

Planning and Assessment

IRF20/1228

Gateway determination report

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Heritage listing of Cooper Park (excluding Cooper Park North), Bellevue Hill
NUMBER	PP_2020_WOOLL_004_00
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014
ADDRESS	Cooper Park, Bellevue Hill
DESCRIPTION	Cooper Park (excluding Cooper Park North), Bellevue Hill (Lot and DP number not provided)
RECEIVED	9 March 2020
FILE NO.	IRF20/1228
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to list Cooper Park, Bellevue Hill (excluding Cooper Park North) as a heritage item.

1.2 Site description

Cooper Park is located along a creek valley that runs in an east-west direction and falls between the suburbs of Bellevue Hill and Woollahra. It was proclaimed as a park in 1917 and developed over the next twenty years into a bushland and recreational ground. It was originally part of the early nineteenth century estate of Daniel Cooper.

Cooper Park is defined to the west by Suttie Road, to the north by Northland Road, to the east by Bellevue Road/Victoria Road, and to the south by residential properties located north of Fletcher Street (**Figure 1**). (Note that there are inconsistencies in the mapping of the subject site in the planning proposal. Refer to Section 2.3 - Mapping of this report for details.)

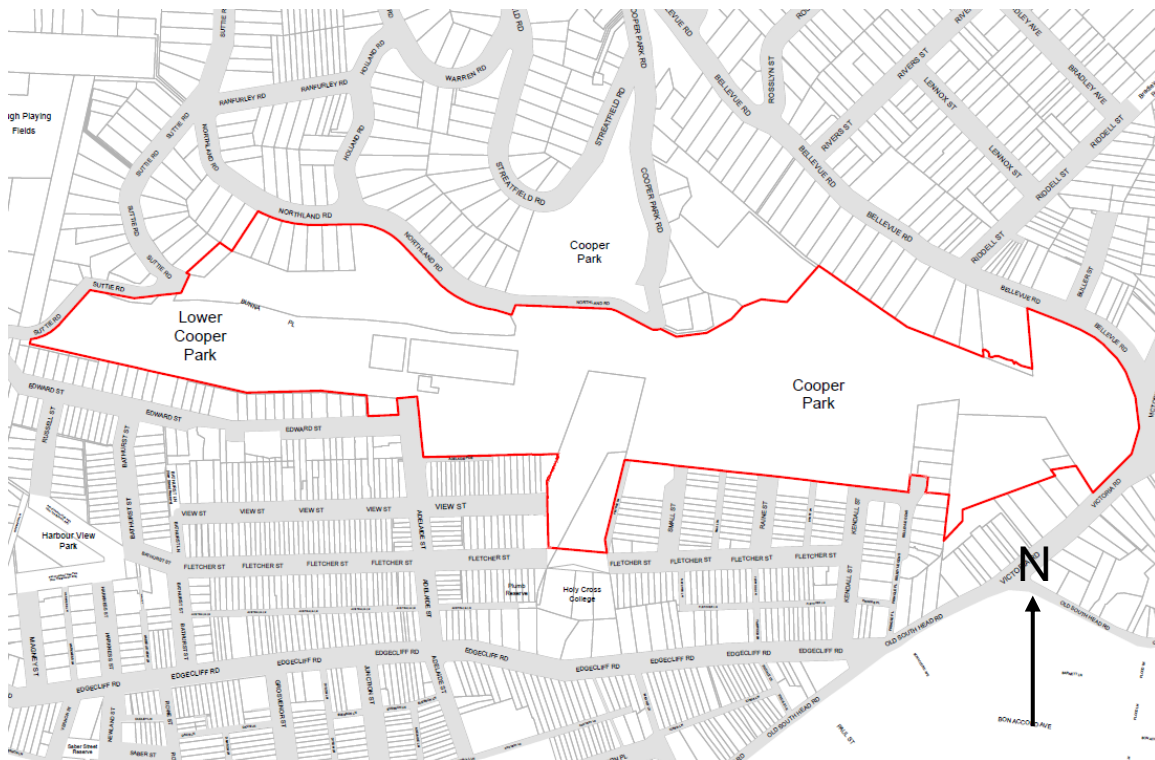


Figure 1: A map with the site (Cooper Park, excluding Cooper Park North) outlined in red (source: Woollahra Municipal Council)

The part of Cooper Park to the north (separated by Northland Road) is commonly known as 'Cooper Park North'. The area to the west of the tennis courts is commonly known as 'Lower Cooper Park', while the eastern end of the park is an open grassed area known as the 'Amphitheatre' (Figure 5).



Figure 2: A map distinguishing the different sections of Cooper Park (source: Woollahra Municipal Council)

Cooper Park is approximately 17.7 hectares in size, with approximately 12 hectares of urban bushland and extends 1.1 kilometres from east to west. Cooper Park is owned by Woollahra Municipal Council and is the largest Council-owned area of bushland in the Woollahra Municipality. The park provides open space for both passive and active recreation.



Figure 3: Land categorisation of Cooper Park (Source: Woollahra Municipal Council)

The park is dominated by natural bushland and planted native trees. The recreational facilities in the park include tennis courts, cricket pitches and cricket nets, a kiosk, a playground, junior sports fields, a community garden, an extensive system of walking tracks, synthetic stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas (**Figures 4, 5, 6 and 7**).

It is noted that the legal description of the park was not included in the planning proposal. A Gateway condition is recommended to require inclusion of legal description of the site (lot and DP numbers) in an updated planning proposal prior to exhibition.



Figure 4: The Moon Bridge in the centre of Cooper Park (source: DPIE)



Figure 5: The open, grassed amphitheatre at the eastern end of Cooper Park (source: Woollahra Municipal Council)



Figure 6: One of the artificial rock shelters constructed near the picnic area in the centre of Cooper Park (source: Betteridge Consulting)



Figure 7: One of the stone bridges over the creek (source: DPIE)

1.3 Existing planning controls

Under the Woollahra LEP 2014, the subject site is currently zoned RE1 Public Recreation (**Figure 8**). The height of buildings, floor space ratio and minimum lot size maps do not apply to the site.

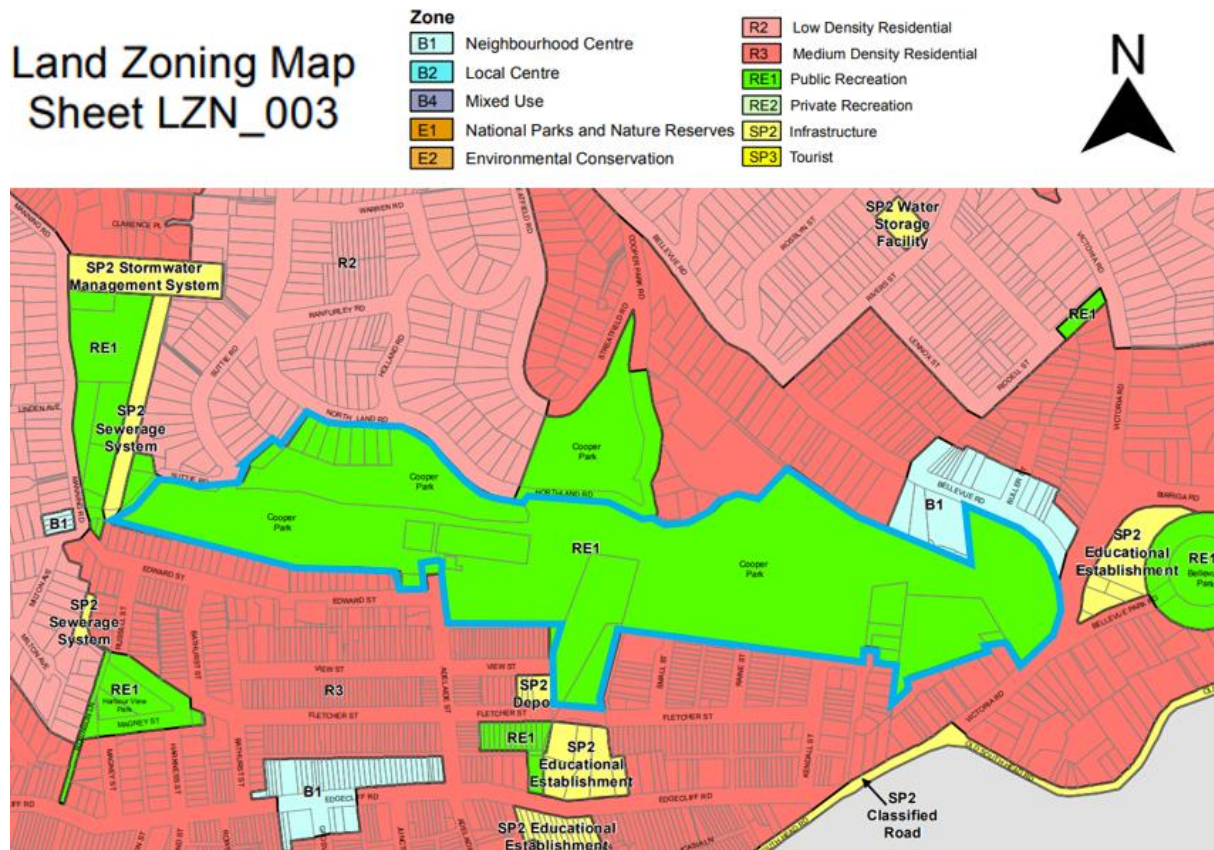


Figure 8: Woollahra LEP Land Zoning Map with the subject site outlined in blue

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it located in a heritage conservation area under Schedule 5 of the Woollahra LEP 2014 (**Figure 9**).

The Woollahra Heritage Conservation Area is located to the immediate south of Cooper Park. A number of local heritage items are in the vicinity to the site and include street trees, landscape planting and terrace houses (**Figure 9**):

- To the north: Item 38 consists of “4 *Canary Island Date Palms*, 4 *Wine Palms* and a *Cliff Date Palm*” within Holland Road. Item 58 is an “*American Cotton Palm*” within Suttie Road.
- To the south: Item 481 is a “*Norfolk Island Pine*” located within the Holy Cross Primary School grounds. Items 464-477 comprise thirteen terrace houses adjoining the southern boundary of the park. Item 478 is “*Sandstone retaining wall and railing facing Cooper Park*.”
- To the east: Item 9 consists of “2 *Norfolk Island Pines*” within Bellevue Hill Public School. Item 70 is a “Concrete horse trough” and Item 73 is a residential flat building known as the “Glamis”, both are located in Victoria Road.

Heritage Map
Sheet HER_003D
Sheet HER_003E

Heritage	
	Conservation Area - General
	Item - General
	Item - Archaeological
	Item - Street Name Inlays e.g. Rose Bay 675

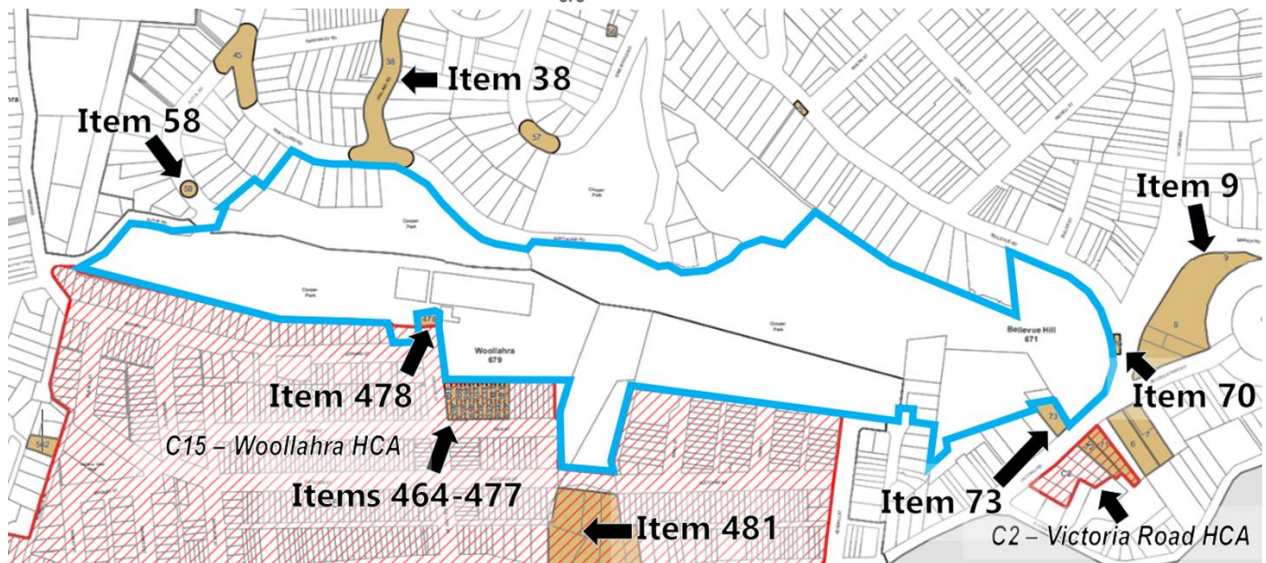


Figure 9: Woollahra LEP 2014 Heritage Map with the subject site outlined in blue

1.4 Surrounding area

Cooper Park straddles the border of Bellevue Hill and Woollahra. The area surrounding the park is predominantly zoned R3 Medium Density Residential and R2 Low Density Residential. There is a small local centre, Bellevue Hill Village, adjacent to the eastern side of the park on Bellevue Road. The Bondi Junction strategic centre is within walking distance of the park, located approximately 400 metres to the south. (See **Figure 10.**)

Cooper Park is in proximity to several other open spaces including the Lough Playing Fields in Double Bay, Harbour View Park in Woollahra and Bellevue Park in Bellevue Hill. Nearby schools include Bellevue Hill Public School, Holy Cross Primary School, Yeshiva College and Woollahra Public School. (See **Figure 10.**)

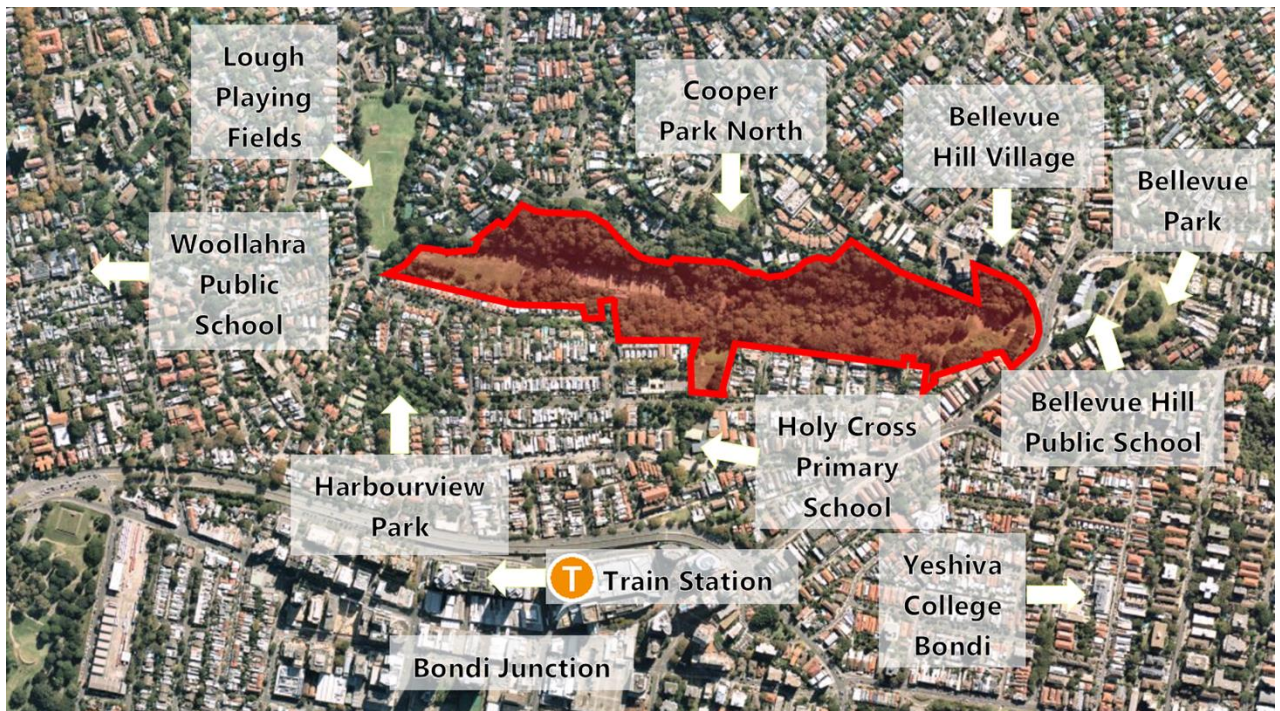


Figure 10: A map showing the subject site (outlined in red) and surrounding public places (source: Nearmap)



Figure 11: A map showing the subject site (outlined in red) in relation to the surrounding suburbs (source: Nearmap)

1.5 Summary of recommendation

It is recommended that the planning proposal to list Cooper Park (excluding Cooper Park North) as a local heritage item proceed subject to conditions as:

- The proposed heritage listing is supported by a heritage study prepared by Betteridge Consulting Pty Ltd for Council, which identifies the site as having both local and state heritage significance. The heritage assessment has been undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going protection of the heritage significance of Cooper Park; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, as well as relevant State Environmental Planning Policies and Section 9.1 Directions.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the proposed amendments to Woollahra LEP 2014 is to recognise the heritage significance of Cooper Park in Bellevue Hill (excluding Cooper Park North) and provide it with statutory heritage protection.

The objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for *Cooper Park* (excluding Cooper Park North), in Part 1 *Heritage Items* of Schedule 5 *Environmental Heritage*. The exact wording of the amendment will be determined by the Parliamentary Counsel's Office prior to the making of the LEP.
- Amend the Heritage Maps (Sheet HER_003D and 003E) to identify *Cooper Park*.

The explanation of provisions in the planning proposal adequately states the intended changes to the Woollahra LEP 2014.

2.3 Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Maps (Sheet HER_003D and 003E) by applying an "Item – General" classification to *Cooper Park*.

Extracts of the existing and proposed heritage maps are shown below.

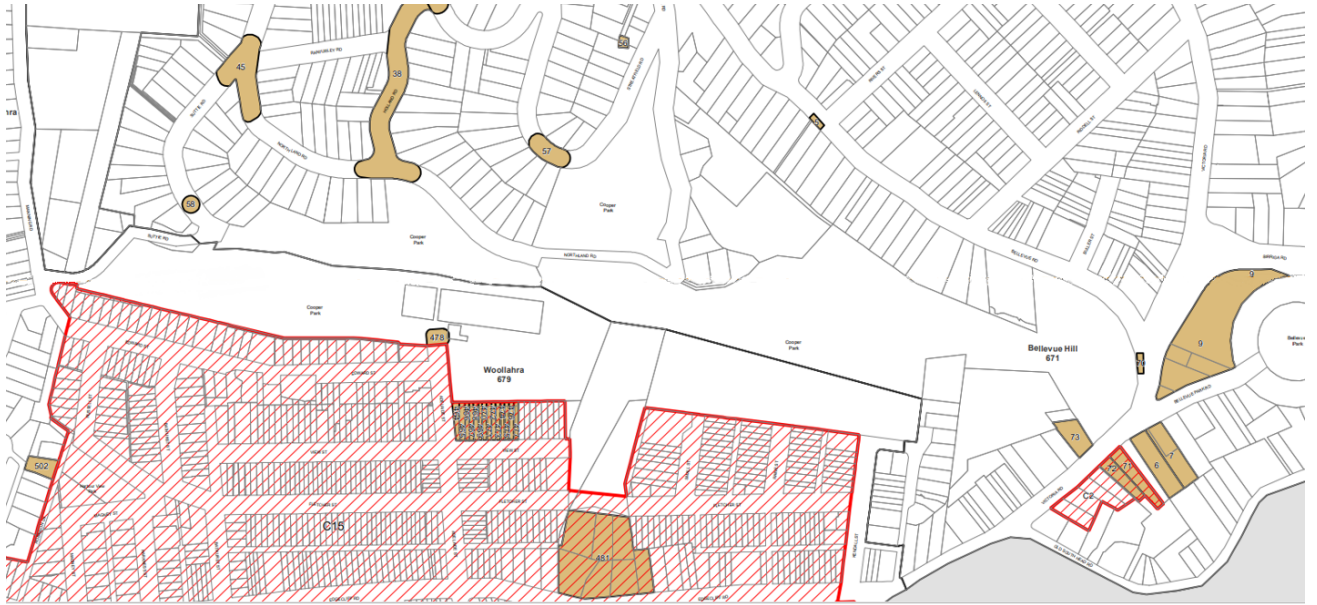


Figure 12: Extract from the existing Woollahra LEP 2014 Heritage Map (Sheet HER_003D and 003E)

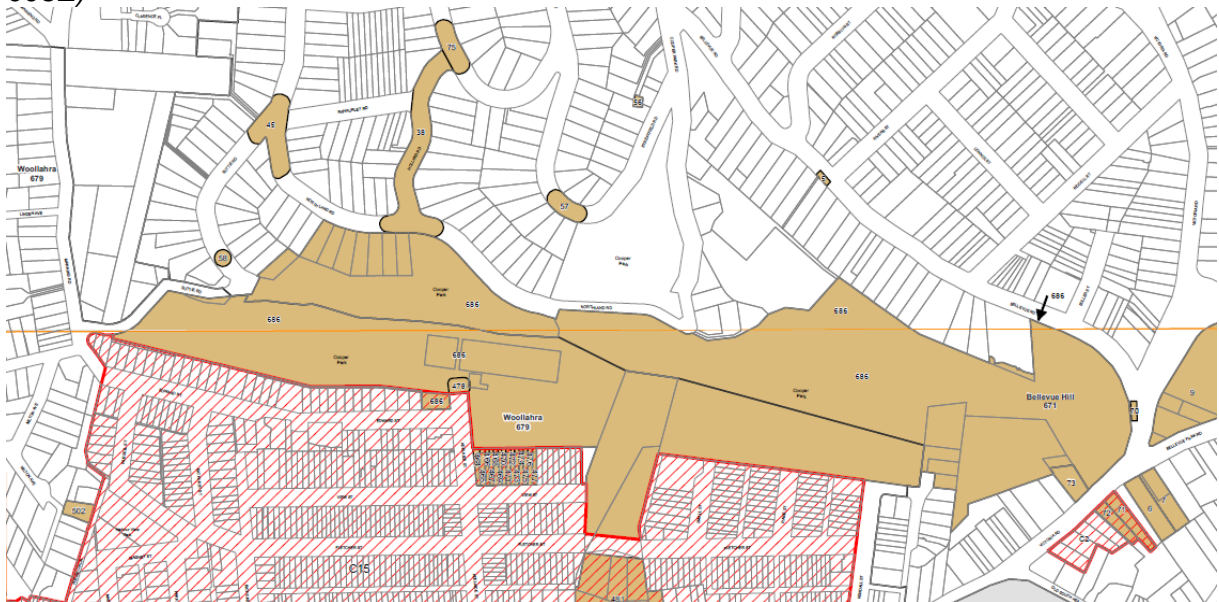


Figure 13: Extract from the proposed Woollahra LEP 2014 Heritage Map (Sheet HER_003D and 003E)

There are minor inconsistencies in the boundaries of the proposed heritage item between maps within the planning proposal and the heritage report. They include (Figures 14 – 16):

- A triangular parcel of land at the eastern end of View Street was included in the item boundary in Figure 8 but excluded from Figure 1 of the planning proposal;
- A square shaped parcel of land off the northern end of Kendall Street was excluded from the item boundary in Figure 8 but included in Figure 1 of the planning proposal; and

- The mapping in the heritage report is not consistent with the planning proposal, in particular, a rectangular parcel of land in between View Street and Fletcher Street is shown as being included in the item boundary, but this is excluded from the mapping in the planning proposal.

A Gateway condition is recommended to require confirmation of the precise boundaries of the proposed heritage item and to update the mapping in the planning proposal document to ensure consistency. The condition will also require an explanation for any intended difference between the boundaries of the heritage item in the planning proposal and the recommendation of the heritage report.

It is also noted that the image quality and legibility of the mapping in the planning proposal are not adequate. A Gateway condition is recommended to require revised mapping of appropriate resolution to be included in an updated planning proposal.

The planning proposal is to be revised and submitted to the Department for review and endorsement prior to the commencement of community consultation.



Figure 14: Excerpt of the proposed heritage map in the planning proposal showing areas with discrepancies from other mapping (circled in green). (Source: Figure 8 in the planning proposal report, Woollahra Municipal Council)

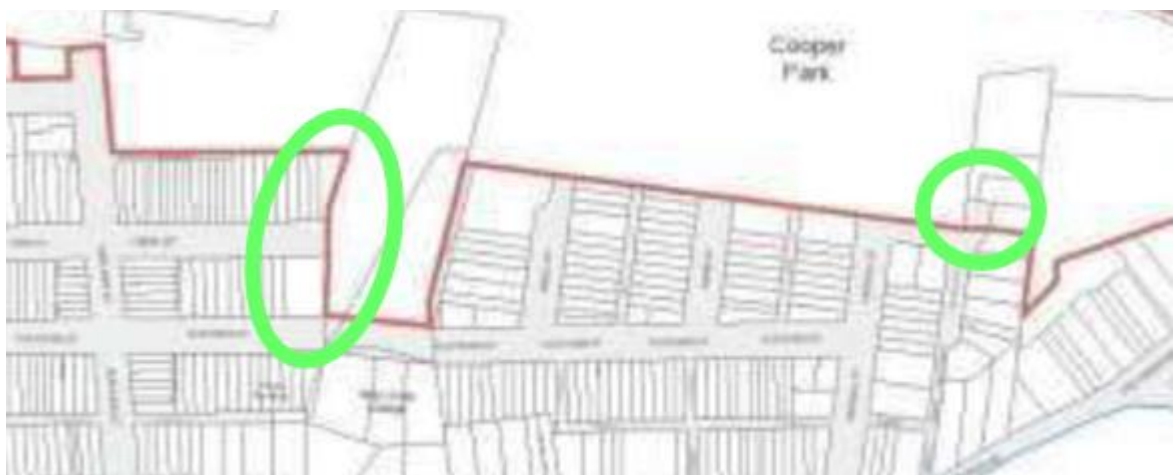


Figure 15: Excerpt of a map showing the boundary of the proposed heritage item. Note the inconsistencies with the mapping above (areas circled in green). (Source: Figure 1 in the planning proposal report, Woollahra Municipal Council)



Figure 16: Excerpt of the map showing the recommended State heritage listing boundaries. (Source: Figure 27 in the Heritage Significance Assessment by Betteridge Consulting)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is based on the recommendations of a heritage significance assessment by Betteridge Consulting Pty Ltd on behalf of Woollahra Municipal Council (**Attachment D**). The assessment was undertaken in accordance with the provisions of the Heritage Office Guidelines. The report concluded that Cooper Park (excluding Cooper Park North) has heritage significance and warrants listing as a heritage item in Schedule 5 of the Woollahra LEP 2014. The assessment also considered that Cooper Park has significance at the state level for the quality and intactness of its Depression-era landscape works and therefore its nomination for listing on the State Heritage Register is recommended.

The key findings of the heritage assessment are:

Historic significance

- Cooper Park is associated with significant historical phases in the development of the cultural landscape of the Woollahra local government area.
- The park contains some of the largest areas of remnant bushland in the Woollahra Municipality with representative vegetation from the area, and is the largest relatively undeveloped remnant of the historic Cooper Estate.
- Cooper Park retains physical fabric in the form of significant remnants of the original ecological communities, extensive ornamental cultural plantings and Depression-era landscaping works.

Historic associational significance

- Cooper Park has associational significance at a state level derived from the application of the *NSW Prevention and Relief of Unemployment Act 1930*. It includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure.

- Cooper Park has strong associations with noted architects S E Coleman and R G C Coutler who won the design competition for the park and with Ernest Miles and H Arnold who supervised the Depression-era works.
- The park has a strong association with the Cooper family, being a remnant of the extensive Point Piper Estate, which was partially purchased and developed by the Cooper family from 1827.

Aesthetic significance

- Cooper Park has aesthetic significance as an early 20th century municipal park, created in a bushland pleasure ground style, expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features.
- The park is important for its array of Depression-era cultural features, including a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities such as a 1920s tennis pavilion and tennis courts.

Social significance

- The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. This extends from initial lobbying for establishment of a public park on the site, to the Rangers League who completed works in the park (1930), through to contemporary involvement by the community in the bushland restoration and regeneration works, and the tennis club.

Technical significance

- Cooper Park is considered to have technical and research significance at a local level derived from its ecological communities, two threatened plant species, as well as the archival photographic record for the park which provides evidence of how various tree species have performed over a period of more than 80 years.
- There are records of engravings in or near Cooper Park. It is likely that the site may contribute to enhanced understanding of the Aboriginal cultural history of the area in the future.

Rarity

- Cooper Park is rare as an excellent example of high-quality Depression-era public recreation landscape works, including an extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold, who built similar enclosures for animals at Sydney's Taronga Zoo.
- The park encompasses major significant ecological communities. The rarity value of the park is also enhanced by the presence of two threatened plant species *Acacia terminalis* subsp. *terminalis* and *Syzygium paniculatum*.
- It contains some of the largest areas of remnant bushland in the Woollahra Municipality with representative native vegetation from the area, including

vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub.

Representativeness

- Cooper Park is representative of 1920s / 30s pleasure ground designed landscapes with Depression-era public landscape works to provide employment for out-of-work men and improved amenities for the community.

Cooper Park North was considered as not meeting the criteria for local or state heritage listing. This is due to its different character and natural setting and lack of threatened plant species. Further, it does not contain Depression era works and is physically separated from the main area of Cooper Park. For these reasons it was not included in the proposed heritage listing.

The objective of the proposal is to recognise the heritage significance of Cooper Park. The proposal intends to achieve this through an amendment of the Woollahra LEP 2014 to list Cooper Park as a heritage item. This will provide statutory protection of the heritage significance of Cooper Park and is considered to be the best and only means of achieving the objective of the planning proposal.

Alternative options, such as adding site-specific controls to the *Woollahra Development Control Plan 2015* or including heritage conservation conditions to a development consent for Cooper Park, will not provide the same level of heritage protection and recognition. Therefore, the planning proposal process is the best and only option.

4. STRATEGIC ASSESSMENT

4.1 State

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan*, which aims to manage and coordinate growth in Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of particular relevance in the Region Plan is '*Objective 13: Environmental heritage is identified, conserved and enhanced.*' This objective seeks to protect environmental heritage for its social, aesthetic, historic and environmental values.

The objective also identifies a strategy for achieving the above:

- *“engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place”*
- *“applying adaptive re-use and interpreting heritage to foster distinctive local places”*
- *“managing and monitoring the cumulative impact of development on the heritage values and character of places”*

The planning proposal is consistent with the above objectives and strategy in the Region Plan as the listing of Cooper Park will provide ongoing protection and recognition of its heritage significance.

4.2 District

Eastern City District Plan

The Eastern City District Plan operates to give effect to the Region Plan. The Eastern City District Plan encompasses the Woollahra LGA.

The planning proposal is consistent with the relevant directions, priorities and objectives of the Plan, as outlined in the table below:

Planning Priority	Objective	Action	Proposal Consistency
<i>E6 Creating and renewing great places and local centres, and respecting the District's heritage</i>	<i>Objective 13 Environmental heritage is identified, conserved and enhanced.</i>	<p><i>20. Identify, conserve and enhance environmental heritage by:</i></p> <p><i>a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</i></p> <p><i>b. applying adaptive re-use and interpreting heritage to foster distinctive local places</i></p> <p><i>c. managing and monitoring the cumulative impact of development on the heritage values and character of places.</i></p>	The proposal is consistent with the District Plan as it seeks to provide the statutory mechanism to protect and respect the District's heritage. The proposal will recognise the heritage significance of Cooper Park through listing on the LEP.
<i>E13 Supporting growth of targeted industry sectors</i>	<i>Objective 24 Economic sectors targeted for success.</i>	<p><i>54. Consider the following issues when preparing plans for tourism and visitation:</i></p> <p><i>e. protecting heritage and biodiversity to enhance cultural and eco-tourism.</i></p>	Consistent. The proposal will facilitate conservation of Cooper Park and protection of the native ecological communities and threatened species within the park.

<i>E16 Protecting and enhancing scenic and cultural landscapes</i>	<i>Objective 28 Scenic and cultural landscapes are protected.</i>	<i>63. Identify and protect scenic and cultural landscapes.</i>	Consistent. See comments above.
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The planning proposal has incorrectly grouped Actions 24 and 28 under planning

4.3 Local

Woollahra 2030 – our community, our place, our plan

The planning proposal is consistent with the Council's Community Strategic Plan - *Woollahra 2030*, which establishes a long-term vision for the future of Woollahra and guides Council's planning and decision making.

The proposal is specifically consistent with the following strategy:

- *4.3 Protect our heritage, including significant architecture and the natural environment.*

The planning proposal will provide statutory protection of the heritage significance of Cooper Park, which encompasses notable historic architecture, such as bridges, pavilion, shelters and retaining walls, as well as landscape elements incorporating cultural planting and native vegetation.

Woollahra Local Strategic Planning Statement (LSPS)

The *Woollahra LSPS* sets out a 20-year vision and planning priorities for managing future land use and preserving the community's values and special characteristics of the Woollahra LGA.

The planning proposal is consistent with the Woollahra LSPS, particularly with the following planning priority under the theme of Liveability:

- *Planning Priority 5 - Conserving our rich and diverse heritage*

The proposal will facilitate the conservation and protection of Cooper Park, which has been identified as having local and state significance in the heritage assessment commissioned by Council.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions:

Direction 2.3 Heritage Conservation

The Direction applies to the subject planning proposal. It requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.

The planning proposal is supported by a Heritage Significance Assessment prepared by Betteridge Consulting Pty Ltd for Woollahra Municipal Council. The assessment report concluded that Cooper Park (excluding Cooper Park North) satisfies the criteria of the Heritage Office Guidelines and warrants inclusion in Schedule 5 of the Woollahra LEP 2014 as a local heritage item. The assessment also considered that Cooper Park satisfies at least one criterion at State level (historical association and possibly representativeness subject to further comparative study) for the quality and

intactness of its Depression-era landscape works and therefore its nomination for State Heritage Register listing is recommended.

Direction 2.6 Remediation of Contaminated Land

On 17 April 2020, the Minister for Planning and Public Spaces approved the removal of Clause 6 of the State Environmental Planning Policy No. 55 – Remediation of Land and transfer the requirements to a new Ministerial direction - 2.6 Remediation of Contaminated Land.

The planning proposal does not identify the site as having contamination potential.

It is noted that the subject planning proposal pre-dates the above direction. As such, a Gateway condition is recommended to require revision to the planning proposal to address Direction 2.6, prior to exhibition.

4.5 State Environmental Planning Policies (SEPPs)

The proposal is consistent with all relevant State Environmental Planning Policies.

However, the table in Schedule 1 of the planning proposal, which illustrates the consistency of the proposal with the SEPPs, is outdated. It includes repealed SEPPs as follows:

- SEPP 1 (Development Standards) – repealed
- SEPP 44 (Koala Habitat Protection) – repealed and replaced with SEPP (Koala Habitat Protection) 2019
- SEPP (Concurrences) 2018 – released and replaced by SEPP (Concurrences and Consents) 2018
- SEPP (Miscellaneous Consent Provisions) - repealed

A Gateway condition is recommended to require the planning proposal to be updated to rectify the above issues, prior to exhibition.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The heritage listing of Cooper Park is considered to have social implications on the local community who visit the park on a regular basis for recreational and well-being purposes.

The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. Heritage listing of the park would acknowledge the strong social connections to the park displayed by groups such as the Friends of Cooper Park, the Bushcare Group, Cooper Park Tennis and Cooper Park Volunteers. Heritage listing will endorse the importance of the park to the community's sense of place.

The planning proposal is considered to have positive social impacts as it will facilitate the conservation of Cooper Park and recognise its importance and long standing association with the local community both historically and in the present day.

5.2 Environmental

The planning proposal would not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

The proposal indicates that there are two species found in the Park which are listed in Schedule 1 Threatened Species of the *Biodiversity Conservation Act 2016*, namely:

- *Acacia terminalis* subsp. *Terminalis* (Sunshine Wattle); and
- *Syzygium paniculatum* (Magenta Lilly Pilly)

The heritage report (p. 35) mentions that Eco Logical Australia Pty Ltd has assessed the native vegetation values of Cooper Park, including the identification and mapping of each recognisable ecological community and any threatened plant species. It is considered that this study should be made available for public viewing during exhibition as a background report. This will be required as a Gateway condition.

The proposal will facilitate the ongoing conservation of the park and contribute to the protection of the existing vegetation, including the aforementioned vegetation communities and threatened species.

5.3 Economic

The planning proposal is not expected to generate any negative economic impacts. The conservation of Cooper Park through heritage listing would protect its character and indirectly contribute to the visitor economy.

5.4 Infrastructure

The planning proposal will not have any material impact on existing infrastructure as it does not involve amendments to the planning controls that will facilitate intensified development. Cooper Park has access to adequate public infrastructure such as water, sewer, electricity and telecommunication services. The site is in proximity to regular public transport services, with the bus route 327 providing access to the western side of the park from both Edgecliff and Bondi Junction seven days a week, with hourly service during the weekends.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal.

6. CONSULTATION

6.1 Community

Council proposes a public consultation period of a minimum of 28 days. Having regard to the nature of the planning proposal, this is considered an appropriate timeframe for community consultation.

The consultation would include:

- a weekly notice in the local newspaper for the duration of the exhibition period (note: Council has the option to advertise in a generally circulated newspaper, such as Sydney Morning Herald, during the COVID-19 pandemic);
- a notice on Council's website;
- a letter to landowners in the vicinity of the site; and

- a letter to local community groups such as Woollahra History & Heritage Society, Friends of Cooper Park, Bushcare Group, Cooper Park Tennis, Cooper Park Community Garden, Cooper Park Community Hall and Cooper Park Volunteers.

During the exhibition period the following material will be made available on Council's website and in the customer service area at Council's office:

- the planning proposal, in the form approved by the Gateway determination;
- the Gateway determination; and
- information relied upon by the planning proposal (such as relevant Council reports).

During the COVID-19 pandemic, Council can also exhibit the planning proposal and supporting documents on the Planning Portal, in lieu of making them available at a physical location.

6.2 Agencies

The proposal states that Council intends to consult with the following public authorities / organisations during exhibition:

- NSW Heritage, Department of Premier and Cabinet
- National Trust of Australia (NSW)

7. TIME FRAME

The planning proposal includes a project timeline with a projected finalisation date of December 2020. To allow flexibility for Council to finalise the proposal, a time frame of 12 months for completion is recommended.

A Gateway condition is recommended to require the project time frame to be updated (where relevant) prior to exhibition to reflect the current progress.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested local plan-making authority. Having regard to the nature of the planning proposal, it is recommended that authorisation be granted for Council to exercise the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in this instance.

9. CONCLUSION

The planning proposal to list Cooper Park (excluding Cooper Park North) should proceed as:

- The proposed heritage listing is supported by a Heritage Significance Assessment prepared by Betteridge Consulting Pty Ltd for Woollahra Municipal Council, which identifies Cooper Park as having both local and state heritage significance. The heritage assessment has been undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going protection of the heritage significance of the item; and

- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, and relevant State Environmental Planning Policies and Section 9.1 Directions.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement prior to public exhibition:
 - (a) Include property details (Lot and DP numbers) for all land parcels of Cooper Park (excluding Cooper Park North) where available;
 - (b) Revise the mapping in the planning proposal and heritage significance assessment report to confirm the boundaries of the proposed heritage item and rectify any inconsistency between the mapping. Where the proposed boundary of the item is different from that recommended in the heritage report, detailed reasons are to be given in the planning proposal;
 - (c) Improve the resolution of the mapping in the planning proposal to ensure legibility and clarity;
 - (d) Update proposed community consultation requirements in light of the COVID-19 pandemic that are not possible currently;
 - (e) Remove reference to the repealed SEPPs [including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007] and make reference to the SEPPs currently in force [such as SEPP (Koala Habitat Protection) 2019 and SEPP (Concurrences and Consents) 2018];
 - (f) Include information to address section 9.1 Direction – 2.6 Remediation of Contaminated Land;
 - (g) Include any background study that assesses the native vegetation values of Cooper Park, including any identification and mapping of ecological communities and threatened species within the park, or data source for the mapping; and
 - (h) An updated project timeline, as relevant.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act:
- NSW Heritage, Department of Premier and Cabinet; and
 - The National Trust of Australia (NSW).

Each public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



9 May 2020
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29 May 2020
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