels of land known as Lot 1 DP 929395, Lot 1 of DP 980449 and Lot 1 of DP 929074 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3308 in the office of the Heritage Council of New South Wales.

APPENDIX 4

Revised Heritage Assessment Report prepared by GML Heritage, July 2023



115–123 and 125 Holt Avenue, Cremorne

Heritage Assessment

Report prepared for North Sydney Council

GAL
HERITAGE

Acknowledgement of Country

We respect and acknowledge the First Nations of the lands and waterways on which we live and work, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with First Nations to support the protection of their culture and heritage. We strongly advocate social, cultural and political justice and support the Uluru Statement from the Heart.

Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

Report register

The following report register documents the **development of this report**, in accordance with GML's Quality Management System.

Job No.	Issue No.	Notes/Description	Issue Date
22-0023A	1	Draft Report	29 June 2023
22-0023A	2	Final Report	10 July 2023

Quality assurance

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

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123 Holt Avenue, Cremorne. (Source: © GML Heritage)

Executive Summary

North Sydney Council (Council) has engaged GML Heritage Pty Ltd (GML) to provide a heritage assessment of the properties at 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne (the properties) to accompany a planning proposal. The primary objective of the planning proposal is to list the properties at 115, 117, 119, 121 and 123 Holt Avenue, Cremorne as a group heritage item, and 125 Holt Avenue, Cremorne, as an individual local heritage item under the North Sydney LEP 2013.

The properties are subject to an Interim Heritage Order, imposed by the Minister for Heritage in response to the proposed development applications that involves the demolition of 115-119 Holt Avenue, and as such are under threat. An Appeal seeking the revocation of the IHO from 115-119 Holt Avenue was heard in the Land and Environment Court (LEC, the Court) in March 2022. The LEC dismissed the appeal for the revocation of **the IHO, with the Court finding that** *'further inquiry may support a finding that the sites at Nos. 115-119 Holt Avenue are of heritage significance'*.

The proposed listings included in the planning proposal are consistent with the recommendations of a heritage assessment undertaken by GML Heritage (3 June 2022), commissioned by North Sydney Council. The following summarises the key findings and recommendations of the GML report, in relation to the properties:

- 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.

This report updates the GML June 2022 report by addressing the recommendations of the Advice Report issued by the NSW Independent Planning Commission (IPC) for a previous Planning Proposal (PP-2022-2712) that sought to list the subject properties as well as 131 and 133 Holt Avenue, which have subsequently been demolished. That Planning Proposal did not proceed past Gateway approval. **The IPC's Advice Report, issued on 9 March 2023** provided the following advice:

34. The Commission has undertaken a review of the Gateway Determination as requested by the Department. In doing so, the Commission has considered the Material (see section 3.1 above), including heritage reports, Council and Department submissions, and the **reasons given in the Department's Gateway Report.**

35. For the reasons set in this Advice Report, the Commission finds that the listing of the subject residences as local heritage items under Schedule 5 NSLEP 2013 has not been sufficiently justified.

36. The Commission advises that the Planning Proposal as submitted should therefore not proceed past Gateway.

37. The Commission is of the view however that 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.

38. 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;
- respond directly to the findings of the heritage reports.

This report has been prepared in response to the advice by the Commission. The report comprises the following:

- A detailed heritage assessment of the properties 115, 117, 119, 121, 123 and 125 Holt Avenue under the NSW Heritage Office guidelines for the assessment of heritage significance based on historical overview, site analysis and comparative analysis;
- Omission of any reference to 131 and 133 Holt Avenue, Cremorne;
- Further historical research on architect Edward Skelton Garten who is the architect of 119, 123 and 125 Holt Avenue and also likely the architect of 115 and 117 Holt Avenue;
- Further details of group heritage items and their management within the North Sydney local government area (LGA);
- A response to the findings of the **applicant's heritage reports** which were submitted part of the DAs and planning proposal;
- A response to the recommendations outlined in the NSLPP, LEC cases, the Gateway Determination and the IPC Advice.
- A conclusion regarding the recommended heritage listings for the properties.

The report concludes:

- The Holt Avenue group (115–123 Holt Avenue) meets the threshold for cultural significance for historic, associative, 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, associative, aesthetic, rarity, and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area.

Accordingly, it is recommended that Council prepare a Planning Proposal to amend Schedule 5 and the Heritage Maps of the NSLEP 2013 to include the following items of local significance:

1. **The 'Holt Avenue Group', comprising property Nos 115,117,119, 121 and 123 Holt Avenue, Cremorne**
2. **'Carina', No. 125 Holt Avenue, Cremorne**

Contents

1	Introduction	1
1.1	Background	1
1.1.1	Previous GML Reports and first IHO	1
1.1.2	Land and Environment Court Appeals	3
1.1.3	Planning Proposal and North Sydney Local Planning Panel Recommendations	4
1.1.4	Independent Planning Commission Review	5
1.1.5	Second IHO	6
1.2	Identification of study area	6
1.3	Current development applications	8
1.4	Methodology	9
1.5	Terminology	9
1.6	Limitations	10
1.7	Authorship	10
1.8	Acknowledgements	10
1.9	Endnotes	10
2	Statutory context	11
2.1	Introduction	11
2.2	Heritage Act 1977	11
2.3	Environmental Planning and Assessment Act 1979	11
2.4	North Sydney Local Environmental Plan 2013	11
2.5	North Sydney Development Control Plan 2013	12
3	Heritage context	14
3.1	Heritage listings	14
3.2	Heritage items in the vicinity	15
4	Historical overview	17
4.1	Introduction	17
4.2	Aboriginal North Sydney	17
4.3	Thrupp's Grant and the Long View Estate	17
4.3.1	115 Holt Avenue	21
4.3.2	117 Holt Avenue	28

4.3.3	119 Holt Avenue	40
4.3.4	121 Holt Avenue	48
4.3.5	123 Holt Avenue	51
4.3.6	125 Holt Avenue	58
4.3.7	Building and development applications	65
4.3.8	Edward Skelton Garton (1864–1935), architect	67
4.4	Endnotes	74
5	Site analysis	77
5.1	Local context	77
5.2	115–123 Holt Avenue	77
5.3	125 Holt Avenue.....	86
6	Comparative analysis	90
6.1	115–123 Holt Avenue	90
6.2	125 Holt Avenue, Cremorne	102
7	Assessment of significance	110
7.1	Group Heritage Items.....	111
7.2	115–123 Holt Avenue	111
7.3	125 Holt Avenue.....	118
7.4	Summary of the Assessment of Heritage Significance.....	123
8	Response to Planning Advice and Reports.....	124
8.1	The Holt Avenue Group (115–123 Holt Avenue)	124
8.2	125 Holt Avenue.....	125
8.3	Response to IPC Advice	126
8.4	Applicants Documents	127
8.5	North Sydney Local Planning Panel	130
8.6	Gateway Determination	131
8.7	LEC Appeal.....	133
9	Conclusions and recommendations	135
9.1	Conclusion	135
9.2	Recommendations	136

10 Appendices..... 137

Appendix A

NSW Heritage Office Assessment Guidelines

Appendix B

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

Appendix C

IPC Advice Report

Appendix D

INTERIM HERITAGE ORDER NO. 168–115, 117, 119 Holt Avenue, Cremorne

1 Introduction

1.1 Background

North Sydney Council (Council) has engaged GML Heritage Pty Ltd (GML) to provide a heritage assessment of the properties at 115, 117, 119, 121, 123 and 125 Holt Avenue, Cremorne (the properties). The properties are not currently listed as heritage items. The assessment has been prepared to accompany a Planning Proposal (PP) to list the properties as heritage items in NSLEP 2013. Nos. 115, 117 and 119 Holt Avenue are the subject of a current Interim Heritage Order (IHO 168/2022) imposed by the Minister of Environment and Heritage on 2 March 2023.

1.1.1 Previous GML Reports and first IHO

GML has prepared two previous reports in relation to the properties, a Preliminary Heritage Assessment in March 2022, and a detailed Heritage Assessment in June 2022. The Preliminary Heritage Assessment was commissioned in response to a resolution of Council and included two additional properties at 131 and 133 Holt Avenue, which have subsequently been demolished.

At its meeting on 24 January 2022, Council resolved:

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.

In March 2022, GML prepared a Preliminary Heritage Assessment report to determine whether the properties were eligible to be the subject of an Interim Heritage Order (IHO). The recommendations of the Preliminary Heritage Assessment report were that:

An Interim Heritage Order be placed on Nos 115, 117, 119, 131, and 133 Holt Avenue, Cremorne, in order to protect the buildings from demolition whilst a detailed assessment

of their heritage significance is undertaken to determine if the properties qualify for heritage listing within Schedule 5 of NSLEP 2013;

Council undertake further detailed assessment of the shared heritage values of the houses at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue to determine their potential for group heritage listing. The potential groupings are:

the 'Holt Avenue Group' (provisional title) comprising all eight properties

- Nos 115, 117, 119, 121, 123 and 125 as a cohesive row of Federation dwellings
- Nos 115, 117, 119 and 121 as a consistent row of Federation Bungalows constructed by Thomas Ross, the same builder and property owner
- Nos 123 and 125 as a pair of Federation dwellings constructed by the same builder, and likely the same architect
- Nos 131 and 133 as a pair of potentially rare late Victorian dwellings in the Cremorne area.

The assessment of the current development applications should have consideration for these recommendations.

In response to the Preliminary Heritage Assessment, Council applied for an Interim Heritage Order No. 1/2022 (IHO) on properties 115, 117, 119, 131 and 133 Holt Avenue. Under the terms of the IHO, Council had six months to prepare a detailed assessment of **the properties' significance to determine if they reach the threshold for listing as heritage items**. The IHO was imposed on 7 March 2022.

In June 2023, GML prepared a further report that provided a detailed assessment of the heritage significance of properties at 115, 117, 119, 131 and 133 Holt Avenue in order to satisfy the terms of the IHO, as well as to provide detailed assessment of 121 and 125 Holt Avenue, which were also considered to be of potential significance but not the subject of the IHO.

The detailed assessment of the properties concluded that the following group, pair and individual items meet the criterion for heritage listing at a local level:

- 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.

Accordingly, it was recommended that Council prepare a Planning Proposal to amend Schedule 5 and the heritage maps of the *North Sydney Local Environmental Plan 2013* to include the following items of local significance:

- the ‘**Holt Avenue Group**’, comprising properties 115,117,119, 121 and 123 Holt Avenue, Cremorne;
- ‘**Carina**’, 125 Holt Avenue, Cremorne; and
- ‘**Victorian semi-detached houses**’, 131 and 133 Holt Avenue, Cremorne.

1.1.2 Land and Environment Court Appeals

Class 1 appeals under s30(1) of the *Heritage Act 1977* against the imposition of the IHO were lodged by proponents of development of 131–133 Holt Avenue (DA 239/21) and 115–119 Holt Avenue (DA 243/21) respectively in the Land and Environment Court (LEC, the Court).

On 6 and 7 June 2022, the Court heard the appeal for 131–133 Holt Avenue against the IHO. **On 29 July 2022, the Court upheld the applicant’s appeal** and the houses on the properties have since been demolished.

On 18 and 19 July 2022, the Court heard the appeal for 115–119 Holt Avenue against the IHO. On 17 August 2022, **the Court dismissed the applicant’s appeal**. Commissioner Horton gave the following reasons for his decision:

While I acknowledge the Applicant has undertaken research that reaches a conclusion to the contrary, and has sought peer review to the same effect, I consider it a real chance, on the basis of the degree of research contained in the 2022 GML Assessment, that further inquiry may support a finding that the sites at Nos 115-119 Holt Avenue are of heritage significance.

I have formed this view for the following reasons:

- 1) Firstly, while I accept that there may be grander and more bespoke examples of Federation dwellings in the North Sydney LGA, I am not persuaded by the **evidence before me, or by a close read of the guide ‘Assessing Heritage Significance’, that a building, or a group of buildings, should be excluded from** being considered to have local heritage significance by virtue of it or them lacking sophistication, or by demonstrating similar characteristics to an item or items that may have already been identified to have heritage significance, or unless it is a poor example, or being an example of its type.
- 2) **Secondly, I accept Ms Trueman’s assessment that the dwellings on the sites the** subject of this appeal remain substantially intact notwithstanding past alterations that are minor when viewed from the street. I note that those alterations appear similar in their scope and effect, particularly in respect of Nos 115 and 117.

- 3) Accordingly, as a group, the sites may achieve rare or representative status within the North Sydney LGA, consistent with guidelines for inclusion under criterion (g) of the Guidelines because the group displays principal characteristics of an important class or group of items, and are part of a group which collectively illustrates a representative type.
- 4) Thirdly, while the eastern portion of Holt Avenue, in Mosman Council LGA, is unquestionably of the same Federation period and style as the sites the subject of **this appeal, I accept Ms Trueman's evidence that the subdivision pattern, dwelling type and streetscape vary from the detached dwellings on larger allotments as is the case here.** As I understand it, the sites are not to be compared with those in the eastern portion of Holt Avenue as they demonstrate distinct qualities from the subdivision, dwelling type and streetscape setting of those in another LGA.
- 5) Finally, while the 2022 GML Heritage Assessment was referred to during **proceedings as the 'Final Assessment', I regard this as a shorthand reference to** the last, or most recently completed, report prepared on behalf of the Respondent, in support of its Report to the NSLPP. While it may have been cited **as the 'final assessment', I consider finality to be determined, ultimately by the** terms of the IHO that confirm the IHO will lapse after six months, being 11 September 2022, unless the Respondent has passed a resolution before that date; and where the resolution seeks to place the item on Sch 5 of the NSLEP with appropriate provisions for protecting and managing the item.

The full judgement for *Holt Avenue Cremorne Pty Ltd v North Sydney Council* [2022] NSWLEC 1428 is attached as Appendix B.

1.1.3 Planning Proposal and North Sydney Local Planning Panel Recommendations

In response to the recommendations of the GML report, North Sydney Council prepared a Planning Proposal (PP-2022-2712) to amend the North Sydney Local Environment Plan (NSLEP, North Sydney LEP) 2013 to include the properties as heritage items under the North Sydney LEP 2013. The Planning Proposal included the properties at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne.

The Planning Proposal was considered by the North Sydney Local Planning Panel (NSLPP) on 13 July 2022. The Panel resolved:

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. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly. 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.

Notwithstanding the opinion of the NSLPP, on 25 July 2022, Council resolved to endorse the Planning Proposal and forward it to the Minister for Planning in order to obtain Gateway Determination. Accordingly, the Planning Proposal was formally sent to the Department of Planning and Environment for Gateway Determination.

On 7 October 2022 DPE wrote to Council formally rejecting the Planning Proposal and declining the Gateway Determination.

This amended heritage assessment report addresses the recommendations of the NSLPP which is included in Section 8.5 of this report.

1.1.4 Independent Planning Commission Review

On 17 November 2022, Council requested a review of the DPE determination. On 8 February 2023, the Independent Planning Commission NSW (IPC) received a referral from DPE requesting advice in relation to planning proposal PP-2022-2712. The **IPC's** advice included:

34. The Commission has undertaken a review of the Gateway Determination as requested by the Department. In doing so, the Commission has considered the Material (see section 3.1 above), including heritage reports, Council and Department submissions, and the **reasons given in the Department's Gateway Report.**

35. For the reasons set in this Advice Report, the Commission finds that the listing of the subject residences as local heritage items under Schedule 5 NSLEP 2013 has not been sufficiently justified.

36. The Commission advises that the Planning Proposal as submitted should therefore not proceed past Gateway.

37. The Commission is of the view however that 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.

38. 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;
- respond directly to the findings of the heritage reports.

This amended heritage assessment report addresses the advice raised in the **Commission's** Advice Report. The advice report is attached as Appendix C.

1.1.5 Second IHO

IHO 1/2022 lapsed on September 2022, during the assessment of the Planning Proposal. Prior to its lapse, Council applied to the Minister for the Environment and Heritage (the Minister) for a further IHO to be imposed on 115, 117 and 119 Holt Avenue. On 2 March 2023, the Minister issued the current IHO (Interim Heritage Order No 168) over 115, 117 and 119 Holt Avenue, Cremorne. The IHO is valid for a period of 12 months.

The second IHO is attached as Appendix D.

1.2 Identification of study area

The subject sites are located at 115, 117, 119, 121, 123 and 125, Holt Avenue, Cremorne, within the North Sydney Local Government Area (LGA) and are identified in Figure 1.1 and 1.2 below. The properties occupy the majority of the southeastern side of Holt Avenue between Military Road in the north and Spofforth Street in the east. The lot numbers, land zoning and maximum building height of the properties are outlined in Table 1.1 below.

Table 1.1 Property information.

Address	Lot number	Land zoning	Maximum building height
115 Holt Avenue	Lot 1 DP 929395	R3: Medium Density Residential	8.5m
117 Holt Avenue	Lot 1 DP 980449	R3: Medium Density Residential	8.5m
119 Holt Avenue	Lot 1 DP 929074	R3: Medium Density Residential	8.5m
121 Holt Avenue	Lots 1 and 2 DP 135515	R3: Medium Density Residential	8.5m
123 Holt Avenue	Lot 1 DP 947542	R3: Medium Density Residential	8.5m
125 Holt Avenue	SP 11200	R3: Medium Density Residential	8.5m

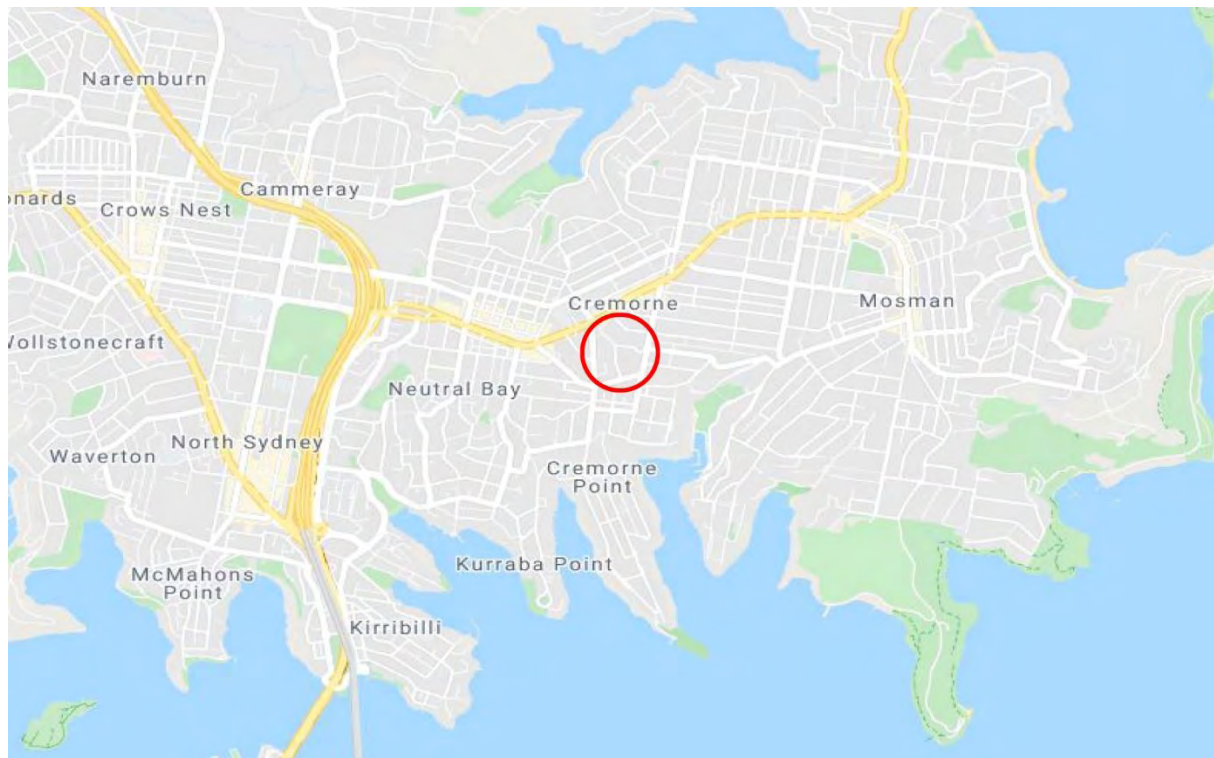


Figure 1.1 Location of Cremorne in its wider context. (Source: © Google Maps with GML overlay, 2022)



Figure 1.2 Location of the subject dwellings and potential heritage conservation area. (Source: Nearmap with GML overlay, 2021)

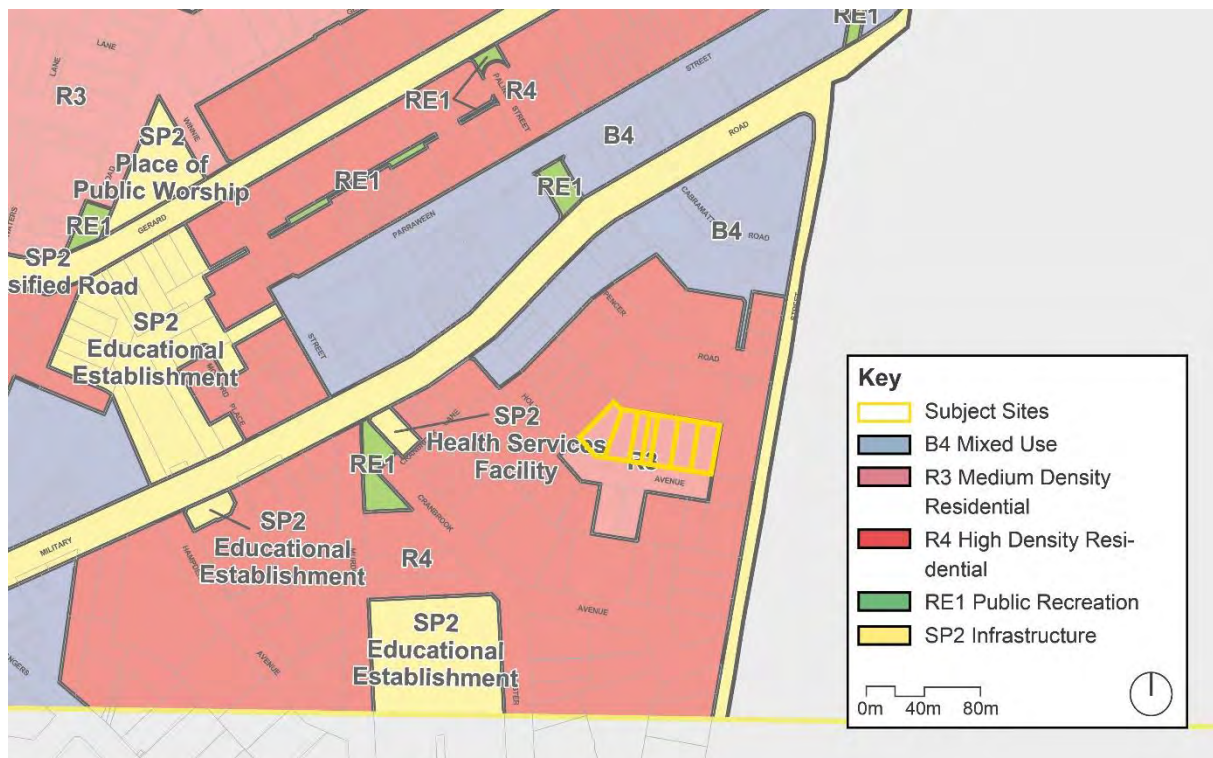


Figure 1.3 LEP zoning relating to the subject sites and potential heritage conservation area.
(Source: North Sydney LEP 2013, Land Zoning Map – Sheet LZN_003 with GML overlay)

1.3 Current development applications

Council has received the following development application (DAs) that involves three of the subject properties:

- DA 243/21: Demolition of existing structures and construction of a residential flat building with basement parking. Lodged on 9 August 2021, this DA affects the properties at 115, 117 and 119 Holt Avenue. DA 243/21 is currently the subject of a Class 1 Appeal in the LEC.
- DA 115/23: Demolition of three existing dwelling houses at 115, 117 and 119 Holt Avenue and ancillary works, and construction of a residential flat building of 16 dwellings, including basement parking, rooftop communal open space, landscaping and associated works. Lodged on 4 April 2023.

1.4 Methodology

The approach, methodology, assessment procedures, criteria and recommendations of this Preliminary Heritage Assessment have been prepared in accordance with the *Australia ICOMOS Charter for Places of Cultural Significance, 2013* (the Burra Charter) and the guideline 'Assessing Heritage Significance' prepared by the Heritage Division of the Office of the Environment and Heritage and contained in the *NSW Heritage Manual*.

1.5 Terminology

The terminology used in this report is consistent with the *NSW Heritage Manual*, prepared by the Heritage Office (now Heritage NSW), and the Burra Charter.¹

- Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.
- Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
- Fabric means all the physical material of the place including components, fixtures, contents, and objects.
- Conservation means all the processes of looking after a place so to retain its cultural significance.
- Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.
- Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.
- Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
- Reconstruction means returning the place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Adaptation means modifying a place to suit the existing use or a proposed use.
- Use means the functions of a place, as well as the activities and practices that may occur at the place.
- Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

- Curtilage is defined as the area of land surrounding an item that is required to retain its heritage significance. The nature and extent of the curtilage will vary and can include but is not limited to lot boundaries and visual catchments.
- Setting means the area around a place, which may include the visual catchment.
- Related place means a place that contributes to the cultural significance of another place.

1.6 Limitations

This report was informed by a physical inspection of the sites and the surrounding area, internal inspection of Nos 115, 117, 119 and 125 Holt Avenue. Only two apartment units of 125 Holt Avenue were inspected due to limited access to the other units. The site inspection for 121 and 123 Holt Avenue has been carried out from the public domain only due to limited site access to the property.

Research includes a desktop analysis of available information and reports, and additional primary and archival research undertaken at the North Sydney Heritage Centre (Stanton Library).

1.7 Authorship

The report is prepared by Shikha Swaroop (Senior Heritage Consultant) and Léonie Masson (Associate, Historian), with strategic input and review by Lisa Trueman (Director, Lisa Trueman Heritage Advisor).

1.8 Acknowledgements

GML gratefully acknowledges the assistance of North Sydney Council in providing background information and support.

1.9 Endnotes

¹ Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC.

2 Statutory context

2.1 Introduction

In NSW, items of heritage significance are afforded statutory protection under the following New South Wales Acts:

- Heritage Act 1977 (Heritage Act)
- Environmental Planning and Assessment Act 1979 (EPA Act).

2.2 Heritage Act 1977

The Heritage Act is a statutory tool designed to conserve **the state's** environmental heritage. It is used to regulate the impacts of development on the state's heritage assets. The Heritage Act describes a heritage item as 'a place, building, work, relic, moveable object or precinct'.

There are no items listed on the State Heritage Register (SHR) in the study area. There are two items listed on the SHR in the wider vicinity. These are 'Belvedere' at 7 Cranbrook Avenue, and 'Egglemont' at 11 Cranbrook Avenue.

2.3 Environmental Planning and Assessment Act 1979

The EPA Act is administered by the NSW Department of Planning, Industry and Environment and provides for environmental planning instruments to be made to guide the process of development and land use. The EPA Act also provides for the protection of local heritage items and conservation areas through listing on Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs) which provide local councils with the framework required to make planning decisions.

2.4 North Sydney Local Environmental Plan 2013

The NSLEP 2013 is the principal environmental planning instrument applying to the land. Schedule 5 of the NSLEP identifies heritage items and HCAs. The subject site is not listed as a heritage item nor is it located within a listed HCA.

The objectives of Clause 5.10 are as follows:

- (a) to conserve the environmental heritage of North Sydney,

- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The subject properties are not currently listed as a heritage item, nor are they within a HCA, within the NSLEP.

2.5 North Sydney Development Control Plan 2013

The *North Sydney Development Control Plan 2013* (NSDCP 2013) Part B Section 13 (Heritage and Conservation) provides specific development objectives and controls for conservation areas, heritage items and development in the vicinity of heritage items.

Part 13.5.7 *Group heritage items* of the NSDCP contains specific controls for group heritage items. Section 13 Heritage & Conservation defines group heritage items as *examples of semi-detached dwellings and attached dwellings which have common or shared features*. Their significance as part of a group is identified in the relevant State Heritage Inventory database sheet.

The objectives of *13.5.7 Group heritage items* of the NSDCP 2013 state that group heritage items require the retention the significant features or characteristics of the group but allow flexibility for change where significance will not be affected.

13.5.7 Group heritage items

There are many examples of semi-detached dwellings and attached dwellings which have common or shared features. Alterations and additions to one building within the group can affect the heritage significance of the group as a whole. The controls in this subsection apply to heritage items that form part of a group as identified on the relevant heritage data inventory sheet. Where there is an inconsistency between this subsection and another subsection in this Section, this subsection will prevail.

Figure B-13.10: For group and pair items – locate new work away from the shared and/or significant elements of the group.

Objectives

O1 Retain the significant features or characteristics of the group but allow flexibility for change where significance will not be affected.

Provisions

P1 Retain significant features that are common to the group.

Note: Council may require reinstatement of missing details on group heritage items where physical or documentary evidence is available

P2 Locate new work away from the significant elements of the group.

P3 Retain significant historical boundaries.

3 Heritage context

3.1 Heritage listings

The subject properties are not currently listed as heritage items under Schedule 5 of the NSLEP 2013, nor are they listed within an HCA. There are no existing heritage items in the immediate vicinity of the properties within the North Sydney LGA, although there are several items of local and state significance in the surrounding area. The heritage context of the subject properties within the NSLEP is shown in Figure 5.1.

The subject properties are adjacent to the boundary between the North Sydney LGA and the Mosman LGA. Within the Mosman LGA, the eastern portion of Holt Avenue is located within the Holt Estate HCA (C3). The Mosman section of Holt Avenue also incorporates **two heritage listings recognised under Schedule 5 of the MLEP, 'Divided Road' (I379) and 'Street Trees' (I380)**. The subject properties are similarly in the vicinity of the Glover and Nathans Estate HCA (C12). There are several further individually listed items in the wider vicinity of the subject properties within the Mosman LGA. The heritage context of the subject properties within the MLEP is shown in Figure 5.2.



Figure 3.1 The heritage context of the subject properties within the NSLEP. (Source: North Sydney LEP 2013 Heritage Map – Sheet HER_003 with GML overlay)



Figure 3.2 The heritage context of the study area and adjacent Mosman LGA. (Source: Mosman LEP 2012 Heritage Map – Sheet HER-002 with GML overlay)

3.2 Heritage items in the vicinity

Table 3.1 Heritage items in the vicinity of the subject properties within the North Sydney LGA.

Item Name	Address	Significance	Listing	Item No.
Belvedere	7 Cranbrook Avenue	Local	State Heritage Register	00320
			NSLEP 2013	10045
Egglemont	11 Cranbrook Avenue	Local	State Heritage Register	00321
			NSLEP 2013	10046
House	32 Cranbrook Avenue	Local	NSLEP 2013	10048
House	34 Cranbrook Avenue	Local	NSLEP 2013	10049
SCEGGS Redlands	53–57 Murdoch Street	Local	NSLEP 2013	10067

Item Name	Address	Significance	Listing	Item No.
Former Cremorne Hall	57 Murdoch Street (2 Allister Street)	Local	NSLEP 2013	I0068
House	59 Murdoch Street	Local	NSLEP 2013	I0070
House	24 Cranbrook Avenue	Local	NSLEP 2013	I1136

Table 3.2 Heritage items in the vicinity of the subject properties within the Mosman LGA.

Item Name	Address	Significance	Listing	Item No.
Holt Estate Heritage Conservation Area		Local	MLEP 2012	C3
Divided Road	Holt Avenue	Local	MLEP 2012	I379
Street Trees	Holt Avenue	Local	MLEP 2012	I380
Glover and Nathans Estate Conservation Area		Local	MLEP 2012	C12
House	69 Rangers Avenue	Local	MLEP 2012	I254
House	64 Spencer Road	Local	MLEP 2012	I281
Divided Road and Street Trees	Spencer Road	Local	MLEP 2012	I450

4 Historical overview

4.1 Introduction

This section provides a detailed history of the properties using primary and secondary sources, supplemented with additional primary research from the National Library of Australia (NLA), the State Library of NSW, NSW Land Registry Services and NSW State Archives & Records. North Sydney Council was the principal source of primary documentary research for the development history of the subject sites, including building and development applications and valuation and rate records.

4.2 Aboriginal North Sydney

Aboriginal people have **occupied Sydney's North Shore for thousands of years**; radiocarbon dating of archaeological material from Cammeray dates Aboriginal occupation of the area back to at least 5,800 years ago. The Cammeragul (Cammeraygal) and the Wallumedegal occupied the North Shore of Sydney in 1788, when the First Fleet arrived in Sydney Cove. Boundaries were not clearly defined, but **Governor Phillip noted that the Cammeragal (sic) occupied the 'north-west part of this harbour' and Wallumedegal the 'opposite shore'.**

The groups were nomadic and had various camp sites that were used depending on the season and availability of food or other requirements. They sheltered in sandstone rock shelters, which lined waterways, and huts constructed from local resources. The groups fished, hunted and harvested food from abundant local resources. They had a complex cultural life, with distinct languages, customs and a rich spirituality.

The devastation brought by colonisation and the outbreak of smallpox did not mean the **end of Aboriginal occupation in Sydney's North Shore.** The ongoing presence of Aboriginal people is recorded in paintings, personal letters from the time and oral histories. In 1878, the *Sydney Morning Herald* reported that many Aboriginal people from the Shoalhaven had established camps at Berrys Bay and other northern sites—scattered outposts in a rapidly growing colonial city.

4.3 Thrupp's Grant and the Long View Estate

The subject sites are located on part of a 700-acre (283-hectare) grant secured by John Piper for his son-in-law Alfred Thrupp in 1814. Thrupp and his wife, Sally, departed for Tasmania soon after and never occupied the land. It appears to have been sold to Piper

in the process, because on his bankruptcy in 1827, the land was purchased by Solomon Levey and Daniel Cooper. The following year they gave permission to James Milson to **'take charge' of Thrupp's Farm to prevent the theft of firewood. A building known popularly as Thrupp's Cottage was built on the foreshore alongside Hayes Street in the 1820s.**

Daniel Cooper died in 1853, bequeathing the land to his nephew John Cooper. He progressively subdivided and leased parcels of land for 99-year terms over the following 60 years. These leaseholds generally comprised large blocks of land while many of the lessees subdivided the land and assigned underleases.

In 1881 John Cooper conveyed a lease of 120 acres (48.5 hectares) to William Henry Paling and Andrew Hardie McCulloch junior for the term of 99 years. Paling and McCulloch subdivided their leasehold and sold the allotments as underleases. In August 1885 Paling and McCulloch conveyed the lease to 13 acres, 2 roods and 15 perches in total (over 5 hectares) to Adolph Caesar Shadler of St Leonards, a bread and biscuit manufacturer.

Shadler subdivided his property into 118 allotments as the Long View Estate (or **Longview Estate**), also popularly known as **Shadler's Estate**. The subdivision was registered at the Land Titles Office as Deposited Plan 4764 (see Figure 4.1). The 118 allotments were laid out across three sections bounded by existing roads, Military Road and Spofforth Street, with three new streets formed in the estate, Short Street (now known as Cabramatta Road), Middle Street (now Spencer Road) and Shadler Street (renamed Holt Avenue).

The Long View Estate was advertised for auction lease sale on 21 November 1885, comprising **an 'elevated' level corner block subdivided into 118 good building sites fronting Military-road, Spofforth-street, Middle-street, Shadler-street**¹ with leases to run for 95 years. Richardson and Wrench reported that portions of the leasehold estate sold at prices ranging from 4 shillings and 9 pence to 3 shillings and 9 pence per foot per annum.² The first auction of leases in the estate was not a success as two years later, on 10 September 1887, 115 unsold allotments were advertised for auction sale:

This part of the North Shore will undoubtedly become the most fashionable spot in the locality, and persons in search of land suitable for Villa Residences ... should not allow this opportunity to pass.³

McCulloch's interest in the leasehold in the Long View Estate was assigned in 1889 to the Assets Realization and General Finance Company Limited.⁴ Paling's leasehold interest continued after his death in 1895 to his executor, the Perpetual Trustee Company.⁵

In April 1906 the Assets Realization and General Finance Company Limited and Perpetual Trustee Company Limited, joint owners of land in the Long View and Parraween estates

at Cremorne, conveyed about 102 acres (41.27 hectares) to the Warringah Property Co. Limited. This was a new company registered in August 1906 to acquire the leasehold lands at North Sydney that JWR Reynolds, AJ Reynolds, JF Reynolds, GR Rourke and JA Maclean had purchased from the Assets Realisation and General Finance Company Limited and Perpetual Trustee Company Limited.⁶

Land tax was first imposed in New South Wales in 1895, by the *Land and Income Tax Assessment Act 1895*. An underlying motive behind this new bill was community pressure levied on the Government to tax wealth in the hands of property owners. The Government also desired to break up the large estates.⁷ This bill imposed a heavy financial burden on the Cooper family as owners of extensive estates. Consequently, in September 1912, Tom Raine Raine and Claude Gerard Phillips, trustees of the will of Daniel Cooper, contracted to sell the freehold reversion of about 132 acres (53.41 hectares) to the Warringah Property Company Ltd for £26,500.⁸ Over time underleases in the estate were extinguished by the Warringah Property Company by merger in the fee simple (freehold) when transferred to the existing underlease holders. Some underleases did not convert to freehold until the 1920s. The study area comprises several allotments in Section 3 of the Long View Estate. A detailed history of each of the subject sites is outlined below.

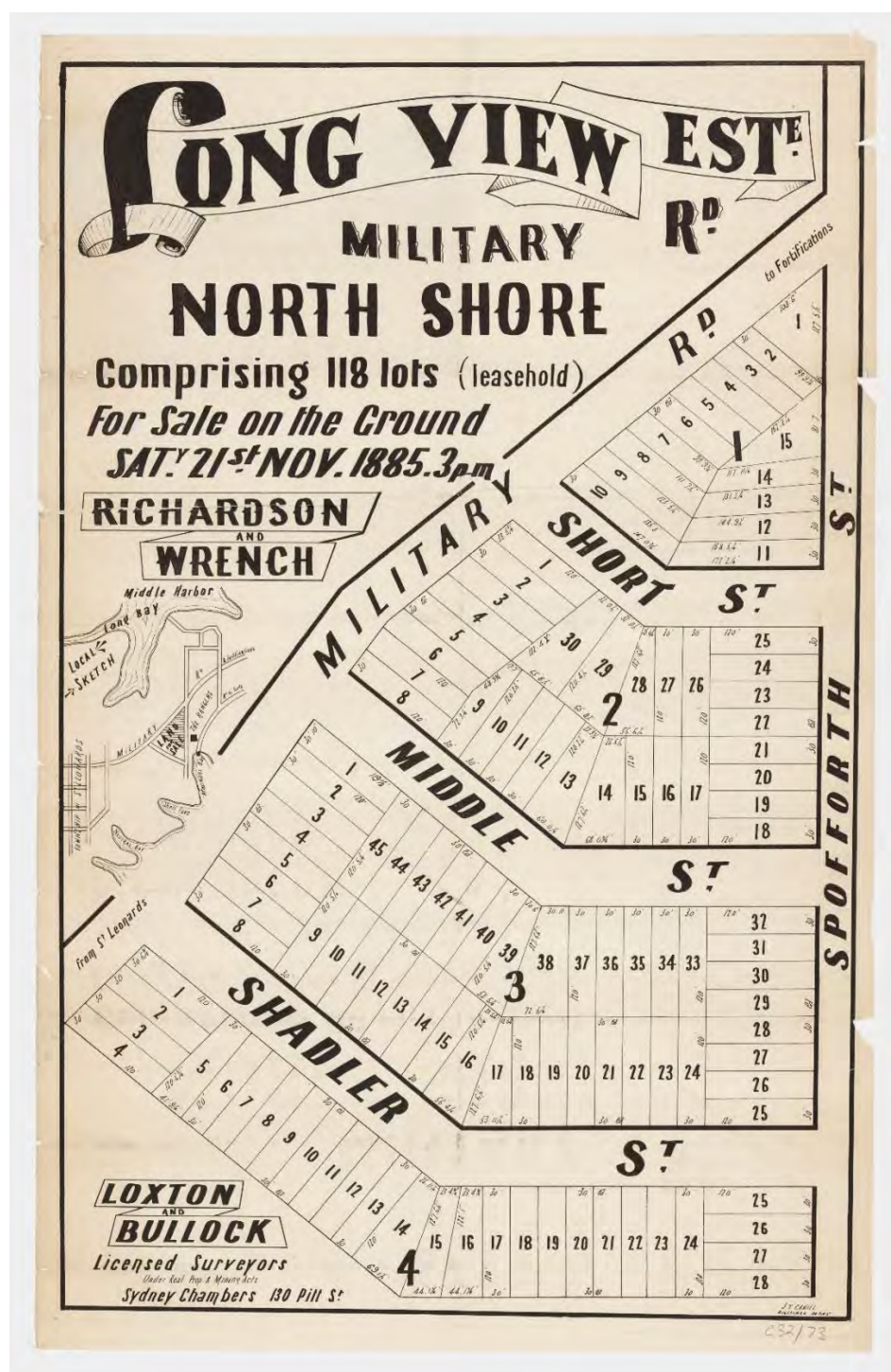


Figure 4.1 Long View Estate Military Road, North Shore, 21 November 1885. (Source: State Library of NSW, a4688067)

4.3.1 115 Holt Avenue

No. 115 Holt Avenue is located on Lot 24 and part lots 25 to 28 in Section 3 of DP 4764 (Long View of Longview Estate).

Between 1906 and 1908 the Warringah Property Company conveyed the underlease of several allotments in Section 3 of the Longview Estate to Thomas Ross of Kogarah, builder. Lease 458230, dated 28 February 1907, comprised Lot 24 and part lots 25–28 in Section 3 of DP 4764, the present site of 115 Holt Avenue.

In December 1906 the *Daily Telegraph* reported the building of three residences at Neutral Bay designed by Mr Garton, architect, and built by T Ross, builder, of Rockdale.⁹ No. 115 Holt Avenue was highly likely one of these three houses as Ross had acquired the underlease one month earlier. Also, he already had a working relationship with Garton as in April the same year Garton awarded the contract for building a cottage in Francis Street, Kogarah, to Ross.¹⁰

According to the North Sydney Council Rate Book 1907–08, Thomas Ross was the lessee of a single-storey house of six rooms owned by John Cooper and occupied by Arthur G Humphries. No. 115 Holt Avenue is first listed in the Sands Directory in 1908 as a house **called 'Abi Ofa' occupied by Arthur Humphries; this entry** is repeated the following year (1909). During his occupation of the house Humphries announced the birth of a son in March 1908.¹¹

Thomas Ross conveyed the underlease by 1908–10 to Walter H Gohrs.¹² A. Humphries continued to live in the house in 1912 when he invited friends and relatives to attend the funeral of his wife, Leonie (Onie) Humphries, on 11 June 1912 with the funeral leaving **'her late residence, Leoneville, Shadler Street, Neutral Bay'**.¹³ Hammond Meredith succeeded Humphries as the occupant of the property, now known as Manningham, in the 1911–13 valuation book.

The following year Tom Raine Raine and Claude Gerard Phillips, trustees of the Cooper Estate, converted over 63 acres (more than 25 hectares) of leasehold land to freehold title. In 1918 they sold the freehold title of much of the land in the Long View and Parraween estates (estates located either side of Military Road, Cremorne) to the Warringah Property Company, including the site of 115 Holt Avenue (Lot 24 and part lots 25 to 28 Section 3). There are no underleases registered on the certificates of title.

In October 1921 'the owner' advertised 115 Holt Avenue for sale for £1300 cash comprising 'brick cottage, 5 rooms, kitchen, etc, land 50ft x 120 ft'.¹⁴ The following February JWH Swanson (James William Humphrey Swanson) notified agents that his property Manningham was withdrawn from sale.¹⁵ Swanson was listed as the lessee in the 1914–16 and 1917–19 triennial valuation books. He was a clerk in the record branch of the General Post Office. Evidently, he had sold his underlease because in the 1924

edition of the Sands Directory he is listed at Rangers Avenue, Mosman. The underlease was apparently sold to Mrs Mary Augusta Nickoll as she is listed as the lessee in the 1925–27 valuation book.

In 1924 the Warringah Property Company Limited conveyed the freehold of the subject site, Lot 24 and part lots 25–28, to General Investments Ltd.¹⁶ There is no record of the sub-lessees on the land title document but from other evidence, namely the Sands Directory, 115 Holt Avenue was occupied by a succession of tenants until at least 1932–33 including Meredith Hammond, WH Brown, Mrs Beatrice Fleming and Harold A Martel. The Council valuation books list some of these persons too, namely Hammond Meredith (1911–13 and 1914–16), William H Brown (1917–19 and 1920–22) and George Henry Fleming (1922–24 and 1925–57). The Sands Directory names Beatrice Fleming at 115 Holt Avenue from 1923 to 1929. Beatrice Marian Fleming was the sister of lessee George Henry Fleming. He subsequently sublet the property to a succession of tenants.

In 1931 General Investments Limited conveyed the freehold of several parcels of land, including Lot 24 and part lots 25–28 in Section 3 of the Long View Estate, to Arthur Perkins Reynolds of Sydney, company director.¹⁷ Reynolds was an investor, although his primary business was as a company liquidator. No. 115 Holt Avenue continued to be occupied by a succession of tenants. In 1938 the house was advertised in the apartments, board and residence column of the *Sydney Morning Herald* as a **'nice home, two guests, minute tram, single vacancy'**.¹⁸



Figure 4.2 Detail from 1943 aerial survey showing 115 Holt Avenue shaded yellow. (Source: NSW Land Registry Services, SIX Maps)

Reynolds owned the subject site until March 1946 when he sold it to George Henry Fleming of Cremorne, law clerk.¹⁹ Fleming promptly sold 115 Holt Avenue in January 1947 to Bernard Moreton Birkenhead Riley of Sydney, medical practitioner. Riley was born in Burwood on 17 October 1896. During World War One he served as 2/Lieutenant in the Royal Garrison Artillery (Imperial Army). Riley was awarded the degrees of M.B. and CH.M in 1923 at the University of Sydney and subsequently entered practice as a doctor. He worked out of a practice in Macquarie Street, Sydney, and in 1940 was appointed physician to the allergy clinic at the Royal North Shore Hospital. He is listed at 115 Holt Avenue by 1958 and is listed at this address to at least 1980.²⁰ Following his death in March 1986, the property passed by transmission later the same year to John Richard Roy Simpson.



Figure 4.3 Portrait of Bernard Moreton Birkenhead Riley, doctor, 6 November 1922. (Source: State Records & Archives, NRS-9873-1-[2/759A]-R4454_)

JRR Simpson lodged a building application in November 1986 for alterations and additions to 115 Holt Avenue comprising a new living room and kitchen, renovation to the existing bathroom and a new bathroom, and a new driveway and carport, estimated to cost \$40,000.²¹ The plans were prepared by Timothy Moon and Partners Pty Ltd. The plans were approved in early December the same year. In April the following year Council approved amended plans for an extension to the approved carport. Coinciding with this application the property was sold to Comserve (No. 1935) Pty Ltd and Jedapac Pty Ltd as tenants in common. Kathleen Teresa Stirling became the registered owner of 115 Holt Avenue in June 1987.

The new owners commissioned Timothy Moon and Partners Pty Ltd in April 1987 to prepare plans for a new spa and sauna pavilion (Figure 4.4). The building application was lodged to North Sydney Council in May 1987 and approved one month later. The new timber structure was built by Kookaburra Constructions.²²

The property changed hands in 1992 to David Joseph Gwynne and Narelle Tims Scotford. The solicitors for the new owners commissioned Complex Surveys to prepare an up-to-date sketch plan of the allotment (Figure 4.5). The surveyors reported in June that the land contained a brick dwelling on sandstone foundations with an attached carport, both with a tile roof, and a separate sauna and shed at the rear of the property. Council issued Building Certificate No. 103 the following month.

PF Finn lodged a successful building application to Council in June 1996 to erect a garden shed.²³ One month later the owner requested that the fees be refunded as the project was not proceeding. The following year PF and MT Finn lodged a building application to install a tilt garage door to their existing carport.²⁴ Council approved the application two months later.²⁵

115-123 & 125 Holt Avenue, Cremona—Heritage Assessment, July 2023

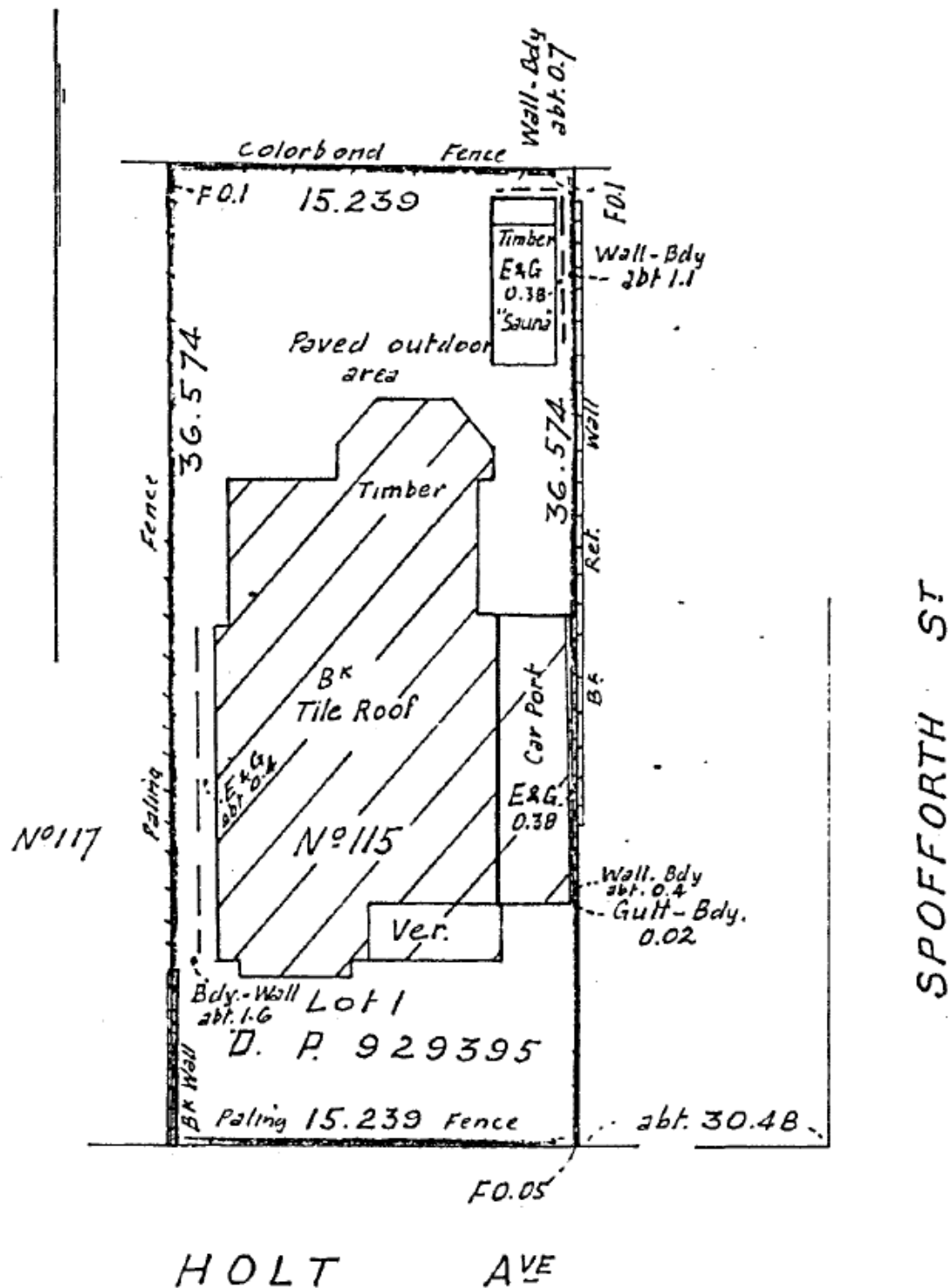


Figure 4.5 Lot 1 DP929395 survey plan, Complex Surveys, June 1992. (Source: NSC File)

4.3.2 117 Holt Avenue

No. 117 Holt Avenue is located on Lot 23 and part Lot 22 in Section 3 of DP 4764 (Long View of Longview Estate).

Between 1906 and 1908 the Warringah Property Company conveyed the underlease of several allotments in Section 3 of the Longview Estate to Thomas Ross of Kogarah, builder. Lease 448388, dated 22 November 1906, comprised Lot 23 and part Lot 22 in Section 3 of DP 4764, the present site of 117 Holt Avenue.

In December 1906 the *Daily Telegraph* reported the building of three residences at Neutral Bay designed by Mr Garton, architect, and built by T Ross, builder, of Rockdale.²⁶ No. 117 Holt Avenue was highly likely to be one of these three houses as Ross had acquired the underlease one month earlier. Also, he already had a working relationship with Garton as in April the same year Garton awarded the contract for building a cottage in Francis Street, Kogarah, to Ross.²⁷

According to the North Sydney Council Rate Book 1907–08, Thomas Ross was the lessee of a single-storey house of six rooms owned by John Cooper and described as ‘vacant’. No. 117 Holt Avenue is first listed in the 1909 Sands Directory as a house in Shadler Street occupied by GS Hall (Frank Sutherland Hall). The entry was repeated the following year. This accords with the 1908–1910 Valuation Book which lists Frank Sutherland Hall as the tenant and Walter Gohrs as rate-paying lessee. In the 1911–13 Valuation Book Hall and Gohrs are listed once more as occupant and lessee, though the Sands Directory names Mrs J Prendergast in the house, named ‘Ritherdon’, from 1910.

In 1913 Tom Raine Raine and Claude Gerard Phillips, trustees of the Cooper Estate, converted over 63 acres (more than 25 hectares) of leasehold land to Torrens title. They sold the freehold title of much of this land in the two estates in 1918 to the Warringah Property Company, including lots 19–28 in Section 3 of the Long View Estate.

Abraham Falk and his wife Esther were living at 117 Shadler Street (later Holt Avenue) by July 1913 when A Falk advertised for a gardener and handy man.²⁸ Abraham and Esther Falk were listed at this address in the Council valuation books as the rate-paying lessees/occupiers from 1914–16 through to 1920–22. Throughout this period the house continued to be named Ritherdon, sometimes misspelt as Rethorden or Ruthorden. Raymond Carbery Addison was listed as the occupant/lessee in the 1922–24 Valuation Book.

HG Johnson submitted a successful building application on behalf of Mr A Falk in May 1916 for a fibro cement room addition to the rear of the house in May 1916, estimated to cost £30. The block plan showing the proposed room addition is reproduced at Figure 4.6.

Later the same year the *Sydney Morning Herald* carried a birth announcement on 21 **October 1916 for a daughter born at 'Cooinda Private Hospital, Wycombe Road, Neutral Bay to Mr and Mrs A Falk, Ritherdon, Holt Avenue, Neutral Bay'**.²⁹

Two years later HJ Beer lodged a successful application to Council to erect a fibro cement garage at the rear of 117 Holt Avenue for Mr A Falk (Figure 4.7). Mrs Falk of Ritherdon, 117 Holt Avenue, Cremorne, advertised **in January 1919 for a 'competent general for small family, good home, liberal outings, good wages, fair paid if suitable'**.³⁰

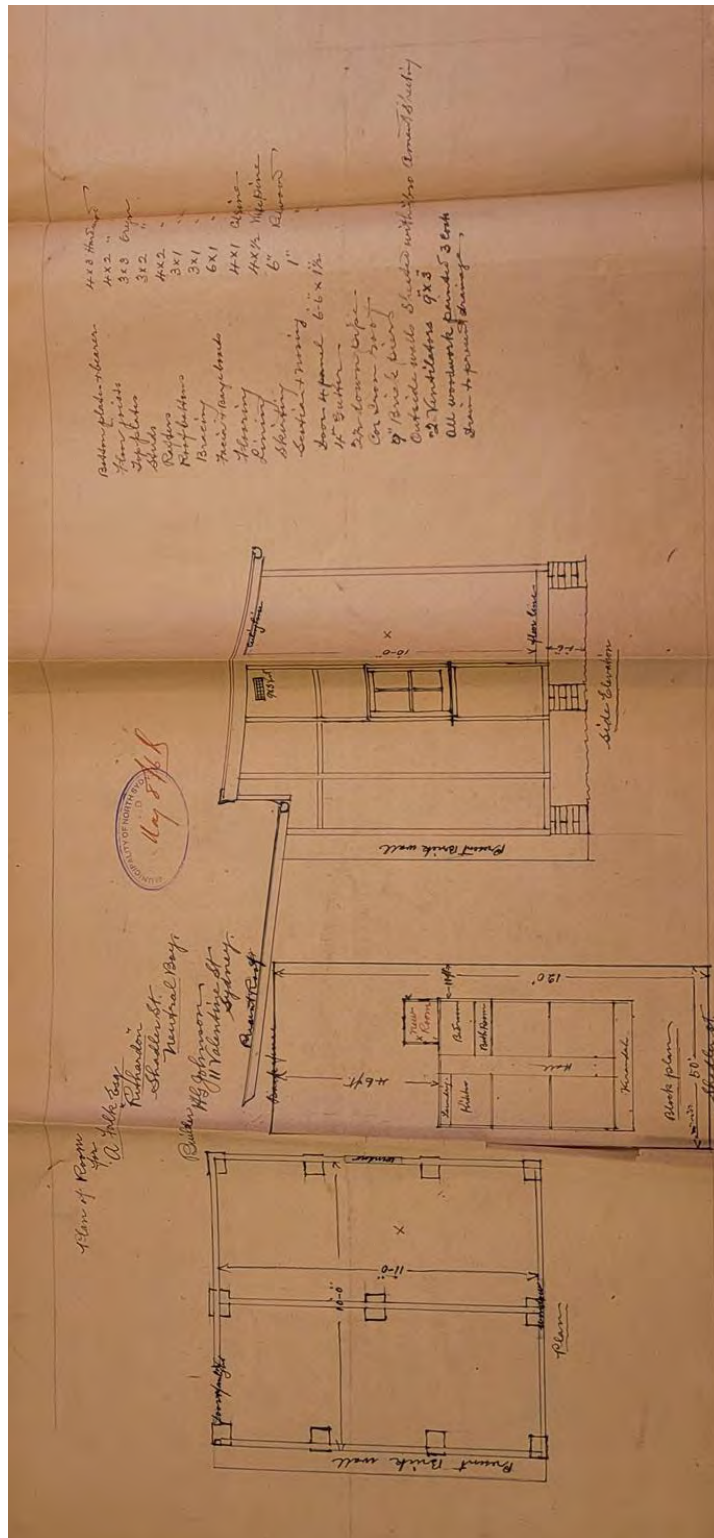


Figure 4.6 Plan of room for A Falk Esq 'Ritherdon', Shadler Street, Neutral Bay, May 1918.
(Source: NSMCA 91/5 Folder F, 1916)



Figure 4.7 Plan of proposed garage for Mr Falk, 117 Holt Avenue, Neutral Bay, June 1918.
(Source: NSMCA 91/5/? Folder F, 1918)

In June 1922 the *Construction and Local Government Journal* reported that W Horn of Willoughby was to undertake alterations to the residence at 117 Holt Avenue.³¹ As the building application has not survived in Council records it is not known what building works took place at this date.

Two years later the subject site, Lot 23/part Lot 22, was sold to General Investments Ltd.³² The company sold this property to Raymond Carbery Addison and Ida Stanley Addison in 1924 as joint tenants.³³ Raymond was described as a bank officer. Yet in a 1931 obituary for his father GC Addison, Raymond was described further as Chief Inspector of the Bank of New South Wales in New Zealand. There were evidently long

periods, possibly the entire 1930s and early 1940s, when the Addisons lived in Wellington, and they likely rented the house out during their absence from Australia.

Builder F Billyard of Concord lodged a successful building application to North Sydney Council in February 1927 on behalf of the Addisons **to construct a brick verandah** 'in place of the present wooden structure estimated to cost £20'.³⁴

The Addisons owned and for part of the time occupied 117 Holt Avenue until 1945 when the property was transferred to Alison Raymond Storey, wife of Arthur Stanley Storey, Lieutenant Commander in the Royal Australian Navy. It is unclear if the family were in residence at this time, as Commander Storey was appointed as the Director of Naval Intelligence Melbourne in 1946. The property changed hands in 1949 to Arthur William Coleman of Cremorne, builder, and his wife Maisie Agnes Coleman as tenants in common. They lodged a successful application to North Sydney Council to undertake minor alterations to the house (Figure 4.8Error! Reference source not found.).

Kenneth Wilton Crowe became the registered proprietor of 117 Holt Avenue in February 1952. He owned the property until May 1974 when it changed hands to Seaconwil Pty Ltd.³⁵

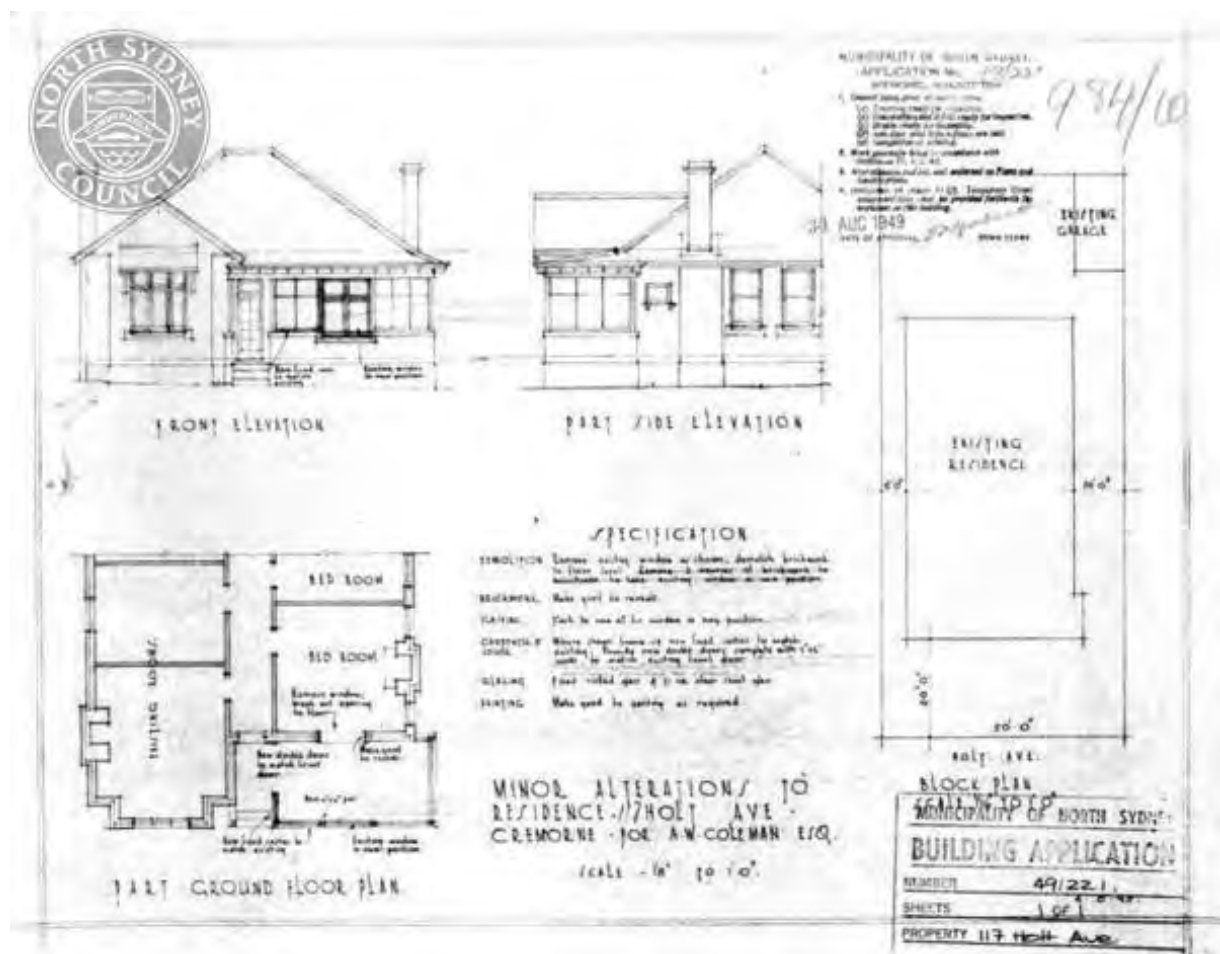


Figure 4.8 Building application for minor alterations to 117 Holt Street for AW Coleman, 1949. (Source: North Sydney Heritage Centre, NSMCA BA 49/221)

In June 1974, Council issued the owner, Seaconwil Pty Ltd, with a notice under the Public Health Act as follows: 'premises in such a state as to be likely to harbour rats or mice, to wit: the overgrowth of vegetation and the accumulations of rubbish and waste materials'.³⁶ The owner promptly attended to the pest control and notified Council that 'the property is now being renovated'.³⁷ The following year the owner, JN Allen, lodged a building application for a new brick fence (valued at \$4100) which was approved by Council in December 1975.³⁸ Universal YH Class Carports and Awnings lodged a successful building application in March the following year to erect a carport for the owner, Dr J Allan.³⁹

The property was sold in January 1990 to Graeme Hand and Deborah Solomon. They lodged a successful building application to Council in April 1990 to undertake alterations and additions to the existing residence, estimated to cost \$120,000.⁴⁰ The plans (Figure 4.9 and Figure 4.10) were drawn by Max Lanser Architect Pty Ltd. The works comprised a new first floor addition and double carport.

In October 1998 John C Haskell, architect, submitted to Council an application to modify a consent/approval, followed later the same month by a construction certificate to **'reinstate provision of 1st floor dormer and attic room as approved in DA consent in 1990, but not carried out at the time of other alterations and additions'**.⁴¹ Council approved the application (two of the plans are shown at Figure 4.11 and Figure 4.12) in January 1999:

It is considered that the application for alterations and additions to the dwelling house in order to increase the size of the front dormer and the installation of rooflight for the conversion of the existing storage area into a habitable room are considered satisfactory...⁴²

Most recently in 2007 Council approved an application to erect a new fence, built by All Walls Pty Ltd, at the property (Figure 4.13).

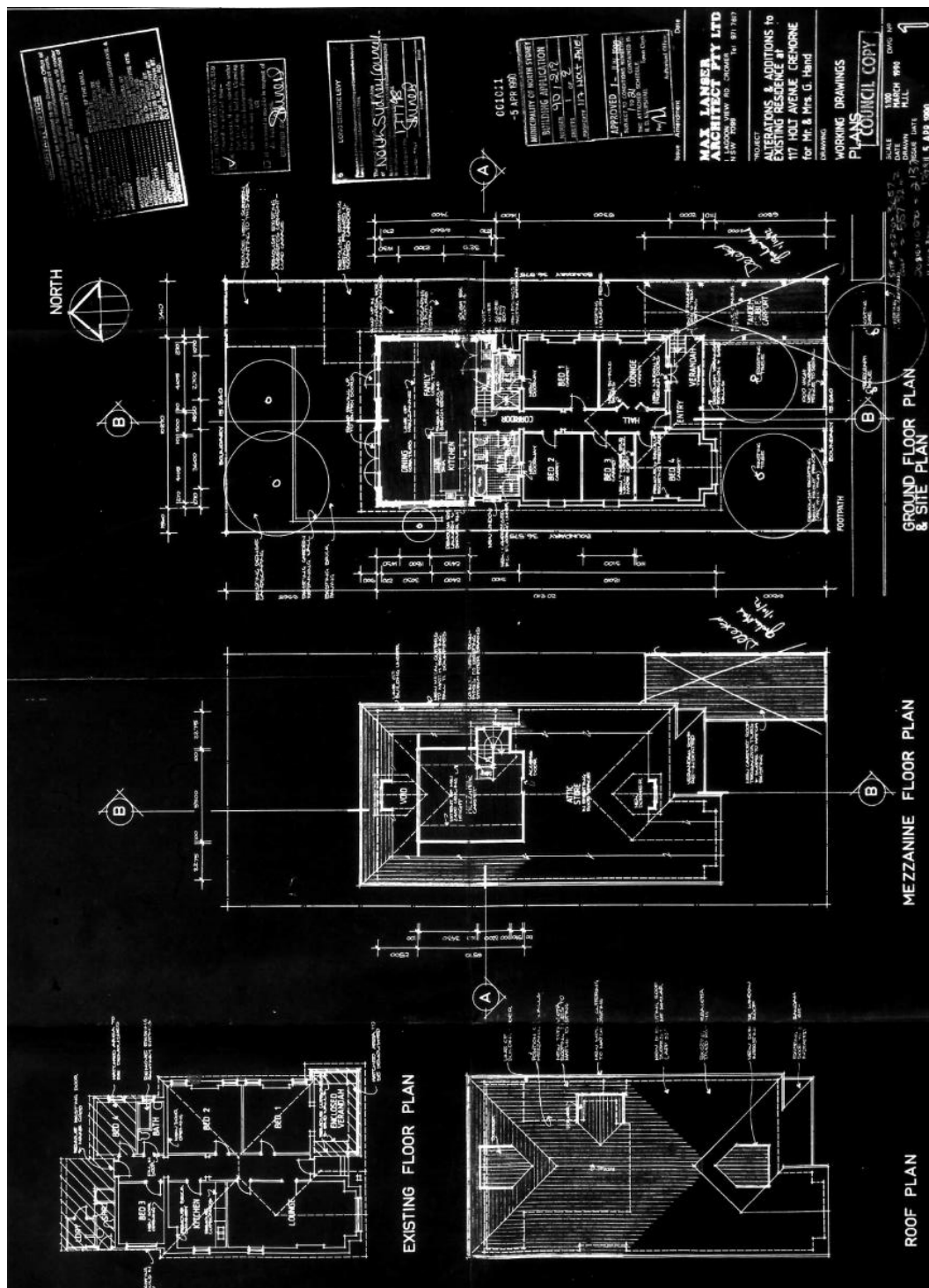


Figure 4.9 Floor plans and site plan—alterations and additions to existing residence at 117 Holt Avenue, Cremorne, for Mr and Mrs G Hand, March 1990 / Max Lanser Architect Pty Ltd. (Source: North Sydney Council, Building Application 90/11, Sheet 1 of 2)

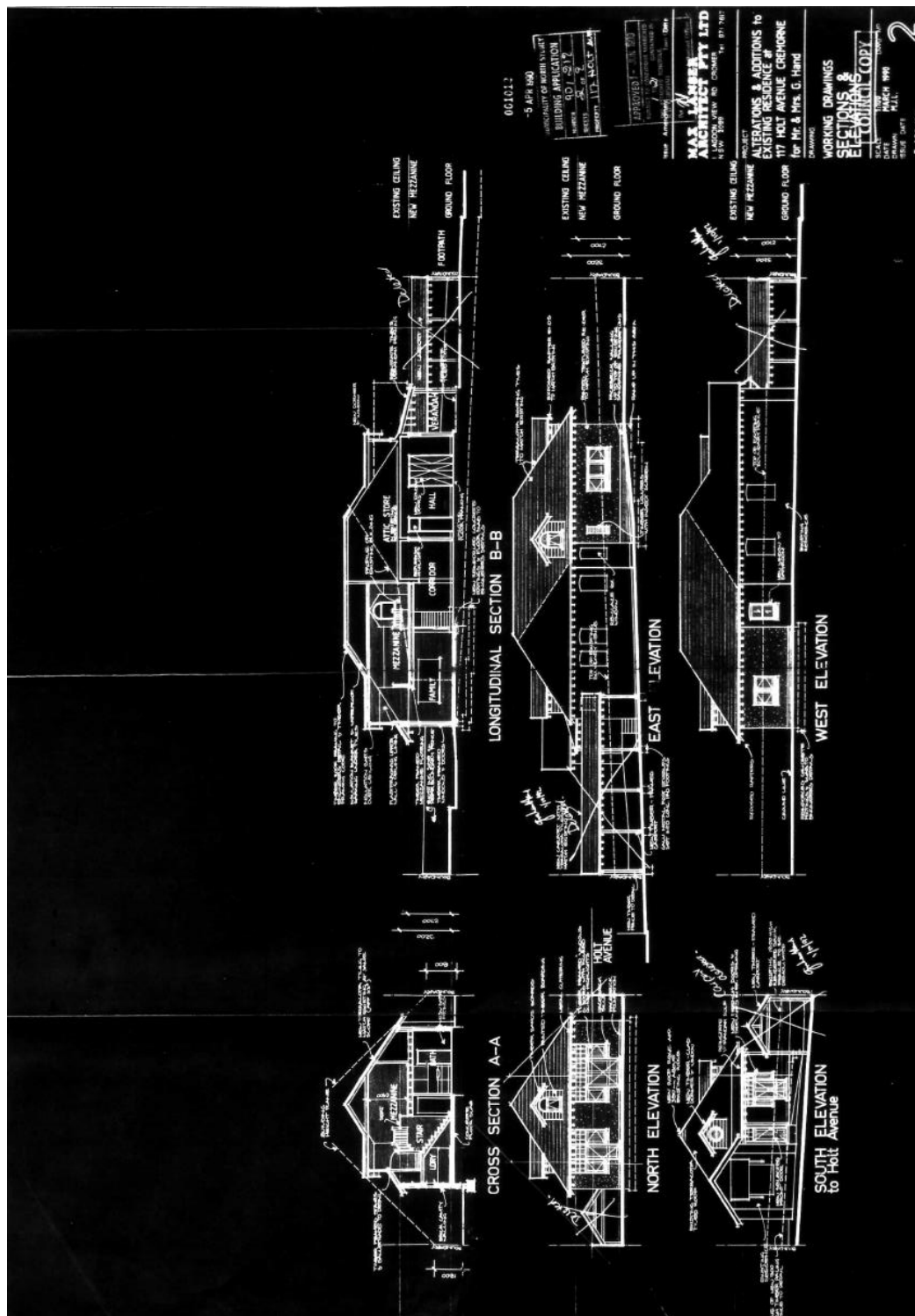


Figure 4.10 Sections and elevations—alterations and additions to existing residence at 117 Holt Avenue, Cremorne, for Mr and Mrs G Hand, March 1990 / Max Lanser Architect Pty Ltd. (Source: North Sydney Council, Building Application 90/11, Sheet 2 of 2)

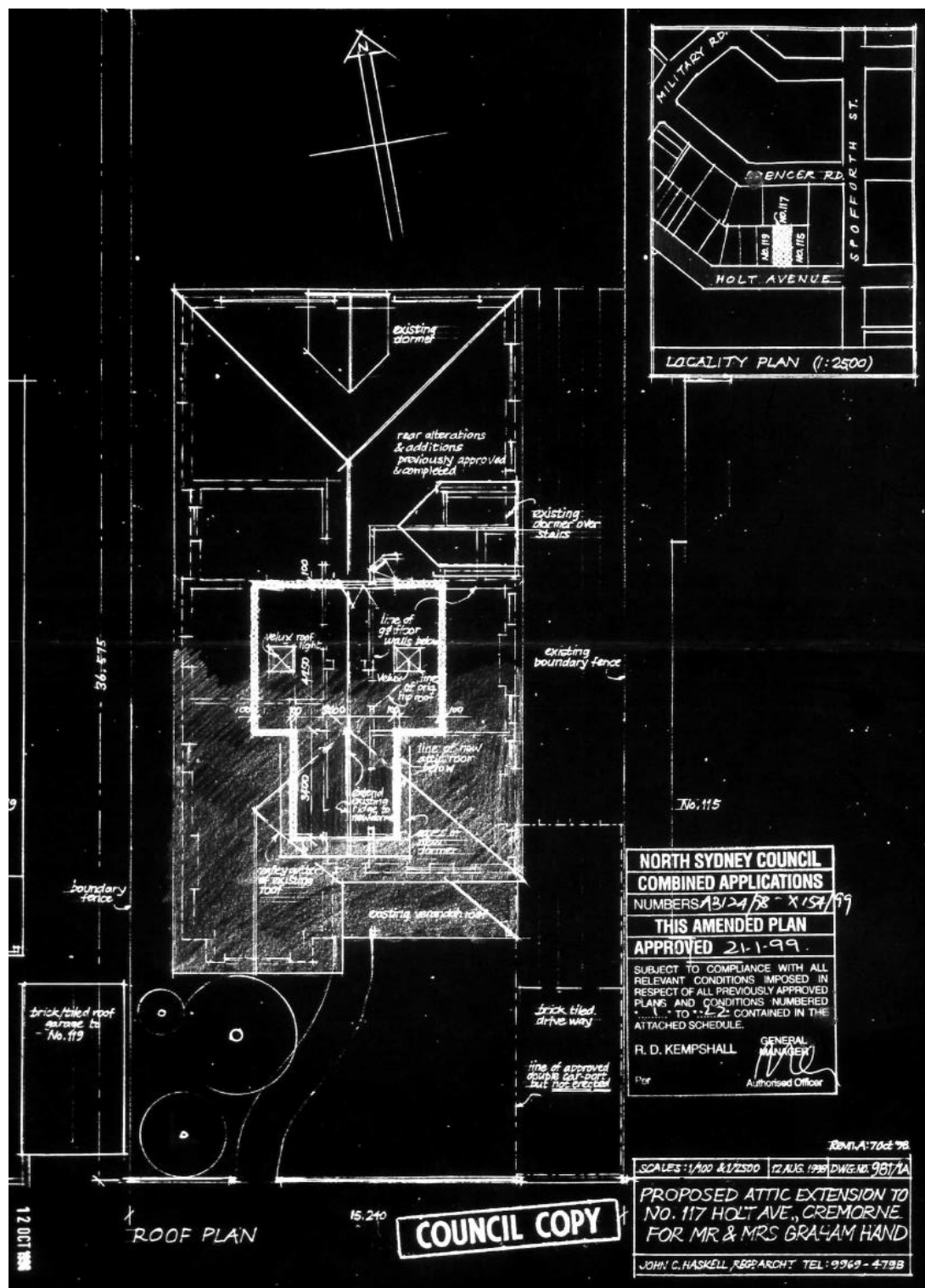


Figure 4.11 Roof plan—proposed attic extension to No. 117 Holt Ave, Cremorne, for Mr and Graham Hand, October 1998 / John C Haskell. (Source: North Sydney Council, Combined Applications A3/23/98 and ZX154/99)

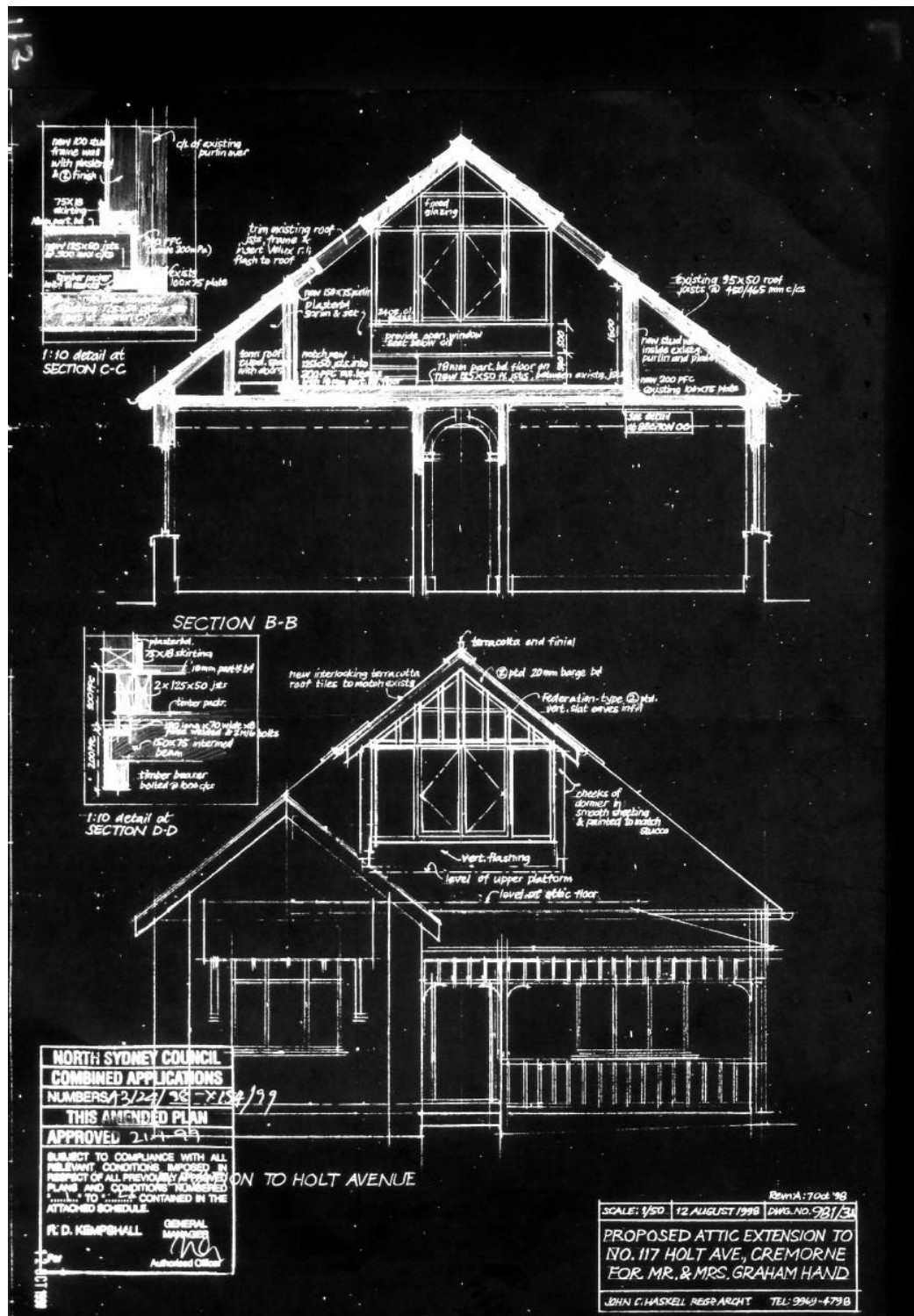


Figure 4.12 Sections and elevation to Holt Avenue—proposed attic extension to No. 117 Holt Avenue, Cremorne, for Mr and Graham Hand, October 1998 / John C Haskell. (Source: North Sydney Council, Combined Applications A3/23/98 and ZX154/99)

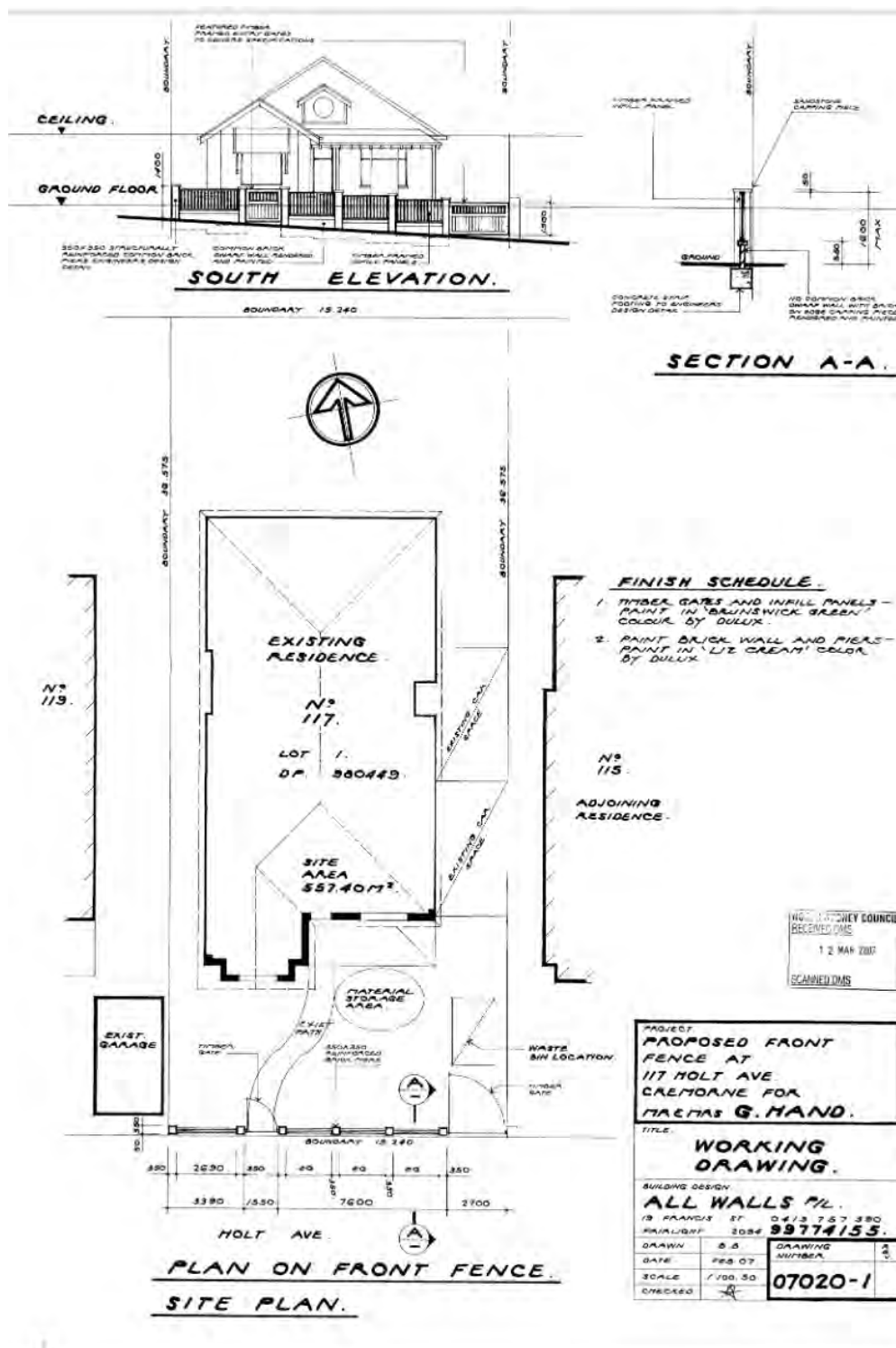


Figure 4.13 Proposed front fence at 117 Holt Avenue for Mr & Mrs G Hand, February 2007 / All Walls Pty Ltd. (Source: North Sydney Council, DA81/07)

4.3.3 119 Holt Avenue

No. 119 Holt Avenue is located on Lot 21 and part lots 20 and 22 in Section 3 of DP 4764 (Long View of Longview Estate).

Between 1906 and 1908 the Warringah Property Company conveyed the underlease of several allotments in Section 3 of the Longview Estate to Thomas Ross of Kogarah, builder. Lease 448390, dated 22 November 1906, comprised Lot 21 and part lots 20 and 22 in Section 3 of DP 4764, the present site of 117 Holt Avenue.

In December 1906 the *Daily Telegraph* reported the building of three residences at Neutral Bay designed by Mr Garton architect and built by T Ross, builder, of Rockdale.⁴³ No. 119 Holt Avenue is highly likely to be one of these three houses as Ross acquired the underlease one month earlier. Also, he already had a working relationship with Garton as in April the same year Garton awarded the contract for building a cottage in Francis Street, Kogarah, to Ross.⁴⁴

According to the North Sydney Council Rate Book 1907–08, Thomas Ross was the lessee of a single-storey house of six rooms owned by John Cooper and occupied by Mrs Lena Martin. No. 119 Holt Avenue was first listed in the Sands Directory in 1908 as a house **named 'Thornley'** (later Thornleigh). Martin is listed as the occupant in the 1908–10 and 1911–13 valuation books.

Meanwhile, Ross sold the lease to John Gohrs of Mosman by 1908–10. He in turn sold the underlease to Ernest Hines in 1911–13. The valuation books name Mrs Leilath M Douglas as the occupant/lessee of 119 Holt Avenue from 1915 to 1917–19 while her husband Alfred T Douglas is the occupant of Thornleigh in the Sands Directory to 1918. Keith Pitt Badgery was the next tenant of the house. By 1923 he was a principal of Badgery Brothers Ltd, livestock salesmen, a company which was absorbed by Goldsborough Mort & Co Ltd in 1928. In 1937 he became a director of the newly formed company Schute Bell Badgery Lumby Ltd, wool, produce and livestock brokers and merchants.

The Warringah Property Company sold multiple allotments in the Long View and Parraween estates in September 1919 to John William Reynolds, company manager, of Bondi.⁴⁵ He sold 119 Holt Avenue in early 1924 to Robert James Rain, surveyor, and Ethel Mills Rain of Neutral Bay. They owned Thornleigh until mid-1932 when they sold to Estelle Maude Spain. She and Kenneth Bayer Spain, a draughtsman, are listed at 119 Holt Avenue in the electoral rolls during this period. Keith P Badgery lodged a successful building application in October 1927 to erect a **'shelter shed for motor car'** at Thornleigh, 119 Holt Avenue (Figure 4.14 and Figure 4.15).⁴⁶ By 1930 Badgery was living in Alexander Avenue, Mosman.

In the 1940s and 1950s, after selling the property, Kenneth Bayer Spain became a noted architect.

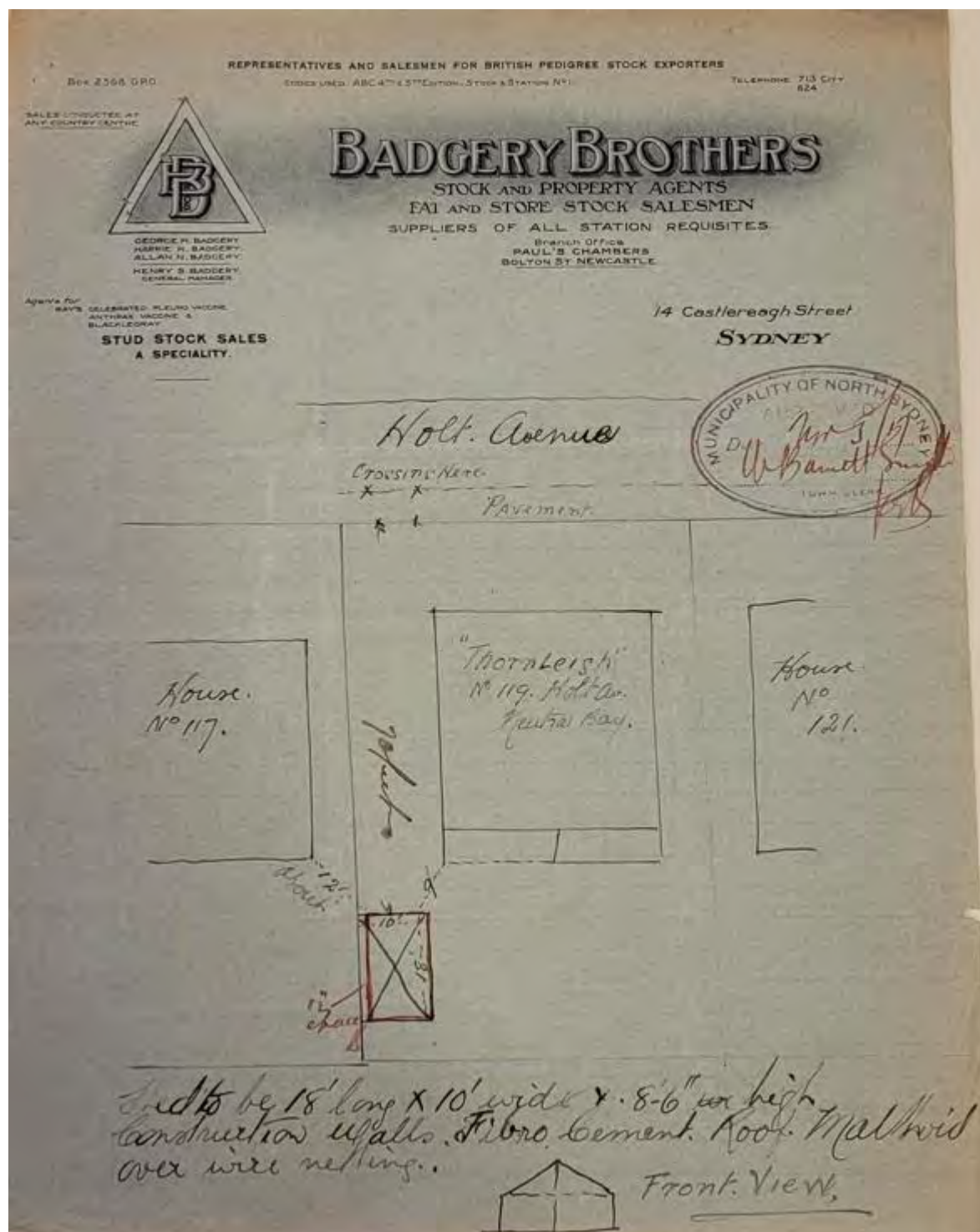


Figure 4.14 Sketch plan for proposed garage, 1927. (Source: NSMCA 91/5.? 1927)

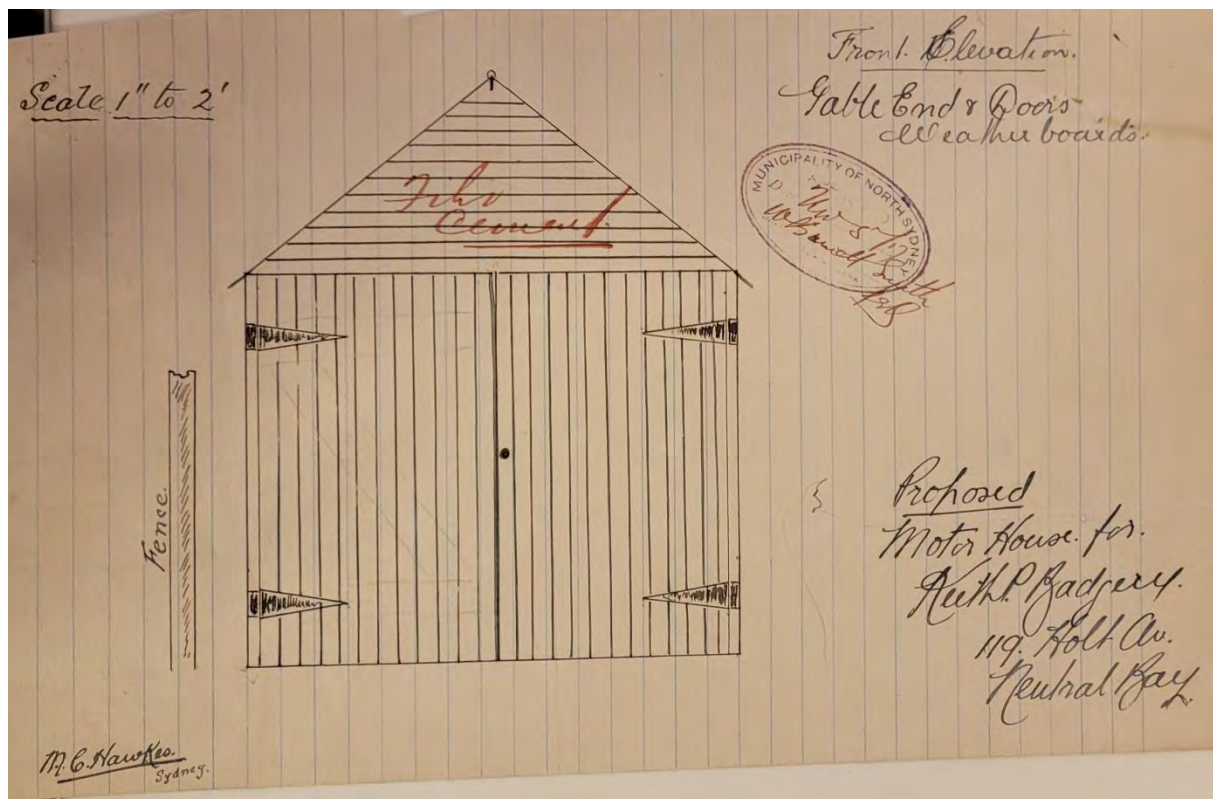


Figure 4.15 Front elevation, proposed motor house for Keith P Badgery, 119 Holt Avenue, Neutral Bay, 1927. (Source: NSMCA 91/5.? Folder B, 1927)

In 1938 the property changed hands to Cremorne widow Blanche Helen Champion. She owned and occupied 119 Holt Avenue until her death on 7 October 1959. The following year the property passed to her executor Dennys Alexander Hill Champion, an electrical engineer of Cremorne. He promptly sold it the same year to Neutral Bay widow Frances Fanny Neill. She owned and occupied it until at least 1980. In August 1961 Frances Neill lodged a successful building application to Council to undertake alterations and additions to the dwelling valued at £400. The work consisted of an enclosed verandah at the rear and an extension to the existing garage. The work was carried out by R Kidd.⁴⁷

The property was the subject of a building application in 1990 for Peter and Ilsa Trurau. BA 90/623 comprised alterations to the residence estimated to cost \$75,000. The plans were drawn by Tomaszewski Associates Pty Ltd Architects and comprised alterations and additions to the dwelling: front fence, family room, kitchen, garage, laundry and bathrooms (shown in Figure 4.16, Figure 4.17, Figure 4.18, Figure 4.19, Figure 4.20 and Figure 4.21). Approval was granted for the building works in December 1990. An amendment was subsequently granted in 1991 for the conversion of the approved garage to a carport in the same location.⁴⁸

Figure 4.22 comprises a survey sketch of the property in 1992. No. 119 Holt Avenue was advertised for auction sale in November 1993 and again in June 1995. By this date the house was called 'Oakhurst'. No. 119 Holt Avenue was sold most recently in April 2020.

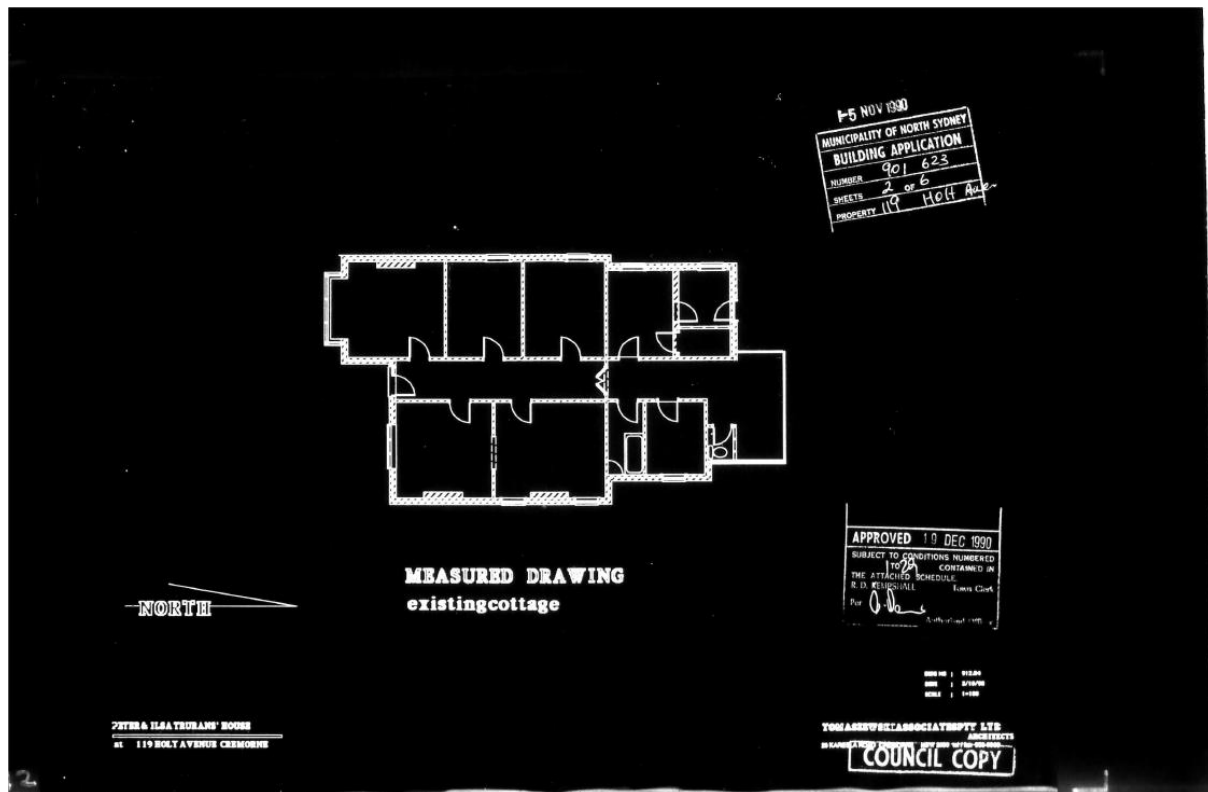


Figure 4.16 Measured drawing, existing cottage, 119 Holt Avenue / Tomaszewski Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

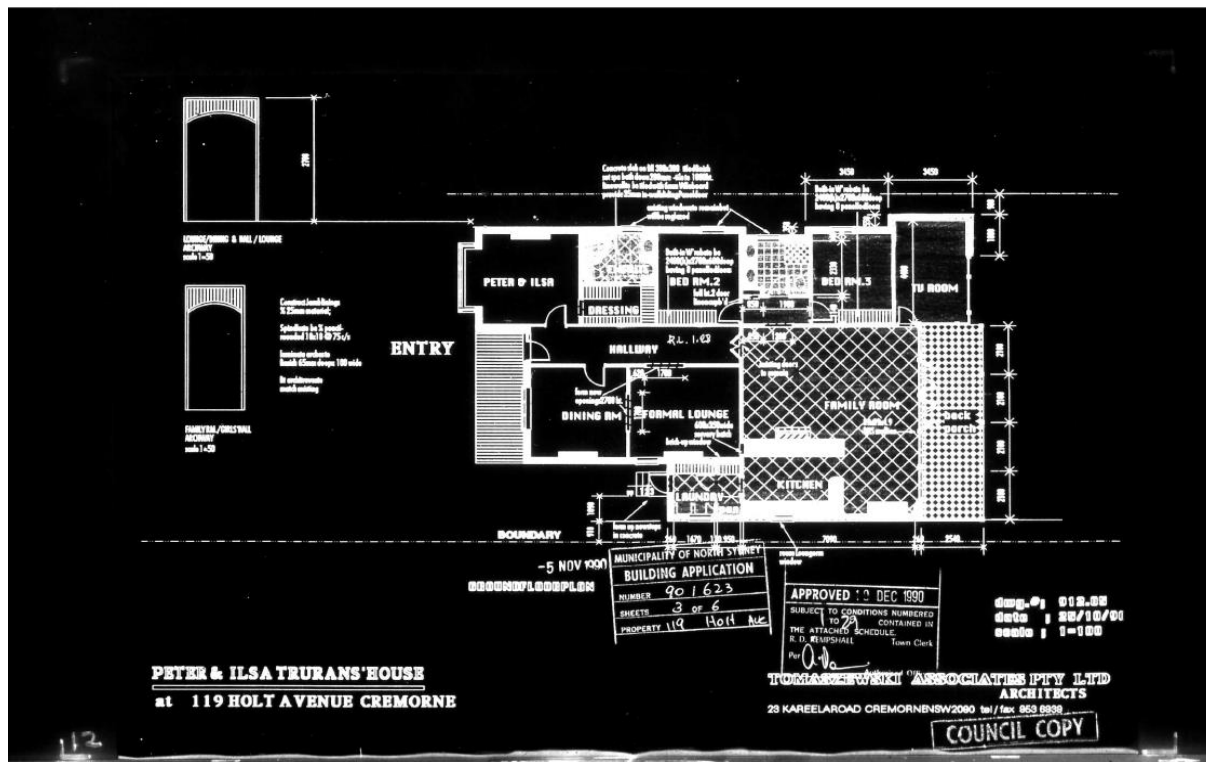


Figure 4.17 Ground floor plan, Peter and Ilsa Truran's house, 119 Holt Avenue / Tomaszewski Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

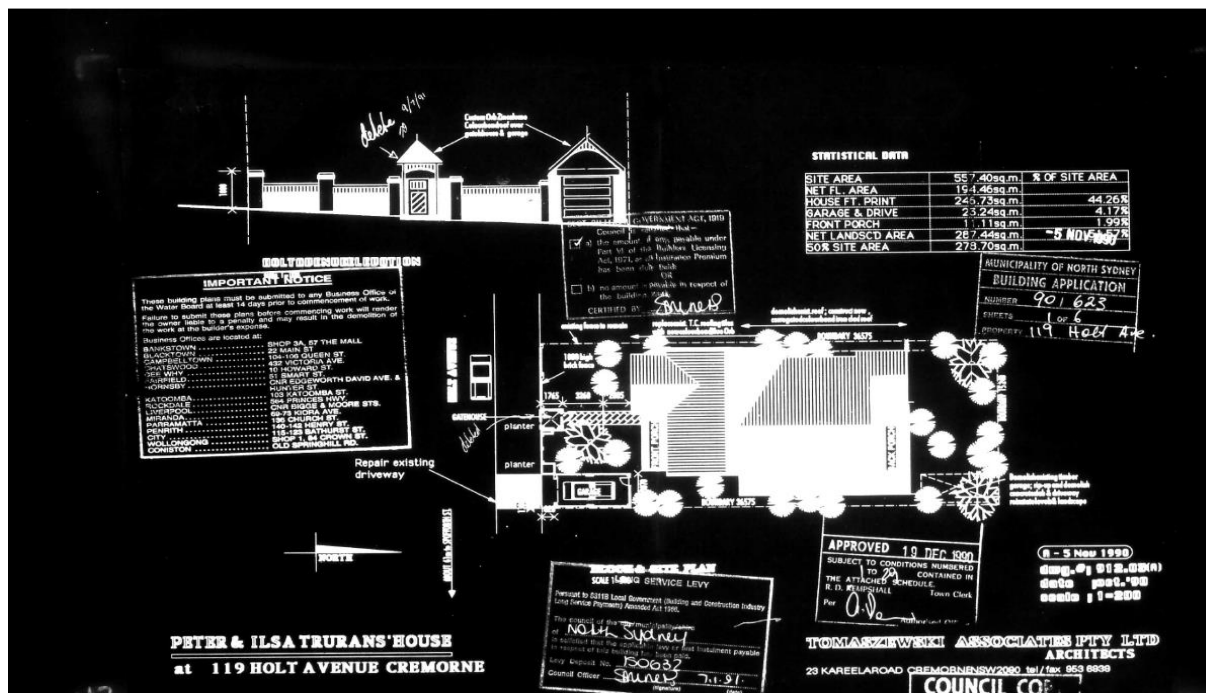


Figure 4.18 Block and site plan, Peter and Ilsa Truran's house, 119 Holt Avenue / Tomaszewski Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

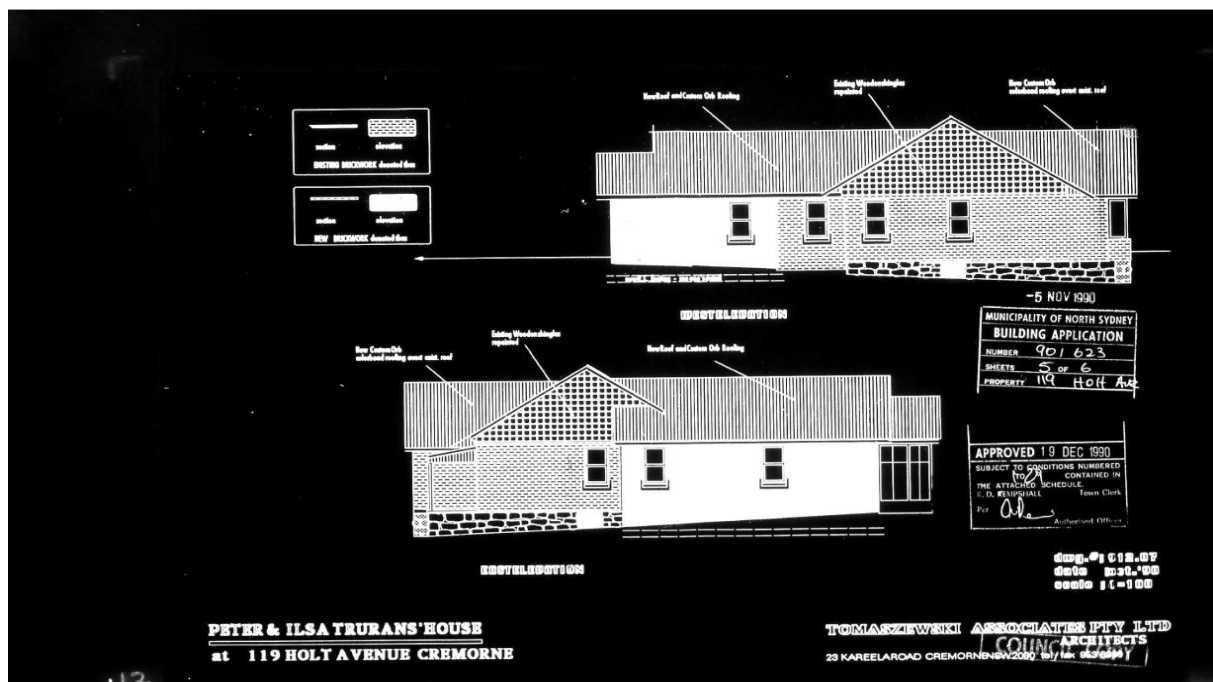


Figure 4.19 North and south elevations, Peter and Ilsa Truran's house, 119 Holt Avenue / Tomaszewski Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

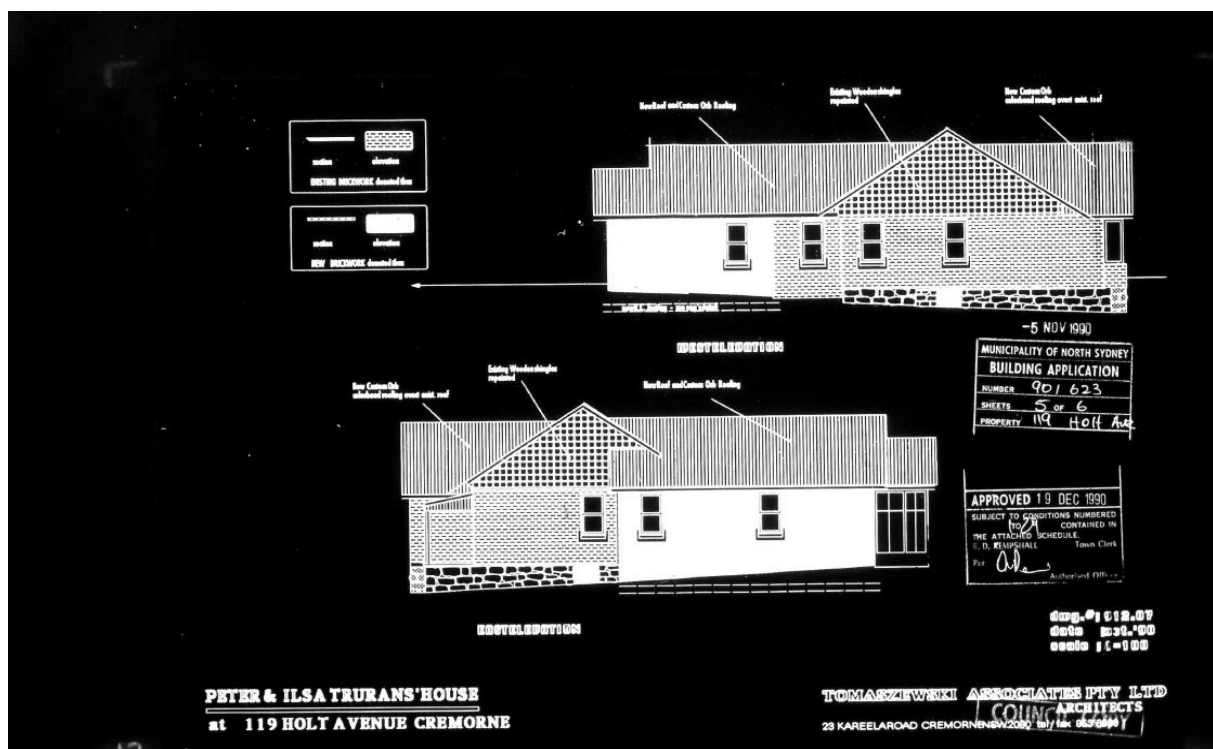


Figure 4.20 East and west elevations, north and south elevations, Peter and Ilsa Truran's house, 119 Holt Avenue / Tomaszewski Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

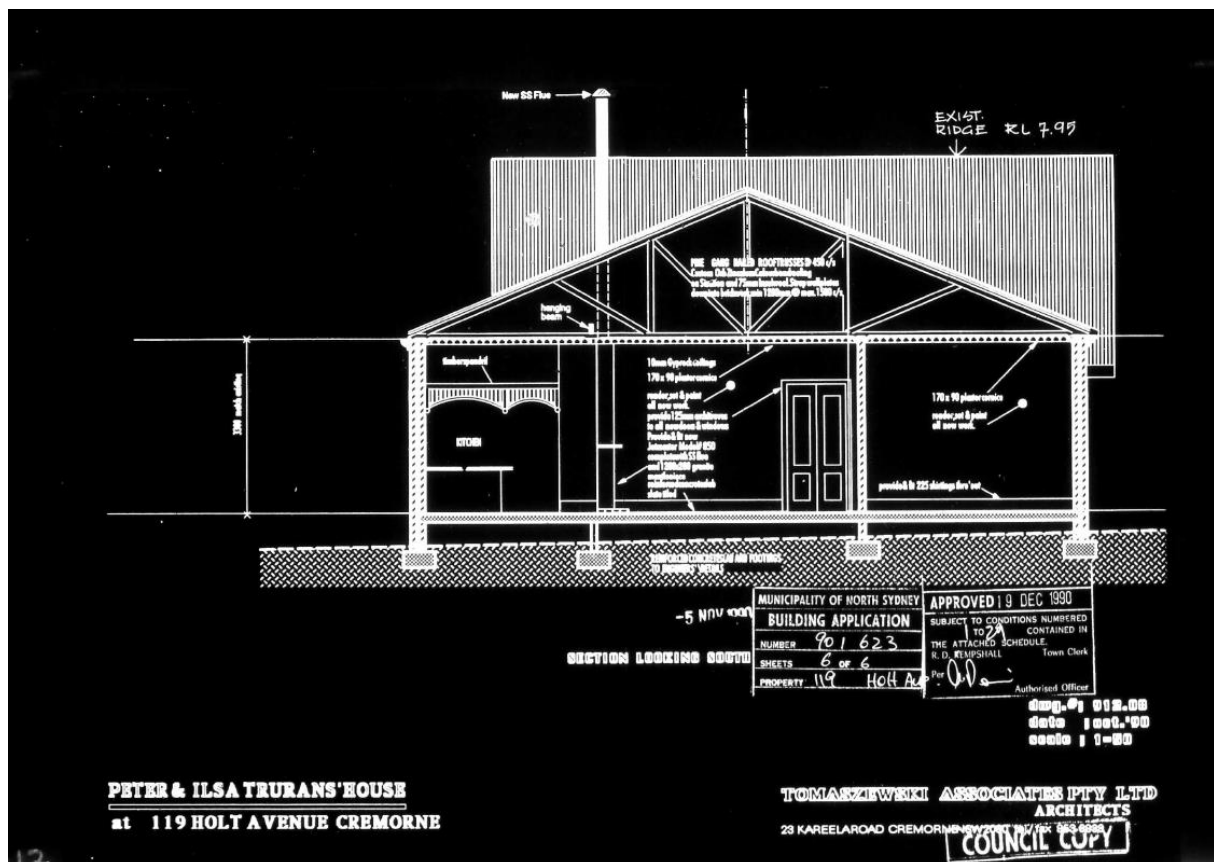


Figure 4.21 Section looking north—north and south elevations, Peter and Ilsa Truran’s house, 119 Holt Avenue / Tomazsweki Associates Pty Ltd, October 1990. (Source: North Sydney Council, BA623/90)

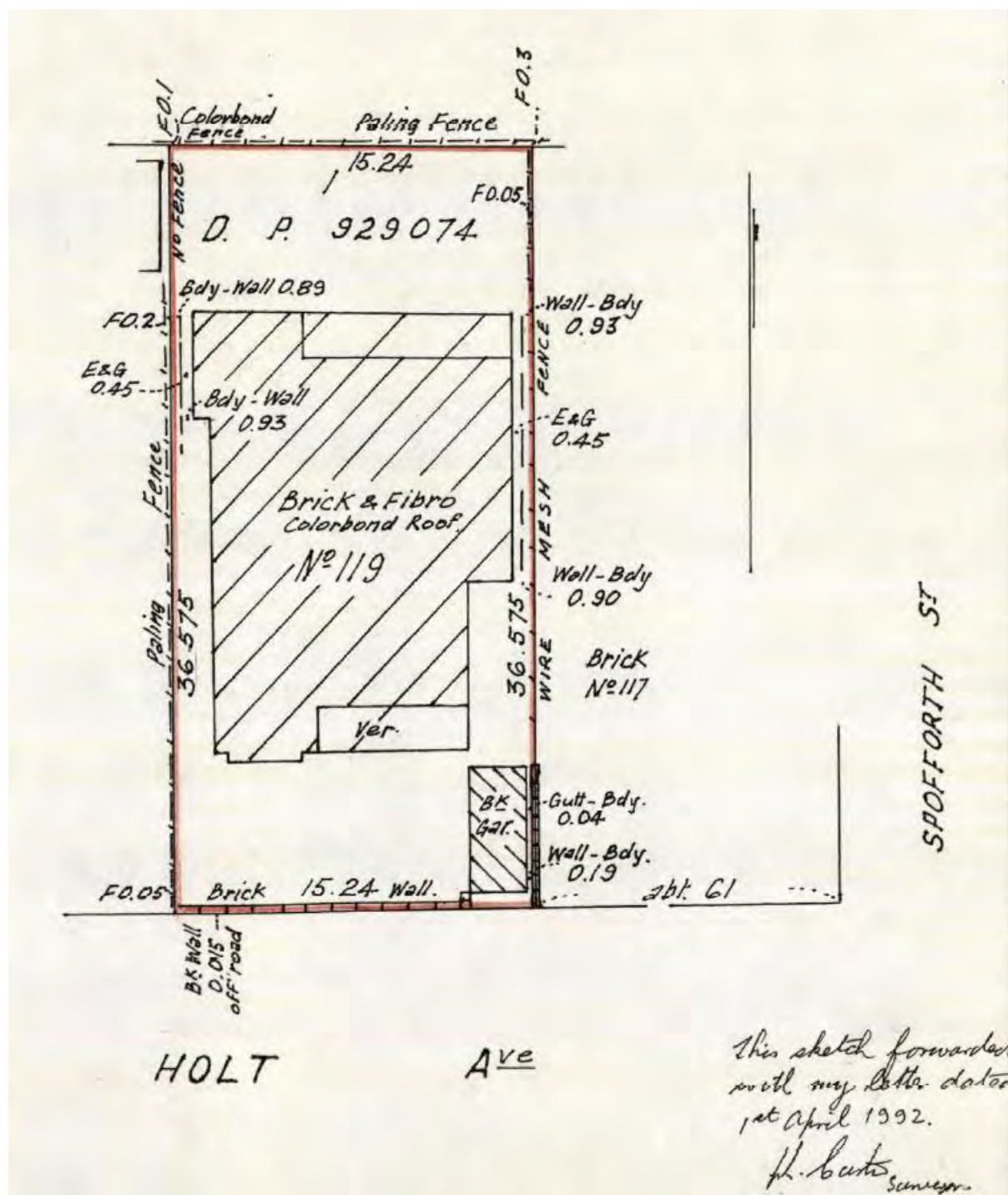


Figure 4.22 Survey sketch plan of 119 Holt Avenue, April 1992, by Robert L Curtis, surveyor.
(Source: North Sydney Council, P339/119/9)

4.3.4 121 Holt Avenue

No. 121 Holt Avenue is located on Lot 19 and part Lot 20 in Section 3 of DP 4764 (Long View of Longview Estate).

Thomas Ross, a builder, purchased the underlease of several adjoining allotments in Section 3 of the Longview Estate in 1906 and 1907 from the Perpetual Trustee Company Limited and The Assets Realization and General Finance Company Limited (lessees from the Cooper Estate). On 22 November 1906 Ross obtained lease 448387, comprising Lot 19 and part Lot 20, the present site of 121 Holt Avenue.

The 1907–08 rate book lists Thomas Ross as the rate-paying lessee of a parcel of land leased from the Warringah Property Company. The house was completed by the beginning of 1908, because the 1908–09 rate book notes Thomas Ross as the rate-paying lessee of the property, which was described as a vacant house. The rate book entry also indicates that Ross conveyed the underlease to Walter Gohrs of Mosman. Mrs L Martin is listed in Leoneville (alternatively spelt Leonville), Shadler Street [sic]. The 1911–13 Valuation Book shows John Cooper as the owner of the property and that Gohrs has sold the underlease to Earnest Hines while the house was named Leonville. Hines sold the underlease of the cottage by 1914 to Mrs Esther Falk.

The 1914 Valuation Book lists Leena [sic] Martin as the occupant of 121 Holt Avenue, and the rate-paying lessee was Mrs Esther Falk from 1914 to at least 1917–19. The house was variously occupied in the 1920s including by HE Taylor and then Alfred **Williams. Williams renamed the house 'Karoo'.** According to North Sydney Council triennial valuation books Alfred Williams was recorded as the occupant of the property in 1917–19, 1920–22 and 1922–24; however, it is not entirely accurate as he died in March 1922, survived by his widow, Annie Williams. The property was advertised for auction sale as Karroo on 12 July 1923 by order of the Public Trustee, estate of Alfred Williams, deceased:

An attractive cottage, well built of brick on stone, with a tiled roof, verandah in front and rear, and contg. hall, living room, dining room, 3 bedrooms, bathroom with heater, shaving cabinet, etc. Large kitchen, with has stove and range, laundry, pantry, etc.
Electric light and sewer'.⁴⁹

The advertisement stressed that the property was offered on title leasehold.⁵⁰ The property does not appear to have changed hands at this date as there is no record on the leasehold title document.

The freehold of multiple allotments in the Long View and Parraween estates, including the subject land, was sold to General Investments Limited in January 1924. In the meantime Annie, **Alfred's widow**, continued to live at 121 Holt Avenue and is listed as the occupant in the 1925–27 Valuation Listing.

The Williams family continued to occupy 121 Holt Avenue. In March 1941 the engagement of Kathleen, the only daughter of Mrs Annie Williams and the late Alfred Williams, to Jack Howard, only child of Mr and Mrs W H Selway of Sydney, was announced in the *Sydney Morning Herald*.⁵¹

No. 121 Holt Avenue was sold in May 1943 to Annie Agnes Williams, George Williams and Kathleen Williams as tenants in common.⁵² The trio are listed at this address in the 1943 electoral rolls. One member of the family, Winfred Sarah Williams, MB, B.Ch (Wales), was registered by the New South Wales Medical Board care of 121 Holt Avenue in 1944.

Kathleen Selway (nee Williams) was widowed in 1944 when her husband, Flying Officer Jack Howard Selway of the RAAF, was killed in action in Timor. She continued to live at 121 Holt Avenue with her mother during this period and became the registered proprietor in October 1947. She was listed at this address until the 1963 electoral roll.

The property changed ownership in April 1963 to Marjorie Emily Bawtree Alley, 'spinster', of Cremorne. She owned and occupied 121 Holt Avenue until a little before her death in August 1984 when she was living at Oatley. In December 1984 the property passed by transmission to Vivienne Watkins nee Alley, who had shared the house with Marjorie Emily Bawtree Alley from before 1968. No. 121 Holt Avenue was advertised for auction sale in March 1985 when it was sold to Richard Maxwell Fyson Woods. A survey sketch (Figure 4.23) was prepared to accompany the change of ownership to Council in 1985. Coinciding with the change of ownership RM Woods lodged a successful building application for additions to the rear of the dwelling by Progressive Constructions Pty Ltd, which were estimated to cost \$15,000.⁵³ Later the same year Council approved an amended drawing for a new front fence and additions to the residence.

RM Woods lodged a building application to Council in December 1992 to construct alterations and additions to the existing house costing \$18,000; the builder was Progressive Constructions Pty Ltd.⁵⁴ The works comprised a new bedroom, bathroom, walk-in wardrobe and a timber deck with pergola at the rear of the dwelling. Council issued approval for the application in February 1993. The following year Woods lodged a successful application to erect a double carport at the property by Progressive Constructions Pty Ltd.⁵⁵

The property last changed hands in 2010. In 2013, development application 7/13 was lodged with Council for a new front fence and gates.

HILL & BLUME
REGISTERED SURVEYORS



DATE: 2nd May, 1985
REF: 34018-18793 KB
PAGE No.: 2 OF 2 PAGES

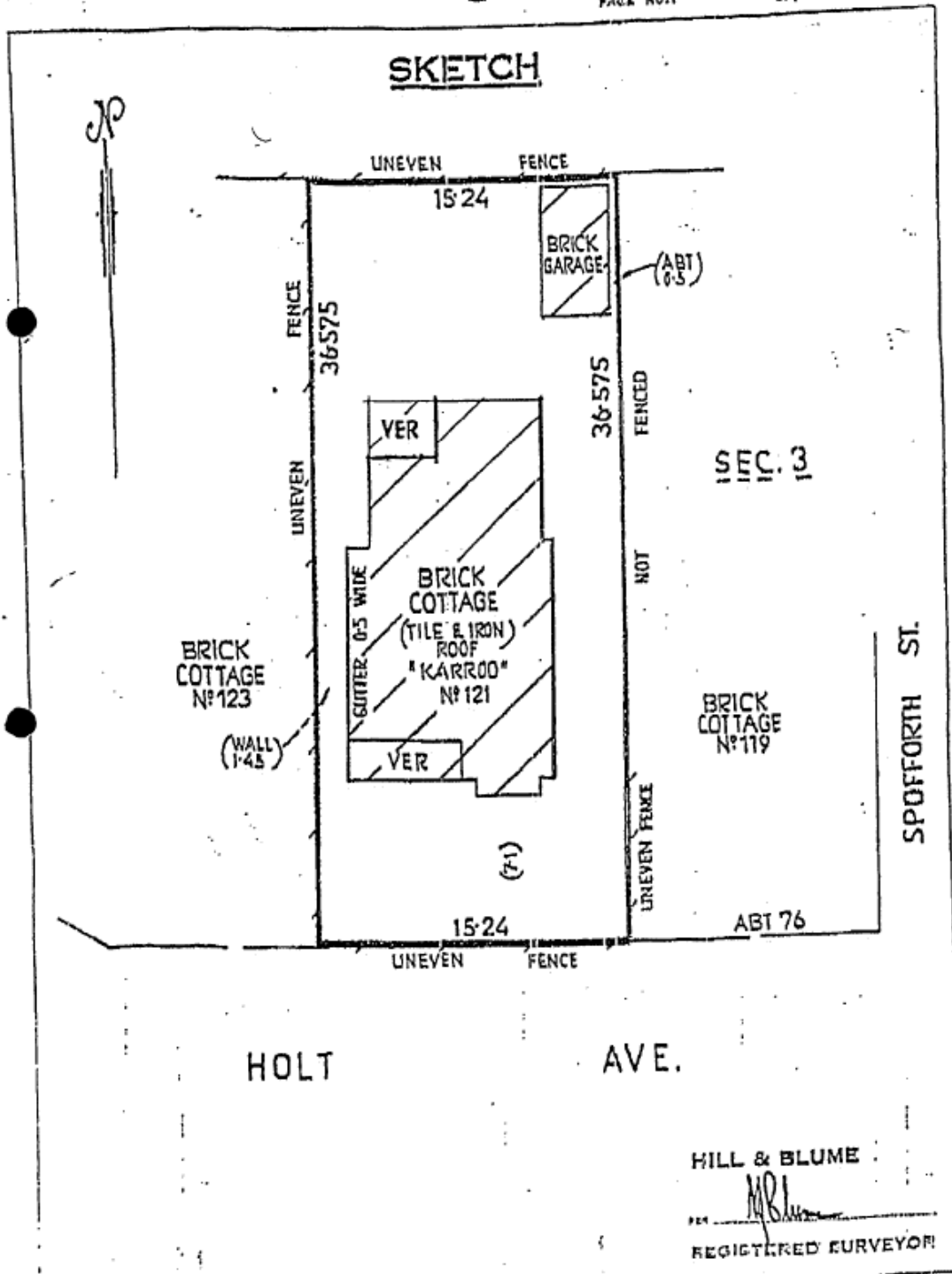
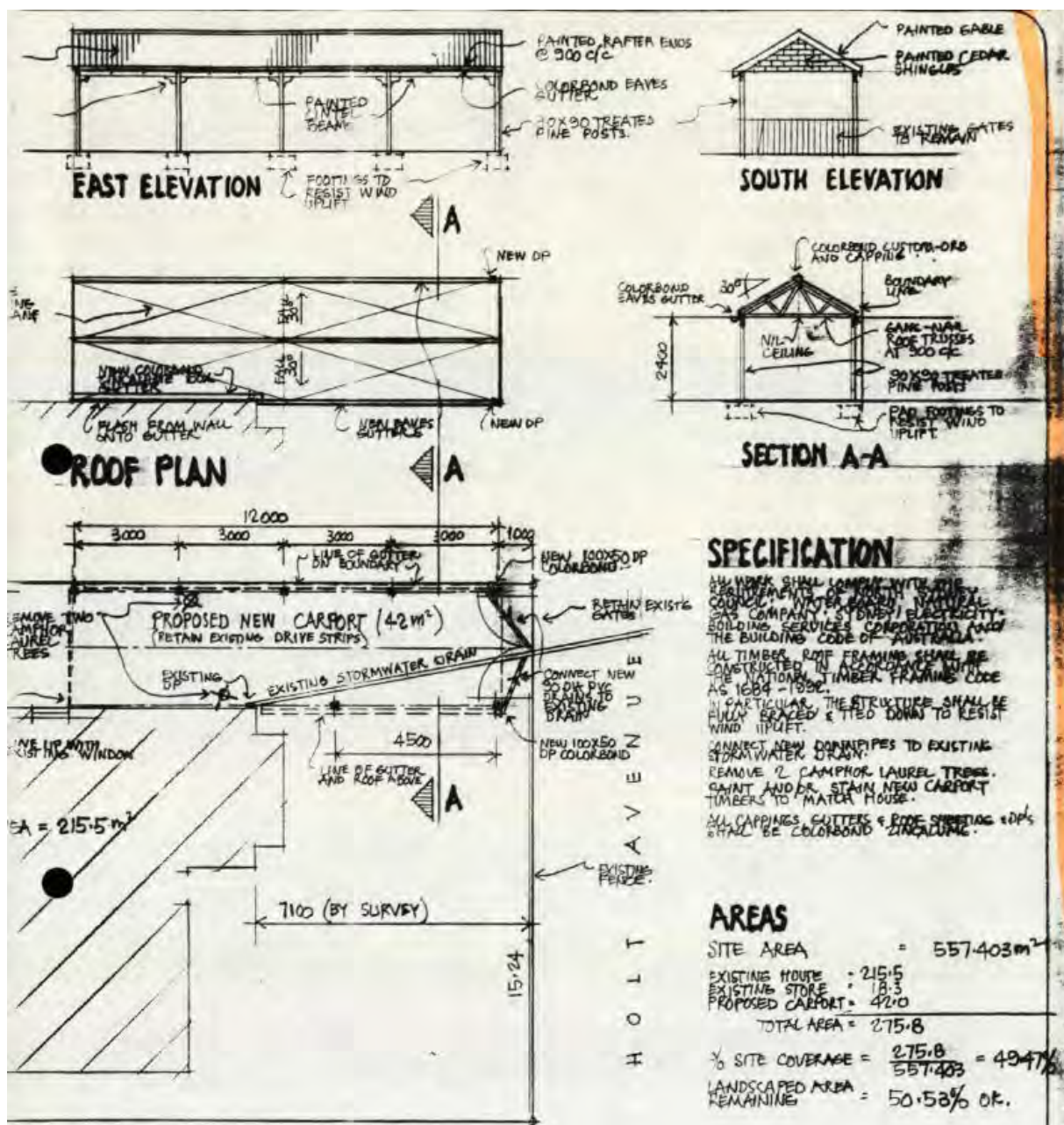


Figure 4.23 Survey sketch of 121 Holt Avenue, 1985/Hill & Blume. (Source: North Sydney Council, P339/121/3)



17 (site of 125 Holt Avenue) and Lot 18/part Lot 17 (site of 123 Holt Avenue).⁵⁶ Consequently 123 and 125 Holt Avenue share a common history.

In the 1907–08 rate book, Edward Skelton Garton was listed as the rate-paying lessee of lots 16, 17 and 18; however, this is not borne out by land title documents. Though **Garton’s wife Helen was the owner of underleases of several allotments in sections 1 and 4** of the Long View Estate, the first reference to the underlease of the subject land on the certificate of title records only the underlease to Richard Henry Pearce of the three allotments.

Many of the underleases sold in the Long View Estate were acquired by a relatively small number of individual speculative investors and builders. Among these was Thomas Ross, who purchased the underlease of most of the allotments in Section 3 fronting Spencer Road (then named Middle Street) and the allotments fronting Spofforth Street, along with a small number of allotments in Holt Avenue, including part of the subject site. Helen Rebecca Garton, the wife of architect Edward Skelton Garton, owned the underlease of at least half of the allotments in Section 4, fronting the southern side of Holt Avenue, among others parcels in the estate. Undoubtedly her husband purchased the land and put the lots in her name. Richard Henry Pearce was another speculative builder on the Long View Estate, owning the underlease of several allotments, including the site of 123 and 125 Holt Avenue.

In the 1908–09 rate book **Garton’s name is struck out and amended to Richard Henry Pearce** (builder) and Wickham Reginald Septimus (auditor) as the new lessee and occupier of the land respectively, effective from 26 June 1908. The underlease was sold initially to Wickham in 1908⁵⁷, but later sold back to Pearce in 1910.⁵⁸ The 1908–1910 Valuation Book described the property as being occupied by Reginald Wickham, owned by John Cooper and leased to Richard Henry Pearce. The valuation entry indicates it was **an ‘unfinished house’ but the unimproved, improved and annual values of £300, £775 and £55** listed respectively indicate that the house was completed during the three-year period, most likely in 1908 or 1909.

The house was probably designed by Edward Skelton Garton as it appears he and Richard Henry Pearce had an agreement to jointly build houses in the Mosman and Cremorne area. However, a dispute arose between the two men when Garton accused Pearce of lying about their business arrangement and not giving him the profits from the sales of houses they had jointly built. This financial dispute resulted in court proceedings that led to Edward Skelton Garton being declared bankrupt by public notice on 8 December 1908. The court found there was a partnership between the gentlemen and **that Garton was Pearce’s architect**.⁵⁹ The newspaper accounts do not specifically mention Holt Avenue (formerly Shadler Street) but the rate records certainly connect Garton and Pearce to the subject site. The house was built around this time and is listed in the

1908–10 triennial valuation book as an unfinished house owned by John Cooper, leased to Richard Henry Pearce and occupied (when completed) by Reginald Wickham. The **house, called 'Bangalow'**, is first listed in the Sands Directory in 1909 occupied by Wickham. The following year Bangalow was occupied by Mrs Agnes Mack. She is listed as the occupant of the property in the 1911–13 Valuation Book. Mack was listed here until 1912. The next occupant recorded at this address is Mrs RF Furber in 1913 and 1914, also confirmed by the 1914 rate book entry.

The freehold of the subject site was conveyed to Pearce in 1914⁶⁰ and almost immediately conveyed same to Mrs Hilda Beaumont Mginie and Mrs Annie Rebecca Small.⁶¹ In 1914–15 Richard Henry Pearce sold the lease of the subject site to Annie Rebecca Small, wife of William Paul Small, a company manager of Sydney, and Hilda **Beaumont Mginie, wife of Arthur Harold Mginie of Neutral Bay, a manufacturers' agent** and niece of William Paul Small. AH Mginie is listed at this address in the Sands Directory from 1915. AH Mginie was one of the first two directors of new company Stewart Black Proprietary Limited, which was a manufacturing stationer, printer, etc.

Annie Rebecca Small leased the property in November 1922 to Herbert Woodley Gilles, a company manager. The following year the property was advertised **to lease as a 'five roomed cottage, glassed-in sleeping-out verandah, all conveniences, lawns etc'**.⁶² No. 123 Holt Avenue was occupied from this time by a succession of tenants, among them George Birtles and his wife Ethel May Birtles. They were listed at 123 Holt Avenue in April 1945 when they were advised their son Flight Sergeant Ronald Joseph Birtles was presumed killed in action in Europe. The following January Ethel died aged 57 years.

Following the death of Annie Rebecca Small in April 1944 the property changed hands in December 1950 to Kenneth James Turton, a clerk of Neutral Bay. He and his wife Joan Noeleen Turton are listed at 123 Holt Avenue in electoral rolls from at least 1954 until 1972. During their ownership and occupancy of the residence North Sydney Council approved a building application in 1961 by Betabilt Carports & Garages to erect a garage at the property.⁶³

In November 1972 the property was sold to Thomas Murray Slimmon, trader (and the owner of adjoining property, 125 Holt Avenue), of Cremorne. TM Slimmon received an order in March 1973 to demolish and remove the timber-framed addition attached to the rear of the existing cottage, which was built without Council approval (Figure 4.25). Council noted one month later that the owner had made no attempt to demolish the unauthorised works. In May David Slimmon applied to erect a single-storey addition at the rear of the dwelling on behalf of his deceased father, TM Slimmon. Council rescinded the notices served and approved the building application subject to 18 conditions. In particular, condition 15 stipulated that the unauthorised work was to be demolished and condition 16, the external walls of the addition were to be constructed of a material

similar to the existing cottage and to the satisfaction of **Council's building surveyor**.⁶⁴ The application lapsed in February 1975, no substantial work having commenced. It is unclear from Council records if the unauthorised additions had been demolished.

No. 123 Holt Avenue changed hands again in October 1975 to David Graham Slimmon of Cremorne, an animator, and the son of the previous owner.



Figure 4.25 Three views showing unauthorised building works, 123 Holt Avenue, 6 March 1973.
(Source: North Sydney Council, P339/123/3)

No. 123 Holt Avenue was advertised for sale in March 1985 for \$169,950 as an 'original 3 bed...home in top location, very livable with potential to improve'.⁶⁵ A second advertisement in June 1985 described the property as an 'unrenovated Federation home'.⁶⁶ Slimmon owned the property until July 1986 when it was conveyed to Geoffrey Thomas Butterworth and Margaret Yvonne Butterworth. Butterworth was an architect and managed his own company Geoff Butterworth & Partners.

The following July (1987) the Butterworths lodged a building application in July to construct alterations and additions to the dwelling, comprising the demolition of the existing verandah, separate WC, bathroom, fireplace and laundry, and alterations/additions comprising an ensuite, bathroom, laundry, skylights, sunroom and verandah.⁶⁷ Later the same year they lodged a successful building application in November to erect a swimming pool and carport at the property. The works were valued at \$25,000.⁶⁸

A survey sketch plan was prepared for the site in March 1988 by Hill & Blume (Figure 4.26). The property was advertised for auction sale in October 1994 (Figure 4.27) and it was sold the following January to Sarah Elizabeth Wansey.⁶⁹

The most recent development applications at 123 Holt Avenue comprise CDC 67/11, lodged 2 June 2011 and determined on 6 June 2011, to demolish the skillion roof to the rear portion of the existing house, construct a two-storey extension and reconstruct the existing pool to a new shape.

Three years later CDC 322/12 was lodged on 23 December 2014 and determined on 5 January 2015 for modifications to approved alterations and additions to an existing dwelling.

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REGISTERED SURVEYORS



DATE: 30th March 1988

REF: 34943/18793 AA

PAGE No. 1 2 OF 2 PAGES

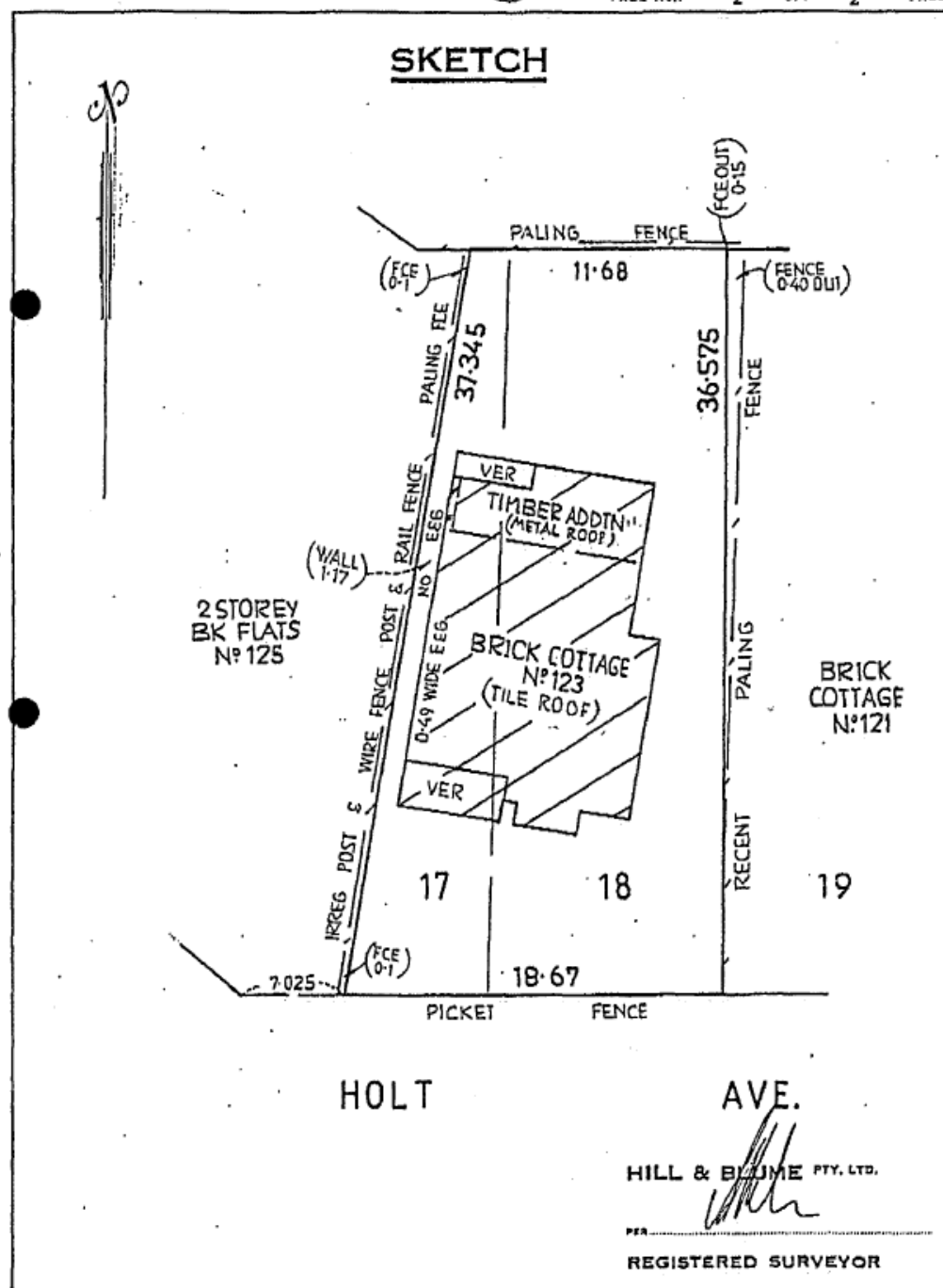


Figure 4.26 Sketch plan of 123 Holt Avenue, March 1988, Hill & Blume. (Source: North Sydney Council, P339/123/3)

No. 123 Holt Avenue was advertised for auction sale in October 1994 as per the notice in Figure 4.27.



Figure 4.27 Auction sale advertisement. (Source: *Sydney Morning Herald*, 8 October 1994, p 70)

4.3.6 125 Holt Avenue

No. 125 Holt Avenue is located on Lot 16 and part Lot 17 in Section 3 of DP 4764 (Long View of Longview Estate).

On 24 October 1907 the Warringah Property Company Limited conveyed the underlease of two adjoining parcels of land to Richard Henry Pearce, builder, namely Lot 16 and part Lot 17 (site of 125 Holt Avenue) and Lot 18 and part Lot 17 (site of 123 Holt Avenue).⁷⁰ As a consequence 123 and 125 Holt Avenue share a common history.

In the 1907–08 rate book Edward Skelton Garton was listed as the rate-paying lessee of lots 16, 17 and 18; however, this was not borne out by land title documents. His wife, Helen, was the owner of underleases of several allotments in sections 1 and 4 of the Long View Estate, but the first reference to the underlease of the subject land in Section 3 is as referenced earlier when Richard Henry Pearce was noted as the owner of the lease of the said allotments.

In the 1908–09 rate book, **Garton's name is struck out and amended to Richard Henry Pearce** (builder) and Wickham Reginald Septimus (auditor) as the new lessees of the land, effective from 26 June 1908.

The most likely explanation of the contradictory documentation relates to an arrangement that existed in this period between the two gentlemen (discussed in Section

4.3.5 above). It appears that Edward Skelton Garton and Richard Henry Pearce had an agreement whereby Pearce agreed to take ownership of the underlease of several parcels of land at Mosman, employ Garton to design houses which Pearce would erect on the sites, with the subsequent profit from the sales being split between the two men. Their dispute is described in Section 4.3.5. As previously mentioned, the newspaper accounts do not specifically refer to Holt Avenue (formerly Shadler Street).

In December 1913 Richard Henry Pearce, builder, lodged a successful building application to North Sydney Council to build a cottage on Lot 16 (and part Lot 17). It is possible that **Pearce utilised Edward Skelton Garton's drawings to complete 125 Holt Avenue given** their former partnership in building houses in the area.

The house was completed **by November 1914, when Edna Walker of 'Carina' [125 Holt Avenue], Shadler Street, Neutral Bay' reported the theft of a gold brooch during an** excursion to the beach. This was the first mention of a house name for this property. In May 1915 Richard Henry Pearce sold the property to Julia Jones White and Harriet Susanna Walker as tenants in common.⁷¹ Carina is first listed in the Sands Directory in 1916.

No. **125 Holt Avenue was advertised for sale in December 1917 as a 'Modern Detached** DF Brick Cottage, slate roof, 6 large rms, lounge hall, and offices, in perfect order, 3 verandahs, 2 mins from Military-rd. **Land 79 x 21, Torrens'.**⁷² The property was sold to Emily Grace Brooke, a 'spinster' of Cremorne, in March 1918. The triennial valuation books 1920–22, 1922–24 and 1925–26 list Edith Marie Brooke and Emily Grace Brooke as the rate-paying lessees. The former is also listed at 125 Holt Avenue in the Sands Directory after this date, while the latter is listed at 125 Holt Avenue in the electoral rolls from 1931. They commissioned a local builder, M de Chateaubourg of Wollstonecraft, to undertake additions to the residence in 1924.⁷³ The Sands Directory in 1928 lists multiple tenants at 125 Holt Avenue including Emily Grace Brooke, ES Maclean, Mrs Rosengarten and E Moffatt.

Edith Marie Brooke died at 125 Holt Avenue in July 1928. Following the death of Emily Grace Brooke in May 1942 the property was conveyed to Wilfred Clarence Brooke of Cremorne, a retired stock and station agent. In the period between the respective deaths of Edith and Emily Brooke there were other occupants. The Sands Directory of 1932–23 lists Emily Grace Brooke, Mrs CS Smyth and Mrs WD Rosengarten at 125 Holt Avenue. Another tenant was Frank Gillespie (1937).

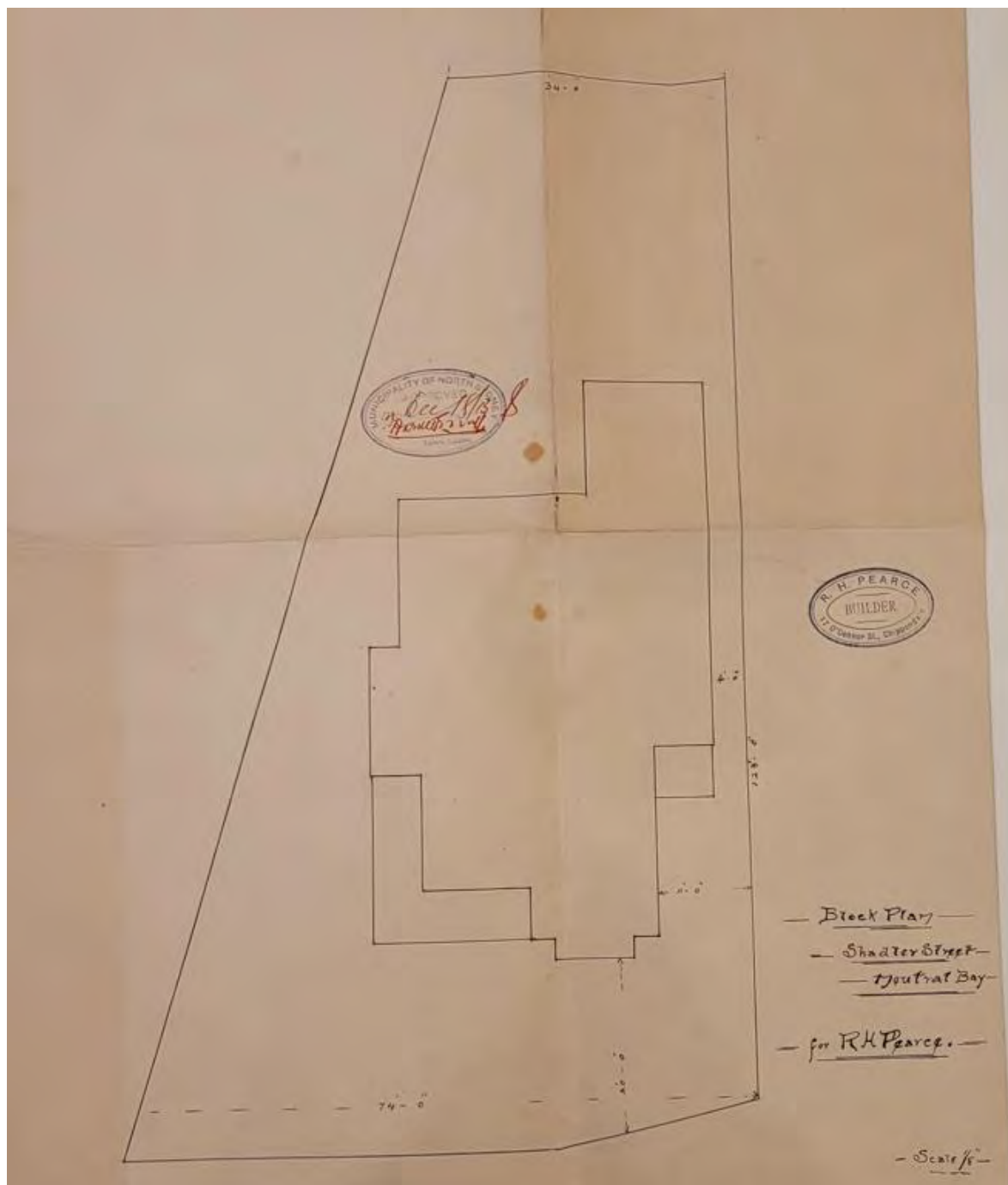


Figure 4.28 Block plan of Shadler Street, Neutral Bay for RH Pearce, 1913. (Source: NSMCA 91/5, Folder P, 1913)

When Wilfred Clarence Brooke died in 1948 the property changed hands in May 1950 to William Carl Chadwick and Shaw Strickland as tenants in common. Two months later they transferred 125 Holt Avenue to Elsie Moulder Maclean, Marion Isabel Wallen, Dorothy Edith Bagot and Helen Edith Elaine Moore as tenants in common. The following

year William Henry Cory Allison and Gwendoline Charlotte Allison became registered proprietors of the property.

Following the death of William Henry Cory Allison in January 1953, his widow sold the property in March 1955 to James Daniels of Cremorne, airline employee, and his wife, Isabel Joan Daniels. They do not appear to have lived here. James became the sole **owner in April 1959 following Isabel's death. He owned 125 Holt Avenue until December 1970** when it was sold to Thomas Murray Slimmon of Cremorne, a trader. Following his death, 125 Holt Avenue changed hands in October 1975 to his son, David Graham Slimmon of Cremorne, an animator.

David Slimmon conveyed the property in 1976 to David Leslie Abrahams. At this date the deed was cancelled, and a strata plan registered.⁷⁴ The strata plan (Figure 4.29, Figure 4.30 and Figure 4.31) shows the property known as Erembie subdivided into four tenancies. The individual units were later sold at different times to separate owners.

Figure 4.29 Plan of strata subdivision of Lot 16 and Part Lot 17 Sec 3 DP 4764, Strata Plan 11200, registered 8 September 1976. (Source: NSW Land Registry Services, Strata Plan 11200)

FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet No. 2 of 3 Sheets

STRATA PLAN 11200

CAR SPACES

SCHEDULE OF UNIT ENTITLEMENT	
LOT NO	UNIT ENTITLEMENT
1	20
2	25
3	25
4	30
AGGREGATE	100

- NOTES**
1. AREAS ARE APPROXIMATE ONLY
 2. ● DENOTES COVERED CARSPACE
 3. CARSPACE PT LOT 3 LIMITED IN HEIGHT TO 2.4 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR
 4. LOW WALLS SUPPORT SUSPENDED CONCRETE FLOOR OF CAR SPACES

N.E. FACE OF BK. WALL	
2-35	2-53
PT. 2	PT. 1
●	●
6-05	6-05
(14 m ²)	(15 m ²)
2-35	2-53
S.W. FACE OF BK. WALL	
2-35	2-53
LINE OF ENDS OF WALLS	

Reduction Ratio 1: 125

Lengths are in metres



[Signature]
Professional Surveyor

[Signature]
Council Clerk

SURVEYOR'S REFERENCE:

S.P. 11200 3 sheets

Figure 4.30 Strata Plan 11200, Unit Entitlements (carpark spots). (Source: NSW Land Registry Services)

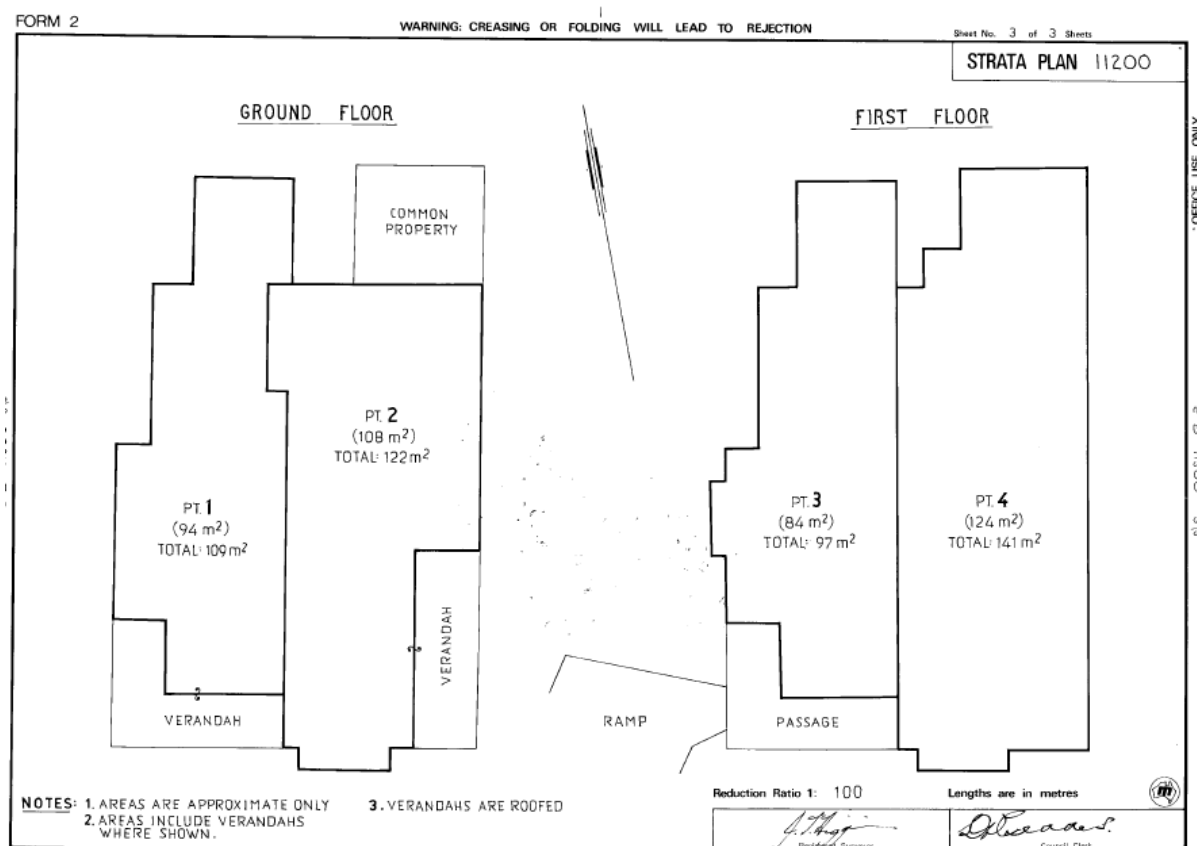


Figure 4.31 Strata Plan 11200, ground and first floors. (Source: NSW Land Registry Services)

In 1994 the property was listed as a heritage item in Local Approvals Policy No 4: Heritage Conservation following the North Sydney Heritage Study Review in 1993 by Godden Mackay. It was transferred into the Schedule of Heritage Items in the Draft Local Environmental Plan in 1997 and placed on public exhibition.

Roderick and Frances Frazer lodged an application to undertake alterations to 3/125 Holt Avenue in September 1997. The works comprised erecting four skylights and renovating the bathroom including removing the existing bath. Council approved the application in October 1997.⁷⁵ Figure 4.32 comprises the elevations and floor plan of the approved works.

The following year the building was **described as a 'rare successful synthesis of styles** which has produced an attractive building whose bulk is not apparent from the frontage. It is a rare survivor in its **immediate vicinity**'.

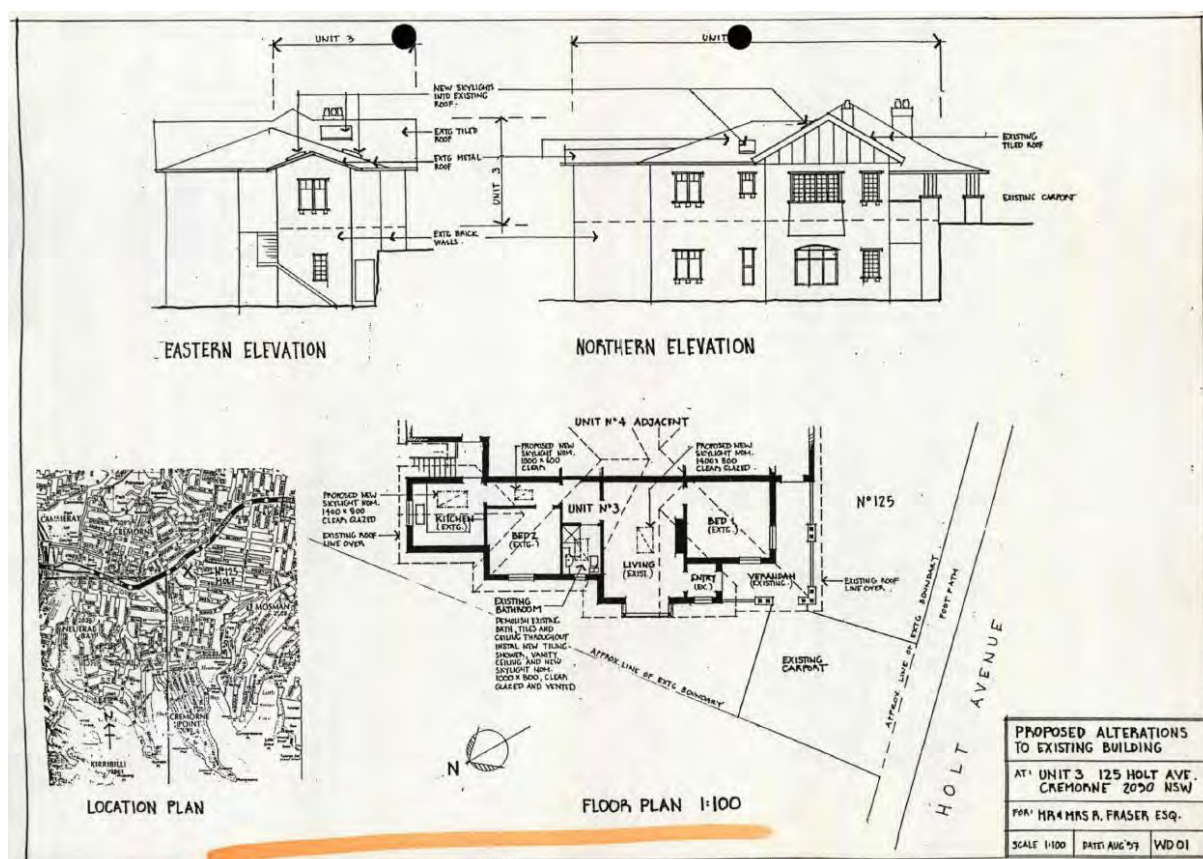


Figure 4.32 Proposed alterations to existing building, Unit 3, 125 Holt Avenue Cremorne for Mr and Mrs R Frazer, August 1997. (Source: North Sydney Council, P339/125/3)

4.3.7 Building and development applications

Table 4.1 Table of building and development applications for 115–125 Holt Avenue.

Date	BA/DA number	Address	Description of works	Approved (Y or N)
4 Aug 1961	61/251	119 Holt Avenue	Alterations/additions to residence Enclosed verandah at rear 10 x 6, existing garage extended 2'	Y
1963	63/310	125 Holt Avenue	Carport	Y
1965	65/61		No details	
12 Apr 1973	73/173	123 Holt Avenue	Additions	Y
21 Nov 1975	75/465	117 Holt Avenue	Brick front fence	Y

Date	BA/DA number	Address	Description of works	Approved (Y or N)
8 Mar 1976	76/109	117 Holt Avenue	Carport	Y
27 Jun 1985	434/85	121 Holt Avenue	Alterations and additions to existing residence	Y
1986	86/781	115 Holt Avenue	No details	
4 May 1987	87/327	115 Holt Avenue	Spa and sauna and timber deck	Y
16 Jul 1987	87/548	123 Holt Avenue	Alterations and additions	Y
30 Nov 1987	87/1031	123 Holt Avenue	Alterations to house, pool, carport	Y
5 Apr 1990	90/212	117 Holt Avenue	Alterations and additions to existing residence	Y
2 Nov 1990	90/623	119 Holt Avenue	Alterations to dwelling	Y
15 Sep 1997	97/701	3/125 Holt Avenue	Add four skylights and renovation of bathroom	Y
6 Dec 2005	DA568/05	115 Holt Avenue	Alterations and additions to allow for habitable use of attic, dormer at rear and skylights	Y
2007	DA81/07	117 Holt Avenue	New front fence	Y
2 Jun 2011	CDC67/11	123 Holt Avenue	Demolition of skillion rear portion of existing house. Construction of two-storey extension to rear of house. Reconstruct existing pool to new shape	Y
17 Dec 2012	CDC216/12	121 Holt Avenue	No details	
1 Jan 2013	DA7/13	121 Holt Avenue	New front fence and gates	Y
23 Dec 2014	CDC322/14	123 Holt Avenue	Modifications to approved alterations and additions to an existing dwelling	Y

4.3.8 Edward Skelton Garton (1864–1935), architect

In February 2023, the Mosman Historical Society Newsletter published an article by the Harrison Precinct and Cremorne Conservation Group about the architect Edward Skelton Garton. The following biographical history of Garton has been extracted from the article and supplemented with additional information.

Edward Skelton Garton was born in New Zealand in 1864 to William and Emma Garton (née Skelton). An ES Garton is listed as a passenger arriving in Melbourne on the schooner *Stanley* in October 1886 from Kaipara, New Zealand. By 1892, ES Garton was living in Boyle Street, Mosman as he signed a petition **to separate Mosman's Ward** from North Sydney Municipality and form Mosman Municipality.¹⁰² The following year, he was sued by Denis Taafy of Waverley for work done and building material supplied.¹⁰³ In February 1895, 'Edward Skelton Garton of Boyle Street, Mosman, **builder**' was declared bankrupt¹⁰⁴ 'attributing his failure to losses on a contract'.¹⁰⁵ His official assignee advertised in June the auction sale of a weatherboard cottage in Boyle Street comprising, '**the estate of ES Garton**'.¹⁰⁶

He was discharged from bankruptcy in March 1899.¹⁰⁷ In the intervening period, Garton was living at Boyle Street and continuing to work as a builder. For instance, in 1897 he **advertised for sale a 'handsome villa residence (new)'** in Mosman, implying that he was the designer and builder.¹⁰⁸ From the late 1890s, Garton built and sold several houses in Mosman, including three before the end of 1899. Soon after, he was described as an architect and builder and in 1901 was listed in partnership with his brother George Garton with offices at 82 Pitt Street, Sydney. In 1904, he was nominated (and elected unopposed) as the alderman for the West Ward of Mosman Council.

In August 1904, the *Mosman, Neutral and Middle Harbour Resident* stated:

Alderman E.S. Garton, Architect, has a number of new buildings in hand. Besides the proposed boarding house at Mosman Wharf [1 Avenue Road], he has in hand about twelve cottages and villas in various parts of **Mosman and Neutral...** **The new residence** near the point wharf is being built upon his specifications. In fact, almost all the buildings on that point [Curraghbeena Point] are his work. Mr Garton endeavours always to make some dissimilarity in the style between various buildings.¹⁰⁹

Garton mentored Australia's first female architect, Florence Tayor (née Parsons), who was articled to Garton from 1900 to 1905, after which she went on to work for John Burcham Clamp, a prominent Sydney architect who was partnered briefly with Walter Burley Griffin.

In December 1908, the Supreme Court issued a sequestration order against ES Garton on the petition of John Kilgour. Almost simultaneously Garton sued Richard Henry Pearce regarding trusteeship of certain lands at Mosman on which cottages had been erected.

Garton had over-specified on property developments and was declared bankrupt and became the subject of a highly publicised court case involving a dispute with his builder Richard Henry Pearce. The *Evening News* gave a detailed account of his insolvency hearing that involved eight newly-built houses which he had designed and **put in Pearce's** name, as well as the nature of their partnership and profit sharing. Additionally, Garton held another 20 allotments in different parts of Mosman which he had bought from Richard Harnett Jnr and Company in 1902 and owed £3300.¹¹⁰ Garton at this time was married and had three children, renting furniture, living in the house mortgaged to John Kilgour and working for his brother George Garton.

Edward Skelton Garton married Helen Buckman in Sydney in 1887, and they had three children: Cyril, Vivian Arthur Zealand and Enid. Edward enlisted in World War I, **registering his address as 'Kelvin'**, Bertha Street, Cremorne, and aged 45. He embarked on 2 October 1918 on the *SS Melusia* as part of the Australian Naval and Military Expeditionary Force reinforcements.

In July 1916, he registered the firm Garton & Company, land and estate agency.

In 1922, he and his wife moved to Rabaul, Papua New Guinea, where he had been appointed Chief Government Architect. He died at Ravavu, Rabaul on 18 July 1935, survived by his widow and two children.

Garton was a prolific architect in the Mosman and Neutral Bay area in the period from 1900 to 1909 as evidenced by the number of tender notices and contracts let notices in Sydney newspapers (TABLE below). An illustration of one of Garton's designs in Neutral Bay was featured in the article on 'Sydney Domestic Architecture-Mosman and its vicinity' in the 30 June 1905 edition of *Art and Architecture: the journal of the Institute of Architects of New South Wales* as shown below.



1908 was a particularly busy year as recorded in the December edition of Building magazine as it carried a list of the principal works carried out by builders under architects and ES Garton's name appears several times throughout the year as follows:

- Mosman – villa
- Neutral Bay – bakery
- Cremorne – waterside residence
- North Sydney – 2 large semi-detached villas
- Roseville – brick villa
- Lindfield – cottages
- Mosman – shop premises
- Kirribilli – residence
- Neutral Bay – villa
- Double Bay – residence.

There was a shift from 1911 in the geographic location of his work. While the majority of his work continued to be of a residential nature, he was now designing buildings in suburbs further north along the North Shore line and south of the harbour. Figures 4.33 - 4.37 includes three plans drawn by Garton for residences at Warrawee, also a plan for the Toxteth Park Hotel at Glebe in 1906 and plans for the proposed alterations and additions to the Marlborough Hotel at Newtown in 1909.

Table 4.2 Tender notices/contracts let advertised by ES Garton, 1900–1909.

Date	Source	Description
19 May 1900	Daily Telegraph	Tenders for four villas, Neutral Bay
6 June 1900	Sydney Morning Herald	Tenders invited, erection three brick cottages, Mosman
14 June 1900	Daily Telegraph	Tenders, erection three cottages, Mosman
22 June 1900	Sydney Morning Herald	Tender invited, erection WB cottage, Mosman
23 June 1900	Daily Telegraph	Tenders invited, erection brick cottage, Avenue Road, Mosman
31 October 1900	Daily Telegraph	Tenders invited, additional to cottage at Neutral Bay
3 November 1900	Sydney Morning Herald	Tenders invited, erection of brick cottage, Mosman
10 November 1900	Daily Telegraph	Tenders invited, erection of water-side villa, Mosman
24 January 1901	Sydney Morning Herald	Tenders invited, erection of brick villa, Mosman
14 September 1901	Sydney Morning Herald	Tenders invited, villa, Prince Albert Street, Mosman Tenders invited, villa, Bradley's head Road, Mosman
18 February 1902	Daily Telegraph	Contract let, villa residence Shadforth Street, Mosman
14 February 1903	Sydney Morning Herald	Tenders invited, erection of six brick houses, Glebe
2 September 1903	Sydney Morning Herald	Tenders invited, erection of pair semi-detached brick cottages, Mosman
2 February 1904	Sydney Morning Herald	Tenders invited, two villages and two cottages at Mosman, two cottages at Burwood, cottage at Manly and Villa at Rose Bay and North Sydney

Date	Source	Description
2 August 1904	Sydney Morning Herald	Tenders invited, erection of large brick residence, Mosman
20 April 1906	Sydney Morning Herald	Tender invited to connect house to sewer, Raglan Street, Mosman
1 June 1906	Sydney Morning Herald	Tenders invited, erection villa, Neutral Bay Tenders invited, sewerage connection for 3 houses, Neutral Bay
9 October 1907	Sydney Morning Herald	Tenders invited, sanitary plumbing 4 villages, Manly
3 March 1908	Weekly Supplement to Building	Neutral Bay, villa North Sydney, eight brick cottages
10 March 1908	Weekly Supplement to Building	Cremorne, waterside residence - contract let to EC Lusted
22 June 1909	Weekly Supplement to Building	Neutral Bay – two villa residences, contract let to Robert Ingram
2 July 1909	Weekly Supplement to Building	Drummoyne, erection of a villa residence, contract let to Alexander Sutherland



Figure 4.33 Plan for a residence in Warrawee prepared by Garton and Garton Architects for J Sainty, undated. (Source: Museums of History NSW, Caroline Simpson Library)

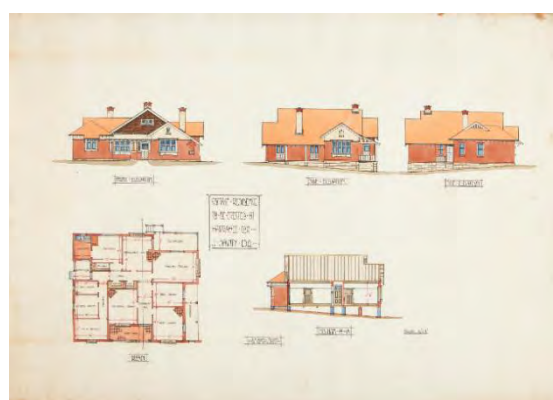


Figure 4.34 Plan for a residence in Warrawee prepared by Garton and Garton Architects for J Sainty, undated. (Source: Museums of History NSW, Caroline Simpson Library)



Figure 4.35 Plan for a residence in Warrawee prepared by Garton and Garton Architects for J Sainty, undated. (Source: Museums of History NSW, Caroline Simpson Library)



Figure 4.36 Plan for the Toxteth Park Hotel, Westmoreland Street, Forest Lodge, 1906. (Source: Museums of History NSW, State Archives Collection)



Figure 4.37 Plans for proposed alterations at the Marlborough Hotel, King Street, Newtown (State Archives NSW 1909)

List of works attributed to Edward Skelton Garton:

- 1 Avenue Road, Mosman
- 9A–11 Musgrave Street, Mosman
- 20 Bradleys Head Road, Mosman
- 6, 8 and 10 Spofforth Street, Cremorne
- 119, 123 and 125 Holt Avenue, Cremorne.

Of the above works, 1 Avenue Road is listed on the State Heritage Register as item 00367 and 9A–11 Musgrave Street (item 1183) and 20 Bradleys Head Road, Mosman (140) are listed in Mosman Local Environmental Plan 2013 for local heritage significance.

4.4 Endnotes

- ¹ 'Advertising', *The Daily Telegraph*, 17 November 1885, p 2, Trove, National Library of Australia, viewed 7 May 2022 <<http://nla.gov.au/nla.news-article237148289>>.
- ² 'Monetary and Commercial', *Sydney Morning Herald*, 23 November 1885, p 8, Trove, National Library of Australia, viewed 7 May 2022 <<http://nla.gov.au/nla.news-article13604510>>.
- ³ 'Advertising', *Evening News*, 3 September 1887, p 6, Trove, National Library of Australia, viewed 17 February 2022 <<http://nla.gov.au/nla.news-article108005430>>.
- ⁴ NSW Land Registry Services, OSD Bk 415 No 383.
- ⁵ NSW Land Registry Services, Primary Application 13129.
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5 Site analysis

This section provides an analysis of the physical attributes of the study area, including the individual properties on Holt Avenue, the wider potential HCA, and the area of Holt Avenue that is located within the North Sydney LGA. GML consultants inspected the area on 17 February 2022. All observations and photographs were taken from the public domain; the rear and interiors of the properties have not been accessed for the purposes of this report.

5.1 Local context

Holt Avenue, Cremorne, extends from the major transport corridor of Military Road in the northwest to Spofforth Street in the east. The street slopes down from Military Road with a dog-leg bend at its middle. Spofforth Street forms the eastern boundary of the North Sydney LGA, with Mosman LGA located to the east. Spofforth Street is also a significant through road, providing an alternative route to the city for residents of Mosman and Cremorne. Holt Avenue extends into the Mosman LGA, connecting the eastern side of Spofforth Street to Cowles Road. Approximately three-quarters of Holt Avenue is located within the Mosman LGA.

The southern side of Holt Avenue that is located within the North Sydney LGA is characterised by residential flat buildings from the late twentieth and early twenty-first century. Some of these have been completed recently, replacing earlier dwellings.

Going from west to east, the northern side of Holt Avenue contains commercial development on the corner of Military Road, a child care centre at 139 Holt Avenue, two highly modified semi-detached dwellings at 135 and 137 Holt Avenue, a mid-twentieth century residential flat building at 129 Holt Avenue, a two-storey Federation era duplex at 125 Holt Avenue, and a group of single-storey detached Federation Bungalows at 115–123 Holt Avenue. A mid-twentieth century high rise flat building is located at the corner of Holt Avenue and Spofforth Street.

5.2 115–123 Holt Avenue

The properties at 115–123 Holt Avenue contain a group of detached Federation era Bungalow style houses, set on large allotments with wide frontages to Holt Avenue. Each house in the group shares a number of similar elements, including:

- an asymmetric front façade with projecting gable and open verandah;
- high pitched roof, terracotta tiled (some have been replaced) or slate roofs;

- rough cast render chimneys with terracotta chimney pots;
- centrally located front timber panelled doors with glazed inserts;
- bay windows with timber framed stained glass or lead light windows casement windows to the projecting gable;
- timber shingles and bargeboards to gables, except No 119, which consists of rough cast rendered and pressed metal panelling to the gable;
- timber joinery, posts and fretwork to the front verandah, with variations to the stylistic detailing;
- verandahs with timber floorboards or tessellated tiles; and
- formal front gardens.

The group is largely intact when viewed from the street. The houses retain their original form, scale, architectural style, historic character, and Federation details and features. Each house has undergone some degree of change, yet the **group's integrity remains** largely intact. Changes include:

- All houses are face brick except 117 (rough cast render) and 119 (painted brick).
- All houses are single-storey and located on generally flat sites.
- All houses were originally built with terracotta or slate roof tiles; these have been replaced with new terracotta roof tiles (123), concrete roof tiles (121) and corrugated metal sheet (119).
- A dormer window in the front roof plane (115 and 117).
- A carport or garage at side (115).
- A carport or garage at side, forward of the building line (119, 121).
- A carport or garage at rear (117).
- A hardstand car space at side (123).
- A contemporary addition at rear, partially visible from street (123).
- A high front fence (119).

Internally, the dwellings demonstrate some degree of intactness, especially to the front section of the dwellings. The original layouts remain discernible—a central hallway with rooms flanked to either side. Significant original elements which remain intact include timber floorboards, timber panelled internal doors, decorative vents, ornate plaster cornices and ceiling roses and original fireplaces with glazed tiles, metal hearths and ornate timber surrounds. The bathrooms and kitchens have been fitted with contemporary fitouts and tiling. The rear of the dwellings have been extended and are distinctly contemporary in their form and materiality.

Nos 115 and 117 Holt Avenue have attic additions. As the result of the attic additions, 115 and 117 Holt Avenue have dormer windows to the street-facing façade. These dormers are sympathetic to the overall form of the dwellings as they adopt traditional forms and materiality.

115 Holt Avenue



Figure 5.1 View of the property at 115 Holt Avenue, looking north.



Figure 5.2 View showing the verandah and access path.



Figure 5.3 View of the western elevation and the original chimney, looking northeast.



Figure 5.4 View of the western elevation of the dwelling.

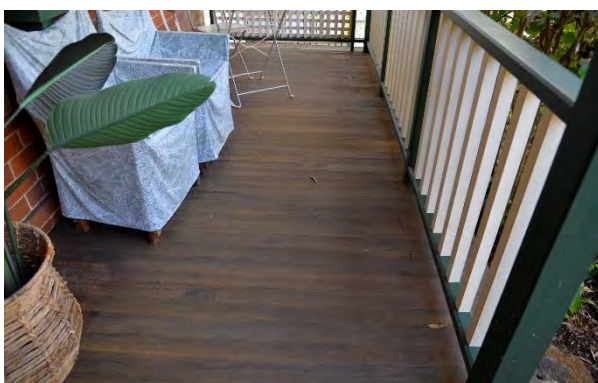


Figure 5.5 Timber floorboards to the front verandah.



Figure 5.6 Timber ceiling, rafters and bargeboards to the front verandah.



Figure 5.7 Original plaster ceiling roses to the front section of the dwelling.



Figure 5.8 Original fireplace and surrounds to the front bedroom.



Figure 5.9 View of the original bay windows and arch with stop chamfer detailing to the front bedroom.

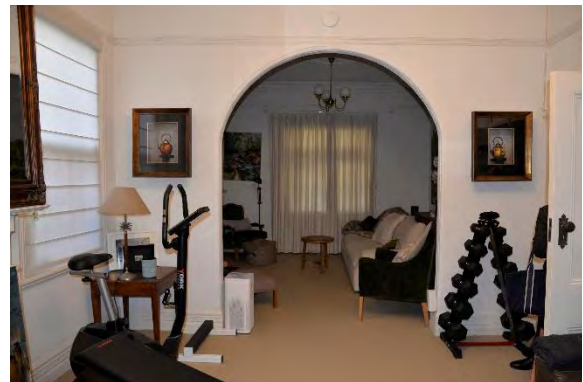


Figure 5.10 View to the living room with an arched entryway with stop chamfer detailing.

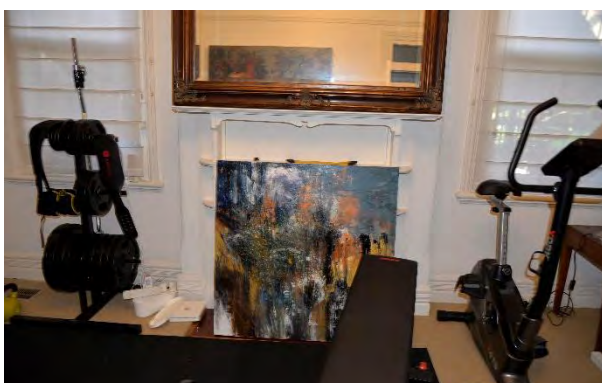


Figure 5.11 View of the fireplace in the living room.



Figure 5.12 View of the fireplace in the living room.

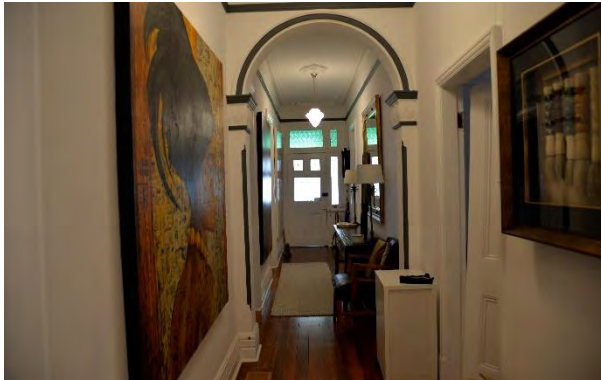


Figure 5.13 View of the central hallway with original archway and timber panelled door.



Figure 5.14 View of the original timber floorboards.



Figure 5.15 View of the rear extension.



Figure 5.16 View of the attic addition.

117 Holt Avenue



Figure 5.17 View of 117 Holt Avenue from the street, looking north.



Figure 5.18 View showing the verandah and access path.



Figure 5.19 View showing the dormer window and front yard, looking northwest.



Figure 5.20 View of the front bedroom with the original fireplace sealed.



Figure 5.21 View of the timber casement windows to the front bedroom.

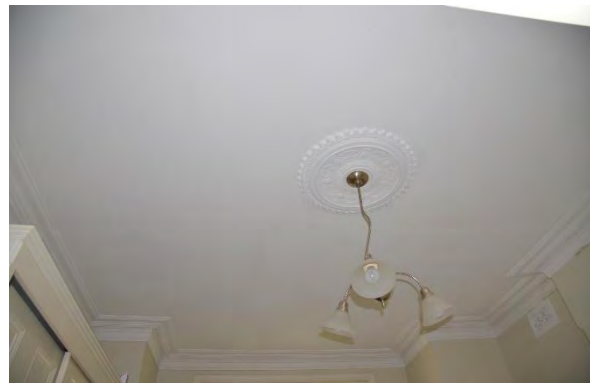


Figure 5.22 View of the plaster cornices and ceiling rose to the front bedroom.

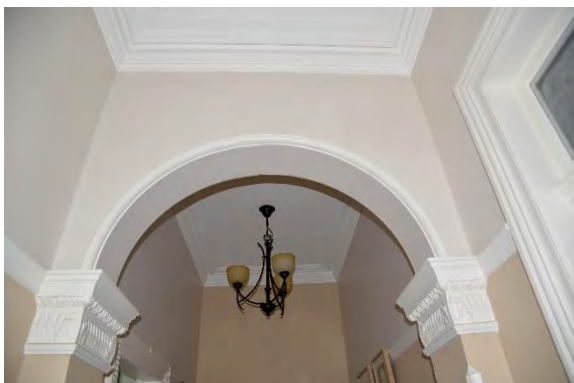


Figure 5.23 View of the hallway arch with plaster moulding.

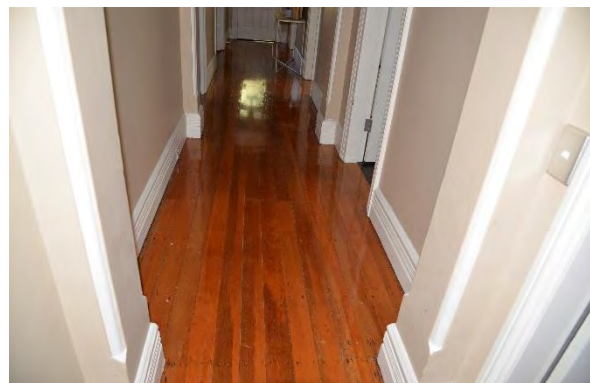


Figure 5.24 Original timber floor boards along the hallway.



Figure 5.25 Room to the front section with original windows and fireplace.



Figure 5.26 View of original plaster ceiling rose to the front section.

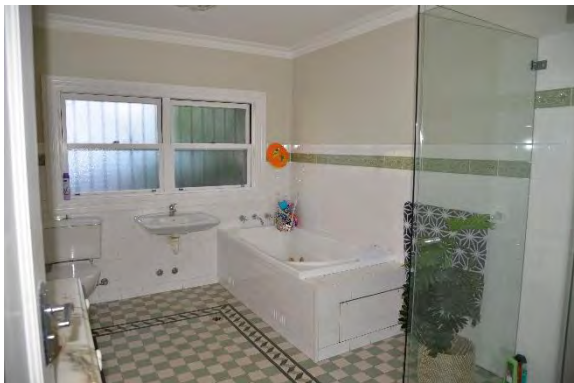


Figure 5.27 Bathroom with contemporary fittings.



Figure 5.28 View of the attic floor

119 Holt Avenue



Figure 5.29 View of the primary elevation of 119 Holt Avenue.



Figure 5.30 View of 119 Holt Avenue from the street, looking north.



Figure 5.31 View showing the garage addition, looking northwest.



Figure 5.32 View showing a detail of the gable end, with decorative half timbering, roughcast finish, timber brackets and bargeboards and finial and pressed metal cladding.



Figure 5.33 View of the central hallway.



Figure 5.34 View of the ceiling rose along the central hallway.



Figure 5.35 View of the fireplace to the front room.



Figure 5.36 View of the fireplace and leadlight windows in a room to the front section.



Figure 5.37 View to an internal door with stop chamfering detailing along the doorway.



Figure 5.38 View to the contemporary living room to the rear.

121 Holt Avenue

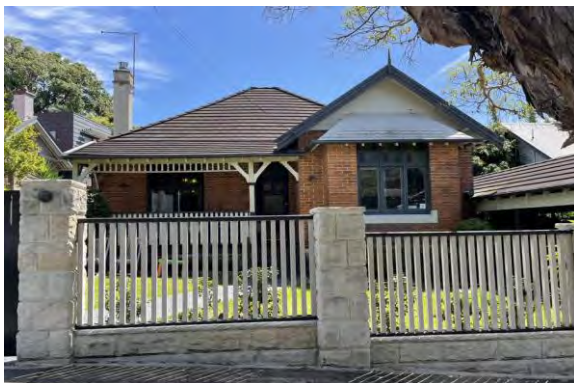


Figure 5.39 View of the primary elevation of 121 Holt Avenue, looking north.



Figure 5.40 View showing the carport with matching timber shingles, looking northwest.



Figure 5.41 View showing the property from the street, with stone fence and timber balustrade, looking northwest.

123 Holt Avenue



Figure 5.42 View showing the primary elevation of 123 Holt Avenue, looking north.



Figure 5.43 View showing the eastern elevation, roof form and temporary car shade, looking northwest.

5.3 125 Holt Avenue

No 125 Holt Avenue consists of a two-storey brick masonry detached Federation bungalow during stylistic elements from the Queen Anne and Arts and Crafts style. The lot slopes steeply from west to east. As a result, the house comprises an understorey. The Federation house was converted into apartments in the interwar period.

The apartments are fronted by a concrete hardstand and a small garden. Externally, the structure demonstrates features typical of the Federation period including:

- Gabled roof with blue terracotta tiles;
- Half-timbering and timber bargeboards to the gable ends;
- Broad eaves with exposed rafters;
- Rendered chimney with brick capping;
- Face brick walls which have been painted over;
- Timber shingles;
- Timber framed casement windows with leadlight;
- Verandahs to the ground and first floor; and
- Heavy set brick piers to the verandahs with timber posts.

Internally, the original structure has been divided in the interwar period when the building was converted into apartments. However, many original and early interwar features have been retained. This includes:

- Terrazzo thresholds to the entrance;
- Timber panelled doors with leadlight inserts set within an arched entryway;
- Decorative plaster ceilings;
- Internal arched entrances with stop chamfer detailing;

- Ornate plaster air vents;
- Internal timber panelled doors with original hardware;
- Fireplaces with glazed tiles, timber or plaster surrounds and metal inserts; and
- Timber floorboards and ornate skirtings.

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



Figure 5.44 View of the primary elevation of 125 Holt Avenue, looking north.



Figure 5.45 View showing a detail of the upper storey of the eastern elevation. The enclosed balcony, with timber detailing, is visible.



Figure 5.46 View of the rear elevation, facing south-west.

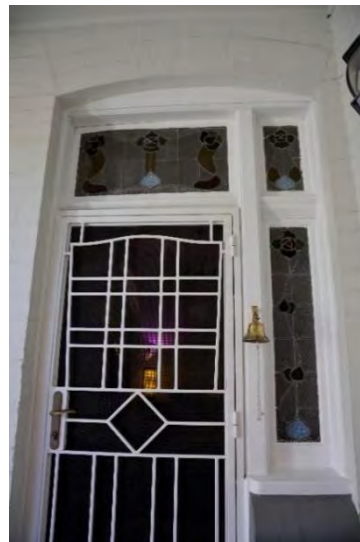


Figure 5.47 Ground floor apartment to east—view of the timber door with leadlight inserts.



Figure 5.48 Ground floor apartment to east—original decorative plaster ceilings.



Figure 5.49 Ground floor apartment to east—arched entryway with stop chamfer detailing.



Figure 5.50 Ground floor apartment to east—original fireplace.

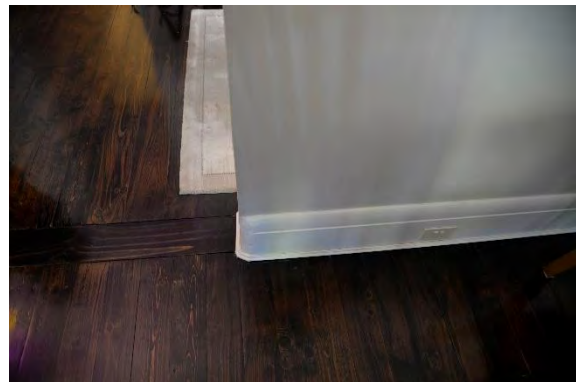


Figure 5.51 Ground floor apartment to east—arched entryway with stop chamfer detailing.

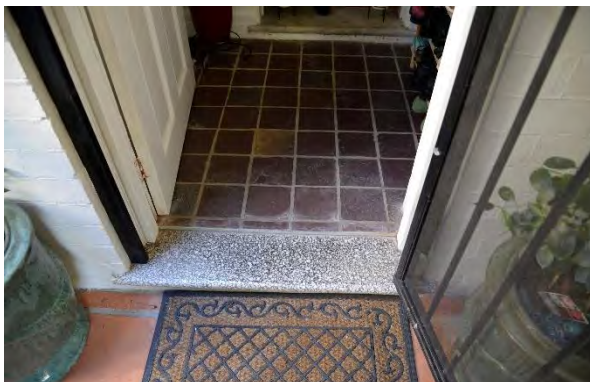


Figure 5.52 First floor apartment to west—terrazzo threshold.



Figure 5.53 First floor apartment to west—terrazzo threshold.



Figure 5.54 First floor apartment to west—original fireplace.



Figure 5.55 First floor apartment to west—bedroom with original plaster ceiling and stained glass timber-framed windows.



Figure 5.56 First floor apartment to west—original timber-framed casement windows with stained glass.

6 Comparative analysis

The comparative analysis has been undertaken assessing the subject site against dwellings of a similar period and architectural style within the Cremorne area. The examples have been sourced using a search of similar, heritage listed properties on the NSW State Heritage Inventory.

6.1 115–123 Holt Avenue

The properties at 115 to 123 Holt Avenue comprise a group of Federation Bungalows with elements of the Arts and Crafts and Queen Anne Styles. Having been first subdivided in the late 1880s as part of the Long View Estate, and described as an area soon to be ‘the most fashionable spot in the locality’, **the properties were largely constructed between 1907 and 1909**. The dwellings are modest private homes designed during a period of residential expansion towards nearby transport routes to accommodate middle-class professionals who were moving to the area. In the Federation period, much of the Cremorne area, and the Long View Estate specifically, was subject to speculative building projects, where a small number of builders, often in partnership with an architect, designed, constructed and on-sold multiple homes for profit. Such speculators purchased numerous lots throughout the area and established its dominant scale and character. This phenomenon was prevalent throughout the Longview Estate; however, subsequent development has seen many of the speculative building properties lost.

The properties at 115–121 were part of a wider speculative development of the Longview Estate undertaken by the builder Thomas Ross, seemingly with the architect Edward Skelton Garton, while the property at 123 Holt Avenue was constructed by Richard Henry Pearce, likely to a design by Edward Skelton Garton. Garton and his wife also owned several leases throughout the area (including the southern portion of Holt Avenue), almost certainly for speculative building purposes. These builder/architect pairings undertook wider developments throughout the Cremorne area; thus, the grouping of houses is representative of Federation era housing speculative housing developments in Cremorne. It is likely that the grouping is a rare instance of an intact group of modest Federation Bungalows in the area. The below provides a discussion comparing the proposed Holt Avenue Group to similar groupings of Federation dwellings in the vicinity that are either currently or have previously been heritage listed as a group. Several of the groups discussed were formerly listed as a group item but have since been revised to individual listings; however, like Holt Avenue, they often demonstrate shared historic values and are discussed as such.

It is acknowledged that Federation Bungalows, and groupings of such properties, are well represented throughout much of the North Sydney LGA, and that there are fine examples of the typology in suburbs such as Neutral Bay and Kurraba Point, and to some extent, towards the foreshore in Cremorne Point. However, historically, development in central Cremorne was targeted towards a middle-class audience, and practically, the area has been subject to a higher degree of contemporary development; as such, many similar properties have since been lost. As such, this discussion is focused on Cremorne and the neighbouring Cremorne Point area to understand the rarity of these buildings in their local context.

Formerly listed as a group in the North Sydney Heritage Study (item #1052), now represented by individual listings



Figure 6.1 Primary façade of 7 Cranbrook Avenue, 'Belvedere'. (Source: NSW State Heritage Inventory)

Item No	10045	Date of Construction	1919
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Figure 6.2 Primary façade of 24 Cranbrook Avenue. (Source: NSW State Heritage Inventory)

Item No.	11136	Date of Construction	1919
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Discussion

The Cranbrook Avenue Group comprises several individually listed heritage dwellings located along Cranbrook Avenue, Cremorne. The five individual dwellings were formerly recognised as a heritage group in the North Sydney Heritage Study as item #1052, but are currently listed separately with two dwellings, Belvedere and Egglemont, listed on the State Heritage Register. The properties are addressed as a group in the current heritage inventory sheets as demonstrating a shared history and aesthetic character. The group incorporates Belvedere (No. 7 Cranbrook Avenue), Egglemont (No. 11), **'House'** (No. 24), **'House'** (No. 32) and **'House'** (No. 34).

Belvedere and Egglemont are late-Federation California Bungalows designed by Alexander Stuart Jolly. They are recognised as fine examples of their typology, with JM Freeland suggesting Belvedere may be the finest example of its type in NSW. Constructed in masonry, the form and massing of the properties are low and wide, with hipped and tiled roofs. They feature typical architectural detailing including timber panelling and shingles.

Although the two dwellings were designed by the same architect, these properties were not part of a wider speculative development, as the Holt Avenue properties were. They are instead representative of wealthier residents who employed a prominent architect to create architecturally significant designs. The affluence of the owners is similarly reflected in the scale of the buildings and grounds. The properties occupy large lots, and feature expansive landscaping, with Egglemont incorporating a swimming pool and tennis court, with a hedged border. Although low in scale, the dwellings are sited on the peak of a hill and are oriented to capture city views.

Of the remaining properties in the Cranbrook Avenue group, No. 34 is a similar California Bungalow, characterised by the use of roughcast render. It is a more traditional and modest example of the typology than Belvedere and Egglemont; however, it has been well maintained, retaining much original fabric. Nos 24 and 32 Cranbrook Avenue are two-storey masonry dwellings with high-pitched roofs in the Federation Arts and Crafts style. All properties in the Cranbrook Avenue group display a high degree of external integrity. Although the properties that constitute the Holt Avenue Group have undergone modifications, these alterations have generally been restricted to the rear of the properties, with minimal intrusion into the street-facing elevations. Intrusions to the primary façades are generally sympathetic. Although the Holt Avenue properties display a good degree of intactness, they do not demonstrate the same high degree of external integrity as the Cranbrook Avenue group. However, the Cranbrook group demonstrates less coherence than the Holt Avenue Group. While Belvedere, Egglemont and No. 24 are fine excellent examples of the Interwar California Bungalow style and demonstrate a finer degree of ornamental detailing than the Holt Avenue properties, Nos 24 and 32 are of a distinctly different character and demonstrate different aesthetic values. The separation of the former group into individual listings is demonstrative of this lack of coherence, and while the three California bungalows do present as a legible group, they are demonstrative of different social historic and aesthetic movements.

As a group, the Cranbrook properties are representative of housing designed for affluent upper-middle class owners, as seen in the scale and detailing of the properties, and particularly the large lot sizes and grounds. By contrast, the Holt Avenue properties are representative of more modest early twentieth-century housing, developed for an influx of white-collar workers who moved to the Cremorne area in response to increased public transport and employment opportunities. However, the Holt Avenue properties similarly retain much of their original landscaping. Although more modest in scale than the Cranbrook Avenue examples, they are more cohesive as a group, retaining a consistent fence line. As a group the properties make a

positive contribution to the streetscape and provide an understanding of the Federation character of the area.

The Holt Avenue properties are demonstrative of middle-class workers' housing, and, despite modifications, are a good example of their typology. While they may not represent developments in architectural design as the Cranbrook Avenue pair do, they have high representative significance within the local area.

Bannerman Street Federation Houses Group (former)



Figure 6.3 Detail of 23 Bannerman Street. (Source: NSW State Heritage Inventory)



Figure 6.4 Detail of 25 Bannerman Street. (Source: NSW State Heritage Inventory)



Figure 6.5 Detail of the rear of 27 Bannerman Street. (Source: NSW State Heritage Inventory)



Figure 6.6 (Source: NSW State Heritage Inventory)

Item No.	10046	Date of Construction	1909–1912
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Discussion

This group features 10 dwellings situated on Bannerman Street, Cremorne, comprising 15, 15A, 17, 19, 21, 21A, 23, 25, 27 and 29 Bannerman Street. Formerly a group heritage item, these **properties were recommended for 'downgrading' in the 2007 Heritage Review** and are no longer heritage items. In the heritage inventory sheet for the group, the properties were described as:

An interesting and varied group of Federation Arts & Crafts style houses, all built together as a single development. Each building has representative qualities for its style and period, without being exceptionally distinguished, but as a group they demonstrate a visual and historical cohesion which sits well in their cul-de-sac context. Viewed from Bannerman Street, these buildings have few attractions, but this relates to their south-facing aspect, which itself is evidence of a pre-motorcar era of development.

Constructed between 1909 and 1912, these cottages are modest examples of the Federation Arts and Crafts style. Constructed of masonry, the properties feature a combination of blonde and red face bricks, and a rendered façade, as well as hipped, and hipped and gabled roofs with terracotta tiling. The properties demonstrate a similar scale and form, and the majority feature timber-framed windows and narrow chimneys. However, most of the Bannerman Street properties have been modified, introducing contemporary fabrics and intrusive elements including carports/garages, masonry walls and solar panels.

The former Bannerman Street Group and the proposed Holt Avenue Group share a similar history as Federation-era speculative housing developments. Both groups were the product of developer or developer/architect pairings and demonstrate aesthetic similarities across their respective groups. Although there are some stylistic variations among the Holt Avenue properties, they can be readily understood as a group, demonstrating a similar form and massing, with complementary detailing. Further, while the Bannerman Street Group contains 'few alterations' (per the statement of significance) and few characteristic details of their Arts and Crafts style, the Holt Avenue Group displays a good degree of original decorative detailing, characteristic of their Federation typology.

Both groups have been subject to change; however, the Holt Avenue Group appears to demonstrate a higher degree of integrity and consistency. Alterations and additions to Holt Avenue Group are generally sympathetic and mostly contained to the rear of the property. Where carports and garages have been introduced, they do not obscure the properties. Although new additions to the Bannerman Street Group show a consideration of the materiality and fabrication of the original design, the introduction of intrusive solar panels and garages to the front of properties detracts from their historic character and obscures their design. Similarly, the introduction of tall masonry walls obscures the properties from the street and limits the legibility of the group.

Although both groups are representative of a period of Federation housing development, the Holt Avenue Group demonstrates a higher degree of aesthetic value, retaining much of their original form and fabric, and making a cohesive presentation to the streetscape. Further, while both groups have undergone modification, the Holt Avenue Group has retained much of its original form and scale and is a better representation of the middle-class workers' housing for which it was established. The limitation of modifications to the Holt Avenue Group is particularly significant as the properties continue to demonstrate similarity in their design, meaning they remain representative of Federation-era speculative development.'

'Bromley Avenue Group' (former)



Figure 6.7 'House' (2 Bromley Avenue). (Source: NSW State Heritage Inventory)

Item No	I0084	Date of Construction	
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Figure 6.8 'Roslyn', Bromley Avenue. (Source: NSW State Heritage Inventory)

Item No.	I0085	Date of Construction	
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Figure 6.9 'Balangowan', Bromley Avenue. (Source: NSW State Heritage Inventory)

Item No	I0086	Date of Construction	
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Figure 6.10 'House' (6 Bromley Avenue). (Source: NSW State Heritage Inventory)

Item No.	I0087	Date of Construction	
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Discussion

The Bromley Avenue Group comprises a series of six properties allocated in the Bromley Avenue cul-de-sac. The properties are located within the Cremorne Point (C06) HCA, and include four **individually listed heritage items**, 'House' (2 Bromley Avenue), 'Roslyn' (4 Bromley Avenue),

'Balangowan' (5 Bromley Avenue) and **'House'** (6 Bromley Avenue). The State Heritage inventory includes an inventory sheet for the group which describes it as:

A rare pre-motor car environment from the turn of the century in which the combination of housing, trees, stone walls, and pedestrian walks, focusing on the creek and Mosman Bay, present a serene and less urbanised pattern of settlement. The group of houses are composed of one and two storey Federation residences of excellent quality and are noteworthy for their fine art nouveau windows, verandahs, interesting roof forms and siting.

The group comprises a range of single and two-storey Federation Arts and Crafts dwellings. Constructed of masonry, the properties are good examples of their type and feature hipped roofs with terracotta tiles, and a range of decorative timber detailing. Located in a discrete avenue, largely hidden from the main street, they are situated on the downward slope towards the harbour and occupy prominent lots in the landscape, responding to the topography of the area and capturing expansive views of the harbour. They are larger in scale than the Holt Avenue Group and demonstrate the expansion of housing towards the harbour. They are also demonstrative of their history as housing developed for affluent members of the community.

The Bromley Avenue Group properties were considered as a group due to their physical setting in a cul-de-sac and for sharing a similar period of construction. While the properties can be understood as a collection of Federation dwellings, they demonstrate differing historic values to the Holt Avenue properties, being instead demonstrative of grander developments towards the foreshore, and the creation of private communities for affluent residents, separated from the remainder of the suburb by the topography of the site. Individually, the properties have aesthetic significance; however, as a group they are not as consistent as the Holt Avenue Group.

The Holt Avenue Group are comparatively modest Federation dwellings. Unlike the Bromley Avenue Group, the Holt Avenue properties were mostly designed as a group, being part of speculative developments by Thomas Ross, seemingly to designs by Edward Skelton Garton, with one additional house (No. 123) designed by Garton and constructed by Richard Henry Pearce. As such, they demonstrate a similar scale, form and design. Visually, they are a more cohesive group and demonstrate shared historical values, representative of middle-class workers' housing and the intensification of development in central Cremorne. Although the Bromley Avenue properties are grander dwellings, and more intact examples of their typologies, they are better understood through discrete listings. By contrast, the Holt Avenue Group can be understood as a single residential development and is communicative of a more widespread phase of modest residential development in the Cremorne area.

'Green Street Group' (former)



Figure 6.11 2 Green Street. (Source: Realestate.com)

Discussion

This group comprises three properties located on Green Street, Cremorne Point, near the foreshore of the Cremorne peninsula. The properties are located within the Cremorne Point (C06) HCA. In the heritage inventory sheet for the group, they are described as:

One of the earliest and most cohesive groups on Cremorne Point dating from 1907, the individual houses are of interest for their distinctive upright design echoing the area's steep topography coupled with their close siting to the bay and reserve generally. Each house displays aspects of the Arts and Crafts style, and the picturesque qualities of the style are shown to advantage.

Similarly to the Holt Avenue Group, the Green Street dwellings were designed by a single designer, J Burcham Clamp. The properties are fine examples of the Arts and Crafts style, constructed of masonry, and featuring typical elements such as the high-pitched roofs, narrow roughcast rendered chimneys and decorative timber shingles. The properties respond to the topography of the site with elevated sandstone foundations and are situated to capture harbour views (although such views are not obscured by surrounding landscaping). Although modest compared to properties directly along the waterfront, they demonstrate grander proportions than the Holt Avenue properties (with all properties incorporating multiple storeys) and a greater degree of decorative detailing. However, the Green Street properties are located on small lots and feature minimal landscaping, with their setting largely removed by later development. The Green Street properties would have formerly demonstrated a higher degree of landmark quality through their siting and grander proportions. However, subsequent development has overshadowed the dwellings, and they are now positioned on a small street, largely hidden from view by landscaping in the public domain. While the properties demonstrate a good degree of aesthetic quality, they have undergone some modification, and like the Holt Avenue properties, are comparatively more modest than larger residences along the harbour.

Similarly to the Holt Avenue Group, the Green Street properties represent a significant phase of development in Cremorne, originating from a period of Federation-era expansion. However, they are representative of the expansion of upper-middle class housing towards the harbour, with each property designed to be a distinct private residence with little relationship to its neighbours. While the Holt Avenue Group demonstrates a more modest style of housing, the form, scale, siting and landscaping of these properties allow them to be more easily understood as a cohesive speculative development. Further, being located farther from the harbour and closer to public transport routes, the Holt Avenue properties communicate the history of middle-class workers' housing, distinct from the development towards the harbour.

While the Green Street properties demonstrate a higher degree of external integrity, they are largely concealed from view by the topography of the street and the surrounding landscaping. By contrast, the Holt Avenue properties make a strong presentation to the streetscape and communicate the Federation character of the area.

Summary

The early twentieth century saw a period of intensive residential development throughout the Cremorne and Cremorne Point areas. This development was concentrated in two areas, with grander free-standing dwellings towards the foreshore, built for affluent, upper-middle class residents, with more modest dwellings located closer to the main transport routes which were generally developed for middle class workers and professionals. Much of the Cremorne and Cremorne Point suburbs were built up as part of speculative developments by individual builders and architects, with the Holt Avenue group forming part of developments by builders Thomas Ross and Richard Henry Pearce. Although much of the suburbs were developed in this manner, subsequent development has eroded the integrity of the streetscapes, and many of the original groupings of Federation houses have been lost. A similar group of modest, Federation workers cottages along Bannerman Street is representative of this period of development. However, similar to the Holt Avenue properties, these dwellings have undergone a variety of modifications, particularly with the introduction of fences, carports/garages and solar panels. However, while modifications to the Holt Avenue group are generally sympathetic, and do not obscure the character and design of the properties, the works to the Bannerman Street properties are intrusive and have had a detrimental impact on the significance and physical presentation of the streetscape.

The Holt Avenue Group displays a good degree of aesthetic cohesion, retaining much of their original form, fabric and setting. The properties are more modest than the groups of properties closer to the foreshore such as the Green Street and Bromley Avenue groups. These groups are fine examples of their types, displaying grand proportions and fine detailing typical of housing for affluent residents. However, having been commissioned and constructed as discrete properties for single owners, rather than as part of the speculative building phenomenon, the Green Street and Bromley Street properties are better understood as discrete listings, showing a lesser degree of visual cohesion. They

can be understood as dating to a similar period but are not representative of historical housing developments.

A similar lack of cohesion is seen in the Cranbrook Avenue group. These properties are, individually, fine examples of their type, with Belvedere, Egglemont and No. 24 presenting as excellent California Bungalows. This group is similar to the Green Street and Bromley Avenue groups, with larger properties occupying prominent lots with extensive landscaping, and demonstrating a high degree of landmark quality in their residential setting. As a group the Cranbrook Avenue properties are representative of affluent housing, and, in the case of Belvedere and Egglemont, developments in architectural style and design excellence, yet they lack the cohesion and shared historic and representative values of the Holt Avenue group.

While the majority of these groups are included in inventory sheets in the State Heritage Inventory, none of the above groups are currently the subject of group listings. The Cranbrook Avenue and Bromley Avenue properties are largely individually listed, although they are referred to as groups, while the Green Street and Bromley Avenue properties are listed within the Cremorne Point HCA. The Bannerman Street HCA was formerly heritage listed but has since been de-listed. The Holt Avenue Group thus has potential to be a rare instance of a group of properties representative of a significant period of speculative residential development. It provides an understanding of the more modest housing developed closer to transport routes in central Cremorne, serving as a counterpoint to the grander residences closer to the foreshore. Similarly, while the other former groups are currently understood through individual listings, the Holt Avenue properties are clearly legible as a group and collectively provide an understanding of the widespread historical housing developments throughout the suburb.

6.2 125 Holt Avenue, Cremorne

The dwelling at No. 125 Holt Avenue comprises a single, free-standing, two-storey Federation Bungalow. Constructed of rendered masonry, the building was constructed by builder Richard Henry Pearce, likely to a design by his former business partner, architect Edward Skelton Garton. The property was previously heritage listed for its aesthetic significance, and particularly for its rarity value as a two-storey bungalow in the Cremorne area. Despite internal subdivision to convert the dwelling into flats, the buildings display a good degree of external integrity. The below provides a discussion comparing the property at No. 125 to Federation-era properties of two or more storeys in the Cremorne area which are currently heritage listed. A search of heritage listed two-storey Federation Bungalows found few directly comparable properties, with many two-storey Federation-era dwellings demonstrating a different aesthetic and historic character (such as the Arts and Crafts cottages of the Cranbrook Avenue Group, addressed above). Similarly, the construction of the building in the later stages of the Federation period and its swift conversion to flats suggest that the property is likely to share similar values to early Interwar Flat buildings which were developed in the area. As such, a discussion has been provided in reference to such properties.

Discussion comparing 125 Holt Avenue, Cremorne, and Federation-era properties in the Cremorne area

Formerly listed as a group in the North Sydney Heritage Study (item #1052), now represented by individual listings



Figure 6.12 15–17 Bertha Road, Cremorne 'House'. (Source: NSW State Heritage Inventory)

Item No.	I0037	Date of Construction	
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Discussion

The heritage listed 'House' at 15–17 Bertha Road, Cremorne, is a two-storey masonry Federation dwelling designed by HA Wilshire. The heritage inventory sheet describes the property as:

An unusual Federation house which demonstrates variety and experimentation within the design ethic of the period, and which would be amongst the earliest applications of flat-roof design for domestic architecture in Sydney. It is related to its neighbour, 58 Murdoch Street, forming a design pair. Both houses are believed to be designed by the same architect, H.A. Wilshire, possibly as residences for his own family. A face brick, two storey Federation house whose striking feature is its flat roof surmounted by a rooftop room of plain white walls. The house features projecting, triple casement windows with flat hoods and console brackets to sills. Eaves throughout are all similarly detailed, with prominent exposed rafters. The entry porch is contained within a building corner and has restrained decorative timberwork and features a circular window. The roof is surrounded by a white timber picket balustrade between painted brick posts. This building is designed in the Federation Arts & Crafts style.

Wilshire was noted for his use of flat-top roofs, and the property at 15–17 Bertha Road is characteristic of his style. The property is situated on a narrow lot, with minimal landscaping **which emphasises its scale. The building's design is comparatively simple, with its minimal** ornamentation restricted to decorative timber-framed windows and pronounced rafters to the eaves of the roof. There is a shallow timber balcony above the primary entrance with a later addition to the rear, which appears to be of fibro. By contrast the property at No. 125 demonstrates greater visual interest incorporating bold roughcast rendered columns, balustrades ornamented by timber shingles, and simple timber detailing to the gables.

Both properties were initially designed for affluent professionals, with 15–17 Bertha Road thought to be designed as the home of the architect. While No. 125 is currently in the vicinity of large-scale later development, it was initially built as a substantial property in its immediate context, situated next to modest single-storey dwellings. The current slope of Holt Avenue and the retention of landscaping mean that No. 125 retains a high degree of landmark quality in its immediate context, providing a bold counterpoint to the row of single-storey properties to the southwest. The Bertha Street property is situated on a steeper downward slope, opposite substantial dwellings constructed contemporaneously to the building. As such, the property lacks the comparative landmark quality of No. 125 in its immediate context.

Although the flat roof of 15–17 Bertha Road is a rarer architectural detail, as a whole, the property at No. 125 Holt Ave demonstrates a high degree of aesthetic significance. The significance of the flat roof has been impacted by the introduction of an unsympathetic balustrade, and while it retains fine original windows, the design of the façade is more restrained, showing greater similarity to later Interwar Flat buildings than ornate Federation dwellings. Although modified, the property at No. 125 displays a greater degree of physical integrity to the public domain, whereas the intrusive addition to 15–17 Bertha Road is visible from the street and detracts from its presentation. Similarly, No. 125 maintains much of its original setting, retaining a setback from the street and featuring a manicured garden and hedges, which enhances its presentation, concealing surrounding development to the north. By contrast, later development to the west of 15–17 Bertha Road detracts from its historic character.

19 Bennett Street, Cremorne (also known as 6 Bertha Road)



Figure 6.13 Detail of 'Ingleneuk', 19 Bennett Street. (Source: NSW State Heritage Inventory)

Item No.	I0029	Date of Construction	
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Discussion

Ingleneuk is a one-and-a-half-storey masonry residence designed by Henry A Wilshire. It is described on the heritage inventory sheet as:

Ingleneuk is significant as a large, distinctive Queen Anne style house constructed in 1903 by noted architect Henry A. Wilshire. Its general form, architectural style, interiors and exteriors survive from its original date of construction. Still located on the majority of its original allotment, Ingleneuk is significant for its generous garden setting containing remnant landscape features and layout related to its original construction date. The existing house is designed by architect Henry A. Wilshire, the partner in a highly successful Sydney firm, HA Wilshire and Day. Ingleneuk is also associated with Charles Robert Crossman, a locally prominent businessman of the early 20th century greatly involved with the sports clubs and development of the surrounding suburbs, who owned and occupied the property for approximately 55 years. Together with several other residences in the area, Ingleneuk forms a group of early twentieth century residences designed by Henry A. Wilshire. Located on a visually prominent site, Ingleneuk and its garden setting contributes greatly to the character of the area and is one of a number of significant, early to mid-twentieth century residences on large allotments located in the vicinity.

Ingleneuk predates No. 125 Holt Avenue, and was designed as a prominent, private residence. The two properties are similarly modest compared to grand dwellings along the foreshore; however, Ingleneuk is enhanced by expansive landscaping, including gardens, a swimming pool and tennis court. Although the subject property at 125 Holt Avenue incorporates landscaping

and hedging, it lacks the grandeur of setting seen at Ingleneuk. However, situated in the centre of its considerable lot, Ingleneuk has limited visibility from the public domain. By contrast, though comparatively modest, No. 125 Holt Avenue demonstrates a degree of landmark quality in its immediate context.

Ingleneuk is representative of the transition between modest workers' accommodation to the north of Cremorne towards the transport routes along Military Road, and the grander private residences of affluent residents towards the foreshore in Cremorne Point. Although of a similar scale to No. 125, it shares greater aesthetic sensibilities and historic values with the affluent housing along the foreshore. No. 125 Holt Avenue is historically more representative of a modest two-storey dwelling designed for a middle-class owner. Further, where Ingleneuk has remained a single private residence, the Holt Avenue property was converted to flats soon after its construction, suggestive of the expansion of the workers' population and the intensification of residential development in Cremorne in the interwar period.

86 Milson Road, Cremorne Point (Mayfair Flat Building)



Figure 6.14 'Mayfair Flat Building', 86 Milson Road, Cremorne Point. (Source: NSW State Heritage Inventory)

Item No.	I0123	Date of Construction	
<p>Discussion</p> <p>The Mayfair Flat Building is a three-storey Interwar Flat building with Federation style detailing. The heritage inventory sheet describes the property as:</p> <p>representative of the interwar flats developments in Cremorne and an interesting example of the type, using Federation details to the Reserve and harbour aspect which are repeated to the street. One of a number of adjacent similar buildings which together form a varied period ensemble.....A four storey rendered brick apartment building with hipped gable roof of terracotta tiles. This building is designed in the Federation Freestyle.</p>			

Similarly to the property at No. 125 Holt Avenue, the Mayfair Flat Building demonstrates a simple rectangular form, with a hipped and tiled roof. The two buildings are constructed of rendered masonry and are ornamented with timber shingles and rendered columns. Where No. 125 Holt Avenue was designed as a private residence and was soon converted to flats, the Mayfair Building was purpose-built as a flat building.

While both properties are set back from the street, the subject property at No. 125 is enhanced by landscaping which emphasises its scale within its immediate landscape, and is suggestive of its origins as a private single-family residence.

Although both properties share aesthetic similarities, the subject property at No. 125 demonstrates a higher degree of decorative detailing, and—within its immediate residential context—a higher degree of landmark quality. By contrast, although the Mayfair Flats are of a larger scale, the introduction of a later garage to the front of the building obscures its form from the street, diminishing its landmark quality. Further, although not purpose built as a flat building, the conversion of No. 125 to flats is historically demonstrative of the interwar expansion of the Cremorne area in response to an influx of workers and the transition from single-family dwellings to communal flats.

88 Milson Road, Cremorne



Figure 6.15 'Item', 88 Milson Road, Cremorne. (Source: NSW State Heritage Inventory)

Discussion

The property at 88 Milson Road, Cremorne, is an Interwar Flat building with Federation detailing. The heritage inventory sheet describes the property as:

Four storey rendered brick apartment building with hipped gable roof clad in terracotta tiles. This building is designed in the Federation Freestyle. Representative of the **interwar flat's developments in Cremorne on an interesting example of its type, using Federation details to the elevation fronting the Reserve and harbour aspect.** One of a number of similar adjacent buildings which together form a varied period ensemble.

The property at 88 Milson Road demonstrates a similar shape and form to the subject property at No. 125 Holt Avenue, and both properties are historically representative of the influx of

workers to the Cremorne area in the interwar period. Both properties are constructed of rendered masonry and are ornamented by timber shingles with exposed rafters on the eaves.

Although the properties have aesthetic similarities, No. 125 demonstrates a greater degree of architectural ornamentation, given its design as a private residence.

Where No. 125 Holt Avenue occupies a prominent position in its streetscape, forming the high point in the streetscape, No. 88 Milson Road forms part of a row of similar flat buildings located on a downward slope. As such, the property at 88 Milson Road is partially concealed from the street and lacks the comparative landmark quality of No. 125 Holt Avenue.

No. 88 Milson Road is representative of a period of vast expansion of interwar housing, and is one of a large number introduced to the Cremorne area. By contrast, No. 125 Holt Avenue is representative of the transition from Federation-era workers housing' to Interwar Flats.

Constructed as a grander private residence yet later converted to flats, the building demonstrates the intensification of residential development in the area.

'Leesthorpe' (within Bradleys Head Road Conservation area)



Figure 6.16 'Leesthorpe', I40 Mosman LEP. (Source: Realestate.com)

Discussion

No. 125 Holt Avenue was constructed by the builder Richard Henry Pearce. It is likely that the building was designed by Edward Skelton Garton, who had formed a partnership with Pearce **which was famously dissolved following a court case. Many of Pearce's buildings were constructed to Garton's designs with minimal variations. It appears that No. 125 Holt Avenue was one of Garton's designs, although it is unclear if their partnership has been dissolved before construction.**

A heritage listed property in the Mosman LGA, Leesthorpe appears to have been constructed to a **similar design of Garton's. It was constructed for a wealthy merchant and has remained as a private residence since construction.**

Leesthorpe is a double-storey Federation dwelling designed by Edward Skelton Garton. It is an individually listed property, described on the State Heritage inventory as:

An elegant and intact Federation period house with an unusual entry porch. Federation Queen Anne/Arts & Crafts. Large two-storey face brick Federation Queen Anne/Arts & Crafts residence. The house features a 2-storey L-shaped verandah and an unusual entry. The entry portico is formed with substantial timber elements in a deep bracketted entablature supported on timber columns. Over the entrance is a bracketted, faceted oriel with its own small roof sitting just below the half-timbered gable. Rough-cast chimneys rise out of the slate roof. The house is set close to the street (relative to other large Federation houses in Mosman) and has more recent modifications at the rear.

The basic structure of the two properties is essentially identical; however, Leesthorpe demonstrates a finer degree of ornamentation. Where No. 125 Holt Avenue features heavy balustrades with rendered columns, the verandahs and balconies of Leesthorpe are constructed of timber. Leesthorpe is constructed of face brick and retains much of its original fabric. The property is situated in a large plot and features manicured landscaping which enhances its setting. No. 125 Holt Avenue is **a more modest execution of Garton's design, and while relatively externally intact, it lacks the intricate detailing and landscaping of Leesthorpe. However, within the Cremorne context, it is a good example of Garton's grander residential designs and is** suggestive of the re-use of his work by Pearce throughout the North Sydney area.

Summary

No. 125 Holt Avenue is a two-storey Federation Bungalow designed as a private residence and converted to flats in the interwar period. The property is one of a small number of remnant two-storey Federation Bungalows in the north of the Cremorne area, demonstrating a restrained rectangular form, comparable to surrounding flat buildings, rather than ornate Federation homes along the foreshore. Although modest compared to grander residences towards the harbour, in its immediate context and streetscape the building demonstrates a high degree of landmark quality, displaying grander proportions than the neighbouring buildings, and incorporating landscaping which emphasises its aesthetic value.

Similar residences such as Ingleneuk and the property at 15–17 Bertha Street display a similar form and massing and suggest the popularity of the typology for grander middle-class dwellings of the later Federation period. While No. 125 Holt Avenue lacks the expansive grounds and grandeur of the landscaping of Ingleneuk, it commands greater presence in its immediate context. Similarly, while 15–17 Bertha Street incorporates unique architectural elements with the use of the flat roof, the building's alterations and additions have detracted from its physical presentation, and the lack of landscaping highlights the intrusive additions. The retention of its setting has allowed the late-Federation character and historic residential setting of No. 125 to be more easily understood. An exploration of the listed Federation buildings on the NSLEP in the Cremorne area suggests that there are few remnant Federation Bungalows north of the

foreshore. As such, while it is a modest dwelling in the wider North Sydney area, No. 125 Holt Avenue is a rare and well-maintained example of its typology in Cremorne. Compared to similar dwellings such as Nos 15–17 Bertha Street, it demonstrates a higher degree of integrity, and landmark quality.

No. 125's restrained form and style shows greater similarity to early Interwar Flat buildings than two-storey early Federation cottages. The building's conversion to flats is historically representative of the influx of workers to the area, and the need for intensified residential development. As such, No. 125 Holt Avenue is historically comparable to the Interwar Flat buildings that emerged in the area, and particularly to those buildings introduced early in the Interwar period. The simple rectangular form is seen in later properties such as the Mayfair Flat building; however, having been a private residence, No. 125 Holt Avenue displays a higher degree of decorative detailing. Similarly, the purpose-built flat buildings were designed to fit in within a row of similar properties, matching the scale and form of the neighbouring properties, whereas No. 125 was designed as a grander counterpoint to the neighbouring single-storey dwellings, with the slope of the land and the retention of landscaping preserving much of its historic setting and character. As such, the later flat buildings lack the landmark quality which No. 125 Holt Avenue displays in its immediate residential context. Although a modest example of its type, in relation to similar properties in the Cremorne area, No. 125 Holt Avenue appears to be a rare example of a two-storey Federation Bungalow which is neither a modest workers' cottage, nor a grand foreshore home, or a flat building. It occupies a fairly unique position as a physical demonstration of the transition from large-scale private residences to interwar workers' housing, which is communicative of the varied character of the Cremorne area and its transitional nature in the early twentieth century.

7 Assessment of significance

This section provides an assessment of the heritage significance of the properties in accordance with the standard criteria established in the NSW Heritage Office guidelines (Appendix A of this report). The evaluation includes consideration of the original and subsequent layering of fabric, uses, associations and meanings of the place, as well as its relationship to both the immediate and wider setting.

The *NSW Heritage Manual* guidelines, prepared by the NSW Heritage Office and Department of Urban Affairs and Planning (July 2001), provide the framework for the assessment in this report. These guidelines incorporate the five types of cultural heritage values identified in the Burra Charter into a structured framework, which is the format required by heritage authorities in New South Wales.

Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria, as set out below. An item is significant in terms of the criterion if the kinds of attributes listed in the inclusion guidelines help to describe it. Similarly, the item is not significant in terms of that criterion if the kinds of attributes listed in the exclusion guidelines help to describe it. The inclusion and exclusion guidelines are checklists only—they do not cancel each other out. The exclusion guidelines should not be applied in isolation from the inclusion guidelines, but should be used to help review and qualify the conclusions reached about the item's significance.

To apply the assessment criteria, both the nature and degree of significance for the place need to be identified. This is because items vary in the extent to which they embody or reflect key values and in the relative importance of their evidence or associations.

The assessment also needs to relate the item's values to its relevant geographical and social context, usually identified as either local or state contexts. Items may have both local and state significance for similar or different values/criteria.

Based on the historic and architectural characteristics of the subject dwellings, the following groups and individual heritage item are proposed:

- Holt Avenue Group (115–123 Holt Avenue)—they are a group of Federation dwellings of consistent setting, scale, form, details and character
- 125 Holt Avenue—two-storey Federation dwellings which are converted into apartments as an individual heritage item

The NSW Heritage Office Heritage Assessment Guidelines are included in Appendix A of this report.

7.1 Group Heritage Items

Holt Avenue Group (115–123 Holt Avenue) demonstrate cohesiveness in their subdivision pattern, scale, setbacks, front gardens, architectural form and features, dating from the Federation period. Therefore, their heritage significance has been assessed as a group heritage item.

NSDCP 2013 Section 13 Heritage & Conservation notes group heritage items as *examples of semi-detached dwellings and attached dwellings which have common or shared features*. A group listing generally relates to external form and streetscape cohesion. As outlined in the objectives of 13.5.7 *Group heritage items* of the NSDCP 2013, group heritage items require the retention the significant features or characteristics of the group but allow flexibility for change where significance will not be affected.

The Holt Avenue Group have been assessed for their significant and contributory feature, i.e., their external form and features typical of the Federation period, setting, scale, setbacks, gardens, cohesion and streetscape contribution. Although the interiors of the dwellings retain original features, they have had varying degrees of modification internally, largely limited to the rear. They have also been subject to alterations and additions at the rear that have limited visibility from the street. These changes have not impacted the cohesion of significance of the group as it presents within the Holt Avenue streetscape and comply with the NSDCP controls for group heritage items as described in Section 2.5 of this report.

7.2 115–123 Holt Avenue

Preliminary historical research and physical investigations have suggested that the properties at 115, 117, 119, 121 and 123 Holt Avenue show stylistic similarities and demonstrate a shared history which make them likely to be best assessed as a group. Collectively the five dwellings present as a cohesive group with the potential to demonstrate heritage significance under several criteria. As such, the properties have been assessed as a group.

Table 7.1 Discussion of significance for 115–123 Holt Avenue.

Criterion A (Historical Significance)	
An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).	
Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows evidence of a significant human activity; 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes;

<ul style="list-style-type: none"> • is associated with a significant activity or historical phase; or • maintains or shows the continuity of a historical process or activity. 	<ul style="list-style-type: none"> • provides evidence of activities or processes that are of dubious historical importance; or • has been so altered that it can no longer provide evidence of particular association.
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Nos 115–123 Holt Avenue shows evidence of the historical residential development of North Sydney generally, and Cremorne specifically in the Federation period. Like much of North Sydney, the properties originate from part of Alfred Thrupp’s grant, and eventually formed part of the 1885 Longview Estate subdivision. Although the properties were not constructed under the Victorian period, the site maintains the subdivision pattern of this estate.

The properties at 115–121 Holt Avenue were constructed in 1907, with 123 Holt Avenue constructed shortly after in c1908–09. When viewed as a group the subject properties form an important part of the streetscape and contribute to the collective understanding of the Federation character of the streetscape, and the development of the former Longview Estate.

Significantly, the properties provide rare evidence of the phenomenon of speculative development throughout the Cremorne area. Much of the suburb, and the Longview Estate specifically, was initially developed in the early twentieth century as part of programs of development by individual builders, or partnerships between builders and architects, who would buy large tracts of land on which to construct a series of similar, modest houses to sell for profit. Archival records suggest that much of Holt Avenue was constructed as part of developments undertaken by builders Thomas Ross and Richard Henry Pearce, with both often working to designs by architect Edward Skelton Garton. Nos 115–121 form part of a development by Thomas Ross, with 123 completed by Pearce.

Despite modifications to the interiors and the rear of the dwellings, the buildings collectively display a high degree of integrity externally and can be understood as part of a wider housing development. As much of the area has been eroded by contemporary development, they are now a rare physical example of the practice of speculative development in Cremorne.

The only major alterations to the buildings are the dormers to Nos 115 and 117. They are designed sympathetically to architectural style of the dwellings and do not detract from their overall historical character. Similarly, the later addition fences and carports do not obscure the buildings and generally sympathetic to the character of the dwellings. Despite these additions, the group demonstrates a high degree of integrity externally and thus continues to provide evidence of the historical speculative development in the Cremorne area in the late Federation period.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its historical significance.

The Holt Avenue Group has cultural significance at a local level under this criterion.

Criterion B (Associative Significance)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • shows evidence of a significant human occupation; or 	<ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important people or events;

<ul style="list-style-type: none"> • is associated with a significant event, person, or group of persons. 	<ul style="list-style-type: none"> • provides evidence of people or events that are of dubious historical importance; or • has been so altered that it can no longer provide evidence of particular association.
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The dwellings at 115–121 Holt Avenue were built by Thomas Ross, a builder who purchased several leases and underleases throughout the Cremorne area. Archival documentation shows that Ross developed several areas throughout the suburb in the Federation period. Similarly, No. 123 was the product of speculative developer Richard Henry Pearce. While these housing developments established much of the original form and character of the former Longview Estate, the Holt Avenue properties are now a rare remnant **example of Ross and Pearce's work**. Similarly, while Ross and Pearce constructed the properties, they were built with the intention of immediate sale, and there is no evidence that either builder ever occupied any of the dwellings.

As outlined in Section 3, each of the properties have passed through a succession of owners—generally middle-class professionals. While there are some notable occupants, such as military doctor Bernard Moreton Birkenhead Riley and Lieutenant Commander Arthur Stanley Storey, their occupations were neither substantial nor evidenced in the built form and there is no evidence that these individuals are of significance to either the local Cremorne or wider North Sydney area. Further, there is no evidence of any significant associations with local groups or local events or activities which have taken place at the properties.

Updated Assessment

Further historical research conducted in June 2023 suggests that Edward Skelton Garton was a significant architect at a local level. His works within North Sydney LGA include 6, 8 and 10 Spofforth Street which display characteristic similar to the Holt Avenue group. His works are also listed on the Mosman LEP 2013 for local significance and on the SHR. Within the group, 119 and **123 are Garton's work** and 115 and 117 are also likely works by Garton but no documentary confirmation of this has been obtained. While the listed examples are of much grander scale for **affluent owners, the properties along Holt Avenue represent Garton's work on more modest speculative homes**.

As a group, their external features display a high level of integrity. The architectural style incorporated by Garton remains discernible and the buildings, despite minor modifications, are **good examples of Garton's works**.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its associative significance.

The Holt Avenue Group meets the threshold for cultural significance under this criterion.

Criterion C (Aesthetic Significance)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • shows or is associated with creative or technical innovation or achievement; • is the inspiration for a creative or technical innovation or achievement; 	<ul style="list-style-type: none"> • is not a major work by an important designer or artist; • has lost its design or technical integrity;

<ul style="list-style-type: none"> • is aesthetically distinct; or • exemplifies a particular taste, style or technology. 	<ul style="list-style-type: none"> • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded; or • has only a loose association with a creative or technical achievement.
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Nos 115–123 Holt Avenue are typical Federation Bungalows, sharing characteristic elements of the typology such as projecting gable bays with overhanging eaves, roughcast rendered chimneys, timber shingles (apart from 119), timber-framed casement windows, hipped roof with tiling (apart from 119), and timber joinery to the verandah.

Although the properties have been modified, with the introduction of new elements such as the introduction of the dormer windows at 115 and 117, works to the primary façades are sympathetic. Other alterations are generally constrained to the rear of the properties where they are not visible from the public domain. Some properties in the group have had carports and masonry fences introduced; however, these elements are sympathetic in style and fabrication, and do not obscure the properties from the street, or detract from their Federation character.

As a group, the properties retain their original siting and setbacks, and feature pleasant front gardens which contribute to the aesthetic character of the street. The dwellings maintain a consistent, low-rise scale, and building line, and demonstrate similar roof forms, which provide a consistent character.

The properties are representative of modest, middle-class housing developments of the Federation period. Although comparatively modest in relation to grander dwellings to the south of the suburb, they provide a significant example of their typology in central Cremorne. As a group they demonstrate a consistent Federation character, scale and materiality, and make a strong contribution to the streetscape, providing an understanding of the historic character of the area.

Externally, the major modifications to the building include the dormer windows, front fence and carports. However, those elements are largely sympathetic to the visual character of the dwellings or do not obscure significant architectural features. The dwellings as a group display a high degree of design integrity and retain their visual appeal along the Holt Avenue streetscape.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its aesthetic significance.

The Holt Avenue Group has cultural significance at a local level under this criterion.

Criterion D (Social Significance)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • is important for its association with an identifiable group; or • is important to a community's sense of place. 	<ul style="list-style-type: none"> • is only important to the community for amenity reasons; or • is retained only in preference to a proposed alternative.

A detailed social values assessment of the properties at 115–119 Holt Avenue was not **undertaken as part of the applicant's submission.**

The properties form part of the Holt Avenue Group proposed for listing by the Cremorne Conservation Group. The efforts of this community group suggest that the properties have some

social value to the local community, although it is unlikely that this would be sufficient to meet the threshold for listing under this criterion.

An assessment of Aboriginal cultural values is beyond the scope of this report.

The Holt Avenue Group does not meet the threshold for cultural significance under this criterion.

Criterion E (Research Potential)

An item has potential to yield information that will contribute to an **understanding of NSW's** cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information; is an important benchmark or reference site or type; or provides evidence of past human cultures that is unavailable elsewhere. 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture; has little archaeological or research potential; or only contains information that is readily available from other resources or archaeological sites.

Although the Holt Avenue Group is representative of the historical development of Cremorne, the properties do not appear to demonstrate any evidence of significant architectural development to meet the threshold for listing under this criterion.

An archaeological assessment is not within the scope of this report.

The Holt Avenue Group does not meet the threshold for cultural significance under this criterion.

Criterion F (Rarity)

An item possesses uncommon, rare **or endangered aspects of NSW's cultural or natural history** (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process; demonstrates a process, custom or other human activity that is in danger of being lost; shows unusually accurate evidence of a significant human activity; is the only example of its type; demonstrates designs or techniques of exceptional interest; or shows rare evidence of a significant human activity important to a community. 	<ul style="list-style-type: none"> is not rare; or is numerous but under threat.

Originating from the Longview Estate subdivision, the Holt Avenue Group dwellings were constructed from 1907 to 1909 as part of a series of speculative developments in the Federation

period. Nos 115–121 were developed by Thomas Ross, with 123 constructed by Richard Henry Pearce. Archival documentation shows that these builders, along with the architect Edward Skelton Garton whose designs they often employed, owned several leases of land throughout the former Longview Estate, which they developed for sale. These developments established a residential character and scale in the area, with the Holt Avenue Group demonstrating the shared architectural character, and consistent form and siting, typical of such a group.

Later development and re-development has led to the loss of similar properties throughout the Cremorne area. The Holt Avenue Group now provides a rare example of what was once a widespread development. As such, although the properties have undergone some modification, their overall external integrity is high and they can be readily understood as a group, and provide a rare understanding of the early character of the northern area of Cremorne.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its rarity significance.

The Holt Avenue Group has cultural significance at a local level under this criterion.

Criterion G (Representativeness)

- An item is important in demonstrating the principal characteristics of a class of NSW's
- cultural or natural places; or
- cultural or natural environments.
- (or a class of the local area's
- cultural or natural places; or
- cultural or natural environments.)

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • is a fine example of its type; • has the principal characteristics of an important class or group of items; • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity; • is a significant variation to a class of items; • is outstanding because of its setting, condition or size; or • is outstanding because of its integrity or the esteem in which it is held. 	<ul style="list-style-type: none"> • is a poor example of its type; • does not include or has lost the range of characteristics of a type; or • does not represent well the characteristics that make up a significant variation of a type.

The Holt Avenue Group is representative of an important period of Federation development in the Cremorne area. Originating from land that was owned by Daniel and John Cooper and subdivided in the Longview Estate in 1885, the dwellings were constructed between 1907 and 1909. The properties maintain the subdivision pattern of the 1885 Longview Estate and are representative of an early period of intensive subdivision which occurred throughout the Cremorne area.

The properties present as a cohesive group of characteristic Federation Bungalow dwellings. They maintain their original scale, siting and setbacks, and building lines, and are demonstrative of the popularity of the typology in the North Shore area through the general retention of their

primary façades, despite modifications. Although modified, the dwellings are good examples of their type, and provide an understanding of modest middle-class dwellings which were developed in proximity to transport routes. They provide a counterpoint to the more ornate and substantial Federation housing stock created for more affluent dwellings towards the foreshore and communicate the varied social make-up of the suburb in the early twentieth century. The properties retain much of their original setting, maintaining pleasant front gardens, and collectively provide an understanding of the historic character of the Cremorne area in a significant period of expansion.

The properties show stylistic similarity to contributory dwellings located in the neighbouring Holt Estate HCA in the Mosman LGA. Although 115–123 Holt Avenue were constructed slightly later than these dwellings, the fact that so many houses in this style were built is a tribute to how widely these design principles were adopted in North Sydney and have been valued by the community since.

Significantly, the properties are also representative of the phenomenon of speculative building developments in Cremorne. Nos 115–121 were constructed in 1907 by Thomas Ross, with 123 completed shortly after by Richard Henry Pearce. They were constructed as part of wider projects undertaken by these builders to create housing for sale throughout the Longview Estate. Although the Holt Avenue Group is now a rare remnant of these developments, they are representative of a phase of development which at one time defined the character of the area, before the transition to the more intense residential development of the interwar period.

Although there are some extant groupings of Federation properties throughout the Cremorne and Cremorne Point areas, these groups are generally representative of grander housing designed for affluent residents, and were often constructed sporadically, rather than as part of an intentional group development. The Holt Avenue Group thus has a high degree of representative significance, providing evidence of middle-class housing and lifestyles in Cremorne in the twentieth century.

The buildings have undergone some modifications externally, the most significant of which are the dormers to Nos 115 and 117, and the replacement of front fences and the additions of carports. The dormers are designed to be sympathetic to the character of the dwellings. The fences and carports do not obscure any key architectural form or features and could be considered temporary as they can be altered without impacting the historical fabric of the dwellings. The modifications do not diminish the representative value of the group. The group demonstrates a high degree of integrity externally.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its representativeness significance.

The Holt Avenue Group has cultural significance at a local level under this criterion.

7.3 125 Holt Avenue

Table 7.2 Discussion of significance for 125 Holt Avenue.

Criterion A (Historical Significance)	
An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).	
Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows evidence of a significant human activity; is associated with a significant activity or historical phase; or maintains or shows the continuity of a historical process or activity. 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes; provides evidence of activities or processes that are of dubious historical importance; or has been so altered that it can no longer provide evidence of particular association.
<p>No. 125 Holt Avenue displays evidence of the historical development of North Sydney generally, and Cremorne specifically. Originating from a part of the 1885 Longview Estate, its lot maintains the subdivision pattern of this estate, although the property would not be completed until November 1914.</p> <p>Designed as a two-storey private residence, it was initially grand in its local environment, compared to the modest single-storey dwellings along Holt Avenue. It represents one of a small number of remnant two-storey bungalows created for middle-class owners towards the north of Cremorne, with grander residences generally contained in the southern areas towards the foreshore. The property was converted to flats in the interwar period and is thus representative of a historical period of transition which saw the intensification of development on workers' housing and affordable flats throughout the area to accommodate an influx of workers. The conversion of a once 'grand' house in a predominantly middle-class area of freestanding dwellings is communicative of the need to introduce additional housing in proximity to transport routes.</p> <p>The major modifications are restricted to the kitchen and bathroom areas which have contemporary fitouts. Overall, 125 Holt Avenue demonstrates high degree to integrity to provide evidence of residential development in Cremorne in the Federation and interwar years.</p> <p>Based on the above assessment, the Holt Avenue group meets the threshold for listing for its historical significance.</p> <p>No. 125 Holt Avenue has cultural significance at a local level under this criterion.</p>	
Criterion B (Associative Significance)	
An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).	

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows evidence of a significant human occupation; or is associated with a significant event, person, or group of persons. 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events; provides evidence of people or events that are of dubious historical importance; or has been so altered that it can no longer provide evidence of particular association.

No. 125 Holt Avenue is associated with the builder Richard Henry Pearce and architect Edward Skelton Garton, who were locally active in the period and responsible for several dwellings throughout the North Sydney area as part of a series of speculative developments. Although their partnership dissolved in scandal in 1908, the property was constructed by Pearce and shows stylistic similarities to other dwellings designed by Garton in the wider North Sydney area, notably Leesthorpe, a heritage listed Federation mansion in Mosman, suggesting Garton's initial involvement.

Further historical research suggests that Edward Skelton Garton was a significant architect at a local level. Examples of his works within North Sydney LGA include 6, 8 and 10 Spofforth. His works are listed on the Mosman LEP 2013 for local significance and on the SHR. While the listed examples are of much grander scale for affluent owners, the properties along Holt Avenue **represent Garton's work on more modest speculative homes. As a group, their external features remain legible and provide evidence as a good example of Garton's work.**

Updated Assessment

The property was converted to apartments in the mid-1920s and since then, several individuals owned or occupied the properties. While there were a number of professionals, including stock agents, traders and animators, none of these individuals appear to be of significance to the Cremorne area.

Further historical research suggests that Edward Skelton Garton was a significant architect at a local level. Examples of his works within North Sydney LGA include 6, 8 and 10 Spofforth. His works are listed on the Mosman LEP 2013 for local significance and on the SHR. While the listed examples are of much grander scale for affluent owners, the properties along Holt Avenue **represent Garton's work on more modest speculative homes. As a group, their external features remain legible, displays a high level of integrity and provide evidence as a good example of Garton's work.**

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its associative significance.

No. 125 Holt Avenue has cultural significance at a local level under this criterion.

Criterion C (Aesthetic Significance)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows or is associated with creative or technical innovation or achievement; is the inspiration for a creative or technical innovation or achievement; is aesthetically distinct; or exemplifies a particular taste, style or technology. 	<ul style="list-style-type: none"> is not a major work by an important designer or artist; has lost its design or technical integrity; its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded; or has only a loose association with a creative or technical achievement.

No. 125 is a two-storey Federation Bungalow with restrained elements of the Queen Anne and Arts and Crafts styles, which has since been internally divided into apartments. Despite this alteration, the property displays a high degree of external integrity and intactness, maintaining characteristic elements such as the gable bay with overhanging eaves, columns with timber elements, decorative timber shingles and rafters, and original timber-framed windows. Internally, the timber floorings, skirtings, fireplaces, archways, cornices and ceilings remain intact and contribute to the visual appeal of the place.

It is a modest example of this typology compared to grander residences towards the foreshore. However, it is aesthetically representative of middle-class housing, which would have been more common towards the transport routes along Military Road, demonstrating a greater degree of ornamentation than seen at similar dwellings such as 15–17 Bertha Road. It appears to be a rare remnant example of this typology in the Cremorne area.

The property is well maintained, conserves its Federation presentation, and retains its setback and landscaped garden which contribute to the character of the streetscape. Due to the slope of the land and the incorporation of hedging, the initial scale and comparative grandeur of the property can be understood, giving the building a degree of landmark quality in its immediate context.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its aesthetic significance.

No. 125 Holt Avenue has cultural significance at a local level under this criterion.

Criterion D (Social Significance)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> is important for its association with an identifiable group; or is important to a community's sense of place. 	<ul style="list-style-type: none"> is only important to the community for amenity reasons; or is retained only in preference to a proposed alternative.

A detailed social values assessment of 125 Holt Avenue was not undertaken as part of this assessment.

However, the property forms part of the Holt Avenue Group proposed for listing by the Cremorne Conservation Group. The efforts of this community group suggests that the property

has some social value to the local community; however, this is insufficient to meet the threshold for listing under this criterion.

An assessment of Aboriginal cultural values is beyond the scope of this report.

No. 125 Holt Avenue does not meet the threshold for cultural significance under this criterion.

Criterion E (Research Potential)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information; is an important benchmark or reference site or type; or provides evidence of past human cultures that is unavailable elsewhere. 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture; has little archaeological or research potential; or only contains information that is readily available from other resources or archaeological sites.

Although the property is representative of the historical development of Cremorne, it does not appear to demonstrate any evidence of significant architectural development to meet the threshold for listing under this criterion.

An archaeological assessment is not within the scope of this report.

125 Holt Avenue does not meet the threshold for cultural significance under this criterion.

Criterion F (Rarity)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process; demonstrates a process, custom or other human activity that is in danger of being lost; shows unusually accurate evidence of a significant human activity; is the only example of its type; demonstrates designs or techniques of exceptional interest; or shows rare evidence of a significant human activity important to a community. 	<ul style="list-style-type: none"> is not rare; or is numerous but under threat.

No. 125 is a rare remnant example of a two-storey Federation Bungalow in the Central Cremorne area. Originating from the 1885 Longview Estate, the property was not completed

until the end of 1914 and thus represents the final phase of residential development in this area. It was designed as a grander middle-class dwelling, compared to the numerous single-storey bungalows and cottages that comprised the surrounding speculative developments along Holt Avenue. Although the property is modest and restrained compared to the homes of affluent residents towards the south of the suburb, it has rarity as a grander example of middle-class housing.

It is largely externally intact, retaining its form, fabric and much of its setting. The slope of the street partially conceals the contemporary development to the northeast, and as such, the scale and comparative historic landmark quality of the building can be understood in its immediate context. A study of existing heritage listed dwellings suggests that while there are some instances of two-storey Federation dwellings in Cremorne, there are few in the Bungalow style. As such, the building has rarity as a remnant example of this typology.

Similarly, although the interior of the property has been converted to flats, this is consistent with the historical rise in popularity of flat buildings in the interwar period. There are numerous interwar flat buildings throughout the Cremorne area, yet 125 has significance as a rare example of a transitional building demonstrating the shift in development focus at the end of the Federation period.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its rarity significance.

No. 125 Holt Avenue has cultural significance at a local level under this criterion.

Criterion G (Representativeness)

- An item is important in demonstrating the principal characteristics of a class of NSW's
- cultural or natural places; or
- cultural or natural environments.
- (or a class of the local area's
- cultural or natural places; or
- cultural or natural environments.)

Guidelines for Inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • is a fine example of its type; • has the principal characteristics of an important class or group of items; • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity; • is a significant variation to a class of items; • is outstanding because of its setting, condition or size; or • is outstanding because of its integrity or the esteem in which it is held. 	<ul style="list-style-type: none"> • is a poor example of its type; • does not include or has lost the range of characteristics of a type; or • does not represent well the characteristics that make up a significant variation of a type.

No. 125 Holt Avenue is representative of an important period of development in the Cremorne area, originating from the Longview Estate in 1885 and constructed in 1914. The property is a characteristic two-storey Federation Bungalow, with a rectangular form and typical elements

such as a wraparound verandah, timber detailing, and decorative roughcast render. The property was designed as a middle-class private dwelling, and although modest compared to grander properties along the foreshore designed for wealthier residents, it is a good example of its typology and was historically grand in its immediate setting.

The property displays a good degree of external integrity and intactness, and retains much of its original form and external fabric. It maintains its original setback and landscaping, providing an understanding of its Federation character and setting. Its form and design are representative of the popularity of the typology in the North Shore, and the primary façade demonstrates a greater degree of decorative detail compared to similar dwellings in the Cremorne area.

Historically, it is representative of the transition from Federation to interwar housing. While the **building's ornamentation is typically Federation, its restrained rectangular form** is an early example of the two-storey flat buildings that emerged in the area following the Federation period. 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, and the concurrent intensification of residential development. It has a high degree of representative value in the Cremorne area.

Based on the above assessment, the Holt Avenue group meets the threshold for listing for its representiveness significance.

No. 125 Holt Avenue has cultural significance at a local level under this criterion.

7.4 Summary of the Assessment of Heritage Significance

Address	Date	Style	Integrity	Assessment Criteria						
				A	B	C	D	E	F	G
Holt Avenue group—115–123 Holt Avenue	1907–1909	Modest Federation Bungalows	High externally Moderate internally	✓	✓	✓	X	X	✓	✓
125 Holt Avenue	1914	Federation Bungalow with influences of Queen Anne and Arts and Craft styles	High externally and internally	✓	✓	✓	X	X	✓	✓

8 Response to Planning Advice and Reports

8.1 The Holt Avenue Group (115–123 Holt Avenue)

The Holt Avenue Group has historic, associative, aesthetic, rarity and representative value to the Cremorne area as a rare, intact group of Federation Bungalows developed during a period of speculative housing development in the Cremorne area.

Originating from land that was owned by Daniel and John Cooper from Alfred Thrupp's grant, the properties formed part of the 1885 Longview Estate subdivision, which was advertised as an area soon to be the most fashionable in the locality. The properties maintain the subdivision pattern of the 1885 Longview Estate.

Constructed between 1907 and 1909, the dwellings present as a cohesive group of characteristic Federation Bungalow dwellings. Single-storey in scale, the properties demonstrate characteristic elements of the typology such as projecting gable bays with overhanging eaves, roughcast rendered chimneys, timber shingles (apart from 119), timber-framed casement windows, hipped roof with tiling (apart from 119), and timber joinery to the verandah. The group maintains its original scale, siting and setbacks, and displays a generally consistent building line. Although the properties have been modified, additions have been generally contained to the rear of the dwellings, concealed from the public domain. Works to the primary elevation are sympathetic to the character and materiality and do not detract from, nor obscure, the legibility of the design.

Although modified, the dwellings are good examples of their type, and provide an understanding of modest middle-class dwellings which were developed in proximity to transport routes. They provide a counterpoint to the more ornate and substantial Federation housing stock created for more affluent dwellings towards the foreshore and communicate the varied social makeup of the suburb in the early twentieth century. The properties retain much of their original setting, maintaining pleasant front gardens, and collectively provide an understanding of the historic character of the Cremorne area in a significant period of expansion.

Significantly, the properties are also representative of the phenomenon of speculative building developments in Cremorne. Nos 115–121 were developed by Thomas Ross, with 123 constructed by Richard Henry Pearce. Archival documentation shows that these builders, along with the architect Edward Skelton Garton whose designs they often employed, owned several leases of land throughout the former Longview Estate which

they developed for sale. Garton was a prolific and significant architect in the lower North Shore area, primarily for his work in Cremorne and Mosman. Nos 115–121 provide evidence of his design for modest homes in the Federation period. These developments established the residential character and scale in the area, and the Holt Avenue Group demonstrates the shared architectural character, consistent form and siting typical of such a group within one subdivision of the era.

Later development and re-development has led to the loss of similar properties throughout the Cremorne area, and the Holt Avenue Group now provides a rare instance of what was once a widespread development. As such, while the properties have undergone some modification, they can be readily understood as a group, and provide a rare understanding of the early character of the northern area of Cremorne. They are particularly representative of a phase of development which at one time defined the character of the area, before the transition to the more intense residential development of the interwar period.

Although there are some extant groupings of Federation properties throughout the Cremorne and Cremorne Point areas, these groups are generally representative of grander housing designed for affluent residents, and were often constructed sporadically, rather than as part of an intentional group development. The Holt Avenue Group thus has a high degree of representative significance, providing evidence of middle-class housing and lifestyles in Cremorne in the twentieth century.

8.2 125 Holt Avenue

The dwelling at No. 125 has historic, associative, aesthetic, rarity and representative value to the Cremorne area as a well-maintained, remnant example of a two-storey Federation Bungalow.

The property originates from the 1885 Longview Estate subdivision which created the street layout and lot forms of Holt Avenue. Although the property was not completed until November 1914, it retains its original lot. Much of the surrounding area within the Longview Estate was developed as part of a series of speculative building developments, with the southeastern portion of Holt Avenue developed by builders Thomas Ross and Richard Henry Pearce, largely to designs by Edward Skelton Garton. Although built by **Pearce, likely to Garton's design, No. 125 is a rare instance of a two-storey dwelling** constructed in the midst of these single-storey workers' dwellings, and would have been one of the grander residences in the streetscape. Garton was a prolific and significant architect in the lower North Shore area, notably in Cremorne and Mosman. No 125 provides evidence of his design for modest middle-class homes in the Federation period.

Although later development has eroded much of the surrounding Federation developments, No. 125 is largely externally intact, retaining much of its original form and

fabric. Significantly, the property retains its setback and a manicured garden, and being located at a bend in the road on the downwards slope of the street, and surrounded by hedges, it retains much of its historic setting, providing an understanding of its late Federation character and presentation.

Aesthetically, the property demonstrates typical elements of the Federation Bungalow style including a projecting gable bay, wide wraparound verandah and decorative roughcast render and timber detailing. Although the property is modest and restrained compared to the homes of affluent residents towards the south of the suburb, it has rarity as a grander example of middle-class housing. It is particularly well maintained at its street-facing elevation, and compared to similarly restrained two-storey Federation dwellings it demonstrates a good degree of decorative detailing.

Historically, it is representative of a period of transition in Cremorne. While the building's ornamentation is typically Federation, its restrained rectangular form is an early example of the two-storey flat buildings that in the area following the Federation period. 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, and the concurrent intensification of residential development. As a rare example of this type, the property has a high degree of representative value in the Cremorne area.

8.3 Response to IPC Advice

On 9 March 2023, the NSW Independent Planning Commission completed its review of the determination of the previous Planning Proposal (PP-2022-2712) and issued the **Commission's Advice**. The IPC advised the following on relation to a further planning proposal:

37. The Commission is of the view however that 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.
38. 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;
 - respond directly to the findings of the heritage reports.

GML Response

In response to the findings of the IPC, this report has addressed the following:

- The report does not include an assessment of 131 and 133 Holt Avenue, Cremorne;
- The report consists of additional information regarding the heritage values and management of group heritage items;
- Additional assessment on the integrity of the properties;
- Additional historical research pertaining to the architect of the subject properties, Edward Skelton Garton, has been undertaken to further justify that the properties are of heritage significance;
- The report comprises a response to the heritage reports accompanying the gateway determination and its findings;
- The report includes a response to the findings of the LEC judgement, NSLPP recommendation, **Department's** Gateway Determination; and
- The report has taken into consideration the **Commission's Advice**.

8.4 Applicants Documents

In preparing this report, GML has reviewed the **applicant's** heritage assessment reports accompanying the review of the Gateway Determination for Planning Proposal (PP-2022-2712).

Table 8.1 Summary of Review of Applicants Documents.

Author	GML Response
Urbis, Heritage Assessment 115–119 Holt Avenue Cremorne, July 2022	<ul style="list-style-type: none"> • The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group; • The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items; • The report was 'revised to include the historical information ascertained by GML Heritage in their Heritage Assessment report prepared for North Sydney Council'. There is no additional information about the history of the property. There is a short discussion of the architect Edward Garton and the builder, Thomas Ross, but no new information provided in this report. • The comparative analysis notes that <i>the contemporary development that has been undertaken along Holt Avenue and within the immediate setting of the subject dwellings has significantly deteriorated the setting of the subject dwellings</i>. The statement supports the inclusion under the rarity criteria which provides the following guidelines for inclusion—<i>demonstrates a process, custom or other human activity that is in danger of being lost</i>. The group at Holt

Author	GML Response
	<p>Avenue remain rare surviving cohesive group of Federation dwellings in the Cremorne area;</p> <ul style="list-style-type: none"> • The Statement of Significance for 85–95 Kirribilli Avenue, Kirribilli includes that the group is <i>an important streetscape element in the vicinity and a major visual relief to the surrounding flats development. Important as part of the diversity of building types in the area.</i> Similarly, the Holt Avenue group acts as a significant visual relief considering the development surrounding it. • The contributions of architect Edward Skelton Garton has not been considered in the associative significance assessment; • The assessment of the Holt Avenue group emphasises the modifications to the interiors and rear. However, the integrity of their external form and their cohesiveness and streetscape contribution understated; • Due to the reasons statement above, GML does not agree with the findings of the Urbis report.
<p>Weir Phillips, Heritage Impact Statement Nos 115–119 Holt Avenue, Cremorne, July 2022</p>	<ul style="list-style-type: none"> • The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group; • The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items; • The report does not offer any new historical information about the subject properties but does cite the documentary sources consulted during the preparation of the first report in 2021. This report presents a ‘Brief Outline of the Historical Development’ only; • The contributions of architect Edward Skelton Garton has not been considered in the associative significance assessment. The report states that <i>none of Garton’s works are listed either as local or State heritage items.</i> However, research suggests that Garton’s works are listed on the Mosman LEP and SHR, suggesting he was a significant architect in the local area; • The comparative analysis has little commentary on the degree of modifications of the comparative examples and whether the Holt Avenue group has similar integrity; • The significance assessment does not rely on any additional evidence and comprises a response to GML’s assessment; and • Due to the reasons statement above, GML does not agree with the findings of the Weir Phillips report.
<p>John Oultram, Revised Heritage Assessment, October 2022</p>	<ul style="list-style-type: none"> • The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group;

Author	GML Response
	<ul style="list-style-type: none"> • The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items; • A list of owners of 115–123 Holt Avenue is appended to the report. The history was revised in 2022 to include information taken from the Urbis Heritage Assessment Report and does not offer any additional historical information. The history is thorough and documented in references and illustrated with primary source documents and graphics. The only significant addition is of floor plans and elevations for the 2011 alterations and additions approved by CDC 110/11 supplied to John Oultram by 'owner' on pp 21–22; • The comparative analysis has little commentary on the degree of modifications of the comparative examples and whether the Holt Avenue group has similar integrity; • The significance assessment does not rely on any additional evidence and comprises a response to GML's assessment; • Due to the reasons statement above, GML does not agree with the findings of the John Oultram report.
<p>City Plan Heritage, Heritage Assessment Five Federation Period Cottages 115, 117, 119, 121 & 123 Holt Avenue, Cremorne, November 2022</p>	<ul style="list-style-type: none"> • The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items; • The report does not offer any additional historical information about the subject properties; • The report states that the extent of Garton's involvement in the design is unknown but further research has established that Garton designed 119 and 123 Holt Avenue and was likely the architect of 115, 117 and 121 Holt Avenue; • The significance assessment emphasises that the dwellings are highly modified but these modifications are largely to the interiors and rear; • The assessment of significance of the group does not comprise any assessment of their cohesion in terms of scale, siting, form, features and materiality. • Due to the reasons statement above, GML does not agree with the findings of the City Plan Heritage report.

8.5 North Sydney Local Planning Panel

The Planning Proposal was considered by the North Sydney Local Planning Panel (NSLPP) on 13 July 2022. The Panel resolved:

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. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly. 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.

GML Response

GML was commissioned by Council as independent heritage consultants to provide a heritage assessment of 115-125 Holt Avenue, irrespective of the development application on the properties. GML has conducted detailed historical research, physical assessment and comparative analysis to reach the conclusion that the Holt Avenue group (115–123 Holt Avenue) and 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, representative and rarity values. Despite some modifications of the dwellings, the overall integrity of the buildings remains high externally as the modifications do not detract from the historical and architectural character of the group. **The Holt Avenue group, in GML’s opinion, meets the threshold for heritage listing at a local level.**

In its consideration of the Planning Proposal, the NSLPP heard oral submissions from multiple heritage consultants engaged and paid for by the developers of 115-119 Holt Avenue and 131-133 Holt Avenue. However, the panel declined to hear from **Council’s independent consultant who was available for questions**. A full and thorough consideration should have included a response from GML to the oral and written submissions allowed from the Applicant.

Section 9 above comprises GML’s response to the applicant’s heritage assessment reports. In is our opinion that a rigorous assessment has not been conducted by other consultants, and their assessments lack the independence and evidence-based assessment of the GML report. Their reports offer a different opinion rather than additional or different evidence.

Notwithstanding, this report includes the more thorough and lengthy inquiry requested by the NSLPP and a detailed, evidence-based assessment that concludes that the properties at 115–125 Holt Avenue reach the threshold for listing under the NSW guidelines.

8.6 Gateway Determination

On 7 October 2022, DPE determined in the Gateway Determination for Planning Proposal (PP-2022-2712) that the properties at 115-125 and 131-133 Holt Avenue, Cremorne as local heritage items should not proceed for the following reasons:

1. The Department does not support the local heritage listing of the properties specified in this proposal without further inquiry, research and justification as reasoned in this determination to support any progression of the proposal. The Department notes a number of heritage assessments have been conducted by landowners in response to this planning proposal with findings contrary to that identified in Council's **commissioned** assessment by GML that outline the extent of modifications to the subject properties.
2. The Department wrote to Council 11 August 2022 to provide an opportunity to withdraw, update and resubmit the planning proposal in response to the latest information, court decisions and heritage studies. Council declined this offer and requested that the Gateway determination was made based on the planning proposal as submitted.
3. The planning proposal in its current form seeks to heritage list 131 and 133 Holt Avenue where the Interim Heritage Order has been revoked with the Land and Environment Court unequivocally establishing that neither 131 nor 133 Holt Avenue are of heritage significance. The demolition of the properties has commenced and therefore the listing of these properties is not supported.
4. 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.
5. **The Department notes the opinion of the North Sydney Local Planning Panel's 13 July 2022 consideration** that due to the extent of alterations and additions to the subject properties, the proposal in its current form lacks both site specific and strategic merit. The Panel in its recommendation was not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines.
6. The Interim Heritage Order appeal relating to the properties 115, 117 and 119 Holt Avenue although dismissed, outlines the Land and Environment Court decision on the view that on the basis of the 2022 GML assessment, there is a real chance that further inquiry may support a finding that the properties are of heritage significance. Council has not provided any further inquiry or investigation to satisfy the decision to uphold the Interim Heritage Order on the sites. PP-2022-2712 (IRD22/32786)
7. The property at 125 Holt Street was previously de-listed as a local heritage item due to lack of heritage significance.

GML Response

In response to the recommendations of the Gateway Determination, the following amendments are made to the GML report:

- The report does not include an assessment of 131 and 133 Holt Avenue, Cremorne;
- The report provides additional information regarding the heritage values and management of group heritage items;
- Additional assessment on the integrity of the properties;
- Additional historical research pertaining to the architect of the subject properties, Edward Skelton Garton, to further justify that the properties are of heritage significance;
- The report includes a response to the heritage reports accompanying the gateway determination and its findings; and
- The report provides of a response to the findings of the reports accompanying the Gateway Determination; and
- The report has taken into consideration the recommendations of the Gateway **Determination and Commission's Advice.**

The additional research and assessment provided in this report has responded to reasons 1,3,5 and 6 of the Gateway Determination. Reasons 2 and 4 are not matters that relate to heritage significance. A response to reason 7 is provided below.

Council understands that comments from a heritage specialist were not sought in the determination of the planning proposal. It is imperative that the current planning proposal is referred to a heritage specialist for comment to enable a full, fair and proper assessment.

125 Holt Avenue

The North Sydney Heritage Review (1998) described 125 Holt Avenue as a 'rare successful synthesis of styles which has produced an attractive building whose bulk is not apparent from the frontage. It is a rare survivor in its immediate vicinity'. On this basis it was listed as a local heritage item within the LEP.

125 Holt Avenue was then de-listed as a heritage item in the 2007 Heritage Review by Architectus with John Outram. However, the details of why it was delisted have not found in Council's records and it is not known if the consultant viewed the interior of the building.

Notwithstanding the de-listing of 125 Holt Avenue in 2013, it is the opinion of GML that, based on the full and thorough assessment provided in this report, 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, rarity and representative values, as detailed in Section 7.2. No evidence has been found to indicate that the building's significance has changed since 1998.

8.7 LEC Appeal

On 18 and 19 July 2022, the Court heard the appeal for 115–119 Holt Avenue against the IHO. On 17 August 2022, **the Court dismissed the applicant's appeal**. Commissioner Horton gave the following reasons for his decision:

While I acknowledge the Applicant has undertaken research that reaches a conclusion to the contrary, and has sought peer review to the same effect, I consider it a real chance, on the basis of the degree of research contained in the 2022 GML Assessment, that further inquiry may support a finding that the sites at Nos 115-119 Holt Avenue are of heritage significance.

I have formed this view for the following reasons:

- 6) Firstly, while I accept that there may be grander and more bespoke examples of Federation dwellings in the North Sydney LGA, I am not persuaded by the **evidence before me, or by a close read of the guide 'Assessing Heritage Significance', that a building, or a group of buildings**, should be excluded from being considered to have local heritage significance by virtue of it or them lacking sophistication, or by demonstrating similar characteristics to an item or items that may have already been identified to have heritage significance, or unless it is a poor example, of being an example of its type.
- 7) **Secondly, I accept Ms Trueman's assessment that the dwellings on the sites the** subject of this appeal remain substantially intact notwithstanding past alterations that are minor when viewed from the street. I note that those alterations appear similar in their scope and effect, particularly in respect of Nos 115 and 117.
- 8) Accordingly, as a group, the sites may achieve rare or representative status within the North Sydney LGA, consistent with guidelines for inclusion under criterion (g) of the Guidelines because the group displays principal characteristics of an important class or group of items, and are part of a group which collectively illustrates a representative type.
- 9) Thirdly, while the eastern portion of Holt Avenue, in Mosman Council LGA, is unquestionably of the same Federation period and style as the sites the subject of **this appeal, I accept Ms Trueman's evidence that the subdivision pattern, dwelling** type and streetscape vary from the detached dwellings on larger allotments as is the case here. As I understand it, the sites are not to be compared with those in the eastern portion of Holt Avenue as they demonstrate distinct qualities from the subdivision, dwelling type and streetscape setting of those in another LGA.
- 10) Finally, while the 2022 GML Heritage Assessment was referred to during **proceedings as the 'Final Assessment', I regard this as a shorthand reference to** the last, or most recently completed, report prepared on behalf of the Respondent, in support of its Report to the NSLPP. While it may have been cited **as the 'final assessment', I consider finality to be determined, ultimately by the**

terms of the IHO that confirm the IHO will lapse after six months, being 11 September 2022, unless the Respondent has passed a resolution before that date; and where the resolution seeks to place the item on Sch 5 of the NSLEP with appropriate provisions for protecting and managing the item.

This report provides a detailed heritage assessment based on the NSW guidelines that fulfils the requirements of the IHO, as noted by the Court. This report responds to the **Court's judgement and** provides the further inquiry that concludes the properties at 115-123 meet the threshold for listing as a group item, and 125 Holt Avenue reaches the threshold for listing as an individual item.

9 Conclusions and recommendations

9.1 Conclusion

This report has assessed the heritage significance of the dwellings at 115, 117, 119, 121, 123 and 125 Holt Avenue based on historical research, physical analysis, and comparative analysis. It includes a detailed assessment of the site against the SHR standard assessment criteria to determine the significance of the place in the North Sydney LGA.

The report concludes that the following group and individual items meet the criterion for heritage listing at a local level.

- The Holt Avenue group (115–123 Holt Avenue) meets the threshold for cultural significance for historic, associative, aesthetic, representative and rarity values for the following reasons:
 - The dwellings date from the early twentieth century, a key period of development in Cremorne, and provide an understanding of modest middle-class dwellings in the Cremorne area in the Federation period.
 - The group is associated with locally prominent architect Edward Skelton Garten who designed 119 and 123 and 115 and 117 are also likely works by Garten but no confirmation of this has been obtained.
 - They form a cohesive group in the Federation Bungalow architectural style. They maintain their original scale, siting and setbacks, building lines, form, features and materials typical of their typology.
 - While the properties have undergone some modification, they can be readily understood as a group, and provide a rare understanding of the early character of the northern area of Cremorne. They display a high level of integrity and intactness externally.
 - The Holt Avenue Group has a high degree of representative significance, providing evidence of middle-class housing and lifestyles in Cremorne in the twentieth century.
- 125 Holt Avenue meets the threshold for cultural significance for historic, associative, aesthetic, rarity and representative values for the following reasons:
 - It displays evidence of the historical development of North Sydney generally and Cremorne specifically in the late Federation period.
 - 125 Holt Avenue was designed by locally prominent architect Edward Skelton Garten and comprises features typical of his style.

- It is a two-storey Federation Bungalow with restrained elements of the Queen Anne and Arts and Crafts styles, which has since been internally divided into apartments. Despite this alteration, the property displays a high degree of external integrity and intactness.
- The form, architecture and interwar modifications to the dwelling are representative of the built form response to the local influx of workers in the late Federation and interwar periods, and the concurrent intensification of residential development.
- It has significance as a rare example of a transitional building demonstrating the shift in development focus at the end of the Federation period.

9.2 Recommendations

It is recommended that Council prepares a Planning Proposal to amend Schedule 5 and the Heritage Maps of the NSLEP 2013 to include the following items of local significance:

1. **The 'Holt Avenue Group', comprising property** Nos 115,117,119, 121 and 123 Holt Avenue, Cremorne as a group heritage item.
2. **'Carina',** No. 125 Holt Avenue, Cremorne as an individual heritage item.

10 Appendices

Appendix A

NSW Heritage Office Assessment Guidelines

Appendix B

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

Appendix C

IPC Advice Report

Appendix D

INTERIM HERITAGE ORDER NO. 168–115, 117, 119 Holt Avenue, Cremorne

Appendix A—NSW Heritage Office Heritage Assessment Guidelines

The *NSW Heritage Manual* guidelines, prepared by the NSW Heritage Office and Department of Urban Affairs and Planning (July 2001), provide the framework for the assessment and the statement of significance in this report. These guidelines incorporate the five types of cultural heritage value identified in the Burra Charter into a specially structured framework, which is the format required by heritage authorities in New South Wales.

Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria, as set out below. An item is significant in terms of the particular criterion if the kinds of attributes listed in the inclusion guidelines help to describe it. Similarly, the item is not significant in terms of that particular criterion if the kinds of attributes listed in the exclusion guidelines help to describe it. The inclusion and exclusion guidelines are checklists only—they do not cancel each other out. The exclusion guidelines should not be applied in isolation from the inclusion guidelines, but should be **used to help review and qualify the conclusions reached about the item's significance.**

The criteria for assessment established by the NSW Heritage Council in accordance with the *Heritage Act 1977* (NSW) (Heritage Act) are set out below.

Criterion (a)—An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none">• shows evidence of a significant human activity;• is associated with a significant activity or historical phase; or• maintains or shows the continuity of a historical process or activity.	<ul style="list-style-type: none">• has incidental or unsubstantiated connections with historically important activities or processes;• provides evidence of activities or processes that are of dubious historical importance; or• has been so altered that it can no longer provide evidence of a particular association.

Criterion (b)—An item has 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 NSW (or the cultural or natural history of the local area)

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows evidence of a significant human occupation; or is associated with a significant event, person, or group of persons. 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events; provides evidence of people or events that are of dubious historical importance; or has been so altered that it can no longer provide evidence of a particular association.

Criterion (c)—An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> shows or is associated with creative or technical innovation or achievement; is the inspiration for a creative or technical innovation or achievement; is aesthetically distinctive; has landmark qualities; or exemplifies a particular taste, style or technology. 	<ul style="list-style-type: none"> is not a major work by an important designer or artist; has lost its design or technical integrity; its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded; or has only a loose association with a creative or technical achievement.

Criterion (d)—An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> is important for its associations with an identifiable group; or is important to a community's sense of place. 	<ul style="list-style-type: none"> is only important to the community for amenity reasons; or is retained only in preference to a proposed alternative.

Criterion (e)—An item has potential to yield information that will contribute to an understanding of **NSW's** cultural or natural history (or the cultural or natural history of the local area)

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information; is an important benchmark or reference site or type; or provides evidence of past human cultures that is unavailable elsewhere. 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture; has little archaeological or research potential; or only contains information that is readily available from other resources or archaeological sites.

Criterion (f)—An item possesses uncommon, rare or endangered aspects of **NSW's** cultural or natural history (or the cultural or natural history of the local area)

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process; demonstrates a process, custom or other human activity that is in danger of being lost; shows unusually accurate evidence of a significant human activity; is the only example of its type; demonstrates designs or techniques of exceptional interest; or shows rare evidence of a significant human activity important to a community. 	<ul style="list-style-type: none"> is not rare; or is numerous but under threat.

Criterion (g)—An item is important in demonstrating the principal characteristics of a class of **NSW's (or a class of the local area's)** cultural or natural places; or cultural or natural environments

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> is a fine example of its type; has the principal characteristics of an important class or group of items; has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity; is a significant variation to a class of items; 	<ul style="list-style-type: none"> is a poor example of its type; does not include or has lost the range of characteristics of a type; or does not represent well the characteristics that make up a significant variation of a type.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none">• is part of a group which collectively illustrates a representative type;• is outstanding because of its setting, condition or size; or• is outstanding because of its integrity or the esteem in which it is held.	

**Appendix B—Holt Avenue Cremorne Pty Ltd v North
Sydney Council [2022] NSWLEC 1428**



Land and Environment Court New South Wales

Medium Neutral Citation:	Holt Avenue Cremorne Pty Ltd v North Sydney Council [2022] NSWLEC 1428
Hearing dates:	18 and 19 July 2022
Date of orders:	17 August 2022
Decision date:	17 August 2022
Jurisdiction:	Class 1
Before:	Horton C
Decision:	The Court orders that: (1) The appeal is dismissed. (2) All exhibits are returned, except for Exhibits A, B and 6.
Catchwords:	INTERIM HERITAGE ORDER: appeal against the making of an interim heritage order – assessing heritage significance – whether item is likely to be found of local heritage significance
Legislation Cited:	Heritage Act 1977, ss 4, 25, 26, ,27, 29, 30, 57, 58, 63, Sch 2 Land and Environment Court Act 1979, s 39 Local Government Act 1993 Mosman Local Environmental Plan 2012 North Sydney Local Environmental Plan 2013, cl 5.10, Sch 5 Uniform Civil Procedure Rules 2005, r 31.19
Cases Cited:	Byron Ventilink Pty Limited v Byron Shire Council (2005) 142 LGERA 215; [2005] NSWLEC 395 Forte Construction Group Pty Ltd v Inner West Council [2018] NSWLEC 1400 Newcastle & Hunter Valley Speleological Society Inc v Upper Hunter Shire Council (2010) 210 LGERA 126; [2010] NSWLEC 48
Texts Cited:	NSW Heritage Office, NSW Heritage Manual, 'Assessing Heritage Significance' (2001)
Category:	Principal judgment

Parties: Holt Avenue Cremorne Pty Ltd (Applicant)
North Sydney Council (Respondent)

Representation: Counsel:
T Roberston SC (Applicant)
A Seton (Solicitor) (Respondent)

Solicitors:
Mills Oakley (Applicant)
Marsdens Law Group (Respondent)

File Number(s): 2022/81791

Publication restriction: No

JUDGMENT

- 1 **COMMISSIONER:** This Class 1 appeal is brought under s 30(1) of the *Heritage Act 1977* ("*Heritage Act*"), against the making of an interim heritage order (IHO) by North Sydney Council (the Respondent) with respect to land at 115, 117 and 119 Holt Avenue, Cremorne (the sites).
- 2 While the IHO the subject of this appeal applies to those three sites listed above, a total of eight properties on Holt Avenue are cited in the evidence before the Court in these proceedings. It is helpful to explain at the outset why this is the case.
- 3 A total of eight properties at Nos 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue are considered by the Respondent to share certain characteristics.
- 4 Those properties at Nos 115, 117 and 119 Holt Avenue, and at Nos 131 and 133 Holt Avenue are subject to separate development applications proposing the demolition of the buildings on those sites.
- 5 No development application applies with respect to those properties at Nos 121, 123 and 125 Holt Avenue. Accordingly, those properties at Nos 121, 123 and 125 Holt Avenue are not considered by the Respondent to be threatened by prospective development.
- 6 I understand the properties at Nos 131 and 133 Holt Avenue are considered to be threatened, but as those sites are the subject of a separate development application, those sites are not the subject of these proceedings.

Background to the making of the IHO

- 7 The parties agree the following relevant facts with respect to the sites:
 - (1) On 12 July 2013, the Minister for Heritage authorised local councils in NSW to make IHO's in accordance with s 25 of the *Heritage Act*, and subject to conditions listed in Sch 2 of the authorisation (Exhibit 2, Tab 15).
 - (2) The conditions listed at Sch 2 are in the following relevant terms:

(1) A council must not make an Interim Heritage Order (IHO) unless:

...

(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the council and considers that:

(i) the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;

...

(5) An IHO made by a council must contain the following condition:

"This Interim Heritage Order will lapse after six months from the date it is made unless the local council has passed a resolution before that date; and

(i) in the case of an item which, in the council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or

..."

(3) On 17 March 2014, the Respondent delegated that authorisation to the General Manager, (Exhibit 2, Tab 18), consistent with the terms of the Delegations of Authority - General Manager (Ex 2, Folio 542).

(4) On 9 August 2021, the Applicant in these proceedings lodged development application DA 243/21 for the demolition of existing structures and the construction of a residential flat building with basement parking.

(5) On 24 January 2022, the following motion was endorsed by the Respondent:

"1. That Council obtain urgent advice 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, 131 and 133 Holt Avenue Cremorne.

2. That Council prepare an urgent report to assess whether a new Heritage Conservation Area ought be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road Cremorne and that such a 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."

8 On 7 March 2022, the Respondent received a Preliminary Heritage Assessment Report prepared by GML Heritage (GML Preliminary Assessment).

9 On the same day, the Respondent made the IHO, which was subsequently published in the NSW Government Gazette No 103 on 11 March 2022 (Exhibit 2, Tab 8).

10 On 15 March 2022, the Respondent notified affected owners and occupiers as to the making of the IHO (Exhibit 2, Tab 9), published a notice on the Respondent's website (Tab 10), and the Mosman Daily on 17 March 2022 (Tab 11).

The sites and their context

11 The sites are located on the north eastern side of Holt Avenue, close to the intersection with Spofforth Street, and are individually identified as follows:

- 115 Holt Avenue is legally described as Lot 1 in DP 929395.

- 117 Holt Avenue is legally described as Lot 1 in DP 980449.
 - 119 Holt Avenue is legally described as Lot 1 in DP 929074.
- 12 The sites are also located within the R3 Medium Density zone, in accordance with the North Sydney Local Environmental Plan 2013 (NSLEP).
- 13 In its Statement of Facts and Contentions in Reply (Exhibit 1), the Respondent identifies the sites as a group of detached Federation era Bungalow style houses, set on large allotments with wide frontages to Holt Avenue, and with the following common features or characteristics:
- An asymmetric front façade with projecting gable and open verandah
 - High pitched roof, originally terracotta tiled (some have been replaced)
 - Centrally located front door and hallway
 - Bay window within casement windows to the projecting gable
 - Timber shingles to gables (except 119 Holt Avenue)
 - Timber joinery and fretwork to the verandah, with variations to the stylistic detailing.
 - Original timber windows and doors
 - Coloured glass fan light windows
 - Rough cast render chimneys
 - Formal front gardens
- 14 In summary, it is useful to particularise each of the dwellings on the sites as follows:
- No 115 Holt Avenue is a detached Federation bungalow with face brick façade and a hipped roof form, finished in terracotta tiles.
 - No 117 Holt Avenue is a detached Federation bungalow with rendered façade and a hipped roof form, finished in terracotta tiles.
 - No 119 Holt Avenue is a detached Federation bungalow with painted brick façade and a gabled roof form, at 90 degrees to the street, finished in corrugated iron roof sheeting.
- 15 The sites are not identified as heritage items, nor are they located within a Heritage Conservation Area (HCA) under Sch 5 of the NSLEP, and are not listed as State Heritage items within the terms of the *Heritage Act* 1977.
- 16 That said, the sites are within the vicinity of the Holt Estate HCA and a number of items listed for their heritage significance in the Mosman Local Environmental Plan 2012. The closest of these is identified as item I379, and described as 'Divided Road, Holt Avenue, Mosman...(between Cowles Road and Spofforth Street)'.
- 17 The sites are also in the vicinity of the border separating the North Sydney local

- 18 government area (LGA) from the Mosman LGA, demarcated by Spofforth Street. Existing development on the southern side of Holt Avenue is generally residential apartment development.
- 19 The proceedings commenced with an onsite view at which the Court, in the company of the parties and their experts, entered the sites at Nos 115-119, and viewed the sites in context with other sites in the street, including Nos 121, 123 and 125 Holt Avenue.
- 20 The Court observed the interior of the dwellings, and stood in the rear yard of No 117 to observe the rear roof forms of adjoining sites at Nos 115 and 119.
- 21 The Applicant sought leave for the owner of No 123 Holt Avenue to make an oral submission objecting to any listing of the property as a heritage item, that was opposed by the Respondent. As the IHO against which the appeal is lodged does not apply to the property at No 123 Holt Avenue, leave was not granted, pending opening submissions after which the Court would consider whether a submission or site view of No 123 Holt Avenue would assist.
- 22 Instead, at the close of proceedings, the Court directed the Applicant to invite a written submission from the owner of No 123 Holt Avenue to be provided to the Court, which was received on 20 July 2022.
- 23 Finally, the Court was taken to parts of Holt Avenue in the Mosman LGA to the east of the sites, and properties at Nos 108-110, and 116 Holt Avenue were identified by the Applicant as demonstrating a degree of alteration that was common to the area, and a consistency of character evident on both sides of the street, which Ms Trueman describes as commonplace in an area identified as a HCA such as the Holt Estate HCA.

Submissions on heritage significance

- 24 On 21 April 2022, the Applicant filed a Statement of Facts and Contentions (Exhibit C) identifying four contentions, and the Respondent filed its Statement of Facts and Contentions in Reply on 17 May 2022 (Exhibit 1), identifying two further contentions.
- 25 In closing submissions, the Respondent no longer contends that the sites are, individually, of heritage significance but instead that the sites are likely to be found, following further inquiry and investigation, to be of sufficient local heritage significance, collectively, to warrant the listing of the sites as a group, or part of a group, within this portion of Holt Avenue, Cremorne.
- 26 Furthermore, while an assessment of the merits can be undertaken by the Court on the basis of the evidence before the Court, the Respondent submits the Court need not proceed further than to find, on the basis of the Preliminary Heritage Assessment

prepared by GML Heritage dated June 2021, that the sites are likely to be found, on further inquiry and investigation, to be of local heritage significance and so dismiss the appeal.

27 Such a finding is also supported by the conclusions of the Heritage Assessment prepared by GML Heritage dated 3 June 2022 (Exhibit 2, folios 448-451), and is not inconsistent with prior heritage assessments that acknowledge the addition and deletion of items is an ongoing process (Ex B, Tab 7, p12), and that further research may reveal additional sites (Tab 8, p16).

28 Such an approach is also consistent with the decision of Pain J in *Byron Ventilink Pty Limited v Byron Shire Council* (2005) 142 LGERA 215; [2005] NSWLEC 395, where, at [56], her Honour expressed the role of the Court on an appeal under s 30 of the *Heritage Act* as follows:

“It is not my role to determine whether the building is of local heritage significance and should be included in a planning instrument but rather whether the necessary threshold test under Sch 1(1)(b)(i) of the Minister’s order and cl 5.5.2(1)(b)(i) of the Guidelines has been met, namely, that on further investigation the item is likely to be found to be of local heritage significance. To require more certainty about the likelihood of local heritage significance, that it will be likely to be an item of local heritage significance, would appear to defeat the purpose of issuing an IHO in the first place, which is to enable protection of an item while further enquiries are made.”

29 As summarised by Commissioner Gray in *Forte Construction Group Pty Ltd v Inner West Council* [2018] NSWLEC 1400, at [26]-[28], the Court has consistently approached the threshold test at what is now Sch 2(1)(b)(i) of the Ministers Authorisation as permutations of questions expressed by Gray as follows:

- Firstly, if there is further inquiry or investigation to be carried out, whether the building is likely to be found to be of local heritage significance, or

- Secondly, if there is no further inquiry or investigation to be carried out, whether the building is of local heritage significance.

- 30 It is commonly held that the Court, pursuant to s 39(2) of the Land and Environment Court Act 1979 ("LEC Act") exercises the functions and discretions of the Council in determining whether to issue the IHO. However, the parties are apart on the degree to which the Court need consider the merits of the assessment undertaken in respect of the heritage significance of the sites.
- 31 The Applicant submits that the proceedings are by their nature a merit appeal, in which merit is decided on the facts and evidence at the date of the Court's decision. Put another way, pursuant to s 39(3) of the LEC Act, it is by way of rehearing, in which fresh evidence or evidence in addition to, or in substitution for, the evidence given on the making of the decision may be given.
- 32 In the circumstances of this case, the Applicant's invitation for the Court to exercise the powers and discretion of the Respondent to revoke the IHO is an invitation made well after the making of the IHO, and in respect of sites located in an area for which a plethora of assessments have been completed.
- 33 Those assessments prepared prior to the current proceedings, contained in Exhibit B, include:
- North Sydney Heritage Study, prepared by Latona Masterman and Associates, December 1981 (Tab 7)
 - North Sydney Heritage Study Review, prepared by Godden Mackay, July 1993 (Tab 8)
 - North Sydney Heritage Study – Addition to Heritage Inventory, prepared by Godden Mackay, December 1995 (Tab 9)
 - North Sydney Heritage Review 2007 (including Heritage Review Inventory Sheet) prepared by Architectus Sydney Pty Ltd, December 2008 (Tab 10)
- 34 Despite the number of heritage assessments undertaken, the sites were not found to have heritage significance. Likewise, two Heritage Assessment Reports prepared by Urbis on behalf of the Applicant, dated July 2021 (Tab 13) and July 2022 (Urbis 2022 Assessment) (Tab 15) reach the same conclusion.
- 35 Additionally, two further heritage assessments completed by GML on behalf of the Respondent have now been completed and a meeting of the North Sydney Local Planning Panel (NSLPP), held on 13 July 2022, has considered a Planning Proposal in respect of the sites.
- 36 Given such extensive assessment, and consideration by the NSLPP, the Respondent can no longer hold that the item is likely to be found, on further inquiry and investigation, to be of local heritage significance as that further inquiry and investigation has run its course and the Court's role is now to determine whether the building is of

local heritage significance.

- 37 It is convenient at this point to state that the Applicant sought to rely upon a bundle of documents that included two additional heritage assessments objected to by the Respondent on the basis that the Court had not directed such expert evidence to be prepared and so was contrary to Rule 31.19 of the Uniform Civil Procedure Rules 2005 (UCPR).
- 38 The first document, at Tab 14, is a Heritage Assessment Report prepared by Weir Philips dated July 2022 (Weir Philips Assessment 1), updating an earlier Heritage Assessment Report by the same author, prepared in support of the DA at [7(4)] pursuant to cl 5.10 of the NSLEP, dated July 2021 (Weir Philips Assessment 2) (Tab 12) and cited in the Amended Statement of Environmental Effects, tendered by the Respondent (Exhibit 2, Tab 2).
- 39 I accept the Applicant's submission that the Weir Philips Assessment 1 is cited in the Amended SEE. While I note the Court is not tasked to consider the DA in these proceedings, I admitted the Weir Philips Assessment 2, subject to weight.
- 40 The second document was a Revised Heritage Assessment prepared by Mr John Oultram dated June 2022 (Oultram Assessment) (Tab 16), the purpose of which, I am advised, is to assist the Applicants' expert, Mr Davies, by reference to certain figures and images in the document that are more clearly rendered than in the Urbis 2022 Assessment.
- 41 As I note the plans and images in the Oultram Assessment, and the Urbis 2022 Assessment are similar, and in some cases identical, I consider the Oultram Assessment of no assistance to the Court and so I admitted the Applicant's Bundle (Exhibit B), excluding the Oultram Assessment.

Statutory framework

- 42 The making of an IHO is provided for by the terms of the *Heritage Act*
- 43 Local heritage significance is defined, at s 4A(1) of the *Heritage Act* in the following terms:
- local heritage significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- 44 I note the term 'area' has the same meaning in the *Heritage Act*, as in the dictionary of the *Local Government Act 1993*, being a local government area.
- 45 Section 25 of the *Heritage Act* provides the means by which an IHO is to be made in the following terms:

25 Minister can authorise councils to make interim heritage orders for items of local heritage significance

(1) The Minister may, by order published in the Gazette, authorise a council to make interim heritage orders for items in the council's area.

(2) A council authorised under this section may make an interim heritage order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.

(3) An interim heritage order made by a council is of no effect in so far as it applies to any of the following items—

- (a) an item to which an interim heritage order made by the Minister applies,
- (b) an item listed on the State Heritage Register.

(4) An authorisation under this section can be given subject to conditions and a council cannot act in contravention of the conditions of its authorisation.

(5) The Minister may at any time by notice published in the Gazette withdraw a council's authorisation or change the conditions of its authorisation. The withdrawal of a council's authorisation does not of itself affect any interim heritage order made before the authorisation was withdrawn.

46 Section 26 of the *Heritage Act* provides, in effect, that notice is not required to be given prior to the making of an IHO.

47 Section 27 of the *Heritage Act* also provides that the IHO may apply to the curtilage of a building or the site of a building.

48 Section 29 deals with the commencement, duration and revocation of IHO's in the following terms:

(1) An interim heritage order takes effect on the date of publication of the order in the Gazette.

(2) An interim heritage order remains in force for 12 months or such shorter period as may be specified in the order, unless it is revoked sooner.

(3) The Minister may revoke an interim heritage order made by the Minister or by a council.

(4) A council may revoke an interim heritage order that the council has made (but cannot revoke one made by the Minister or by another council).

(5) When an interim heritage order is revoked, the Minister (in the case of an order revoked by the Minister) or the council that revoked the order (in the case of an order revoked by a council) is to do or cause the following to be done—

(a) notice of the revocation of the order is to be published in the Gazette,

(b) as soon as possible after the notice of revocation is published in the Gazette, notice of the revocation of the order is to be given to the Chairperson and to each person who appears to the Minister or the council to be an affected owner or occupier,

(c) within 7 days after notice of the revocation of the order is published in the Gazette, notice of the revocation of the order is to be published in a manner that the Minister or the council is satisfied is likely to bring the notice to the attention of members of the public in the area in which the item is situated.

(6) The listing of an item on the State Heritage Register revokes any interim heritage order in respect of that item.

49 Section 30 of the *Heritage Act* provides for an affected owner or occupier to appeal the making of an IHO, within certain terms.

50 Section 57 of the *Heritage Act* sets out the effect of an IHO on a place, building, work, relic, moveable object, precinct or land in the following terms:

(1) When an interim heritage order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval granted by the approval body under Subdivision 1 of Division 3—

(a) demolish the building or work,

(b) damage or despoil the place, precinct or land, or any part of the place, precinct or land,

(c) move, damage or destroy the relic or moveable object,

- (d) excavate any land for the purpose of exposing or moving the relic,
- (e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,
- (f) alter the building, work, relic or moveable object,
- (g) display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,
- (h) damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

...

51 For completeness, an approval of the sort referred to in s 57(1) of the *Heritage Act* is dealt with under Subdiv 1 of Div 3.

52 Section 58(1) applies to an application for approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1), and in respect of which s 63(2) of the *Heritage Act* states that:

(2) Where—

- (a) an application for approval is made to demolish the whole of a building or work, or
 - (b) an application for approval is made which would, if it were approved, necessitate the demolition of the whole of a building or work,
- the approval body shall determine that application by refusing approval.

Expert evidence

53 As an appeal against an IHO necessarily deals with heritage significance, the Court was assisted in its consideration of the contentions by the evidence of experts in built heritage, Ms Lisa Trueman for the Respondent and Mr Stephen Davies for the Applicant, who conferred in the preparation of a joint expert report (Exhibit 5).

54 The heritage experts agree that assessment of heritage significance in NSW is undertaken in accordance with guidelines issued by Heritage NSW as part of the NSW Heritage Manual, titled 'Assessing Heritage Significance' (the Guidelines) (Exhibit 2, Tab 16).

55 The Guidelines provide criteria against which to assess significance. An item will be considered to be of State (or) local significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the criteria.

56 In the circumstances of this case, the experts agree that the relevant criteria include:

“Criterion (a)- Historic Significance An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

...

Criterion (c) - Aesthetic Significance An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

...

Criterion (f)- Rarity An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

Criterion (g)- Representativeness An item is important in demonstrating the principal characteristics of a class of NSW's Cultural or natural places; or Cultural or natural environments"

- 57 It is this agreed criteria that sets the framework for the Court's consideration in respect of those questions posed at [29].
- 58 Mr Davies accepts that while there are close similarities between the bungalows on the sites, each varies in both form and finish. Furthermore, the alterations evident in both plan and roof form, and variation in materials and finishes affect the significance of the buildings within the group and so preclude elevation of any one or more of the group to status as a heritage item.
- 59 Mr Davies is of the opinion that the sites are mere remnants of what was once a larger cohesive subdivision that has been so altered or demolished that the remaining group can only be said to be typical of speculative development by a builder of a particular period, in a particular style. However mere survival does not constitute significance, absent a superlative quality or qualities.
- 60 The group is not a particularly fine example of the style or period, and cannot be said to be rare. Instead, the Federation style is well represented in the North Sydney LGA, and in the eastern portion of Holt Avenue, within the Mosman Council LGA.
- 61 Where the style and period are evident in group listings under the NSLEP, these are generally in areas designated as heritage conservation areas, such as at 49-67 Edward Street, North Sydney (Ex B, Tab 16, pp 43-44) or 85-95 Kirribilli Avenue, Kirribilli (p44) where the examples are more intact and more representative of the style, period, type and detailing than the subject sites, or at 4-12 Harrison Street, Neutral Bay that demonstrate more substantial examples in a larger group (p44).
- 62 Ms Trueman regards the examples listed above to demonstrate the range and diversity of types and styles captured within the Federation classification. These include modest semi-detached dwellings for workers, single detached dwellings intended for the middle class, and larger, sometime bespoke villas for more wealthy owners.
- 63 In the case of these sites, Ms Trueman considers the sites likely to be the work of the same architect/builder pairing, and still visually evident to be so. She concludes the group is a rare surviving example in the area that remains intact notwithstanding past alterations that she considers to be minor when viewed from the street, and considers no other group in North Sydney LGA to be so cohesive and intact, other than for the Cranbrook Avenue Group (Exhibit 2, folios 423-424).
- 64 Furthermore, the surrounding medium density development has also left the group largely unaffected, and so the context, or setting, has not been so eroded that the heritage significance of the group is adversely affected by the surrounding development.
- 65 In summary, the Applicant submits that an assessment of the sites' setting, intactness, aesthetics, history, representativeness and rarity reveals buildings that are not more than speculative development, typical of the time, and that there are more intact, better

examples with greater integrity found in the North Sydney LGA, and nearby within the visual catchment to the east of Holt Avenue, Mosman.

The item(s) is likely to be found of local heritage significance

- 66 While the decision of the NSLPP was pending at the commencement of the hearing, a document titled 'Determinations of the North Sydney Local Planning Panel' was received by the parties on the cusp of closing submissions being heard. The Court directed that a copy of the decision be provided to the Court, later marked Exhibit 6.
- 67 While the outcome of the NSLPP is described as a Determination, it concludes with the following recommendation:

"Panel Recommendation:

The Panel recognises its role in this matter is limited to making a recommendation only to the Council. 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. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly.

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.”

- 68 I note the recommendation of the NSLPP is in respect of the eight properties listed at [3], and is not particularised with respect to the sites the subject of this appeal. Consequently, it is unknown what weight the NSLPP has given in its recommendation to the sites the subject of the appeal, compared to the weight of the five properties that are not subject to these proceedings.
- 69 Furthermore, I accept the Respondent’s submission that Court does not have before it all of the evidence, including public submissions, on which the NSLPP relied in forming its decision.
- 70 While numerous heritage assessments have been undertaken in the North Sydney LGA, including evidence of assessment in Holt Avenue, on the whole, those assessments listed at [33] were assessments covering the entire LGA.
- 71 The Heritage Assessments completed by Urbis and GML provide a more focused and detailed assessment of the sites themselves.
- 72 On the basis of the 2022 GML Assessment, I am of the view that there may be further inquiry or investigation to be carried out, after which the sites may likely be found to be of heritage significance.
- 73 In this respect, I understand the meaning of the term ‘likely’ to be a like term for ‘a real chance or possibility’, as established by Preston CJ in Newcastle & Hunter Valley Speleological Society Inc v Upper Hunter Shire Council (2010) 210 LGERA 126; [2010] NSWLEC 48 at [84].
- 74 While I acknowledge the Applicant has undertaken research that reaches a conclusion to the contrary, and has sought peer review to the same effect, I consider it a real chance, on the basis of the degree of research contained in the 2022 GML Assessment, that further inquiry may support a finding that the sites at Nos 115-119 Holt Avenue are of heritage significance.
- 75 I have formed this view for the following reasons:
- (1) Firstly, while I accept that there may be grander and more bespoke examples of Federation dwellings in the North Sydney LGA, I am not persuaded by the evidence before me, or by a close read of the guide ‘Assessing Heritage Significance’, that a building, or a group of buildings, should be excluded from being considered to have local heritage significance by virtue of it or them

lacking sophistication, or by demonstrating similar characteristics to an item or items that may have already been identified to have heritage significance, or unless it is a poor example, of being an example of its type.

- (2) Secondly, I accept Ms Trueman's assessment that the dwellings on the sites the subject of this appeal remain substantially intact notwithstanding past alterations that are minor when viewed from the street. I note that those alterations appear similar in their scope and effect, particularly in respect of Nos 115 and 117.
- (3) Accordingly, as a group, the sites may achieve rare or representative status within the North Sydney LGA, consistent with guidelines for inclusion under criterion (g) of the Guidelines because the group displays principal characteristics of an important class or group of items, and are part of a group which collectively illustrates a representative type.
- (4) Thirdly, while the eastern portion of Holt Avenue, in Mosman Council LGA, is unquestionably of the same Federation period and style as the sites the subject of this appeal, I accept Ms Trueman's evidence that the subdivision pattern, dwelling type and streetscape vary from the detached dwellings on larger allotments as is the case here. As I understand it, the sites are not to be compared with those in the eastern portion of Holt Avenue as they demonstrate distinct qualities from the subdivision, dwelling type and streetscape setting of those in another LGA.
- (5) Finally, while the 2022 GML Heritage Assessment was referred to during proceedings as the 'Final Assessment', I regard this as a shorthand reference to the last, or most recently completed, report prepared on behalf of the Respondent, in support of its Report to the NSLPP. While it may have been cited as the 'final assessment', I consider finality to be determined, ultimately by the terms of the IHO that confirm the IHO will lapse after six months, being 11 September 2022, unless the Respondent has passed a resolution before that date; and where the resolution seeks to place the item on Sch 5 of the NSLEP with appropriate provisions for protecting and managing the item.

76 Finally, I note whether or not the further inquiry or investigation can be undertaken, completed and considered before the scheduled lapse of the IHO on 11 September 2022 is not a material consideration for the Court to make in this case.

Orders

77 The Court orders that:

- (1) The appeal is dismissed.
- (2) All exhibits are returned, except for Exhibits A, B and 6.

.....

T Horton

Commissioner of the Court

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

Decision last updated: 17 August 2022

Appendix C—IPC Advice Report



New South Wales Government
Independent Planning Commission

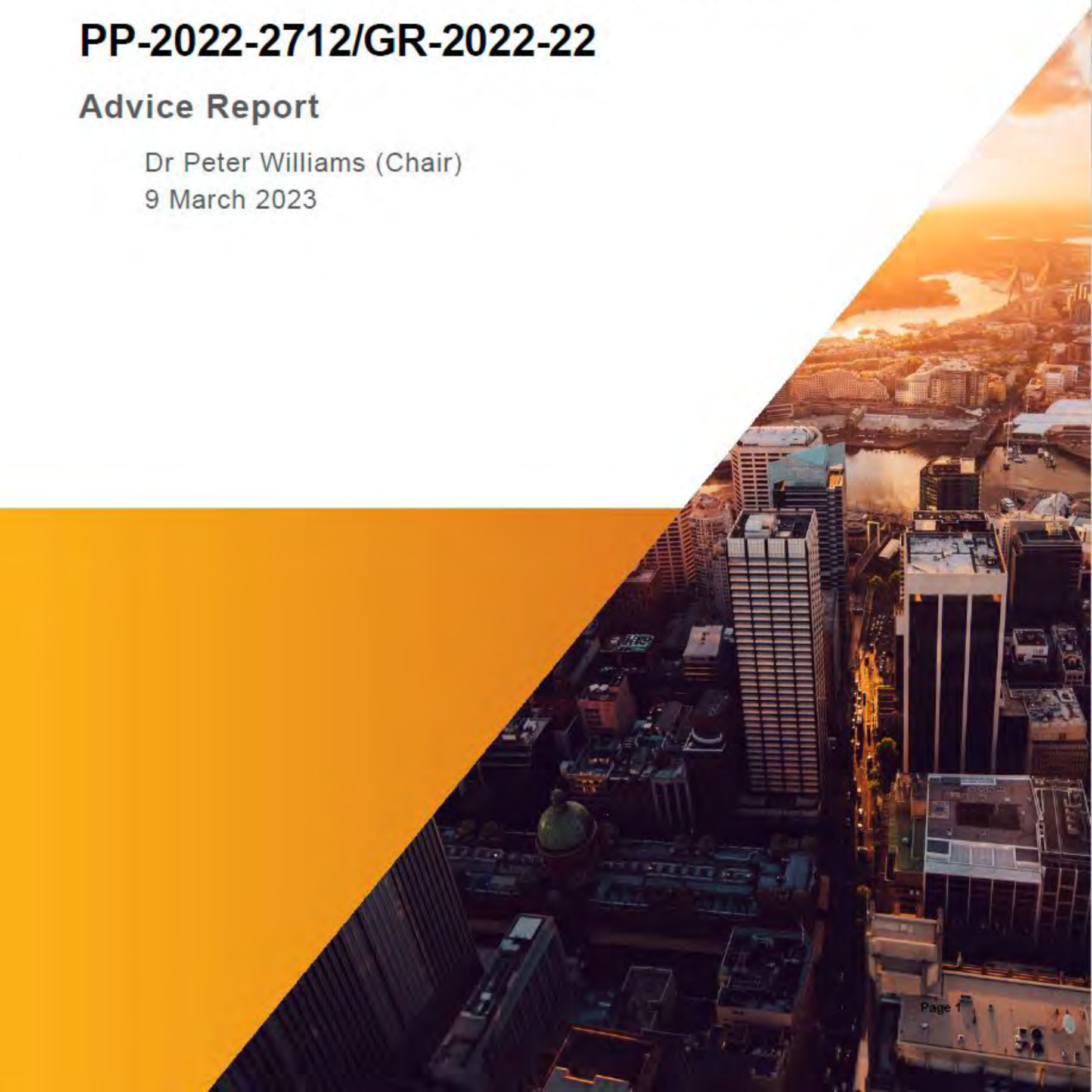
ipcn.nsw.gov.au

Holt Avenue Cremorne Gateway Review PP-2022-2712/GR-2022-22

Advice Report

Dr Peter Williams (Chair)

9 March 2023



1. Introduction

1. On 8 February 2023, the NSW Independent Planning Commission (**Commission**) received a referral from the NSW Department of Planning and Environment (**Department**) requesting advice pursuant to section 2.9(1)(c) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) in relation to planning proposal PP-2022-2712 (**Planning Proposal**).
2. On 28 July 2022, North Sydney Council (**Council**) lodged the Planning Proposal with the Department, seeking to identify the residences at eight properties, being 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne (collectively, the **Land**), as local heritage items under the North Sydney Local Environmental Plan 2013 (**NSLEP 2013**).
3. On 7 October 2022, as delegate of the Minister for Planning (**Minister**), the Department issued a Gateway Determination that the Planning Proposal should not proceed (the **Gateway Determination**).
4. On 11 October 2022, Council initiated Gateway Determination Review GR-2022-22 to review the Department's decision (**Review Request**).
5. On 8 February 2023, the Department requested the Commission review the Planning Proposal, consider the merits of the Review Request and provide advice, including a clear and concise recommendation to the Minister's delegate as to whether the Gateway Determination should be amended.
6. Professor Mary O'Kane AC, Chair of the Commission, nominated Dr Peter Williams to constitute the Commission Panel in providing advice to the Department on the Gateway Determination Review Request.

2. Gateway Determination Review

2.1 The Planning Proposal

7. The Department's Gateway Determination Report, dated 30 September 2022 (**Gateway Determination Report**), states that the objective of the Planning Proposal is to amend the NSLEP 2013 to identify eight properties as local heritage items to be included within Schedule 5 – Environmental Heritage and the Heritage Map of NSLEP 2013. The Land subject to the Planning Proposal is set out in Table 1 below. Council in its meeting with the Commission on 23 February 2023 confirmed that, as two of the properties (131 and 133 Holt Avenue) had been demolished, it was now seeking the listing of 115-123 Holt Avenue (as a group), and 125 Holt Avenue (as an individual item).

Table 1 - The subject Land (Source: Gateway Determination Report, pg 2)

Address	Property Description
115 Holt Avenue	Lot 1 DP 929395
117 Holt Avenue	Lot 1 DP 980 449
119 Holt Avenue	Lot 1 DP 929074
121 Holt Avenue	Lots 1 and 2 DP 135515

123 Holt Avenue	Lot 1 DP 947542
125 Holt Avenue	SP 11200
131 Holt Avenue	Lot 2 DP 602238
133 Holt Avenue	Lot 1 DP 602238

2.2 Site and Locality

8. The Land is located on the northern side of Holt Avenue, between Spofforth Street and Military Road in Cremorne. The Land is zoned R3 Medium-Density (115-125 Holt Avenue) and R4 High-Density Residential (131-133 Holt Avenue) under the NSLEP 2013. The location of the Land is shown in Figure 1.
9. Spofforth Street to the east is the border between North Sydney Local Government Area (**LGA**) and Mosman LGA. To the east of Spofforth Street is the Holt Estate Heritage Conservation Area (**HCA**) located within the Mosman LGA.

Figure 1 – The location of the subject sites



2.3 Background

10. The background to the Planning Proposal and Gateway Determination Review is set out in Table 2 below.

Table 2 - The Gateway Determination Review background actions timeline

Date	Action
2007	Council undertook a LGA-wide heritage review. 125 Holt Avenue was delisted as a heritage item under the NSLEP 2013
5 August 2021	DA 239/21 was lodged for the demolition of the existing structures at 131-133 Holt Avenue and the redevelopment of the site
9 August 2021	DA 243/21 was lodged for the demolition of the existing structures at 115-119 Holt Avenue and the redevelopment of the site
24 January 2022	Council resolved to investigate the preparation of an Interim Heritage Order (IHO) for land at Holt Avenue
11 March 2022	Council enacted a IHO over the properties at 115, 117, 119, 131 and 133 Holt Avenue for a period of 12 months
25 March 2022	A Class 1 appeal under s 30(1) of the <i>Heritage Act 1977</i> was lodged with the NSW Land and Environment Court (LEC) seeking the revocation of the IHO from 131-133 Holt Avenue A Class 1 appeal under s 30(1) of the <i>Heritage Act 1977</i> was lodged with the LEC seeking the revocation of the IHO from 115-119 Holt Avenue
3 June 2022	GML Heritage (GML) undertook a detailed heritage assessment on behalf of Council (GML Report)
13 July 2022	North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and did not support it. NSLPP recommended the preparation of a more detailed investigation to justify heritage listing
28 July 2022	Council lodged the Planning Proposal with the Department
29 July 2022	The LEC upheld the appeal and revoked the IHO over 131 and 133 Holt Avenue
17 August 2022	The LEC dismissed the appeal for the revocation of the IHO over 115-119 Holt Avenue
8 September 2022	The Department was made aware that the demolition of 131 and 133 Holt Avenue had begun under a complying development certificate
7 October 2022	The Department issued a Gateway Determination not to proceed with the Planning Proposal
11 October 2022	Council provided the Department with a notice of intent seeking a Gateway Review from the Commission
21 November 2022	Council submitted its Gateway Review Request to the Department
8 February 2023	The Commission received the request for advice from the Department
2 March 2023	The Minister for Environment and Heritage imposed a new IHO over 115, 117 and 119 Holt Avenue

2.4 Review Request

11. On 21 November 2022, Council submitted a request to the Department, seeking a review of the Department's Gateway Determination. Council's request was accompanied by a justification report, dated 17 November 2022 (**Justification Report**), responding to each of the reasons given by the Department.

3. The Commission's Consideration

3.1 Material Considered by the Commission

12. The Commission has considered the following material (**Material**) in the preparation of its advice:

- Council's Resolution, dated 24 January 2022;
- Council's Planning Proposal, dated 30 June 2022;
- the NSLPP meeting minutes, dated 13 July 2022
- the judgment of the Court in *Helm No. 18 Pty Ltd v North Sydney Council* [2022] NSWLEC 1406;
- the judgment of the Court in *Holt Avenue Cremorne Pty Ltd v North Sydney Council* [2022] NSWLEC 1428;
- the Department's Gateway Determination Report, dated 30 September 2022;
- the Department's Gateway Determination, dated 7 October 2022;
- Council's letter to the Department, dated 11 October 2022;
- Council's report for the Council meeting dated 14 November 2022;
- Council's Justification Report, dated 17 November 2022;
- the Department's Justification Assessment, dated February 2023;
- the heritage reports set out in Table 3 below;
- comments and presentation material at meetings with the Department and Council, as referenced in Table 4 below;
- the Department's response to the Commission, dated 24 February 2023;
- Council's comment on the heritage assessments, dated 2 March 2023; and
- the Government Gazette, dated 2 March 2023.

Table 3 – Heritage reports considered by the Commission

Date	Properties	Author
7 March 2022	115-125, 131-133 Holt Avenue	GML
3 June 2022	115-125, 131-133 Holt Avenue	GML
June 2022	115-119 Holt Avenue	John Oultram Heritage & Design (Oultram)
July 2022	115-119 Holt Avenue	Urbis Pty Ltd (Urbis)
July 2022	115-119 Holt Avenue	Weir Phillips Heritage and Planning (Weir Phillips)
October 2022	115-123 Holt Avenue	Oultram
7 November 2022	115-123 Holt Avenue	City Plan Heritage Pty Ltd (City Plan)
January 2023	115-123 Holt Avenue	Oultram

3.2 The Commission's Meetings

13. To inform its advice, the Commission undertook a site inspection and met with various persons as set out in Table 4. All meeting and site inspection notes were made available on the Commission's website.

Table 4 – Commission's Meetings

Meeting	Date	Transcript/Notes Available on
Site inspection	17 February 2023	21 February 2023
Department	23 February 2023	27 February 2023
Council	23 February 2023	27 February 2023

4. Key Issues

4.1.1 Removal of 131-133 Holt Avenue, Cremorne from the Planning Proposal

14. Council in its Justification Report noted that the demolition of the properties at 131 and 133 Holt Avenue had commenced following the decision of the Court in *Helm No. 18 Pty Ltd v North Sydney Council* [2022] NSWLEC 1406 which revoked the IHO for these properties. Council and the Department agree that the heritage listing of 131 and 133 Holt Avenue is without utility due to their demolition and support their removal from the Planning Proposal (Justification Assessment, p 10).

Commission's Findings

15. The Commission at the Site Inspection observed that 131 and 131 Holt Avenue have been demolished, therefore making heritage listing redundant. The Commission notes that if a new planning proposal is submitted by Council, these properties should be removed from the proposal.

4.1.2 North Sydney Local Planning Panel Recommendation

16. The Planning Proposal was considered by the NSLPP on 13 July 2022. The NSLPP stated 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 NSLPP noted that the heritage advice before them differed significantly and that a more thorough and lengthy inquiry to fully review and reconcile the matter was required.
17. Council in its Justification Report noted that the NSLPP did not have any heritage qualifications nor expertise. Council also stated that six heritage experts that objected to the GML Report were given the opportunity to address the NSLPP and that representatives from GML were not called upon for questioning.
18. The Department stated that the NSLPP recommendation is consistent with the decision of Commissioner Horton in *Holt Avenue Cremorne Pty Ltd v North Sydney Council* [2022] NSWLEC 1428 (see paragraph 31 below). In noting Council's concerns referenced above, the Department stated that hearing from Council's heritage expert was an option the NSLPP did not feel necessary to take up with the information provided being sufficient for their recommendation.

Commission's Findings

19. The Commission believes that further evidence of the strategic and site-specific merit of the Planning Proposal needs to be provided. It also acknowledges the NSLPP's recommendation for a more detailed investigation to comprehensively review the heritage significance of the subject residences. The Commission notes that Council has not undertaken further investigations in response to the NSLPP recommendations. The Commission agrees with the recommendation of the NSLPP and is of the view that Council should be given the opportunity to conduct further inquiry. Any new planning proposal submitted by Council should give consideration to the NSLPP recommendations.

4.1.3 125 Holt Avenue, Cremorne

20. Council in its Planning Proposal stated that the residence at 125 Holt Avenue was first identified as having heritage significance in a 1993 Godden Mackay Heritage Study Review, however was not identified as a heritage item within Council's LEP until the commencement of North Sydney LEP 2001, which came into effect on 1 June 2001. Council stated that as a result of the North Sydney Heritage Review 2007, 125 Holt Avenue was delisted and was not included as an item in the NSLEP 2013.
21. According to the GML Report 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. Council in its Justification Report stated that heritage values and the community's approach to heritage conservation change over time. Council also noted that the North Sydney Heritage Review 2007 was wide-ranging in nature and was a high level analysis and review of potential items. Council stated that the GML Report provided the "*opportunity for a far more thorough and detailed analysis of the potential value of the property and its context*".
22. The Department, in its Justification Assessment, noted that no heritage assessments aside from the GML Report had been conducted on 125 Holt Avenue. The Department stated that there were limitations noting that only two of the apartments had been inspected. The Department maintained its view that adequate justification had not been provided in the context of the NSLPP recommendations, the applicable LEC decisions and, for 125 Holt Avenue specifically, the proposed listing of a previously de-listed property.

Commission's Findings

23. The Commission acknowledges Council's view that the heritage value of an item can change over time. The Commission finds that the listing of 125 Holt Ave as a heritage item is capable of having merit – however, the Commission is of the view that adequate justification has not yet been provided. Consistent with the views of the Department, NSLPP and LEC, the Commission is of the view that Council should be given the opportunity to conduct further inquiry and provide further justification via a new planning proposal.

4.1.4 Section 9.1 Ministerial Direction 6.1 – Residential Zones

24. The Department's Gateway Determination stated that the Planning Proposal has not adequately addressed consistency with Section 9.1 Ministerial Directions - 6.1 Residential zones. The Department stated that the Planning Proposal would have implications for the future development on the Land and any higher density development proposed under the current zoning.

25. Council's Justification Report stated that the Planning Proposal is consistent with this direction as it will not reduce the ability to undertake residential development on those parcels of land where residential development is currently permitted. Council also noted that whilst a minor reduction in development capacity may be expected as a result of the Planning Proposal, residential development that is sympathetic to the heritage values of the subject dwellings can still occur. Council cited 125 Holt Avenue as an example, noting that it contains four-self-contained dwellings (Justification Report, p 5).
26. The Department noted Council's response that development sympathetic to heritage values may occur, however, the Department maintained its view that the Planning Proposal does not acknowledge the potential reduction in development capacity and that sufficient justification has not been provided.

Commission's Findings

27. The Commission notes that 131 and 133 Holt Avenue, which have been demolished, are located within R4 High Density Residential zone, and the remaining properties (115, 117, 119, 121, 123 and 125 Holt Avenue) are zoned R3 Medium Density Residential.
28. The Commission considers that the inconsistency of the Planning Proposal with Ministerial Direction 6.1 is capable of being justified, however, Council has not provided sufficient information. The Commission is of the view that Council should be given the opportunity to address this matter should any new planning proposal be submitted.

4.1.5 Interim Heritage Orders and LEC Findings

29. On 7 March 2022 Council's General Manager 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. Two Class 1 appeals were lodged with the LEC seeking the revocation of the IHOs relating to the properties at 115-119 Holt Avenue and 131-133 Holt Avenue respectively (Justification Report, p 4).

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

30. The Class 1 appeal relating to 131-133 Holt Avenue was heard by the LEC on 6 and 7 June 2022. Acting Commissioner Sheridan reached a decision on 29 July 2022 to uphold the appeal and revoke the IHO. Acting Commissioner Sheridan stated that whilst the IHO had been issued correctly and it had served its statutory purpose in providing temporary protection, the subject properties did not warrant heritage listing and the IHO over 131-133 Holt Avenue was subsequently revoked.

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

31. The Class 1 appeal relating to 115-119 Holt Avenue was heard by the LEC on 18 and 19 June 2022 with a decision handed down on 17 August 2022 to dismiss the appeal and retain the IHO. Commissioner Horton was of the view that "there may be further inquiry or investigation to be carried out, after which the sites may likely be found to be of heritage significance". Commissioner Horton further stated:

While I acknowledge the Applicant has undertaken research that reaches a conclusion to the contrary, and has sought peer review to the same effect, I consider it a real chance, on the basis of the degree of research contained in the 2022 GML Assessment, that further inquiry may support a finding that the sites at Nos 115-119 Holt Avenue are of heritage significance.

Interim Heritage Order No. 168

32. On 2 March 2023, the Minister for the Environment and Heritage issued a new IHO over 115, 117 and 119 Holt Avenue, Cremorne for a period of 12 months. The Minister for the Environment and Heritage in granting the IHO stated that these properties may, on further inquiry or investigation, be found to be of local heritage significance.

Commission's Findings

33. The Commission acknowledges that the Minister for the Environment and Heritage, Commissioner Horton, NSLPP and the Department are consistent in their views that further inquiry may support a finding that these properties are of heritage significance. The Commission shares this view and finds that Council should be given the opportunity to undertake further investigation. The Commission agrees with the Department's recommendations that a revised planning proposal accompanied by adequate additional justification be provided to support the proposed heritage listings and address all issues identified by the Department.

5. The Commission's Advice

34. The Commission has undertaken a review of the Gateway Determination as requested by the Department. In doing so, the Commission has considered the Material (see section 3.1 above), including heritage reports, Council and Department submissions, and the reasons given in the Department's Gateway Report.
35. For the reasons set in in this Advice Report, the Commission finds that the listing of the subject residences as local heritage items under Schedule 5 NSLEP 2013 has not been sufficiently justified.
36. The Commission advises that the Planning Proposal as submitted should therefore not proceed past Gateway.
37. The Commission is of the view however that 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.
38. 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 to the LEC findings, NSLPP recommendations, Department's Gateway Determination and matters raised this Advice Report;
 - address Section 9.1 Ministerial Direction 6.1 in further detail;
 - respond directly to the findings of the heritage reports (see Table 3).



Dr Peter Williams (Chair)
Member of the Commission



New South Wales Government

Independent Planning Commission

**For more information, please contact
the Office of the Independent Planning
Commission NSW.**

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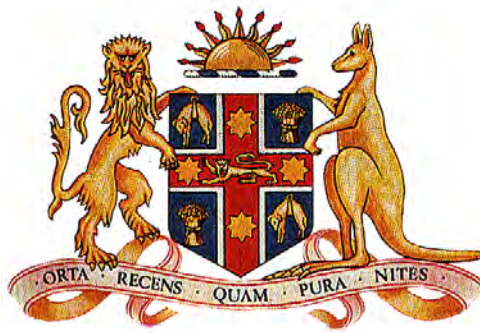
Mail Level 15 135 King Street Sydney NSW 2001

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**Appendix D—INTERIM HERITAGE ORDER NO. 168—
115, 117, 119 Holt Avenue, Cremona**



Government Gazette

of the State of

New South Wales

Number 115—Planning and Heritage

Thursday, 2 March 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

HERITAGE ACT 1977
INTERIM HERITAGE ORDER NO. 168

115, 117, 119 Holt Avenue, Cremorne

I, James Griffin, Minister for the Environment and Heritage, being satisfied that the item specified in Schedule A may, on further inquiry or investigation, be found to be of local heritage significance, by this Order under section 24 of the *Heritage Act 1977*:

- (a) make an interim heritage order in respect of the item specified in Schedule A; and
- (b) declare that this interim heritage order will apply to the curtilage or site of the item, being the land described in Schedule B.

This Order will apply from the date this Order is published in the NSW Gazette for the period of 12 months.

The Hon James Griffin MP

Minister for the Environment and Heritage

Dated 2nd day of March 2023

SCHEDULE A

The buildings known as 115, 117, 119 Holt Avenue, Cremorne, situated on the land described in Schedule B.

SCHEDULE B

All those pieces or parcels of land known as Lot 1 DP 929395, Lot 1 DP 980449 and Lot 1 DP 929074 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3308 in the office of the Heritage Council of New South Wales.

APPENDIX 5

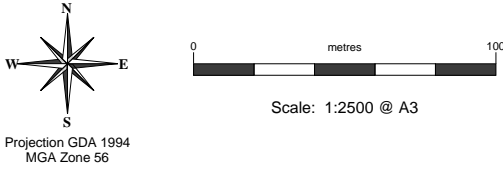
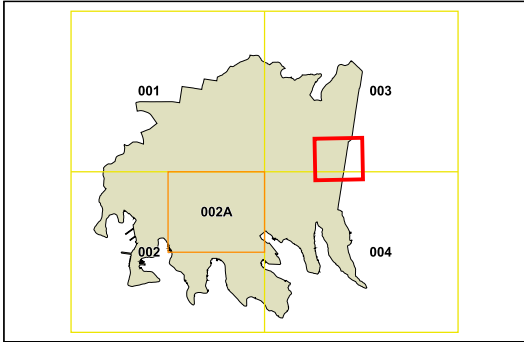
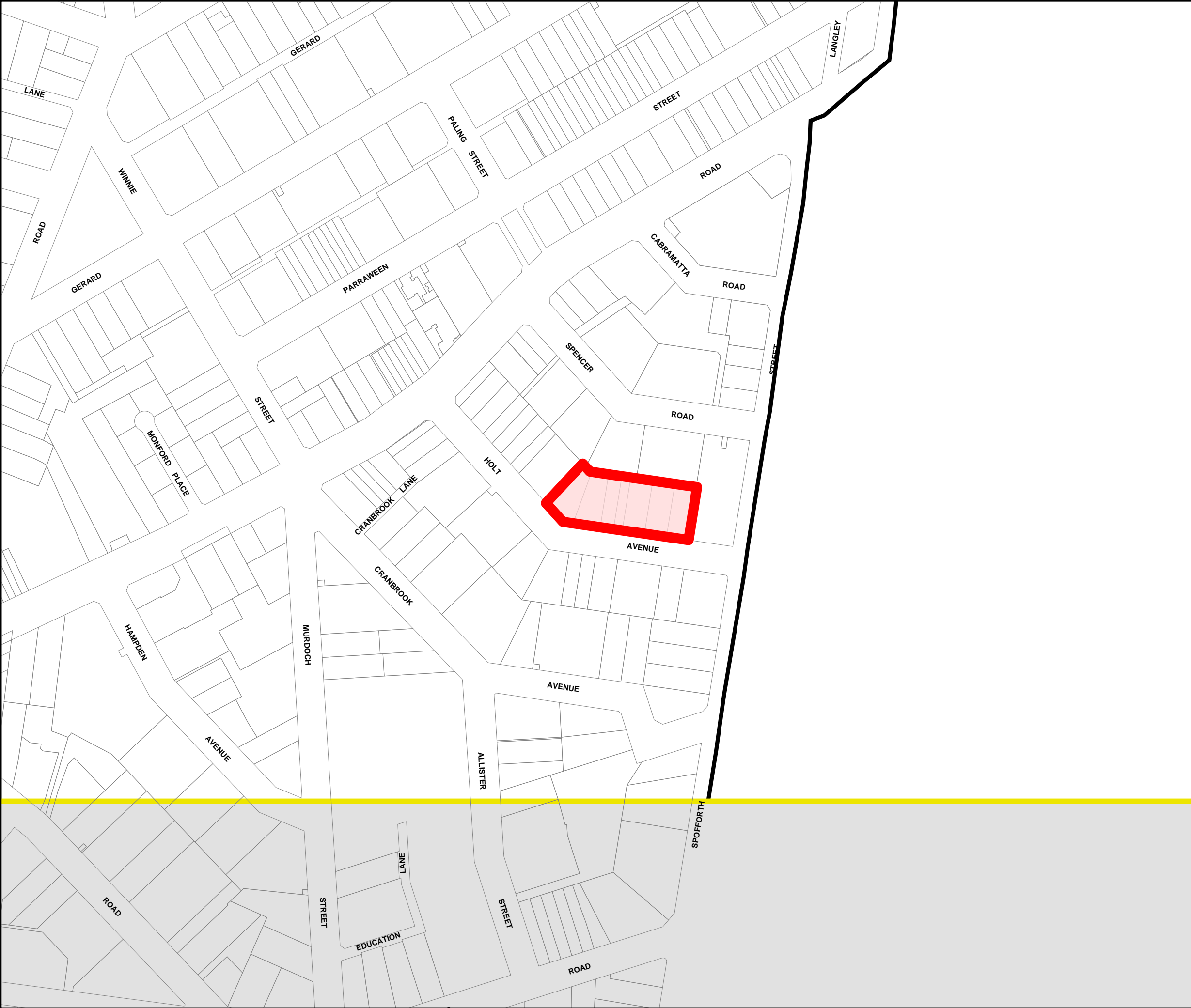
Site Identification Map



**North Sydney Local
Environmental
Plan 2013**

Site Identification Map
Part of map tile:
5950_COM_HER_003_010_20230518

- Subject Land
- Cadastre**
- Cadastre 06/09/23 © North Sydney Council






APPENDIX 6

NSLEP 2013 Heritage Map – Sheet 003 - Current

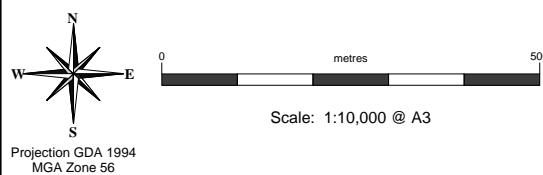
Heritage Map
- Sheet HER_003

Heritage

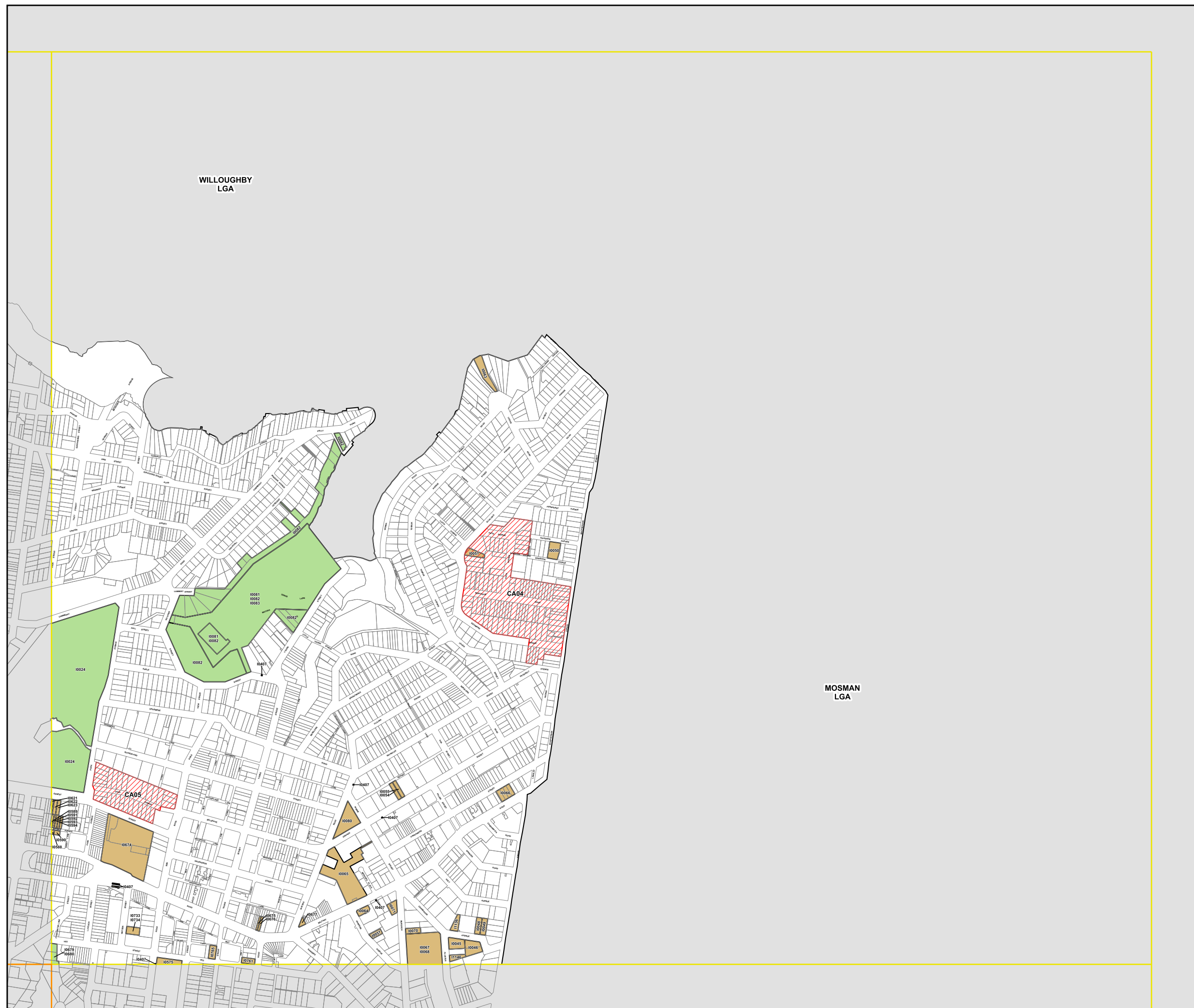
-  Conservation Area - General
 Item - General
 Item - Landscape

Cadaastre

- ☐ Cadastre 28/06/23 © North Sydney Council



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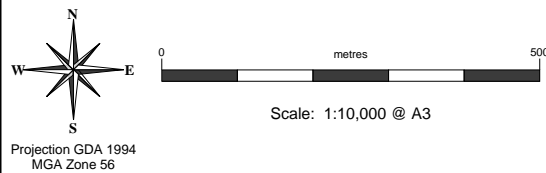
APPENDIX 7

NSLEP 2013 Heritage Map – Sheet 003 - Proposed



Heritage

- ## Cadastre

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