



IRF22/2797

## Gateway determination report – PP-2022-3069

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Local Heritage Item – 11A Marcel Avenue, Coogee

September 22

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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# Acknowledgment of Country

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

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Heritage Study of 11A Marcel Avenue, Coogee, Randwick City Council (March 2022)
Action Sheet NM64/18, Notice of Motion from Cr Neilson – Heritage Reports for 11A Marcel Avenue, Coogee (March 2022)
11A Marcel Avenue, Coogee, Interim Heritage Order, Government Gazette of the State of New South Wales (March 2022)
Action Sheet GR1/22, Planning Proposal – 11A Marcel Avenue, Coogee (Randwick Local Planning Panel) (April 2022)
Proposed Heritage Map
Draft Heritage Data forms, 11A Marcel Avenue, Coogee

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Randwick
<b>PPA</b>	Randwick City Council
<b>NAME</b>	Local Heritage Item – 11A Marcel Avenue, Coogee (0 homes, 0 jobs)
<b>NUMBER</b>	PP-2022-3069
<b>LEP TO BE AMENDED</b>	Randwick Local Environmental Plan 2012
<b>ADDRESS</b>	11A Marcel Avenue, Coogee
<b>DESCRIPTION</b>	Lot 51 DP 318884
<b>RECEIVED</b>	25 August 2022
<b>FILE NO.</b>	IRF22/2797
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal seeks to protect and conserve the building on the subject site by applying heritage provisions under the Randwick LEP 2012.

The objectives of the planning proposal are to:

- List 11A Marcel Avenue, Coogee as a local heritage item, and
- Extend the Moira Crescent Heritage Conservation Area (HCA) to include 11A Marcel Avenue, Coogee.

The proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

## 1.3 Explanation of provisions

The planning proposal seeks to list 11A Marcel Avenue, Coogee and include it in the Moira Crescent Heritage Conservation Area by amending the Randwick LEP 2012 per the changes below:

- Amend Part 1, *Schedule 5 Environmental Heritage* to list 11A Marcel Avenue, Coogee as a local heritage item:

Suburb	Item name	Address	Property description	Significance	Item no.
Coogee	Denison Hall	11A Marcel Avenue, Coogee	Lot 51 DP 318884	Local	1473

- Amend the Heritage Map (sheet HER\_007) to identify 11A Marcel Avenue, Coogee as a local heritage item (see **Figure 9 and Attachment H**)
- Amend the Heritage Map (sheet HER\_007) to include 11A Marcel Avenue, Coogee in the Moira Crescent heritage conservation area (C11) (see **Figure 9 and Attachment H**).

Note that the planning proposal should be amended prior to exhibition to include an advisory in Part 2 to explain that the proposed heritage item number is indicative only and will be confirmed at the finalisation stage. A Gateway condition has been included to this effect.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Existing provisions

Under the Randwick LEP 2012, the site is zoned R3 Medium Density Residential. It has a maximum height of buildings of 12m and a maximum floor space ratio (FSR) of 0.9:1. It is noted that under the existing LEP provisions that dwelling houses are subject to an alternative FSR based on a sliding scale.

The planning proposal does not seek to amend the current zoning or development standards.

The site is not currently located within a heritage conservation area (HCA) (see **Figure 8**), but the Randwick Comprehensive Planning Proposal which is currently being considered by Randwick Council, is seeking to expand the Moira Crescent HCA. If the proposed expansion is finalised, the site will be adjacent to the HCA (see **Figure 9**). However, as identified in section 1.3 above, this planning proposal seeks to further expand the HCA to include the subject site.

## 1.5 Site description and surrounding area

The site is located at 11A Marcel Avenue, Coogee and is legally described as Lot 51 DP 318884 (see **Figure 1**). It is currently occupied by a two storey plus basement level residential flat building (RFB) containing five apartments. The building was constructed in 1929 and reflects the Inter-War California Bungalow architectural style. (See **Figures 3-7**.)

The site is in the Randwick local government area (see **Figure 2**). It is approximately 790sqm in area, is rectangular in shape, and slopes away from the street. Its only street frontage faces north-east onto Marcel Avenue.

The site is in an established residential area and is surrounded by residential development ranging from 1 to 3 storeys in height. Existing development on the adjacent sites comprises:

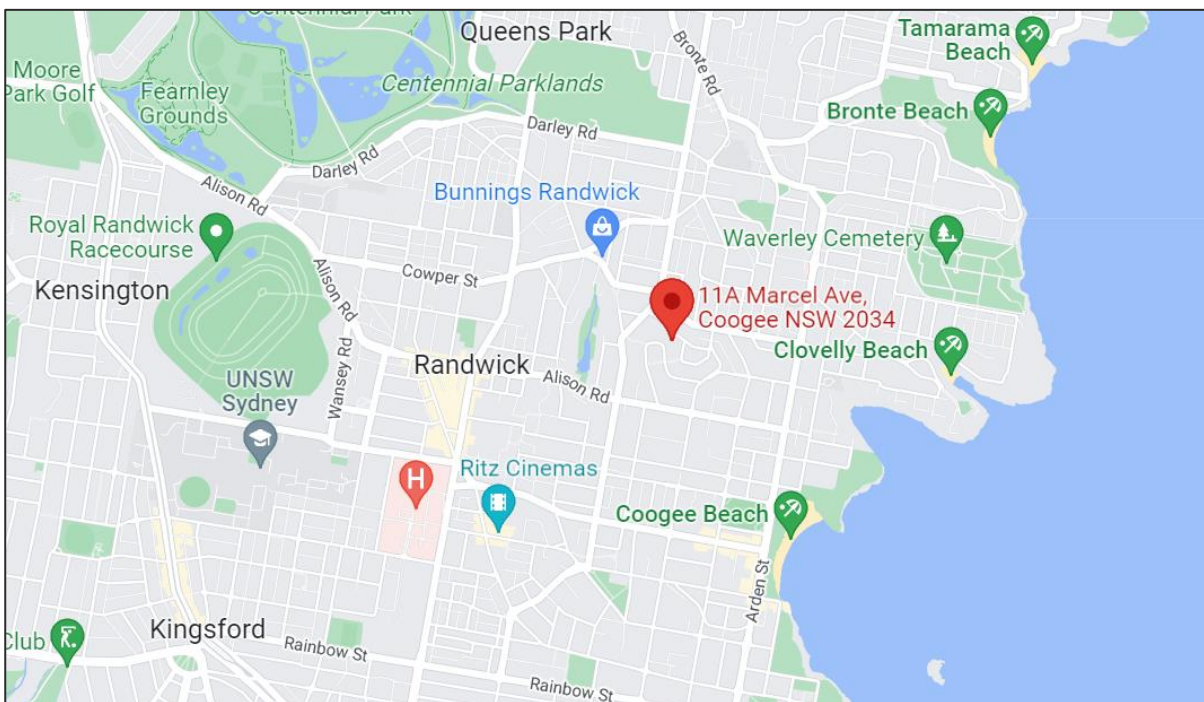
- 15 Marcel Ave to the south-east which is occupied by a single storey dwelling house, currently proposed for inclusion in the Moira Crescent HCA under the Randwick Comprehensive Planning Proposal.
- 11 Marcel Ave to the north-west which is occupied by a 3 storey RFB.
- 28 Richard Ave to the south-west which is located at the rear of the site and downslope and is occupied by a single storey dwelling house.



The Department notes a minor error on page 6 of the planning proposal which identifies the subject site as “11A Dudley Street, Coogee”. The Gateway determination includes a condition that this be updated prior to exhibition.



**Figure 1 Subject site outlined in red (source: planning proposal, May 2022)**



**Figure 2 Site context (source: Google Maps, August 2022)**





Figure 3 (left) and 4 (right) main façade as seen from Marcel Avenue (source: Heritage Assessment, March 2022)



Figure 5 interior of unit 3 (source: Heritage Assessment, March 2022)



Figure 6 (left) and 7 (right) interior of unit 1 (source: Heritage Assessment, March 2022)

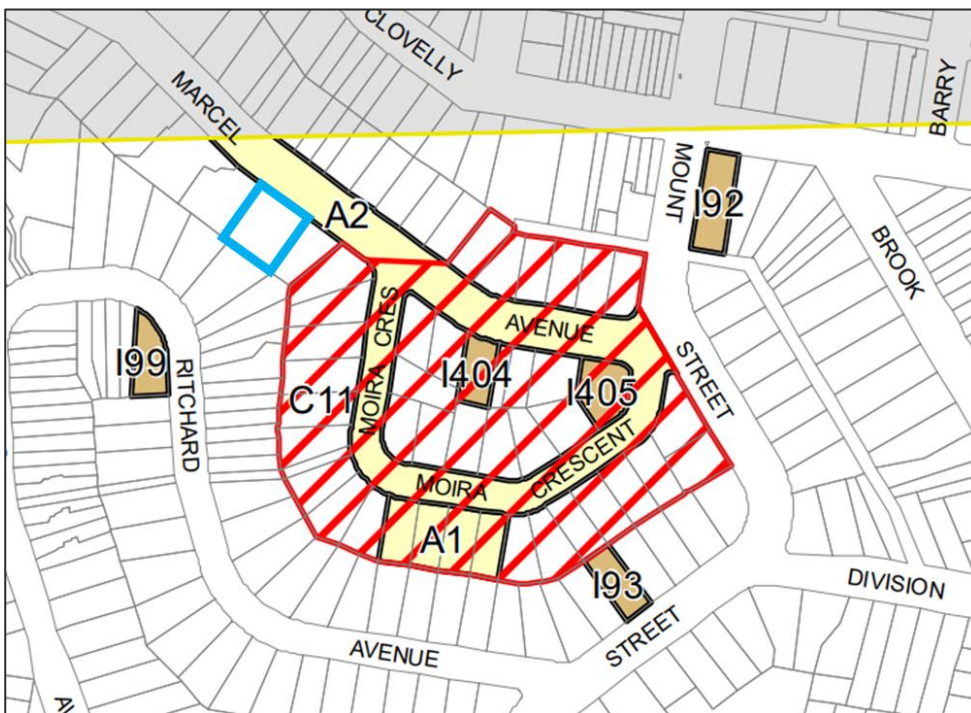


## 1.6 Mapping

The planning proposal seeks to amend the Heritage Map of the Randwick LEP 2021.

The planning proposal includes mapping showing the proposed changes to the Heritage Map. However, the mapping provided does not use the standard symbology (brown with black outline for item, red hatching for HCA). The Gateway determination includes a condition that the planning proposal be updated to include a draft map with LEP mapping standards prior to exhibition.

The Department notes a minor error on page 17 of the planning proposal where it references “Attachment 8” instead of “Attachment 5”. The Gateway determination includes a condition that this be updated prior to exhibition.



**Figure 8 Current heritage map, subject site highlighted in blue (source: extract of HOB\_007 in Randwick LEP 2012)**



**Figure 9 Proposed heritage map (showing extended Moira Crescent HCA as proposed under the Comprehensive Planning Proposal PP-2021-4267) (source: planning proposal, May 2022)**

## 1.7 Background

**Table 3 Timeline**

Date	Event
21 December 2021	A development application (DA) was lodged with Council for the demolition of the RFB on the subject site. The DA was exhibited between December 2021 and February 2022. Council received a significant number community submissions objecting to the DA. Two heritage assessments were prepared and submitted on behalf of the community recommending heritage protection of the site.
22 February 2022	At the Council meeting on 22 February 2022, Council resolved to undertake a heritage assessment of 11A Marcel Avenue, Coogee (See <b>Attachment E.</b> )

25 February 2022	<p>City Plan Heritage prepared a Heritage Assessment (dated March 2022) (<b>Attachment D</b>) for the subject site which found that the site met three out of the seven Significance Assessment criteria and is of local heritage significance.</p> <p>The report recommended that 11a Marcel Avenue is listed as a Heritage item in the Randwick LEP 2012 and that the boundary of the Moira Crescent Conservation Area is amended to include 11A Marcel Avenue. (See also <b>Attachment A.</b>)</p>
4 March 2022	<p>Council placed an IHO on the building and site under delegated authority in accordance with the <i>Heritage Act 1977</i>. IHO No. 7 was published in Government Gazette No. 88 of 4 March 2022 – Planning and Heritage. (See <b>Attachment F.</b>)</p>
14 April 2022	<p>The matter was referred to the Randwick Local Planning Panel for advice.</p> <p>The LPP advised Council that it supports heritage listing and extension of the HCA and also recommended that Council consider further information from the landowner prior to making its decision.</p> <p>The landowner stated in its submission that additional information would be provided within 4 weeks of the Panel meeting. (See <b>Attachment G.</b>)</p>
28 April 2022	<p>The landowner lodged a Class 1 application for appeal (pursuant to 30(1) of the <i>Heritage Act 1977</i>) against the making of the IHO.</p>
18 May 2022	<p>Council received a submission and additional information from the landowner which included the following documents:</p> <ul style="list-style-type: none"> <li>• Heritage Report by Urbis Pty Ltd</li> <li>• Engineers Report by NB Engineers</li> <li>• Engineers Report by Acumen Engineers Consulting Australia Pty Ltd</li> <li>• Geotechnical Report by Antoniades Architects</li> <li>• Photographic record.</li> </ul>
31 May 2022	<p>Council representatives, landowner representatives, and heritage consultants met on site to view the property and discuss the landowners' concerns.</p>
16 June 2022	<p>The planning proposal states that Council's heritage consultant considered the issues raised in the landowner's submission and maintained that the property merits heritage protection. The consultant advised that there is still opportunity for some redevelopment on the site and that the engineering, drainage and geotechnical issues raised in the landowner's submission could be addressed as part of a development application process. (See <b>Attachment K.</b>)</p>
28 June 2022	<p>At its Ordinary Meeting, Council resolved to endorse the planning proposal to proceed to Gateway (See <b>Attachment J.</b>)</p>

## 2 Need for the planning proposal

This planning proposal is a result of Council's resolution for preliminary assessment of potential heritage listing of the site at 11A Marcel Avenue, Coogee. The planning proposal is based on the recommendations of a heritage assessment undertaken by City Plan (March 2022) (**Attachment D**). The assessment concluded that the site at 11A Marcel Avenue, Coogee (also known as 'Denison Hall') meets the threshold for listing as a local heritage item and inclusion in the Moira Crescent HCA.

The assessment was undertaken in accordance with the NSW Heritage Office (now Heritage NSW) Guidelines 'Assessing Heritage Significance (July 2001)' and the key findings of the assessment against the criteria are shown in **Table 4** below.

Council resolved to note advice provided by the Randwick LPP and forward the planning proposal to the Department with a request for a Gateway determination.

The planning proposal is the only means to amend 1 Schedule 5 of Randwick 2012 to reflect the local heritage significance of the site and apply the provisions for conservation management.

Council considers that the planning proposal is consistent with the objectives and directions of Greater Sydney Commission's Region Plan, the Eastern City District Plan and Council's Local Strategic Planning Statement.

The Department considers amending the Randwick LEP 2012 by listing 11A Marcel Avenue, Coogee as a heritage item under Schedule 5 and by expanding the Moira Crescent HCA to include the site is the most appropriate mechanism to meet the objective of the planning proposal.

**Table 4 Summary of Heritage Assessment by City Plan (dated March 2022)**

Criteria	Heritage Assessment	
(a) Historic significance	YES	<p><i>"Denison Hall has historical significance as part of the fourth subdivision of the Bishopscourt Estate in 1926 and as evidence of the suburbanisation of Randwick in the first half of the twentieth century.</i></p> <p><i>The scale, materiality, and setbacks of Denison Hall reflect the building covenant attached to land sold as part of the fourth subdivision of the Bishopscourt Estate and contribute to the identified heritage significance of the Moira Crescent Conservation Area. Denison Hall is representative of the Inter-war residential development and the 1920s boom in flat construction throughout metropolitan Sydney.</i></p> <p><i>Denison Hall <b>meets</b> the threshold for listing as a heritage item at the Local level under Criterion (a)."</i></p>
(b) Historical association significance	NO	<p><i>"The site has some tenuous associations with previous owners of the area, including the Anglican Property Trust Diocese of Sydney and the Bishops of Sydney (1856 to 1911) and the Sisters of the Good Samaritan (1914 to 1924).</i></p> <p><i>The site containing 11a Marcel Avenue Randwick was purchased in 1928 by Alfred Henry Padey, a local builder. and resident of Marcel Avenue. Padey, constructed Denison Hall Flats as a source of rental income, retaining the block until his death in 1948 when it was transferred to his son.</i></p> <p><i>Despite the association of the property with the Padey family for over thirty years, 11a Marcel Avenue <b>does not</b> meet the threshold for listing as a heritage item at the Local level under Criterion (b)."</i></p>



Criteria	Heritage Assessment	
(c) Aesthetic / technical significance	YES	<p><i>“Despite minor changes, Denison Hall demonstrates the characteristics of the Californian Bungalow idiom applied to an Inter-war flat building including projecting window frames, geometric patterned lead light glazing, grouped posts, and street-facing gable. Its scale and materiality are compatible with the one and two storey residential buildings within the Moira Crescent Heritage Conservation Area.</i></p> <p><i>Denison Hall demonstrates the characteristic of Inter-war flat buildings within Randwick LGA and <b>meets</b> the threshold for listing as a heritage item at the Local level under Criterion (c).”</i></p>
(d) Community / cultural significance	NO	<p><i>“The research conducted to date does not reveal any special association with a community group or groups. Denison Hall does not meet the threshold for listing under Criterion (d).”</i></p>
(e) Research potential	NO	<p><i>“The site contains sandstone blocks forming a retaining wall running east-west through the middle of the allotment appear to have been sourced in 1925 from the building materials salvaged from Bishopscourt and its stables. The area that Denison Hall is constructed was part of the Bishopscourt Estate and may contain remnants of the structures or outbuildings that were in existence at the time. However, the Denison Hall site has low archaeological potential apart from the sandstone blocks retaining wall. Therefore, Denison Hall <b>does not</b> meet the threshold for listing under Criterion (e).”</i></p>
(f) Rarity	NO	<p><i>“11a Marcel Avenue is of a typical example of an Inter-War flat building seen in the local area and therefore it is not rare in this regard.</i></p> <p><i>11a Marcel Avenue <b>does not</b> meet the threshold for listing as a heritage item at the Local level under Criterion (f).”</i></p>
(g) Representativeness	YES	<p><i>“Despite minor modifications, Denison Hall demonstrates the characteristics of Inter-war flat buildings constructed throughout Randwick LGA.</i></p> <p><i>In our opinion 11a Marcel Avenue <b>meets</b> the threshold for listing as a heritage item at the Local level under Criterion (g).”</i></p>

### Landowner's submission

The landowner's concerns regarding the process taken by Council for the proposed heritage listing are noted. A Council authorised under section 25 of the *Heritage Act 1977* may make an IHO for a place if the Council considers it may, upon further investigation, be found to have local heritage significance, and that the Council considers is being or is likely to be harmed.

A planning proposal forms part of the plan making process under the *Environmental Planning and Assessment Act 1979* required to amend a Council's LEP to list a place as a local heritage item.

As such, the current legislations allow a Council to pursue heritage listing of a place on its LEP via a planning proposal, and where relevant, make an IHO to provide temporary protection of the place while a heritage assessment is being carried out.

The proposed listing of the site would enable consideration to be given to the nature of any proposed change in the future and its potential impact on the heritage significance of the sites through the application of Clause 5.10 of the Randwick LEP 2014.



The proposed listing does not preclude any future development of the properties, such as change of use, renovation, alterations, additions or adaptation. The listing will ensure that the effect of any proposed development on the heritage significance will be considered prior to a development consent being granted. As part of the development application process, the consent authority may require a heritage management document (e.g. heritage conservation management plan or heritage impact statement) to be prepared to assess the effect of the development and to enable informed decisions to be made.

During exhibition of the planning proposal, any members of the community may make a submission to Council. Council as the planning proposal authority will consider any submissions made to inform its decision as to whether the planning proposal should be finalised.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with the relevant objectives of the 'Greater Sydney Regional Plan: A Metropolis of Three Cities (March 2018)'. See **Table 5** below.

**Table 5 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 13: Environmental Heritage is identified, conserved and enhanced	<p>Objective 13 states that "heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations." It notes that environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>Environmental heritage is defined as "the places, buildings, works, relics, moveable objects and precincts of State or local heritage significance."</p> <p>The Heritage Assessment (<b>Attachment D</b>) concludes that 11A Marcel Avenue, Coogee should be included as a local heritage item in the Randwick LEP 2012 because it meets the historic, aesthetic/technical and representativeness criteria in 'Assessing Heritage Significance (July 2001)'.</p> <p>The planning proposal is consistent with Objective 13 because it seeks to recognise and protect these heritage values.</p>

### 3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The proposal is consistent with the priorities for liveability as outlined below.

The Department is satisfied the proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 6** below includes an assessment of the planning proposal against the relevant direction.

**Table 6 District Plan assessment**

District Plan Priorities	Justification
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>Planning Priority E6 states that “identifying, conserving, interpreting and celebrating Greater Sydney’s heritage values leads to a better understanding of history and respect for the experiences of diverse communities.”</p> <p>Action 20 states that environmental heritage should be identified, conserved and enhanced by:</p> <ul style="list-style-type: none"> <li>a. <i>Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</i></li> <li>b. <i>Applying adaptive reuse and interpreting heritage to foster distinctive local places</i></li> <li>c. <i>Managing and monitoring the cumulative impact of development on the heritage values and character of places</i></li> </ul> <p>The planning proposal is consistent with this Priority because it seeks to provide the statutory mechanism to protect and respect an item identified as having local heritage significance in the Randwick LGA. The heritage listing and expansion of the HCA will ensure the LEP will limit the impact of development on the site's heritage values.</p>

### 3.3 Local

The proposal states that it is consistent with the Randwick City Local Strategic Planning Statement 2020. (See **Table 7** below.)

To be consistent with the LEP Making Guidelines, it is recommended that Part 3A Q1 of the planning proposal is updated to address Heritage Assessment and Part 3B Q4 is updated to address consistency with the relevant priorities and actions in the LSPS in more detail. A Gateway condition has been included to this effect.

**Table 7 Local strategic planning assessment**

Local Strategies	Justification
Randwick City Local Strategic Planning Statement (LSPS) (March 2020)	<p><u>Planning Priority 4: conserve and protect our unique built cultural heritage</u></p> <p>Council’s planning proposal states: “The addition of 11A Moira Crescent, Coogee, as a new heritage item and the expansion of the Moira Estate HCA to include 11A Marcel Avenue, Coogee will preserve and protect the built heritage within the LGA.”</p> <p>The proposal is consistent with the Randwick LSPS.</p>

### 3.4 Local planning panel (LPP) recommendation

The Randwick Local Planning Panel (the Panel) considered the planning proposal at its meeting on 14 April 2022. The Panel made the following advice to Council (see **Attachment G**):

**RESOLUTION:**

*That the Randwick Local Planning Panel advises Council that based on the information provided to date, it supports the inclusion of a 11A Marcel Avenue, Coogee (Lot 51*

DP318884) within Schedule 5 - Part 1 – Heritage Items and extension of the boundary of the Moira Crescent Heritage Conservation Area (Schedule 5- Part 2 – Heritage Conservation Areas) of Randwick LEP 2012. However, the Panel recommends that Council also consider further information on the structural condition and heritage significance from the owner, which the owner's representative has indicated will be provided within four (4) weeks of the date of the Panel's meeting.

**REASON:**

The Panel has visited or is familiar with the site, considered the submissions (oral and written) and reviewed the planning proposal report prepared by Council officers including the heritage assessment prepared by City Plan Heritage. The Panel notes the owner's representative requests that they be given the opportunity to provide a heritage assessment and report on structural condition.

The Panel considers that based on the information before it, the planning proposal should proceed to Gateway. However, Council's decision on this should not occur until Council has all relevant information before it, including the owner's submission(s).

## 3.5 Council Resolution

Randwick City Council considered the planning proposal at its meeting on 28 June 2022 and resolved (**Attachment J**):

**RESOLUTION: (Rosenfeld/Neilson) that Council:**

- a) consider the advice provided by the Randwick Local Planning Panel at its meeting of 14 April 2022 (Attachment 3) and endorse the attached draft Planning Proposal to amend Schedule 5 to include 11A Marcel Avenue, Coogee, as a local heritage item and to extend the boundary of the Moira Crescent Heritage Conservation Area (to include the subject property);
- b) forward the attached draft Planning Proposal to the Department of Planning and under Section 3.34 of the Environmental Planning and Assessment Act 1979;
- c) the conditions of the Gateway Determination and bring back a report to Council detailing the results of the community consultation for final consideration by Council; and
- d) authorise the Director, City Planning to make typographical, grammatical or formatting changes to the documentation prior to submission to the Department of Planning and Environment.

## 3.6 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant 9.1 Directions. See **Table 8** below.

**Table 8 9.1 Ministerial Direction assessment**

Direction	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of Direction 1.1 is to give legal effect to the Regional Plan.</p> <p>The proposal is consistent with the Greater Sydney Region Plan as discussed in Section 3.1 of this report.</p>

Direction	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal seeks to list 11A Marcel Road Coogee as a local heritage item in the Randwick LEP 2012 and include it in the Moira Ave HCA.</p> <p>The proposal is supported by a Heritage Assessment prepared by City Plan (March 2022) in accordance with the NSW Heritage Manual 'Assessing Heritage Significance' guidelines. The Heritage Assessment concludes that the item meets the Heritage NSW criteria for historical, aesthetic/technical and representativeness value and merits local heritage listing. A draft Heritage data form accompanies the proposal.</p> <p>The Gateway determination includes a condition that Heritage NSW be consulted during exhibition.</p>
6.1 Residential Zones	Consistent	<p>The objective of Direction 6.1 is to encourage a variety and choice of housing and make efficient use of existing infrastructure and services.</p> <p>Direction 6.1 applies because the proposal will affect land within and existing residential zone.</p> <p>The proposal is not inconsistent with this Direction because it seeks to maintain the current residential use and zoning of the property while protecting its heritage value and its contribution to the Moira Crescent HCA. The proposal does not alter the existing development standards applicable to the site.</p>

### 3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs (see **Table 9** below).

The Department notes a minor error on page 11 of the planning proposal which references “the Table in Attachment D”. Attachment D has not been provided with the planning proposal. The Gateway determination includes a condition that this be updated prior to exhibition.

**Table 9 SEPP assessment**

SEPP	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development Codes) 2008	This policy aims to provide streamlined assessment processes for development that complies with specific development standards.	Consistent	<p>The proposal seeks to add a new item to the heritage list and amend an existing Heritage Conservation Area.</p> <p>The Codes SEPP does not apply to heritage items and is limited in application to HCAs.</p> <p>The application of the SEPP will be slightly reduced in the Randwick LGA because of this proposal. The SEPP was designed to have limited impact on buildings with heritage values, and thus this impact is a result of the SEPP operating as intended.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The subject site is in an established urban area. It is considered highly unlikely that critical habitat areas, threatened species, populations, or ecological communities will be adversely impacted by the planning proposal.

The need for the planning proposal has arisen from the recommendations of a heritage significance assessment. The proposal would facilitate the conservation of the sites which have been found to have heritage significance.

The planning proposal does not seek to facilitate any significant change in the exiting land use. Accordingly, there are unlikely to be significant environmental impacts resulting from the proposal.

### 4.2 Social and economic

The proposal is unlikely to result in significant negative social or economic impacts. (See **Table 10** below.)

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal may have a positive a social effect on the local community by preserving local character and enhancing placemaking outcomes.</p> <p>The planning proposal is unlikely to result in negative social impacts.</p> <p>Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to determine whether the proposed heritage listing is supported and appropriate.</p>



## Economic

The planning proposal may have a minor economic impact on the landowner because there are additional costs involved in preparing DAs and modifying heritage listed sites. Listing the site will also prevent certain works from being undertaken as exempt and complying development.

The site will remain zoned R3 Medium Density Residential and the existing use (residential flat building) will remain permissible. The draft Heritage Data Form produced by City Plan Heritage (June 2022) (**Attachment I**) notes that “alterations and additions to the rear of the building including extension to the rear to improve amenity and floorspace of the units in accordance with the controls of the Randwick LEP & DCP in a sympathetic and compatible manner may be allowable”.

As discussed above, the proposed listing means that the consent authority will need to consider the effect of any future development on the heritage significance of the site pursuant to Cl. 5.10 of the LEP, it does not prohibit change or development as such. The proposal is considered to have an acceptable economic impact.

## 4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal will not facilitate intensified development on the site. The site has existing access to public infrastructure such as water, sewer, electricity, and telephone services.

## 5 Consultation

### 5.1 Community

The proposal did not specify a proposed community consultation period, but states that:

- the exhibition will be consistent with the requirements of the Gateway Determination and LEP Making Guideline (December 2021),
- the exhibition will include direct notification of the landowner, notification on Council's website, and notification to affected adjoining landowners, and
- the following documents will be made available for viewing during the exhibition:
  - Heritage report
  - Interim Heritage Order Gazettal
  - Background Council reports and resolutions
  - Planning Proposal
  - Inventory sheets for the proposed local heritage item
  - Gateway Determination.

Under the LEP Making Guideline (December 2021), the planning proposal is identified as 'standard'. The Guideline's recommended community consultation timeframe for standard planning proposals is 20 working days.

The Department considers the recommended timeframe for community consultation is appropriate and notes that it ensures the landowner has sufficient time to prepare their submission.

The Gateway determination includes a condition that the proposal be exhibited for a minimum of 20 working days.

## 5.2 Landowner

The planning proposal identifies that there has been consultation with the landowner. It is noted that the landowner has lodged a Class 1 appeal against the IHO and objects to the proposal. The landowner has submitted reports and photographs to Council in support of their objection, including:

- Heritage Report by Urbis Pty Ltd
- Engineers Report by NB Engineers
- Engineers Report by Acumen Engineers Consulting Australia Pty Ltd
- Geotechnical Report by Antoniades Architects
- Photographic record.

The Department notes that the landowner will have the opportunity to provide further feedback on the planning proposal during exhibition and has recommended 20 working days to ensure the landowner has sufficient time to prepare their feedback.

Council is required to consider all submissions as part of finalisation, including any submission and studies submitted by or on behalf of the landowner.

## 5.3 Agencies

The proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal:

- Heritage NSW
- The National Trust of Australia (NSW)

A condition is included in the Gateway determination.

## 6 Timeframe

Council proposes a 5 month time frame to complete the LEP (by January 2023).

The Department recommends an extended time frame of 8 months, for the LEP to be completed by 30 April 2023, to account for the end of year shutdown periods.

A condition to the above effect is included in the Gateway determination.

The Department also notes that Part 6 Timeline will need to be updated prior to exhibition to reflect these timeframes. The Gateway determination includes a condition to this effect.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

The proposed heritage listing is considered a local matter, and is consistent with all strategic documents, including Section 9.1 directions and SEPPs. A condition has been recommended to require consultation with Heritage NSW and the National Trust of Australia for any expert advice on the proposed heritage listing.

As the planning proposal is of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is supported by a heritage assessment report prepared in accordance with the NSW Heritage Office Guidelines that identifies the subject site as being of local heritage significance and merits inclusion in the Moira Avenue HCA
- The proposal is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs and Section 9.1 Directions.
- It will recognise and provide ongoing protection and allow for better conservation management of the sites which have been identified to be of local heritage significance.

It is recommended that the planning proposal is amended before consultation to:

- Update Part 3A Q1 of the planning proposal to discuss the Heritage Assessment that supports the planning proposal
- Update Part 3B Q4 of the planning proposal to address consistency with the relevant priorities and actions in the Local Strategic Planning Statement in more detail.
- Correct the street address of the site in the table on page 6 of the planning proposal
- Update reference to "Attachment D" on page 11 of the planning proposal (either by removing the reference to Attachment D or including the attachment with the planning proposal)
- Update reference to "Attachment 8" on page 17 of the planning proposal to correct reference to attachment number ("Attachment 5"), and update Attachment 5 to include a draft map showing the proposed listing of the site as a heritage item and the extension of the HCA using standard symbology
- Update Part 6 Project Timeline to reflect the timeframe stated in the Gateway determination
- Include an advisory in Part 2 of the planning proposal to explain that the proposed heritage item number is indicative only and will be confirmed at the finalisation stage.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that there are no inconsistencies with relevant section 9.1 Directions.

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

1. Prior to community consultation, the planning proposal is to be amended to:
  - Update Part 3A Q1 of the planning proposal to discuss the Heritage Assessment that supports the planning proposal
  - Update Part 3B Q4 of the planning proposal to address consistency with the relevant priorities and actions in the Local Strategic Planning Statement in more detail.
  - Correct the street address of the site in the table on page 6 of the planning proposal
  - Update reference to "Attachment D" on page 11 of the planning proposal (either by removing the reference to Attachment D or including the attachment with the planning proposal)
  - Update reference to "Attachment 8" on page 17 of the planning proposal to use correct attachment number ("Attachment 5"), and update Attachment 5 to include a draft map

showing the proposed listing of the site as a heritage item and the extension of the HCA using standard symbology

- Update reference to “Attachment 8” on page 17 to correct the attachment number to “Attachment 5”, and update Attachment 5 to include a draft map to reflect the proposal to identify the site as a heritage item and extend the HCA consistent with LEP mapping standards
  - Update Part 6 Project Timeline to reflect the timeframe stated in the Gateway determination
  - Include an advisory in Part 2 of the planning proposal to explain that the proposed heritage item number is indicative only and will be confirmed at the finalisation stage
2. Consultation is required with the following public authorities:
    - Heritage NSW
    - The National Trust of Australia (NSW).
  3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
  4. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
  5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

30 August 2022

\_\_\_\_\_  
(Date)

Kelly McKellar

Specialist Planning Officer, Agile Planning and Programs



\_\_\_\_\_  
(Signature)

5 September 2022

\_\_\_\_\_  
(Date)

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