



**NSLPP MEETING HELD ON 19/07/2023**

**Attachments:**

1. Planning Proposal July 2023
2. Heritage Assessment Report, GML Heritage, July 2023

**ADDRESS/WARD:** 115, 117, 119, 121, 123 & 125 Holt Avenue Cremorne (c)

**APPLICATION No:** PP5/23

**PROPOSAL:** To amend the North Sydney Local Environmental Plan 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue Cremorne are identified as local heritage items under Schedule 5 – Environmental Heritage and identification on the Heritage Map.

**OWNER:** Holt Avenue Cremorne Pty Ltd, B Kan, C Ryan, S Mottek, C Romeo, I McKenzie, R Netterfield, M Royal

**APPLICANT:** North Sydney Council

**AUTHOR:** Amita Maharjan, Strategic Planner

**DATE OF REPORT:** 11 July 2023

**DATE LODGED:** 11 July 2023

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## EXECUTIVE SUMMARY

The Planning Proposal (PP 5/23) intends to amend the North Sydney Local Environmental Plan (NSLEP) 2013 by identification and local heritage listing of 115, 117, 119, 121, 123 & 125 Holt Avenue in Cremorne.

This Planning Proposal has been prepared following previous recommendations of the North Sydney Local Planning Panel (the Panel) meeting of 13 July 2022 and the Advice Report of the Independent Planning Commission (the Commission) dated 9 March 2023 regarding Council's previous planning proposal (PP 7/22) which sought local heritage listing of eight properties inclusive of 115, 117, 119, 121, 123, 125, 131 & 133 Holt Avenue in Cremorne.

Nos. 115, 117 & 119 Holt Avenue are currently subject of an Interim Heritage Order (IHO) which was issued by the Minister for Environment and Heritage on 2 March 2023. It is to be noted that the first IHO, issued by North Sydney Council (effective on 11 March 2022) under delegation applied to a total of five (5) properties including 115, 117, 119, 131 & 133 Holt Avenue. A subsequent Class 1 Appeal against the original IHO resulted in a Court decision upholding the applicant's appeal on 131 & 133 Holt Avenue, whilst dismissing the appeal on 115-119 Holt Avenue. The properties at 131 & 133 Holt Avenue were subsequently demolished following the Court decision.

This report to the Panel establishes the strategic and site-specific merit of the new Planning Proposal (PP 5/23) and takes into consideration recommendations of the Independent Planning Commission, the previous gateway determination and the recommendations of the Panel on the previous planning proposal applying to the subject sites.

The Planning Proposal is supported by a revised heritage assessment prepared by a suitably qualified heritage consultant, (GML) in July 2023. The assessment demonstrates that the subject sites meet the threshold for local heritage listing, consistent with the criteria set out by the NSW Heritage Office and therefore the subject sites have site-specific merit to support the progression of the proposal.

The GML Revised Heritage Assessment concluded that the following group and individual items meet relevant threshold and criterion for heritage listing at a local level:

- Group Item: The Holt Avenue Group (115-123 Holt Avenue) meets the threshold for local heritage listing as a group item under historic, associative, aesthetic, rarity and representative criterion.
- Individual Item: 125 Holt Avenue meets the threshold for local heritage listing as an individual item under historic, associative, aesthetic, rarity and representative criterion.

The Planning Proposal (PP 5/23) is generally consistent with applicable state and local plans/policies as detailed in this report, and is recommended to proceed to the Gateway Determination, having satisfied strategic and site-specific merit considerations for local heritage listing of the subject items.

### LOCATION MAP



## **DESCRIPTION OF PROPOSAL**

The Planning Proposal (PP 5/23) seeks to amend NSLEP 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne are identified as heritage items of local significance through their listing within Schedule 5 - Environmental Heritage and identification on the Heritage Map.

## **PANEL REFERRAL**

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

## **BACKGROUND**

### **Previous Planning Proposal (PP 7/22) (DPE Ref: 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 ...)...”*

### **Interim Heritage Order (IHO) and Land and Environment Court Appeals**

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.

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.

## 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.

Council is in receipt of multiple submissions from local residents objecting both the DAs on heritage grounds at the time of preparation of this report.

## DETAIL

### 1. Applicant

The Planning Proposal has been prepared by North Sydney Council.

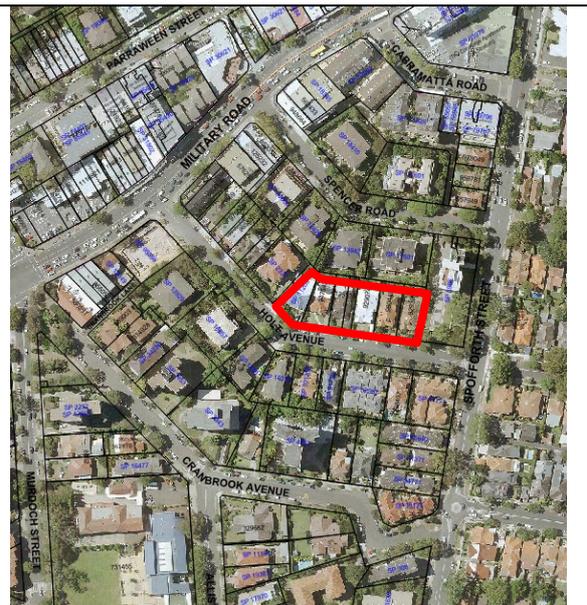
### 2. Site Description

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 of relevant properties is provided in Table 1.

TABLE 1: Property Description	
Address	Lot and DP
115 Holt Avenue, Cremorne	Lot 1 DP 929395
117 Holt Avenue, Cremorne	Lot 1 DP 980 449
119 Holt Avenue, Cremorne	Lot 1 DP 929074
121 Holt Avenue, Cremorne	Lots 1 and 2 DP 135515
123 Holt Avenue, Cremorne	Lot 1 DP 947542
125 Holt Avenue, Cremorne	SP 11200



**FIGURE 1: Subject sites**



**FIGURE 2: Aerial photo of subject sites**

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



**FIGURE 3: 115 Holt Avenue**



**FIGURE 4: 117 Holt Avenue**



**FIGURE 5: 119 Holt Avenue**



**FIGURE 6: 121 Holt Avenue**



**FIGURE 7: 123 Holt Avenue**



**FIGURE 8: 125 Holt Avenue**

### **3. Local Context**

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



**FIGURE 9: View from 121 Holt Avenue towards Military Road**



**FIGURE 10: View from 125 Holt Avenue towards Spofforth Street**

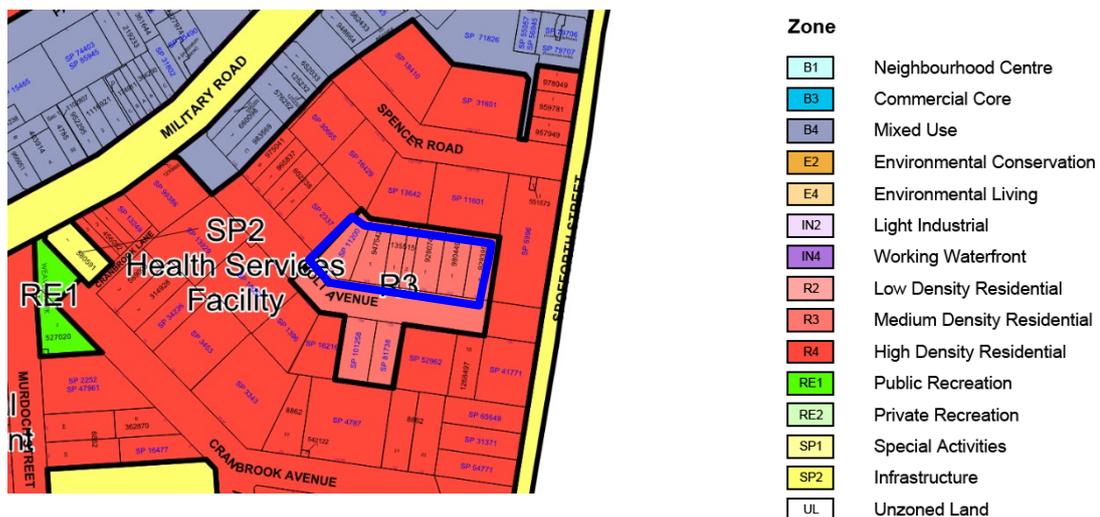


**FIGURE 11: Military Road Corridor**

#### 4. Current Key Planning Controls

The following subsections identify the relevant principal planning instruments that apply to the subject sites.

##### 4.1 NSLEP 2013 – Zoning Map



**FIGURE 12: Extract of Land Zoning Map to NSLEP 2013**

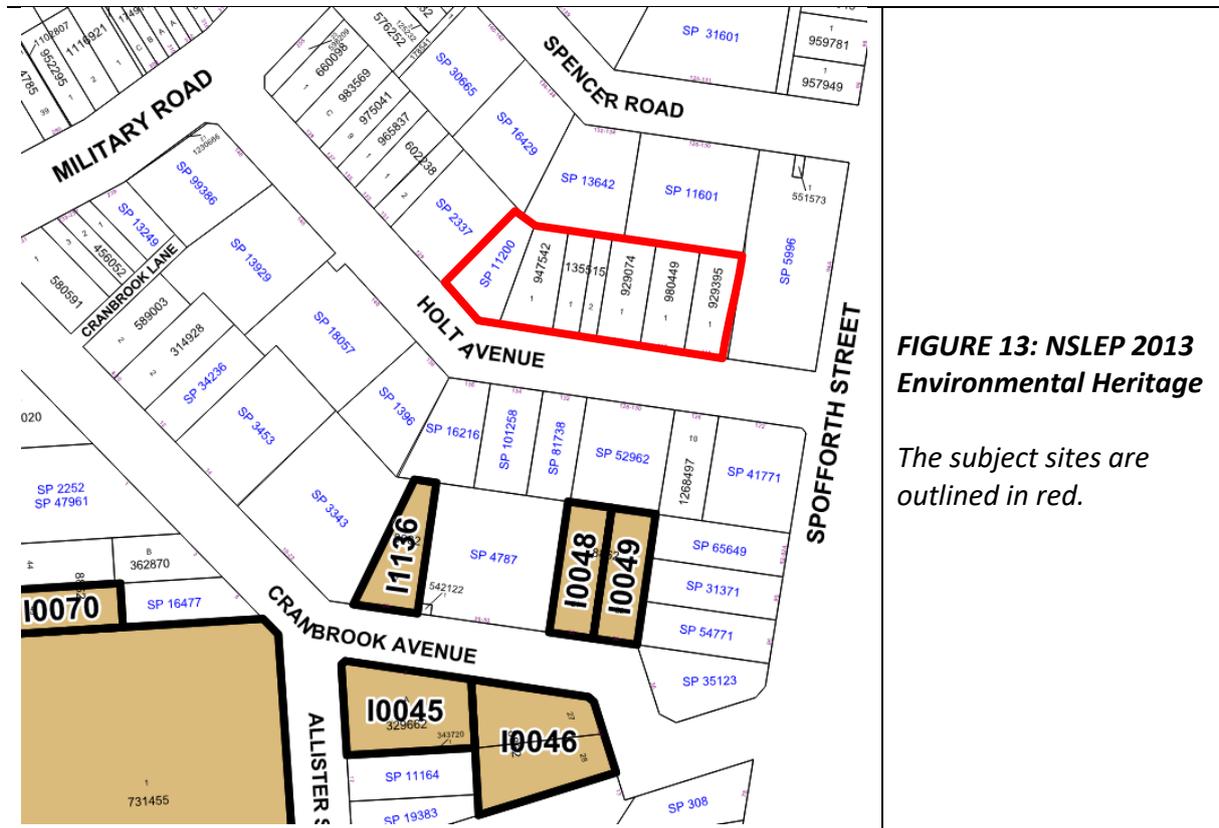
The subject sites are located in Zone R3 Medium Density Residential. The land uses permitted with consent are as follows:

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 13 below indicating a number of existing heritage items along Cranbrook Avenue.

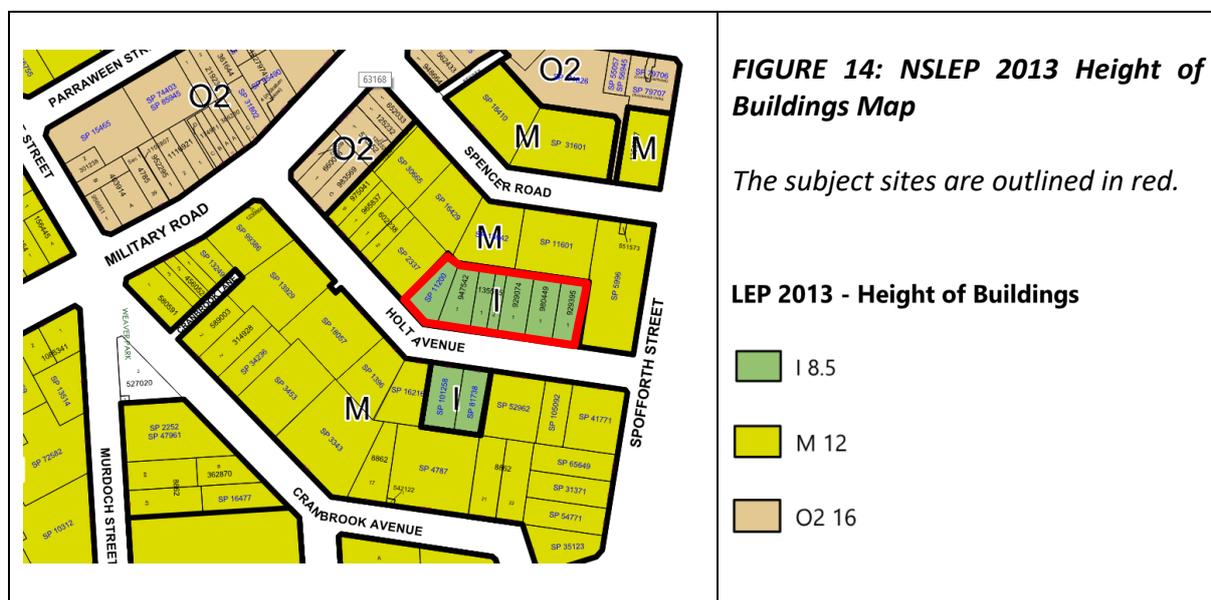


**FIGURE 13: NSLEP 2013 Environmental Heritage**

The subject sites are outlined in red.

#### 4.3 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 the existing provision.



**FIGURE 14: NSLEP 2013 Height of Buildings Map**

The subject sites are outlined in red.

**LEP 2013 - Height of Buildings**

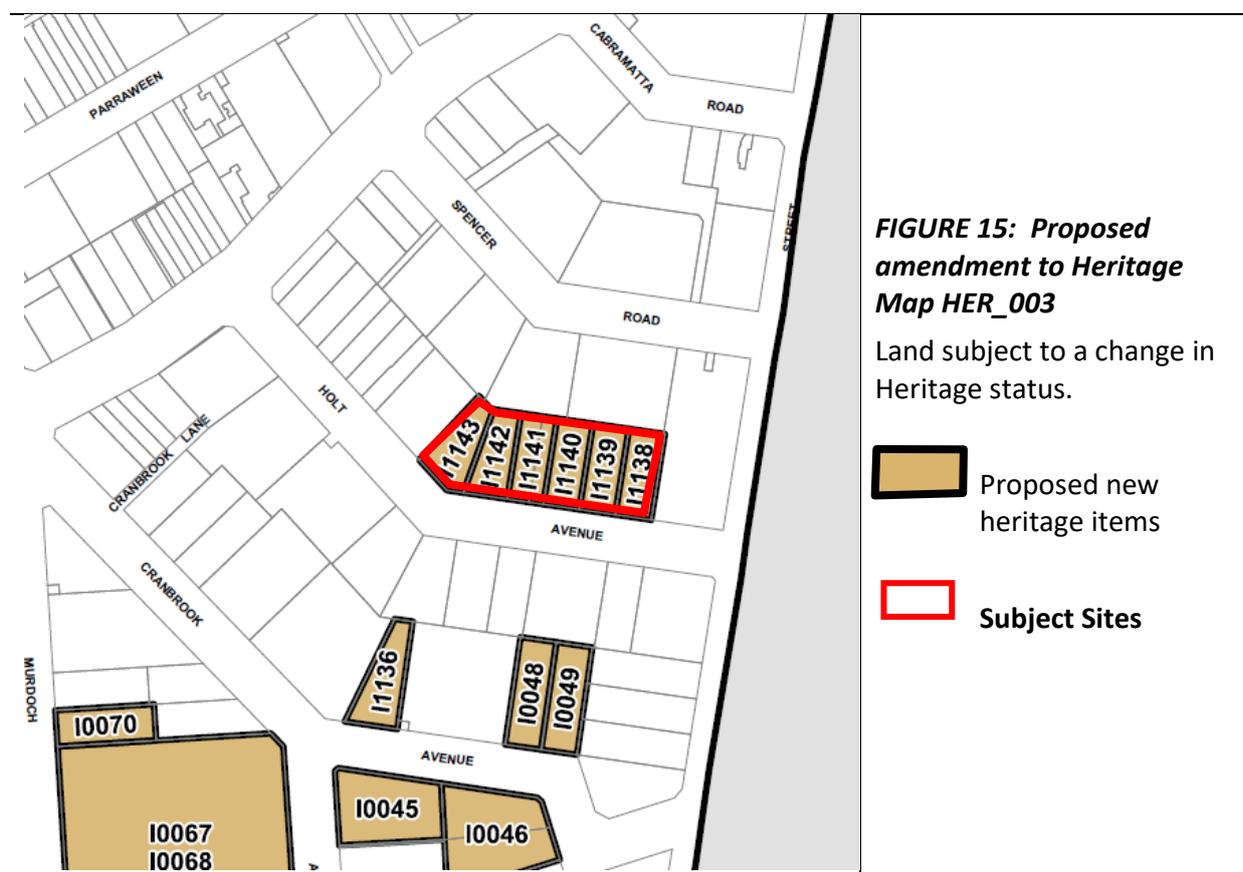
- 8.5
- 12
- 16

## 5. Proposed Instrument Amendment

The Planning Proposal seeks to achieve the intended objectives and outcomes by amending NSLEP 2013 as follows:

- 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 15.
- 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):

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



**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>
<a href="#">Cremorne</a>	<a href="#">House (Holt Avenue Group)</a>	<a href="#">115 Holt Avenue</a>	<a href="#">Lot 1 DP 929395</a>	<a href="#">Local</a>	<a href="#">11138*</a>
<a href="#">Cremorne</a>	<a href="#">House (Holt Avenue Group)</a>	<a href="#">117 Holt Avenue</a>	<a href="#">Lot 1 DP 980 449</a>	<a href="#">Local</a>	<a href="#">11139*</a>

<a href="#">Cremorne</a>	<a href="#">House (Holt Avenue Group)</a>	<a href="#">119 Holt Avenue</a>	<a href="#">Lot 1 DP 929074</a>	<a href="#">Local</a>	<a href="#">I1140*</a>
<a href="#">Cremorne</a>	<a href="#">House (Holt Avenue Group)</a>	<a href="#">121 Holt Avenue</a>	<a href="#">Lots 1 and 2 DP 135515</a>	<a href="#">Local</a>	<a href="#">I1141*</a>
<a href="#">Cremorne</a>	<a href="#">House (Holt Avenue Group)</a>	<a href="#">123 Holt Avenue</a>	<a href="#">Lot 1 DP 947542</a>	<a href="#">Local</a>	<a href="#">I1142*</a>
<a href="#">Cremorne</a>	<a href="#">"Carina"</a>	<a href="#">125 Holt Avenue</a>	<a href="#">SP 11200</a>	<a href="#">Local</a>	<a href="#">I1143*</a>

## 6. ASSESSMENT OF THE PLANNING PROPOSAL

### 6.1 Planning Proposal Structure

The Planning Proposal has been prepared in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPE's 'A guide to preparing planning proposals' (September 2022). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed LEP;
- An explanation of the provisions that are to be included in the proposed LEP;
- Justification of the proposal's Strategic and Site-Specific merit;
- Identification of associated mapping amendments;
- Details of the community consultation to be undertaken on the Planning Proposal; and
- A project timeline identifying how the planning proposal is to be implemented, should it progress.

### 6.2 Need for Planning Proposal

This Planning Proposal is a result of the recommendations of the Independent Planning Commission's (the Commission) Advice Report dated 9 March 2023 provided 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.

In consideration of the previous planning proposal, at its meeting of 13 July 2022, the North Sydney Local Planning Panel (the Panel) recommended that further information be provided to justify the strategic and site-specific merit of the proposed heritage listing of properties in Holt Avenue, Cremorne.

The primary objective of this new Planning Proposal is as follows:

Amend NSLEP 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map.

The above objective of the Planning Proposal would require the following provisions to be included to amend the NELEP 2013:

- Amend the NELEP 2013 Heritage Map to add six properties at Nos.115-125 Holt Avenue as local heritage items; and
- Amend Schedule 5 - Environmental Heritage to include the subject sites as detailed in Table 2.

### **6.3 Assessment Criteria**

Section 2 of the DPE's LEP Making Guideline, September 2022 outlines the criteria for assessing Planning Proposals. For a Planning Proposal to be supported to proceed to a Gateway Determination, it must demonstrate both 'strategic' and 'site-specific' merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

A planning proposal is deemed to have strategic merit where it gives effect to the strategic planning framework, that is the relevant Regional and District Plan, LSPS, section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs).

To demonstrate a proposal is suitable for the site and that the site is suitable for the resultant development, it must identify the potential environmental, social and economic impacts and outline proposed mitigation measures and justification. The proposal must give regard and assess impacts to the natural environment on the site; existing and likely future uses in the vicinity; and services and infrastructure that will be available to meet the demands arising from the proposal.

## **7. STRATEGIC MERIT ASSESSMENT**

### **7.1 Greater Sydney Regional Plan**

In March 2018, the NSW Government released the Greater Sydney Regional Plan: A Metropolis of Three Cities (Regional Plan). The Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people 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.

## 7.2 North District Plan

In March 2018, the NSW Government released the North District Plan. The Plan provides the direction for implementing the Greater Sydney Regional Plan: *A Metropolis of Three Cities* at a district level and sets out strategic planning priorities and actions for the North District.

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.

## 7.3 Local Strategic Planning Statement (LSPS)

North Sydney Council adopted its Local Strategic Planning Statement (LSPS) on 24 March 2020. The LSPS achieves consistency with the *Greater Sydney Regional Plan* ('A Metropolis of Three Cities') and the *North District Plan*, providing a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

It sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 25 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS guides the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

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.

#### **7.4 North Sydney Local Housing Strategy (LHS)**

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 with 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.

#### **7.5 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.

### **7.6 Section 9.1 Local Planning Directions (former Ministerial Directions)**

Section 9.1 of the EP&A Act 1979 enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which section 9.1 Directions are relevant and demonstrate how they are consistent with that Direction.

The Planning Proposal is generally consistent with applicable Ministerial Directions, 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 GML heritage assessment has identified the following:

*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.*

*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 Table 3 below:

**TABLE 3: 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

**Directions 6.1 Residential Zones**

**G** – Representativeness

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 a more considered response towards restriction 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 by a Residential Flat Buildings (RFBs) containing 4 dwellings.

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.

## **7.7 State Environmental Planning Policies**

The Planning Proposal is considered to be generally consistent with relevant State Environmental Planning Policies (SEPPs) applying to the LGA, as the Planning Proposal does not intend to materially affect the provisions of the SEPPs. Details of the applicable SEPPs are included in Table 1 of Planning Proposal included in Appendix 1.

## **8. SITE SPECIFIC MERIT ASSESSMENT**

### **8.1 Heritage Context and Justification**

A revised heritage assessment report prepared by GML Heritage (July 2023) forms Appendix 2 to this report.

The 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 Group item and in Section 7.3 (Pg 118-123) for the 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.

Following are relevant excerpts from the revised GML (pages 124-126) report which establishes a detailed statement of heritage significance of the subject items:

#### **8.1.1 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.*

### **8.1.2 '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.*

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 Nos. 115, 117, 119, 121 and 123 Holt Avenue, Cremorne as a group heritage item; and
2. 'Carina', No. 125 Holt Avenue, Cremorne as an individual item.

## 8.2 Response to matters raised by the previous Gateway Determination, the Commission, and the Panel

Tables 4-6 below provides the details and Council's justification to the various matters raised in the Gateway Determination, the Commission, and the Panel in relation to the previous planning proposal.

<b>Table 4: Matters raised in Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)</b>	
<b>Gateway Determination, October 2022 (PP 7/22) (DPE Ref: 2022-2712)</b>	<b>Council's response</b>
<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 new 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 described modification to the subject sites in varying scale.</p> <p>GML has completed a review of the following reports from the applicant's (presented as part of a DA) heritage consultants:</p> <ul style="list-style-type: none"> <li>• Urbis, Heritage Assessment of 115-119 Holt Avenue, Cremorne (July 2022);</li> <li>• Weir Phillips, Heritage Impact Statement on 115-119 Holt Avenue (July 2022);</li> <li>• John Outram, Revised Heritage Assessment (October 2022); and</li> <li>• City Plan Heritage-Heritage Assessment of Five Federation Period Cottages 115-123 Holt Avenue (November 2022).</li> </ul>

	<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><u>Urbis, Heritage Assessment of 115-119 Holt Avenue, Cremorne (July 2022); Weir Phillips, Heritage Impact Statement on 115-119 Holt Avenue (July 2022); and John Oultram, Revised Heritage Assessment (October 2022)</u></p> <ul style="list-style-type: none"><li>• The report pertains to Nos 115–119 Holt Avenue, with little considerations to the contributions of 121 and 123 Holt Avenue to the group;</li><li>• The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;</li><li>• The contributions of architect Edward Skelton Garton has not been considered in the associative significance assessment;</li><li>• 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 is understated;</li><li>• The research on historical information is not thorough, except for John Oultram report.</li><li>• The comparative analysis has little commentary on the degree of modifications of the comparative examples and whether the Holt Avenue group has similar integrity.</li></ul> <p><u>City Plan Heritage-Heritage Assessment of Five Federation Period Cottages 115-123 Holt Avenue (November 2022).</u></p> <ul style="list-style-type: none"><li>• The report assesses Nos 115–119 as a group heritage item but does not give consideration to the management of group items;</li><li>• The report does not offer any additional historical information about the subject properties;</li><li>• 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;</li><li>• The significance assessment emphasises that the dwellings are highly modified but these modifications are largely to the interiors and rear;</li><li>• The assessment of significance of the group does not comprise any assessment of their cohesion in terms of scale, siting, form, features and materiality.</li></ul>	

<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>A 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 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>The GML revised heritage assessment established grading of significance of the subject site, taking into consideration integrity of the subject site in consideration to the matters raised by the Panel.</p> <p><i>Section 7 Assessment of Significance</i> of the revised GML heritage assessment report establishes that 115-123 and 125 Holt Avenue meet threshold for local heritage listing under multiple criteria, confirming site specific merit for heritage listing. Section 7.4 of the revised GML report contains a summary of the assessment of heritage significance, demonstrating that the subject sites meet the threshold for cultural significance under historic, associative, aesthetic, representative and rarity criteria.</p>
<p>6. <i>The Interim Heritage Order appeal relating to the properties 115, 117 and 119 Holt Avenue although dismissed, outlines the Land and Environment Court decision on the view that on the basis of the 2022 GML assessment, there is a real chance that further inquiry may support a finding that the properties are of heritage significance. Council has not provided any further inquiry or investigation to satisfy the decision to uphold the Interim Heritage Order on the sites.</i></p>	<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>7. <i>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</i></p>

	<p><i>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 revised GML report and the detailed heritage assessment which establishes that the subject item meets the threshold for local heritage listing.</p>
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**Table 5: Matters raised by Independent Planning Commission, Advice Report of 9 March 2023**

<b>Independent Planning Commission, Advice Report of 9 March 2023</b>	<b>Council’s response</b>
<p><i>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.</i></p>	<p>Table 4 of this report details response to the matters raised by the previous Gateway Determination.</p>
<p><i>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.</i></p>	<p>Having completed 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><i>36. 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 4 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 new Planning Proposal addresses matters raised by the Commission.</p>
<p>38. <i>Any new planning proposal submitted by Council should:</i></p> <ul style="list-style-type: none"> <li>• <i>not include the demolished residences at 131-133 Holt Avenue Cremorne</i></li> <li>• <i>clearly set out the basis of nomination (i.e. group and/or individual listing);</i></li> <li>• <i>give consideration to the LEC findings, NSLPP recommendations, Department's Gateway Determination and matters - raised this Advice Report;</i></li> <li>• <i>address Section 9.1 Ministerial Direction 6.1 in further detail;</i></li> <li>• <i>respond directly to the findings of the heritage reports (see Table ...)</i></li> </ul>	<p>The new Planning Proposal excludes the demolished residences at 131-133 Holt Avenue Cremorne.</p> <p>The new 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 new 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>

<b>Table 6: Matters raised by the NSLPP</b>	
<b>Recommendations of NSLPP, 13 July 2022</b>	<b>Council's response</b>
<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 lacks both site specific and strategic merit and does not meet the objectives of the Act.”</i></p>	<p>GML's revised heritage assessment report recommends heritage listing of a total of 6 items (115, 117, 119, 121 &amp; 123) Holt Avenue. This excludes demolished properties at 131 &amp; 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 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>

Having considered the detailed report prepared by GML on the heritage significance of the subject items, strategic merit consideration of the proposal and the response to the matters raised by the Commission, Gateway Determination and the Panel on the previous PP, Council Officers are satisfied that the Planning Proposal has addressed all outstanding matters for it to progress to the next stage.

## 9. SUBMISSIONS

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination.

Council does, however, sometimes receive submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

No submissions have been received in relation to the lodgement of this Planning Proposal. However, multiple submissions were received against the recent DA which intended to demolish properties at 115-119 Holt Avenue.

## **10. CONSULTATION REQUIREMENTS**

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and the requirements of any Gateway Determination issued.

## **CONCLUSION**

The Planning Proposal seeks to amend NSLEP 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne are identified as heritage items through their listing within Schedule 5 - Environmental Heritage and identification 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
- Generally consistent with the applicable State and Local Plans and Policies including, SEPPs and Local Planning Directions demonstrating strategic and site-specific merit for heritage listing; and
- Addresses key matters raised by the Commission, previous Gateway and the Panel on the previous planning proposal applying to the subject lands.

## **RECOMMENDATION**

That the Local Planning Panel support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.

**AMITA MAHARJAN**  
**STRATEGIC PLANNING**

**NEAL MCCARRY**  
**A/MANAGER STRATEGIC PLANNING**

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