

Gateway Determination

Planning proposal (Department Ref: PP-2023-276): to list 1 and 3 Berwick Street, Coogee as heritage items under Schedule 5 of the Randwick Local Environmental Plan 2012.

I, the Manager, Place and Infrastructure at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Randwick Local Environmental Plan 2012 to list 1 and 3 Berwick Street, Coogee as local heritage items should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be revised to:
 - (a) Outline the objectives and intended outcomes of the planning proposal in plain English as per the Department's Local Environmental Plan Making Guideline (September 2022), noting that the above are different from an explanation of provisions.
 - (b) Clarify whether the proposal seeks to create individual listing for each of 1 Berwick Street and 3 Berwick Street, or a group listing incorporating the above sites in conjunction with 5 Berwick Street, the listing of which is being progressed via the Randwick Comprehensive Planning Proposal. This should be clarified in the "intended outcomes" section of the planning proposal.
 - (c) Include an assessment of heritage significance in the planning proposal clearly setting out the listing criteria in the NSW Heritage Office manual, *Assessing Heritage Significance*, 2001 and explaining how the sites satisfy the relevant criteria. The assessment should address the 'inclusion' / 'exclusion' guidelines in the above manual.
 - (d) Update the heritage inventory sheets to clearly identify which listing criteria have been satisfied for both sites. In particular, confirm whether both sites satisfy criterion (e) research potential, and whether the site at 1 Berwick Street, Coogee satisfies criterion (f) rarity and criterion (g) representativeness. Ensure the discussions in the inventory sheets and planning proposal are consistent.
 - (e) Include a comparative analysis in the heritage assessment to justify any findings that the site/s satisfy criterion (f) rarity and criterion (g) representativeness; the analysis should compare the sites against other similar types of buildings within the suburb or local government area (or broader area as appropriate).
 - (f) Confirm the architectural style of the Inter-War dual occupancy building at 1 Berwick Street, Coogee and revise the site and item descriptions in the planning proposal accordingly.
 - (g) Update the discussion regarding the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to clarify that certain exempt development provisions apply to heritage items.
 - (h) Update the discussion regarding section 9.1 Ministerial Direction – 3.2 Heritage Conservation to address clause (1)(a) of the direction.
 - (i) Provide information to address the relevant provisions of the Randwick Community Strategic Plan relating to protection of local heritage.
 - (j) Make reference to both sites in the discussions and assessment in the planning proposal and rectify any omission.

- (k) Include a proposed heritage map indicating the listing of the sites, and clearly identify the subject land in all mapping; the indicative item numbers on the map and in the planning proposal are to be made consistent.
 - (l) Update the project timeline in accordance with the timeframes specified in the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, September 2022); in this instance the proposal must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, September, 2022).

Exhibition must commence within two months following the date of the Gateway determination.

3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Environment and Heritage Group, Department of Planning and Environment; and
 - National Trust of Australia, NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 20 working 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 EP&A 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP is to be completed within **six months** of the date of the Gateway determination.

7. The planning proposal must be reported to Council for a final recommendation not more than four months from the date of the Gateway determination.

Dated 2 March 2023.



Simon Ip

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Planning and Land Use Strategy

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**Delegate of the Minister for Planning and
Homes**