



IRF23/564

Plan finalisation report – PP-2023-1627

Heritage listing 123-125 Holt Avenue Cremorne – North
Sydney Local Environment Plan 2013 (Amendment 40)

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Acknowledgment of Country

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

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1 Introduction

Overview

1.1.1 Name of draft LEP

North Sydney Local Environment Plan 2013 (Amendment 40).

The plan seeks to designate 2 properties, 123 and 125 Holt Avenue, Cremorne, as local heritage items (**Figure 1**).



Figure 1 Subject site and aerial photo of subject site (Source: Planning Proposal)

1.1.2 Site description

The site is known as 123 (Lot 1 DP 947542) and 125 Holt Avenue (SP 11200), Cremorne. 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 (**Figure 1**). The property at 123 Holt Avenue contains a single storey detached Federation bungalow residential dwelling. The property at 125 Holt Avenue contains a two-storey brick masonry detached Federation bungalow which has been converted into 4 units.

The site is located in the North Sydney Local Government Area (LGA), 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 2 House facades for a) 123 and b) 125 Holt Avenue (Source: Planning Proposal)

1.1.3 Purpose of plan

The purpose of the plan is to facilitate the heritage outcomes sought through planning proposal PP-2022-2295 (**Attachment A**). It is noted the planning proposal originally sought to apply to a broader set of properties however the objectives of the proposal are to now list 123 and 125 Holt Avenue as items of local heritage significance. This is discussed further in Section 3.2.

The plan involves amending the North Sydney LEP 2013 to list the sites within Schedule 5 Environmental Heritage Part 1 Heritage items as set out in **Table 1** below and identifying the sites on the heritage map.

The planning proposal is supported by technical reports which assess the heritage values of the site.

Table 1 Proposed additions to Schedule 5 – Environmental Heritage Part 1 Heritage items

Locality	Item Name	Address	Property Description	Significance	Item No.
Cremorne	House	123 Holt Avenue	Lot 1 DP 947542	Local	I1144
Cremorne	“Carina” house	125 Holt Avenue	SP 11200	Local	I1145

1.1.4 State electorate and local member

The site falls within the North Sydney state electorate. Felicity Wilson MP is the State Member.

The site falls within the Warringah federal electorate. Zali Steggall MP is the Federal Member.

To the team’s knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 5 September 2023 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions. The planning proposal and supporting documents were assessed in the Gateway determination report (**Attachment C**).

In accordance with the Gateway determination, the proposal was due to be finalised on 24 June 2024. Council submitted the proposal for finalisation prior to this date on 4 April 2024.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 19 September 2023 to 17 October 2023.

3.1 Submissions during exhibition

A total of 61 community submissions were received, comprising of 2 objections (3% of total), 59 submissions supporting the proposal (97% of total). The key issues raised in submission are discussed in **Table 2** below.

Council's summary of key issues and responses are included as **Attachment D**.

Table 2 Summary of Key Issues

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
General support for the listing of 121- 125 Holt Avenue	97%	<p>Council Response:</p> <p>Council acknowledges community support for the progression of this planning proposal.</p> <p>The former Holt Avenue Group (115-121 Holt Avenue) was previously recommended for heritage listing as a group of five Federation houses. The group satisfied the threshold for cultural significance at a local level under historic, associative, aesthetic, rarity, and representative criterion as detailed in GML's previous reports of June 2022 and July 2023. The overall integrity of the group has been adversely impacted by the recent demolition of 115-119 Holt Avenue and the heritage status of some of the remaining items have been compromised, in particular 121 Holt Avenue.</p> <p>Department Response:</p> <p>The Department notes the recommendations of the revised heritage report which has resulted in the removal of 115-121 Holt Avenue from the final planning proposal. The Department is satisfied that the Council report has adequately addressed the submissions.</p>
The properties at 115-119 Holt Avenue have been demolished.	1%	<p>Council Response:</p> <p>Council's recommendation to progress this planning proposal to the next phase will exclude the recently demolished items at 115, 117 and 119 Holt Avenue, Cremorne.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
The PP should exclude these properties and remove all references to these addresses within the exhibited planning proposal.		<p>Department Response:</p> <p>The Department notes the removal of the sites 115 – 119 Holt Avenue from the final planning proposal. The Department is satisfied that the Council report has adequately addressed the submissions.</p>
Questions the heritage value of 121 Holt Avenue, noting that no internal inspection has been conducted.	1%	<p>Council Response:</p> <p>The previous heritage reports from GML (June 2022 and July 2023) recommended listing of 121 Holt Avenue not as an individual item, but as a part of the Holt Avenue Group (comprising 115-123 Holt Avenue). Council identified that 121 Holt Avenue contributed to maintaining of the cohesion of the former group of federation houses. As indicated by GML's revised heritage report of February 2024, the property at 121 Holt Avenue, Cremorne does not meet the threshold for local heritage listing at a local level as an individual item. Council recommends progressing the planning proposal subject to the exclusion of the individual heritage listing of 121 Holt Avenue, Cremorne.</p> <p>Department Response:</p> <p>The Department notes the recommendations of the revised heritage report and the removal of 121 Holt Avenue from the final planning proposal. The Department is satisfied that the Council report has adequately addressed the submissions.</p>

3.2 Advice from agencies

In accordance with the Gateway determination condition 3, Council was not required to public authorities or government agencies under section 3.34(2)(d) of the EP&A Act

3.3 Post-exhibition changes

Council sought further heritage advice after the exhibition of the planning proposal regarding the heritage status of 121-125 Holt Avenue in response to the demolition of the dwellings on 115-119 Holt Avenue in September 2023 via a Complying Development Certificate. It is noted that this planning proposal originally sought the local heritage listing of 115-123 Holt Avenue as a group and 125 Holt Avenue as an individual item.

The Heritage Assessment Report prepared by GML, dated February 2024 (**Attachment E**) found:

- 121 Holt Avenue does not meet the relevant threshold for heritage listing as an individual item or as a pair with 123 Holt Avenue; and
- 123 and 125 Holt Avenue meet the threshold of NSW Heritage Criteria for local heritage listing as individual heritage items.

Table 3 below provides the conclusions of the Heritage Assessment Report.

Table 3 Conclusions and recommendations – GML Heritage Assessment Report February 2024

Property Address	Conclusion and Recommendation
121 and 123 Holt Avenue	<ul style="list-style-type: none"> - The Holt Avenue Group (115 – 123 Holt Avenue) was previously recommended for heritage listing as a group of Federation houses which have historical associations, aesthetic, rarity and representative value at a local level. However, due to the demolition of 115-119 Holt Avenue, the overall integrity of the group has been compromised. - 121 and 123 by themselves do not constitute an intact streetscape which provide adequate evidence of a pattern of speculative development within the Cremorne area during the Federation period. - The legibility of the group as a Federation streetscape is diminished due to the demolition of 115-119 Holt Avenue thus compromising its streetscape contribution and aesthetic and representative value as a pair of Federation dwellings. - The demolition of 115-119 Holt Avenue has adversely impacted the rarity value of the Holt Avenue Group which was previously a rare example of a group of highly intact dwellings externally.
123 Holt Avenue	<ul style="list-style-type: none"> - 123 Holt Avenue displays evidence of the historical speculative development of North Sydney generally and Cremorne specifically in the Federation period. - It is a good example of a speculative house designed in the Federation period. - It was designed by locally prominent architect Edward Skelton Garten and comprises features typical of his style. - It is a single storey Federation Bungalow and displays a high degree of external integrity and intactness and is a good example of a modest Federation Bungalow. - The architectural form and features of the dwelling, its streetscape contribution, location at the bend of Holt Avenue and its visual relationship with 125 Holt Avenue contribute to the aesthetic value of the place.
125 Holt Avenue	<ul style="list-style-type: none"> - 125 Holt Avenue displays evidence of the historical development of North Sydney generally and Cremorne specifically in the late Federation period. - It 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.

At Council's Ordinary Meeting on 25 March 2024, Council resolved to proceed with the exhibited planning proposal subject to post exhibition amendments in accordance with Heritage Assessment Report, as outlined above.

Following the receipt of the revised planning proposal from Council, the Department has not made any further changes to the proposal.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to public consultation and engagement. As outlined above, the planning proposal has been updated to exclude 115-121 Holt Avenue and proposes the local heritage listing of 123 and 125 Holt Avenue as individual items in response to recommendations of additional heritage advice.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

- The planning proposal submitted to the Department for finalisation: Proposes locally significant heritage listings supported by the recommendations of additional heritage assessment sought by Council.
- Remains consistent with the objectives and priorities of the North District Plan.
- Remains consistent with the Council's Community Strategic Plan, Local Strategic Planning Statement and Local Housing Strategy.
- Remains generally consistent with all relevant Section 9.1 Directions.
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report assessment	
North District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: <ul style="list-style-type: none"> - The final planning proposal excludes the heritage listing of 115-121 Holt Avenue however remains consistent with Direction 3.2 Heritage Conservation. - The delegate to the Secretary agreed that any inconsistencies with Direction 6.1 Residential Zones are minor and justified. 	
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Table 3 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment
Social and economic impacts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: The Gateway assessment for the planning proposal noted the likely economic impacts on landowners because of the proposal and reduction in redevelopment capability of the sites. The final planning proposal has been amended to exclude the heritage listing of 115-121 Holt Avenue that was part of the original proposal.
Environmental impacts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The planning proposal will ensure the heritage of 123 and 125 Holt Avenue is recognised and conserved. Any future development on the site will need to meet the relevant heritage requirements as set out in the North Sydney LEP 2013.
Infrastructure	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 4 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Legal and Parliamentary Council Office (PCO)	One (1) legal review (Attachment F) has been prepared by the Department's Policy and Legislation Branch. One (1) Amendment Instrument (Attachment G) and reviewed by the Department's PCO	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Mapping	One (1) map has been prepared by the Council and reviewed by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment H). Council confirmed on 31 May 2024 that it approved the draft and that the plan should be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the final planning proposal implements the recommendations of additional heritage assessment sought by Council.
- is consistent or justifiably inconsistent with Section 9.1 Ministerial Directions,
- is consistent with all relevant State Environmental Planning Policies,
- is consistent with the Gateway Determination,
- addresses issues raised during consultation, and
- there are no outstanding agency objections to the planning proposal.

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24/06/2024

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Attachments

Attachment	Document
A	Revised Planning Proposal (incl. supporting documents)
B	Gateway determination
C	Gateway determination report
D	Post Exhibition Report with Decision Header and Council resolution
E	Revised GML Heritage Report, dated February 2024
F	Clause 3.36(1) consultation with Council
G	North Sydney LEP 2013 PP-2023-1627 - Legal Opinion

Attachment	Document
H	North Sydney LEP 2013 PP-2023-1627 – Instrument
I	North Sydney LEP 2013 PP-2023-1627 – Map
J	North Sydney LEP 2013 PP-2023-1627 – Map Cover Sheet