

8.5. Heritage Listing - 115, 117, 119, 121, 123, 125, 131 and 133 Holt Avenue, Cremorne

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ATTACHMENTS: Nil

PURPOSE:

The purpose of this report is to provide Councillors with the opportunity to consider a planning proposal which proposes to amend the North Sydney Local Environmental Plan 2013 such that the properties at 115, 117, 119, 121, 123, 125, 131, 133 Holt Avenue, Cremorne would be identified as heritage items under Schedule 5 - Environmental Heritage and identified on the Heritage Map. This report includes the advice of the North Sydney Local Planning Panel meeting of 13 July 2022.

EXECUTIVE SUMMARY:

In response to heritage concerns raised by the public during the assessment of two development applications (DA 239/21 - 131, 133, 135, 137 and 139 Holt Avenue, Cremorne; and DA 243/21 at 115, 117 and 119 Holt Avenue, Cremorne), Council considered a Notice of Motion at its meeting on 24 January 2022, where it resolved:

- 1. THAT Council obtain urgent advice, including review of existing studies in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.*
- 2. THAT Council prepare an urgent report, including review of existing studies to assess whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.*
- 3. THAT the review consider whether there are contributory items within any recommended conservation area.*

Council engaged heritage consultants GML to prepare a preliminary heritage assessment to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

On 11 March 2022, Council imposed an Interim Heritage Order (IHO) on the sites (115, 117, 119, 131 and 133 Holt Avenue, Cremorne) in response to the outcomes of the preliminary assessment, which identified that the sites may be eligible for heritage listing.

A comprehensive final assessment report was produced by GML Heritage on 3 June 2022. The detailed assessment of the properties concluded that the following group, pair and individual items meet the criterion for heritage listing at a local level summarised as;

- The Holt Avenue group (115-123 Holt Avenue) meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare group of Federation Bungalows constructed as part of a speculative housing development in Cremorne.
- 125 Holt Avenue meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area (which has been converted to flats).
- 131 and 133 Holt Avenue meet the threshold for cultural significance for historic, aesthetic and rarity values as a pair of Victorian semi-detached dwellings which serve as rare surviving examples of their type.

The final report made the recommendation that Council prepare a planning proposal to amend NSLEP 2013 to include the following items of local significance:

1. The 'Holt Avenue Group' comprising property No's 115, 117, 119, 121 and 123 Holt Avenue, Cremorne.
2. 'Carina', No. 125 Holt Avenue, Cremorne.
3. 'Victorian semi-detached houses', No's 131 and 133 Holt Avenue, Cremorne.

In response to the outcomes and recommendations of the final Heritage Assessment report produced by GML, Council has prepared a planning proposal to amend NSLEP 2013 as follows:

- that the properties at 115, 117, 119, 121, 123, 125, 131, 133 Holt Avenue, Cremorne are identified as local heritage items through their listing within Schedule 5 - Environmental Heritage and identification on the Heritage Map.

Prior to the Council considering a Planning Proposal, it must be referred to the North Sydney Local Planning Panel which performs an advisory role. The Planning Proposal was considered by the Panel on 13 July 2022. The Panel considered that whilst the diverse advice of various experts was provided for the benefit of the Panel, it was not persuaded that the subject properties meet the threshold for listing under the Heritage Assessment Guidelines.

This report notes the Panel's advice and observations. Whilst it is acknowledged that various expert opinions have been canvassed, on the basis of the independent heritage advice provided to Council, however, the Planning Proposal is considered to be satisfactory and consistent both with that independent advice as well as the various legislative and applicable plan making guidelines. This report recommends that the Planning Proposal may be forwarded to the DPE for Gateway Determination.

FINANCIAL IMPLICATIONS:

Preparing and exhibiting a Planning Proposal to amend the North Sydney Local Environmental Plan in the manner proposed represents a modest investment in Council resources. These can be accommodated within existing budget lines. The cost of the engagement of specialist Heritage advice and reports, including that prepared to initiate the Interim Heritage Order, has been in the order of \$23,000. It is anticipated that the public exhibition of the planning proposal would generate several submissions. As a result, further engagement of heritage specialist advice may be required to review these submissions, which could be in the range of \$2,000-\$3,000. Exclusive of staff time, the total cost of the IHO and Planning Proposal process is estimated to be \$25,000.

RECOMMENDATION:

- 1. THAT** Council resolves to endorse the Planning Proposal attached to the report to the North Sydney Local Planning Panel on 13 July 2022, and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.
- 2. THAT** upon receipt of Gateway Determination, the Planning Proposal be exhibited consistent with Council's Community Engagement Protocol.
- 3. THAT** a further report be presented to Council following the public exhibition of the Planning Proposal detailing submissions received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

4. Our Social Vitality

4.3 North Sydney's history is preserved and recognised

BACKGROUND

Previous Heritage Studies

There have been three previous heritage studies undertaken on behalf of North Sydney Council as follows:

- North Sydney Heritage Study (1981). Latona Masterman Associates.
- North Sydney Heritage Study Review (1993). Godden Mackay Logan Pty Ltd.
- North Sydney Heritage Review (2007). Architectus in association with John Oultram Heritage and Design.

125 Holt Avenue was first identified as having heritage significance under the 1993 Godden Mackay Heritage Study Review, however was not identified as a heritage item within Council's LEP until the commencement of NSLEP 2001, which came into effect on 1 June 2001. As part of the 2007 Heritage Review, 125 Holt Avenue, Cremorne was delisted at the commencement of NSLEP 2013 and the repeal of NSLEP 2001.

Development Applications

On 5 June 2021, a development application (DA 239/21) was lodged with Council seeking the demolition of the existing structures, excavation and construction of a five-storey mixed use development with basement parking and stratum subdivision at 131 and 133 Holt Avenue, Cremorne (also encompassing the neighbouring properties at 135, 137 and 139 Holt Avenue).

On 9 August 2021, a development application (DA 243/21) was lodged with Council seeking the demolition of existing structures and construction of a residential flat building with basement parking at 115, 117 and 119 Holt Avenue, Cremorne.

During the public exhibition period of both development applications, Council received several submissions objecting to the proposed development on heritage grounds.

Council Resolution and IHO Listing

In response to the heritage related submissions made to DA 239/21 and DA 243/21, Council considered a Notice of Motion at its meeting on 24 January 2022, and resolved:

1. *THAT Council obtain urgent advice, including review of existing studies in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.*
2. *THAT Council prepare an urgent report, including review of existing studies to assess whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117,119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.*
3. *THAT the review consider whether there are contributory items within any recommended conservation area.*

In accordance with this resolution, Council engaged heritage consultants GML to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the properties may potentially satisfy the criteria for heritage listing under NSLEP 2013.

The Preliminary Assessment identified that the sites may be eligible for heritage listing. Furthermore, Council Officers identified that 115,117,119, 131 and 133 Holt Avenue, Cremorne were under threat of harm, which is one of the criteria necessary for an IHO to be enacted. Subsequently, on the 7 March 2022, the General Manager under delegation, imposed an IHO on 115,117,119, 131 and 133 Holt Avenue, Cremorne, with the IHO being published in the Government Gazette on 11 March 2022.

Court Proceedings

On 25 March 2022, Council was served with a Class 1 appeal relating to the properties at 115-119 Holt Avenue, Cremorne seeking the revocation of the IHO. On that same date, Council was served with another Class 1 appeal relating to the properties at 131-133 Holt Avenue seeking the revocation of the IHO.

The hearing for 131-133 Holt Avenue, occurred on 6 and 7 June 2022. The hearing for 115-119 Holt Avenue was held on 18 and 19 July 2022.

These matters are ongoing and the Court's decision is still pending on both these matters at the time this report was written.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

1. Local Planning Panel

As mandated, the Planning Proposal was considered by the North Sydney Local Planning Panel (NSLPP) on 13 July 2022. The Planning Panel performs an advisory role to Council.

A copy of the NSLPP Minutes and recommendation is available online via the following link:

https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/13_july_2022/nslpp_-_planning_proposal_minutes_13_july_22_2.pdf

The Panel recommended the following:

The Panel recognises its role in this matter is limited to making a recommendation only to the Council. In the opinion of the Panel the subject properties require a more thorough and lengthy inquiry to fully review and reconcile whether these 8 properties warrant being listed as heritage items and meet the necessary threshold for heritage listing under the North Sydney Local Environmental Plan. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly. On the information before it, the Panel is not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines and that the current Planning Proposal lacks both site specific and strategic merit and does not meet the objectives of the Act.

It is noted that several statements were made during the NSLPP meeting by individuals addressing the panel which, for the record, have been addressed below:

- a. It was contended that no internal site visit was conducted at the properties at 131 and 133 Holt Avenue, Cremorne. This is incorrect.
 - i. A site visit was conducted at the property on Wednesday 18th May. Images of the internal areas of both buildings were taken during the visit and are evidenced on pages 95 to 98 of the GML Report dated 3 June 2022. The report is provided as Attachment 1 to the NSLPP Report which can be accessed in the link provided at section 2 further below.
- b. It was contended that Council Officers did not attempt to undertake site visits at all properties. This is incorrect.
 - i. Council Officers followed the usual process of seeking to organizing and conduct site visits.
 - ii. Letters were distributed to the address (as shown on Council's records) of the owners of the following properties on 4th May 2022, namely;
 - 115, 117, 119, 121, 123, Unit 1/125, Unit 2/125, Unit 3/125, Unit 4/125, 131 and 133 Holt Avenue, Cremorne.
 - iii. The letters indicated that a site visit would be taking place on 18th May 2022 and requested that the owners make available to Council Officers and the consultant access to the building.

- iv. The property owners at 123 Holt Avenue declined, in writing, access to their property.
 - v. No response was received from the property owners of 121 Holt Avenue.
 - vi. On Wednesday 18th May 2022, between 10:00am and 1:00pm a site visit, including internal access, was conducted at No's 115, 117, 119, 125 (units 1 and 2), 131 and 133 Holt Avenue, Cremorne.
 - vii. An attempt was made to enter the property at 121 Holt Avenue, Cremorne through door knocking however no answer was received.
- c. It was contended that GML Heritage, the consultant acting on Council's behalf, failed to address the Heritage Reports provided by the applicants of the Development Applications at 115, 1157 and 119 Holt Avenue and 131, 133 Holt Avenue in reports relating to the sites. This is incorrect.
- i. GML undertook a review of the reports in the Preliminary Heritage Assessment Report dated 7th March 2022, which can be seen on pages 45 to 64 of the report.
 - ii. This report was included the attachment package considered by the Panel at its meeting.

NSC Officer response: The NSLPP has noted the differing professional opinions that have been provided in relation to the Heritage value of the properties the subject of this report and have provided advice that the panel does not support or agree with the proposed basis for Heritage Listing. Having considered the detailed report prepared by GML, Council Officers are satisfied that the relevant criteria as set out by the NSW Heritage Office have been adequately addressed.

2. Assessment

A copy of the Council Officer NSLPP detailed Assessment Report is available online via the following link:

https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/13_july_2022/pp01_115_117_119_121_123_125_131_133_holt_ave_cremorne_722_rpt.pdf

The key issues have been addressed below:

2.1 Heritage Context and Justification

A final assessment report was produced by GML Heritage on 3 June 2022, forming Appendix 2 to the Planning Proposal, a copy of which is available at the link above (note the 'Appendix B and C of the final report have not been included due to duplication).

The report included an assessment of significance of the 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 five types of cultural heritage values identified in the Burra Charter into a structured framework. The detailed assessment

against this framework can be found in tables 7.1, 7.2 and 7.3 on pages 128-138 of the GML report.

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

- The Holt Avenue group (115-123 Holt Avenue) meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare group of Federation Bungalows constructed as part of a speculative housing development in Cremorne.
- 125 Holt Avenue meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area (converted to flats during the reference period).
- 131 and 133 Holt Avenue meet the threshold for cultural significance for historic, aesthetic and rarity values as a pair of Victorian semi-detached dwellings which serve as rare surviving examples of their type.

Following are excerpts from the GML report titled the 'Statement of Significance' is shown below (pages 139-141 of the report):

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

The Holt Avenue Group has historic, 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. These developments established the residential character and scale in the area, and the Holt Avenue Group demonstrates the shared architectural character, and consistent form and siting, typical of such a group.

Later development and re-development has led to the loss of similar properties throughout the Cremorne area, 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.

2.1.2 ‘Carina’ - 125 Holt Avenue, Cremorne

The dwelling at No. 125 has historic, 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. 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.

2.1.3 'Victorian semi-detached houses' - 131 & 133 Holt Avenue, Cremorne

The dwellings at 131 and 133 Holt Avenue originate from the Longview Estate (1885), which created the street layout and lot forms of Holt Avenue. Constructed in 1890 as a single dwelling, 131 and 133 were among the earliest development in the estate.

Nos 131 and 133 are modest late Victorian semi-detached dwellings and provide evidence of the historical residential development of North Sydney generally, and Cremorne specifically. The dwelling was one of the earliest houses built in the Longview Estate and Cremorne area which survive to the present day.

The properties at 131 and 133 are late Victorian dwellings with Italianate style influences. They exhibit features typical of the period such as an asymmetric form with projecting gable and front verandah, cross-gabled, with a lower roof over the front verandah and rendered external brick walls and Italianate details including plaster arches, decorative sill and quoining to the corners. Originally constructed as a single dwelling, it was converted into semi-detached dwellings in 1991.

As a pair, the two dwellings generate architectural interest due to the unique presentation of a semi-detached typology which are not mirrored around a central axis. Despite not being of a mirror form, the two dwellings are visually cohesive and complementary and demonstrate aesthetic interest.

While the dwellings underwent substantial alterations in 1911, given that these features are authentic to the Federation period and architectural style, they add an

interesting historic and architectural overlay to the houses rather than detracting from their aesthetic value.

Nos 131 and 133 Holt Avenue, dating from the late Victorian period, are among the earliest surviving dwellings of the Longview Estate and the Cremorne area overall. Given the loss of the historic character of Cremorne and Holt Avenue in the immediate vicinity, the dwellings provide an understanding of the historic setting of Cremorne. Further, the unique unmirrored form and the Federation overlay makes the pair an unusual example of its type, thus furthering its rarity value.

Based on the information available for the purpose of this assessment, the pair of dwellings at Nos 131 and 133 Holt Avenue meets the threshold for local heritage listing as an individual place based on its historical, aesthetic and rarity attributes.

The final detailed report made the recommendation that Council prepare a planning proposal to amend Schedule 5 of the Heritage Maps of the NSLEP 2013 to include the following items of local significance:

1. The 'Holt Avenue Group' comprising property No.s 115, 117, 119, 121 and 123 Holt Avenue, Cremorne.
2. 'Carina', No. 125 Holt Avenue, Cremorne.
3. 'Victorian semi-detached houses', No.s 131 and 133 Holt Avenue, Cremorne.

Having considered the detailed report prepared by GML, Council Officers are satisfied that the relevant criteria as set out by the NSW Heritage Office have been addressed. In accordance with legislative requirements, it is proposed that each property be listed individually, however, are to be grouped by name consistent with the recommendations of GML.

Process

If Council endorses the Planning Proposal, it will be referred to the Department of Planning and Environment (DPE) for a Gateway Determination, which when issued, will enable the formal public exhibition of the amendment.

Following exhibition, the matter would be reported to Council including a discussion of all submissions made. Council can then consider the final endorsement of the amendment. If endorsed, it will be referred to the DPE for its review, approval and ultimate gazettal.

Although this can vary considerably, amendments to a Local Environmental Plan can typically take 12-18 months from inception to gazettal. Council Officers have limited control over this timeline given a large portion of it is reliant upon DPE. In the context of the IHO expiring on 11 March 2023, Council Officers will work with DPE to ensure that this amendment is expedited to meet this deadline.

The IHO is valid for a total maximum period 12 months (i.e., until 11 March 2023). This, however, is conditional and will lapse, if after a period of six months from date of issue (i.e., by 11 September 2022), Council has not made a decision to seek to have the items listed in

the NSLEP 2013. If Council were to not make a decision or decides not to proceed with the Planning Proposal then the protection afforded by the IHO will cease by this date (11 September 2022).

Conclusion

The Planning Proposal seeks to amend NSLEP 2013 such that the properties at 115, 117, 119, 121, 123, 125, 131, 133 Holt Avenue, Cremorne are identified as heritage items through their listing within Schedule 5 - Environmental Heritage and identified on the Heritage Map.

For the reasons discussed in detail above, it is recommended that the Planning Proposal is supported as it:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- Generally complies with the Department of Planning and Environment's 'Local Environmental Plan Making Guideline' (December 2021); and
- On balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies.