



PLANNING PROPOSAL

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

11 July 2023 – V1

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 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 Department of Planning and Environment's (DPE) document "*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 Department and the North Sydney Local Planning Panel for progression to Gateway Determination.

2 BACKGROUND

Previous Planning Proposal (PP 2022-2712)

In July 2022, North Sydney Council submitted a Planning Proposal (PP 2022-2712) Gateway determination request seeking to identify and list properties at 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne as local heritage items in the North Sydney Local Environmental Plan 2013.

In October 2022, the Department of Planning and Environment (DPE) issued a Gateway Determination advising Council of its decision. The Gateway determination found 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.*

(Source: Gateway Determination, PP-2022-2712, dated 7 October 2022)

Independent Planning Commission, Advice Report of 9 March 2023

In response to the Gateway Determination not to proceed with the previous Planning Proposal, Council provided the DPE with a notice of intent seeking a Gateway Review from 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.

The 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 in Section D – State and Commonwealth interests (Pg 29) of this Planning Proposal.

Interim Heritage Order (IHO)

On 2 March 2023, the Minister for Environment and Heritage imposed an *Interim Heritage Order* (IHO) applying to the subject sites at 115, 117 and 119 Holt Avenue, Cremorne.

An IHO was previously issued by Council (under delegation) applying to the properties at 115, 117, 119, 131 and 133 Holt Avenue came into effect on 11 March 2022 and lapsed on 10 March 2023.



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FIGURE 1: Interim Heritage Order, 2 March 2023

Land and Environment Court Appeals

Appeals against the imposition of the Council issued IHO were subsequently lodged by proponents of development 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.

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.

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

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.

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 Zone R3 Medium Density Residential.

Revised Heritage Assessment Report, GML (July 2023)

A revised detailed heritage assessment report was produced by GML Heritage in July 2023 and forms an attachment to this Planning Proposal.

The detailed assessment 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.

The detailed heritage assessment against this framework can be found in Section 7.2 (Pg 111-117) of the GML report for the proposed Group item and in Section 7.3 (Pg 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:

- 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.

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

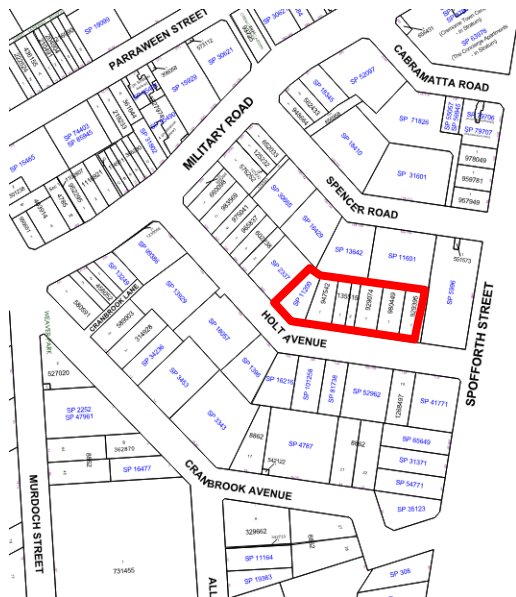


FIGURE 2: Subject site



FIGURE 3: Aerial photo of subject site

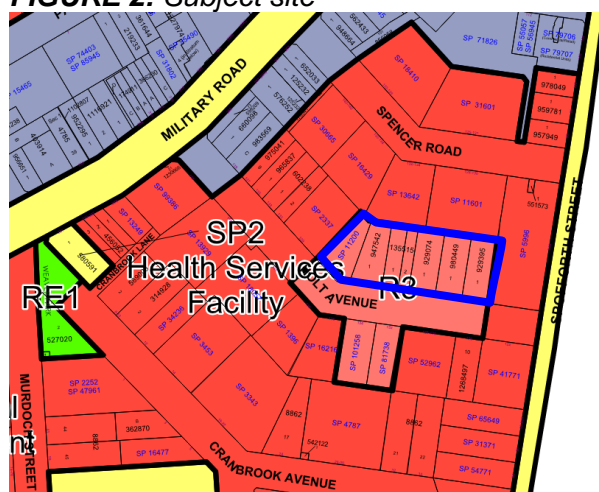


FIGURE 4: Extract of Land Zoning Map to NSLEP 2013

Zone	
B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

The presentation of the subject sites along Holt Avenue is shown in Figures 5-10).



FIGURE 5: 115 Holt Avenue



FIGURE 6: 117 Holt Avenue



FIGURE 7: 119 Holt Avenue



FIGURE 8: 121 Holt Avenue



FIGURE 9: 123 Holt Avenue



FIGURE 10: 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 11: View from 121 Holt Avenue towards Military Road



FIGURE 12: View from 125 Holt Avenue towards Spofforth Street

4 STATUTORY CONTEXT

NSLEP 2013 is the principal planning instrument that applies to the land subject to the Planning Proposal. The relevant sections of NSLEP 2013 are discussed in the following subsections.

4.1 NSLEP 2013 – Zoning Map

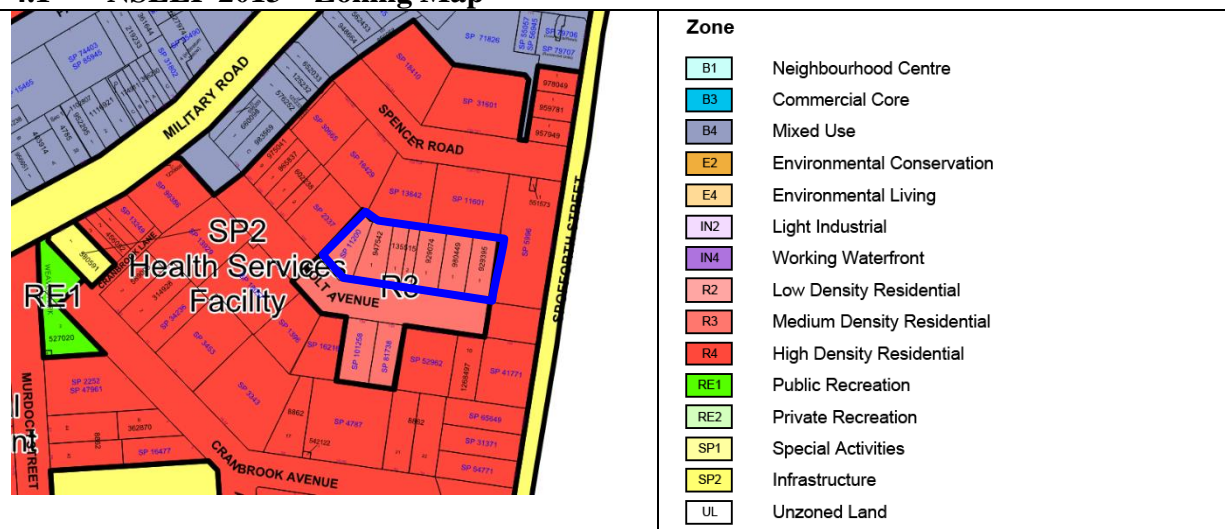


FIGURE 13: Extract of Land Zoning Map to NSLEP 2013

The subject sites are located in Zone R3 Medium Density Residential. The land uses permitted with consent are as follows:

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.

The Planning Proposal does not intend to make any amendments to the existing zone.

4.2 NSLEP 2013 – Heritage Map

The current heritage provisions in the vicinity of the subject sites are shown in Figure 14 below indicating a number of existing heritage items along Cranbrook Avenue.



FIGURE 14: NSLEP 2013 Environmental Heritage
The subject sites are outlined in red.

4.3 NSLEP 2013 – Height of Buildings Map

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.

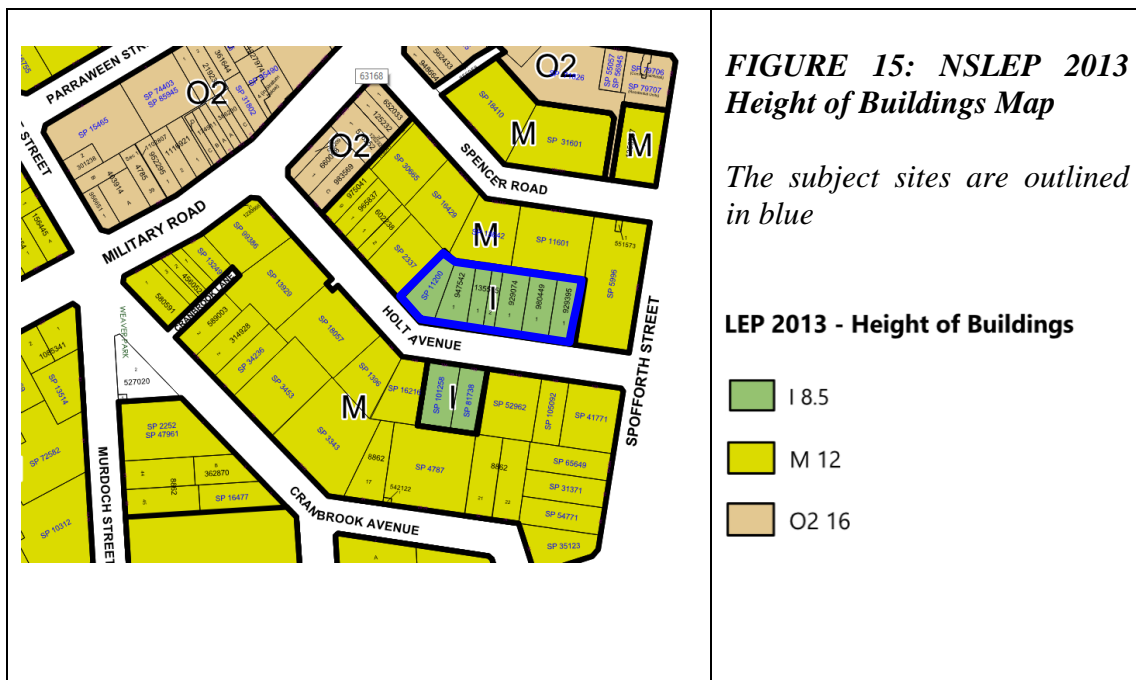


FIGURE 15: NSLEP 2013 Height of Buildings Map

The subject sites are outlined in blue

THE PLANNING PROPOSAL

4.3 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 1).

4.4 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:

4.4.1 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

<i>Locality</i>	<i>Item Name</i>	<i>Address</i>	<i>Property description</i>	<i>Significance</i>	<i>Item No.</i>
<u>Cremorne</u>	<u>House (Holt Avenue Group)</u>	<u>115 Holt Avenue</u>	<u>Lot 1 DP 929395</u>	<u>Local</u>	<u>11138*</u>
<u>Cremorne</u>	<u>House (Holt Avenue Group)</u>	<u>117 Holt Avenue</u>	<u>Lot 1 DP 980 449</u>	<u>Local</u>	<u>11139*</u>
<u>Cremorne</u>	<u>House (Holt Avenue Group)</u>	<u>119 Holt Avenue</u>	<u>Lot 1 DP 929074</u>	<u>Local</u>	<u>11140*</u>
<u>Cremorne</u>	<u>House (Holt Avenue Group)</u>	<u>121 Holt Avenue</u>	<u>Lots 1 and 2 DP 135515</u>	<u>Local</u>	<u>11141*</u>
<u>Cremorne</u>	<u>House (Holt Avenue Group)</u>	<u>123 Holt Avenue</u>	<u>Lot 1 DP 947542</u>	<u>Local</u>	<u>11142*</u>
<u>Cremorne</u>	<u>“Carina”</u>	<u>125 Holt Avenue</u>	<u>SP 11200</u>	<u>Local</u>	<u>11143*</u>

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

4.4.2 Heritage Map

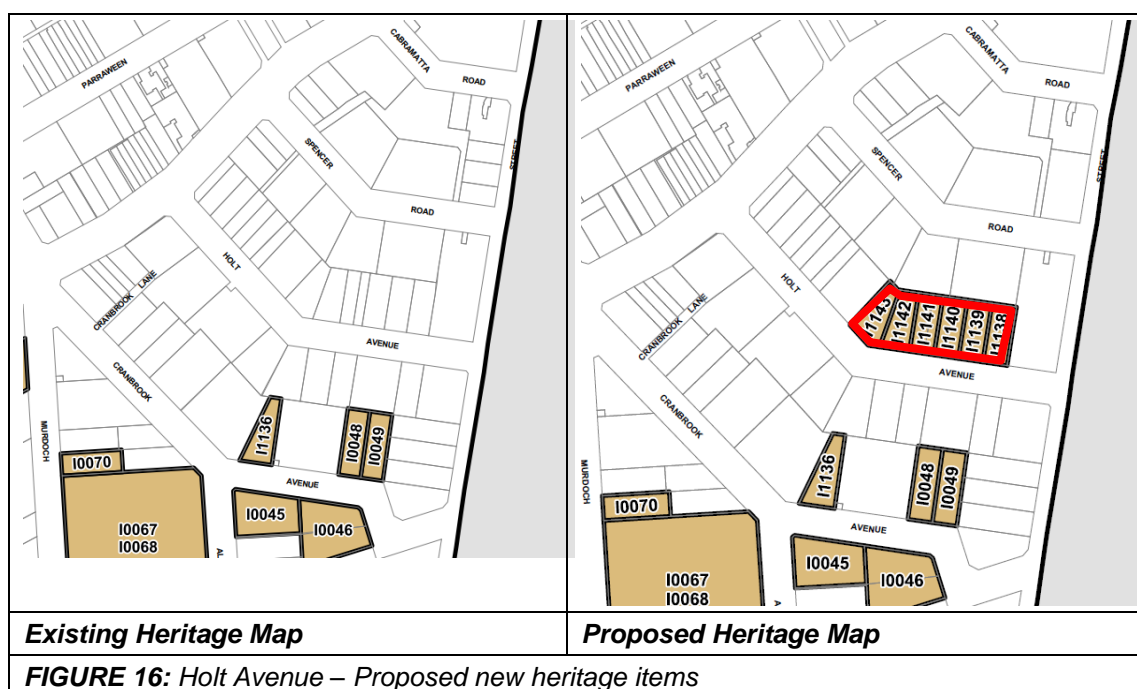
The intent of the Planning Proposal is proposed to be achieved by replacing the following Sheet to the Heritage Map:

- HER_003 5950_COM_HER_003_010_20200810
(refer to Appendix 3)

with:

- HER_003 5950_COM_HER_003_010_20230518
(refer to Appendix 4)

An extract of the existing and proposed amendments to the Heritage Map is illustrated in Figure 16.



4.5 PART 3: JUSTIFICATION

4.5.1 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 the 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 the 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.

4.5.2 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	

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
6 - Bushland in urban areas	YES	The Planning Proposal does not seek to further reduce the extent of land zoned in the E2 Environmental Conservation zone nor will it affect the attainment of this aspect of the SEPP's aims and objectives.
7- Canal Estate Development	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
8 – Sydney Water Drinking Catchment	N/A	
9 – Hawkesbury Nepean River	N/A	
10 - Sydney Harbour Catchment	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP
11 – Georges River Catchment	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
12 - Willandra Lakes	N/A	
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.
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.

TABLE 3: Consistency with SEPPs		
Direction	Consist-ency	Comment
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.
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.

a. 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 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.*

‘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 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.*

The key findings of the heritage assessment are summarised in the table below:

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:

A – Historical Significance

C – Aesthetic Significance

E – Research Potential

B – Historical Associational Significance

D – Social Significance

F – Rarity

G – Representativeness

The following are a more detailed statement of heritage significance of the subject items:

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.

(Source: GML, Heritage Assessment Report, July 2023 Pg,124 -125)

'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.

(Source: GML, Heritage Assessment Report, July 2023 Pg,125 -126)

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	This Direction does 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	
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	

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
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.
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.

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
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.
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, 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		

TABLE 5: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
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.
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.

4.5.3 Section C – Environmental, social and economic impact.

6. *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.

7. *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.

8. *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.

4.5.4 Section D – State and Commonwealth interests

9. 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.

10. 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:

The tables below include 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:

Response to Previous Gateway Determination Conditions

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> <p>Urbis, Heritage Assessment of 115-119 Holt Avenue, Cremorne (July 2022); Weir Phillips, Heritage Impact Statement on 115-119 Holt Avenue (July 2022);</p>

	<p>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> <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 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.</i></p>	<p>The current Planning Proposal (5/23) addresses this matter.</p>
<p>3. <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 demolition of the properties has commenced and therefore the listing of these properties is not supported.</i></p>	<p>The current Planning Proposal (5/23) does not apply to 131 and 133 Holt Avenue, Cremorne.</p>
<p>4. <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>	<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>
<p>5. <i>The Department notes the</i></p>	<p>The GML revised heritage assessment established</p>

<p><i>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>	<p>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>
<p><i>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.</i></p>	<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>
<p><i>7. The property at 125 Holt Street was previously de-listed as a local heritage item due to lack of heritage significance</i></p>	<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 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.</i></p> <p><i>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.</i></p> <p><i>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.”</i></p> <p>Council officers support the findings of the</p>

	revised GML report and the detailed heritage assessment which establishes that the subject item meets the threshold for local heritage listing.
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Response to matters raised by Independent Planning Commission, Advice Report of 9 March 2023

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
<p>34. <i>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.</i></p>	<p>Table 6 of this report details response to the matters raised by the previous Gateway Determination.</p>
<p>35. <i>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.</i></p>	<p>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.</p>
<p>36. <i>The Commission advises that the Planning proposal as submitted should therefore not proceed past Gateway.</i></p>	<p>The previous Planning Proposal did not proceed past Gateway.</p>
<p>37. <i>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.</i></p>	<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 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 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.</p> <p>Details of this review are outlined by GML in Section 8.4 of their revised heritage assessment report.</p>
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Response to matters raised by the NSLPP, 13 July 2022

Table 8: Matters raised by the NSLPP, 13 July 2022	
Recommendations of NSLPP, 13 July 2022	Council's response
<p><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 Assessment Guidelines and that the current Planning Proposal</i></p>	<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 externally as the modifications do not detract from the historical and architectural character of the</p>

<p><i>lacks both site specific and strategic merit and does not meet the objectives of the Act.</i></p>	<p>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.</p> <p>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 applicant’s heritage assessment reports did not include a rigorous assessment and lacked evidence. GML’s finding of 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.

4.6 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_20200810
(refer to Appendix 3)

With the following sheet:

- HER_003 5950_COM_HER_003_010_20230518
(refer to Appendix 4)

4.7 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

4.8 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							
Milestones	Jul-23	Aug-23	Sep-23	Oct-23	Nov-22	Dec-23	Jan-24
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 to Council							
6. Public exhibition (amendments to Planning Proposal where required)							
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

Revised Heritage Assessment Report prepared by GML Heritage, July 2023

APPENDIX 2

Site Identification Map

APPENDIX 3

NSLEP 2013 Heritage Map Sheets - Current

APPENDIX 4

NSLEP 2013 Heritage Map Sheets - Proposed