



IRF23/539

Gateway determination report – PP-2023-276

Planning Proposal, Local Heritage Listing of 1 and 3
Berwick Street, Coogee

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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.

Contents

1	Planning proposal.....	3
1.1	Overview.....	3
1.2	Objectives of planning proposal	3
1.3	Explanation of provisions	4
1.4	Site description and surrounding area.....	4
1.5	Mapping.....	6
1.6	Background	7
2	Need for the planning proposal	8
	Strategic assessment	12
2.1	Regional Plan	12
2.2	District Plan	13
2.3	Local.....	14
2.4	Local planning panel (LPP) recommendation.....	14
2.5	Section 9.1 Ministerial Directions	14
2.6	State environmental planning policies (SEPPs)	15
3	Site-specific assessment	15
3.1	Environmental.....	15
3.2	Social and economic.....	15
3.3	Infrastructure	16
4	Consultation.....	16
4.1	Community	16
4.2	Agencies.....	16
5	Timeframe	17
6	Local plan-making authority	17
7	Assessment summary	17
8	Recommendation.....	17

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal - 1 and 3 Berwick Street, Coogee (PP-2023-276) – 8 February 2023
Heritage Data Form - 1 Berwick Street, Coogee – 13 October 2022
Heritage Data Form - 3 Berwick Street, Coogee – 13 October 2022
Draft LEP Map

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Randwick
PPA	Randwick City Council
NAME	Proposed heritage listing of 1 and 3 Berwick Street, Coogee
NUMBER	PP-2023-276
LEP TO BE AMENDED	Randwick Local Environmental Plan (LEP) 2012
ADDRESS	1 and 3 Berwick Street, Coogee
DESCRIPTION	Lot A DP 313214 and Lot B DP 313214
RECEIVED	8/02/2023
FILE NO.	IRF23/539
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.

1.2 Objectives of planning proposal

The objectives of the planning proposal are to provide a statutory mechanism to protect the heritage significance of 1 and 3 Berwick Street, Coogee.

The “objectives and intended outcomes” provided in the planning proposal are written as an explanation of the statutory controls to be amended. A Gateway condition is recommended to require revision to the proposal to outline the objectives and intended outcomes in plain English, prior to community consultation.

Heritage listing of an adjoining dwelling at 5 Berwick Street is currently being progressed via the Randwick Comprehensive planning proposal, which has been submitted to the Department for finalisation. The subject proposal states that 1, 3 and 5 Berwick Street “*meets the threshold for heritage listing individually, their collective interwar heritage values make stronger contribution...*” (p. 4). The proposal further considers that there is potential for listing the three properties as a group heritage item to maintain their integrity and appreciation.

However, the “explanation of provisions” section of the proposal identifies the two sites as separate items. A Gateway condition is recommended to clarify Council’s intent and provide relevant information in the “intended outcomes” section of a revised proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend Part 1 - Heritage items of Schedule 5 – Environmental heritage of the Randwick LEP 2012 per the changes below:

- insert a listing of the following sites as local heritage items:
 - “Interwar Art Deco house”, 1 Berwick Street, Coogee (Lot A DP 313214)
 - “Interwar bungalow”, 3 Berwick Street, Coogee (Lot B DP 313214)
- amend the Heritage Map to identify the sites as local heritage items.

Table 3 Proposed amendment to Schedule 5 - Environmental Heritage of the Randwick LEP 2012

Suburb	Item Name	Address	Property Description	Significance	Item no.
Coogee	Interwar Art Deco house	1 Berwick Street, Coogee	Lot A DP 313214	Local	I541
Coogee	Interwar bungalow	3 Berwick Street, Coogee	Lot B DP 313214	Local	I542

The planning proposal identifies 1 Berwick Street, Coogee as an ‘Art Deco’ building; however, the heritage inventory sheet does not mention this style of architecture in reference to the site. The item name also does not reflect the building as containing two dwellings. A Gateway condition is recommended to require confirmation of the architectural style for 1 Berwick Street and update the description accordingly.

The proposal states that the heritage item number I541 and I542 for 1 and 3 Berwick Street respectively are indicative only and will be confirmed at the finalisation stage. However, the item numbers in the supporting draft mapping do not match those in the planning proposal document.

A Gateway condition is recommended to ensure the indicative item numbers are consistent between the proposal and supporting information.

Both sites are currently zoned R3 Medium Density Residential and subject to a floor space ratio (FSR) of 0.9:1 and height of buildings standard of 12m under the Randwick LEP 2012. No changes to these existing controls are proposed.

1.4 Site description and surrounding area

The subject sites are located adjacent to each other on the southern side of Berwick Street, Coogee (**Figure 1**). The street addresses are No. 1 and No. 3 Berwick Street, Coogee, and are respectively described as Lot A and Lot B in Deposited Plan (DP) 313214.

The two sites comprise the following:

- 1 Berwick Street: a corner lot with frontage to Berwick Street on the northern boundary and Mount Street on the western boundary. Existing on-site is a two-storey Inter-War attached dual occupancy with a dwelling on each level, and a lower ground garage. It features a hipped roof with awnings to the windows on the upper ground floor supported by timber brackets. The street elevations also feature Doric columns. The site has a land area of approximately 392 m².
- 3 Berwick Street: a north-south oriented lot with frontage to Berwick Street. Existing on-site is a single-storey Inter-War bungalow presenting an asymmetrical street façade constructed with a combination of face bricks and stones. The residence has a hipped roof clad in

terracotta Marseilles tiling, with a prominent gable facing Berwick Street. The site has a land area of approximately 368 m².

Adjoining 3 Berwick Street to the east is a single-storey, Inter-War bungalow of face brick construction at 5 Berwick Street. This property is proposed to be listed as a local heritage item as part of the Randwick Comprehensive Planning Proposal, which has been submitted to the Department for finalisation.

The subject sites are not located within a heritage conservation area.

The surrounding context is characterised by a variety of low and medium density residential development on different lot sizes, including a mix of Federation, Inter-War and Post-War buildings along with contemporary infill development.

The sites are in close proximity to Coogee Beach and Coogee local centre, which are approximately 550m away, and Randwick town centre is approximately 1.7km away.



Figure 1 Aerial photograph of the subject sites (source: Planning Proposal)



Figure 2 No. 1 Berwick Street, Coogee as viewed from the street (source: Planning Proposal)



Figure 3 No. 3 Berwick Street, Coogee as viewed from the street (source: Planning Proposal)

1.5 Mapping

The planning proposal is supported by a map sheet showing the proposed changes to the Heritage Map of Randwick LEP 2012.

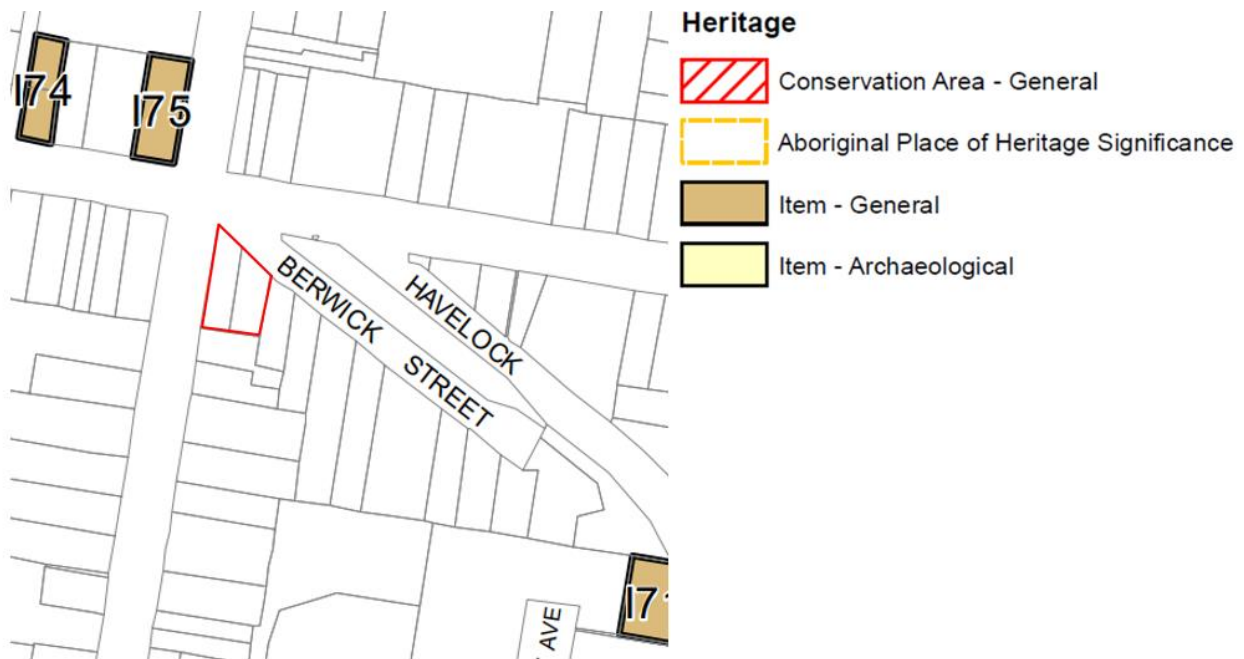


Figure 4 Current Heritage Map, with the sites outlined in red (adapted from Randwick LEP 2012 – Heritage Map)

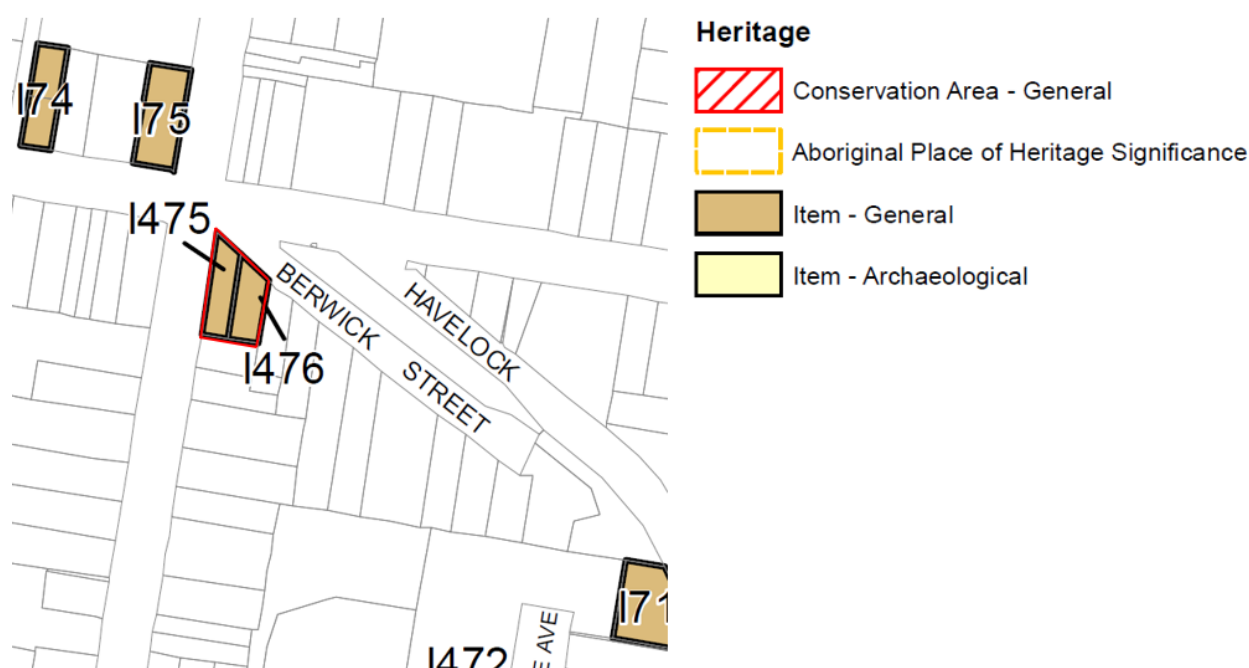


Figure 5 Proposed Heritage Map, with the sites outlined in red (adapted from mapping submitted by Council)

However, the planning proposal document only provides extracts of the existing heritage map and the proposed heritage map that relates to the Randwick Comprehensive Planning Proposal. It does not have a proposed heritage map that clearly identifies the listing of the subject sites. A Gateway condition is recommended to require appropriate mapping to explain the proposed LEP amendment.

1.6 Background

- 31 May 2022 - the Randwick Comprehensive Planning Proposal was placed on public exhibition for 6 weeks until the 12 July 2022. One submission was received from the property owner of 1 Berwick Street, Coogee, requesting the listing of his property as a local heritage item.
- August 2022 – The above request was referred to Council’s heritage consultant, City Plan Heritage, for review as part of a bundle of heritage-related submissions on the Comprehensive Planning Proposal received during public exhibition.
- 26 August 2022 – A Development Application (DA/432/2022) was received for Torrens Title subdivision of the site at 3 Berwick Street into two allotments and construction of a semi-detached dwelling on each of the proposed allotments. Council states that a significant number of submissions from the community were received, which objected to the proposed demolition as the existing building potentially has heritage significance. The application is active and under assessment by Council at the time of writing.
- 27 September 2022 – Council resolved that a preliminary heritage assessment of the building at 3 Berwick Street, Coogee be urgently undertaken, and if the assessment finds that the site has local significance, then an Interim Heritage Order (IHO) is to be placed on the property.
- 13 October 2022 - Council received a copy of correspondence informing that 3 Berwick Street would be demolished under a Complying Development Certificate (CDC). On the

same day, City Plan Heritage prepared an assessment of heritage significance of 3 Berwick Street for Council.

- 14 October 2022 – Council, under delegated authority, placed an IHO on the building and site at 3 Berwick Street, Coogee.
- 24 November 2022 – The Randwick Local Planning Panel (LPP) advised the Council that 1 Berwick Street and 3 Berwick Street should be included in Schedule 5 of the LEP as heritage items and supported the planning proposal to proceed to Gateway.
- 13 December 2022 – Council at its Ordinary Meeting resolved to forward the planning proposal to list 1 Berwick Street and 3 Berwick Street as heritage items to the Department for Gateway determination, among other things.

2 Need for the planning proposal

The planning proposal is the result of a heritage assessment carried out by City Plan Heritage on behalf of Council in October 2022. Council states that the proposal is consistent with the relevant planning priorities of the Randwick Local Strategic Planning Statement (LSPS).

Nos. 1 and 3 Berwick Street, Coogee have been assessed as satisfying the criteria for heritage listing at a local level pursuant to the NSW Heritage Council manual, *Assessing Heritage Significance*, 2001. The planning proposal is the best means of achieving the objective of conserving and protecting the cultural heritage of Randwick City, and is the only means to provide them with statutory protection.

Assessment of heritage significance

Council has commissioned a consultant, City Plan Heritage, to undertake an assessment of significance for both sites (in the form of heritage inventory sheets). The assessment is consistent with the Heritage Office manual, *Assessing Heritage Significance*, 2001. The sites were assessed against the seven listing criteria under the manual. If an item meets at least one of the seven criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance. The key findings of Council's assessment are summarised in **Table 4** below.

Table 4 Summary of Council's heritage assessment of the sites against the listing criteria of the NSW Heritage Office manual

Site	a) Historic	b) Associative	c) Aesthetic	d) Social	e) Research	f) Rarity	g) Representativeness
1 Berwick Street, Coogee	✓	✓	✓	No	No	No	No
3 Berwick Street, Coogee	✓	✓	✓	No	No	✓	✓

1 Berwick Street

Criterion (a) Historic Significance

With regard to 'historic significance', the site has cultural significance at a local level on account of:

- The building demonstrates the suburbanisation of Coogee following the subdivision of the nineteenth-century estates in the area and the period of prosperity in the Municipality of Randwick following World War 1.

Criterion (b) Associative Significance

With regard to 'associative significance', the site has cultural significance at a local level on account of:

- The site was constructed for Kathleen Brennan (daughter of Mr Daniel Brennan) in 1926 by architect Clement Glancey, who was the pre-eminent architect of the Catholic Romanesque in New South Wales, and whose firm was responsible for around twenty Romanesque churches and chapels between 1927 and 1942.

Criterion (c) Aesthetic Significance

With regard to 'aesthetic significance', the site has cultural significance at a local level on account of:

- It is a good example of an Inter-War residential duplex in Randwick. The house exterior includes dark coloured face brick façade, hipped roof and hipped roof awning clad in terracotta Marseilles tiling, timber brackets supporting the awning, front-facing verandah with face brick balustrade and round painted posts, bay windows, rectangular and semi-circular arched openings with timber-framed glass shutters in decorative leadlight glazing, and individual mansard awning over windows along the east and west elevations.
- It features Greek-style design elements, such as Doric columns on the northern and western elevations and Greek plaster ceilings and bathroom tiling design.

Criterion (d) Social Significance

The social significance of the site cannot be ascertained without undertaking community consultation. The inventory sheet considers that the site may have potential to satisfy this criterion.

Criterion (e) Research Potential

The planning proposal did not identify the site as meeting this criterion.

However, the inventory sheet does not provide a conclusive remark on whether this criterion is satisfied or not. A Gateway condition is recommended to require the heritage assessment to be updated to clearly identify which criteria are satisfied.

Criterion (f) Rarity

The planning proposal did not identify the site as meeting this criterion.

However, the inventory sheet appears to suggest that the site may satisfy this criterion by stating *"The house is a highly intact example of an Inter-War residential duplex, including examples of interior fixtures and finishes dating from its construction in 1926. These types of Inter-War residential duplex are now unusual and seldom found in the area and are now 'rare' items in Coogee."*

Both 'rarity' and 'representativeness' are relative criteria and generally require a comparative analysis of similar examples or type of buildings within a defined study area, in order to ascertain whether a site reaches the threshold for listing under those criteria.

The heritage assessment did not include any comparative analysis to demonstrate whether the site qualifies as a rare or representative example of its kind.

A Gateway condition is recommended to require the heritage assessment to confirm whether criterion (f) is met for this site, and if so, a comparative analysis of similar examples in the suburb or LGA (or broader area as appropriate) will be required.

Criterion (g) Representativeness

The planning proposal did not identify the site as meeting this criterion.

However, the inventory sheet appears to suggest that the site may satisfy this criterion by stating it *“is representative of the Inter-war suburban residential development constructed in Randwick in the first half of the twentieth century.”*

A Gateway condition is recommended to require the heritage assessment to confirm whether criterion (g) is met for this site, and if so, a comparative analysis of similar examples in the suburb or LGA (or broader area as appropriate) will be required.



Figure 6 Photograph of living areas of 1 Berwick Street (source: Heritage Data Form)

3 Berwick Street

Criterion (a) Historic Significance

With regard to ‘historic significance’, the site has cultural significance at a local level on account of:

- The house demonstrates the suburbanisation of Coogee following the subdivision of the nineteenth-century estates in the area and the period of prosperity in the Municipality of Randwick following World War 1.
- It represents Coogee’s first purpose-built registered dental surgery from the 1920s with dental surgery and residence that have operated continually as a dental practice for the last 96 years and still functioning as one.

Criterion (b) Associative Significance

With regard to ‘associative significance’, the site has cultural significance at a local level on account of:

- It was constructed for Victor Emmanuel Pugliese of Ulan (Dentist) in 1924, the first registered Dentist in the village of Coogee. The house remained in the ownership of Victor's family until 1949, soon after Victor's death in April 1948.

Criterion (c) Aesthetic Significance

With regard to 'aesthetic significance', the site has cultural significance at a local level on account of:

- It is a good example of an Inter-War bungalow in Randwick. The house exterior includes face brick and sandstone walls, a prominent gable with half-timber detailing supported on brick and sandstone columns, a recessed verandah and entrance, and single hung timber windows with Venetian glass.

Criterion (d) Social Significance

The social significance of the site cannot be ascertained without undertaking community consultation. The inventory sheet considers that the site may have potential to satisfy this criterion.

Criterion (e) Research Potential

The planning proposal did not identify the site as meeting this criterion.

However, the inventory sheet does not provide a conclusive remark on whether this criterion is satisfied or not. A Gateway condition is recommended to require the heritage assessment to clearly identify which criteria are satisfied.

Criterion (f) Rarity

With regard to 'rarity', the site has cultural significance at a local level on account of:

- The house is a highly intact example of an Inter-War bungalow, including examples of interior fixtures and finishes dating from its construction in c1924.
- The Inter-War bungalows are now unusual and seldom found in the area and are now "rare" items in Coogee.

The heritage assessment did not include any comparative analysis to substantiate the site's significance in this respect. A Gateway condition is recommended to require a comparative analysis of similar examples or types of building in the suburb or LGA (or broader area as appropriate).

Criterion (g) Representativeness

With regard to 'representativeness', the site represents:

- The Inter-War suburban residential development constructed in Randwick in the first half of the twentieth century.
- Coogee's first purpose-built registered dental surgery from 1924.

The heritage assessment did not include any comparative analysis to substantiate the site's significance in this respect. A Gateway condition is recommended to require a comparative analysis of similar examples or types of building in the suburb or LGA (or broader area as appropriate).



Figure 7 Photograph of the interior of 3 Berwick Street (source: Heritage Data Form)

Despite the issues raised above, Council's heritage assessment has demonstrated that both sites satisfy more than one criterion and have a high degree of integrity. As such, both sites reach the threshold for listing at a local level.

Although the planning proposal document contains a summary about the site's satisfaction of relevant listing criteria in the Heritage Office manual, a Gateway condition is recommended to require a summary of the assessment of significance to be included in the planning proposal. This should outline which criteria have been satisfied and the reasons, the assessment should also address the "inclusion/exclusion" checklist in the manual to substantiate the discussion.

Strategic assessment

2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan – *A Metropolis of Three Cities*.

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13: Environmental heritage is identified, conserved, and enhanced	The proposal is consistent with this Objective as it seeks to protect and conserve the subject sites through statutory listing to enable application of the heritage conservation provisions of Randwick LEP 2012. The sites have been identified by a heritage study as having local heritage significance. The heritage listing of the sites would protect their heritage significance and facilitate appropriate conservation and management.

2.2 District Plan

The site is within the Eastern City District and the Greater Cities Commission (formerly 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 planning proposal is consistent with the priorities for liveability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Direction: Housing the City: Giving people housing choices Planning Priority E5 Providing housing supply, choice, and affordability with access to jobs, services, and public transport	<p>The aim of this planning priority is to provide housing supply, choice, and affordability with access to jobs, services, and public transport.</p> <p>The planning proposal acknowledges the heritage listing of the sites may impact on their development potential. Nevertheless, the potential impact on housing supply would be limited as the proposal only affects two sites.</p> <p>The proposed listing 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 application of Clause 5.10 of the Randwick LEP.</p> <p>Heritage listing does not preclude any future development of the properties, such as change of use, 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.</p> <p>The proposal does not seek to amend the existing land zoning, floor space ratio and height of buildings controls.</p> <p>As such, the proposal is not considered to unreasonably restrict future development of the site. It will ensure due process will be undertaken that considers the potential impacts on the heritage significance.</p>
Direction: A City of Great Places: Designing Places for People Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>The planning proposal will give effect to this planning priority by identifying the sites, which have been assessed to reach the threshold for local heritage listing, on Schedule 5 of the Randwick LEP 2012. The proposal will facilitate the protection of the heritage significance of the sites.</p>

2.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
Randwick Local Strategic Planning Statement (LSPS) Direction: Liveability Planning Priority 4: conserve and protect our unique built cultural heritage	<p>The aim of this priority is to conserve and protect unique built cultural heritage within Randwick LGA. The proposal is consistent with this priority.</p> <p>The proposal also references Action 4.1 of the LSPS - <i>Undertake a heritage review of Randwick City to identify additional heritage items and HCAs including boundary adjustments where necessary.</i></p> <p>While this action more relates to the Randwick Comprehensive Planning Proposal, which incorporates a major heritage review with multiple new listings, the subject proposal, which is informed by a heritage assessment, would complement the above action by identifying additional items for protection.</p>
Randwick Community Strategic Plan (CSP)	<p>The planning proposal did not address the CSP.</p> <p>The proposal is consistent with the CSP's intended outcome "A city with excellent built form that recognises local character" under its "Housing" strategy.</p> <p>A Gateway condition is recommended to require the planning proposal to address the relevant provisions of the CSP.</p>

2.4 Local planning panel (LPP) recommendation

Consistent with the Ministerial Direction for Local Planning Panels, Council has referred the planning proposal to the Randwick LPP for advice. On 24 November 2022, the Randwick LPP advised Council that it supports the inclusion of 1 and 3 Berwick Street, Coogee in Schedule 5 of the Randwick LEP 2012 and to progress the planning proposal to Gateway.

2.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent.	The proposal will give effect to the Greater Sydney Region Plan – <i>A Metropolis of Three Cities</i> and Eastern City District Plan and is consistent with this Direction.

3.2 Heritage Conservation	Consistent.	<p>The aim of this Direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance. The proposal is consistent with this direction as the heritage listing will facilitate the conservation of the sites at 1 and 3 Berwick Street, which have been assessed to have local heritage significance.</p> <p>Despite this, the commentary in the planning proposal does not relate specifically to the terms of the Direction, in particular clause 1(a). A Gateway condition is recommended to require an update to the planning proposal to address the terms of this direction.</p>
6.1 Residential Zones	Consistent.	<p>The aim of this Direction is to encourage a variety and choice of housing types to provide for existing and future housing needs.</p> <p>The proposal does not detract from this direction as it maintains the existing land zoning and development standards for the sites.</p> <p>The proposed heritage listing does not preclude any future development of the properties, such as change of use, 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.</p>

2.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. Council identifies that the proposal would reduce the application of the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP). Specifically, it states that the SEPP “*does not apply to heritage items and is limited in its application in HCAs*”. This is not correct as specific exempt development provisions apply to heritage items. A Gateway condition is recommended to require a revision to the discussion in the proposal.

3 Site-specific assessment

3.1 Environmental

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

The intent of this proposal is to conserve buildings that have heritage value. The proposal will provide statutory protection for 1 and 3 Berwick Street and facilitate their on-going conservation and contribution to the streetscape character.

3.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any adverse social impact. Listing the sites as statutory heritage items will provide the community with greater certainty about their significance and facilitate their on-going protection and conservation.</p> <p>Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to consider whether the proposed heritage listing is appropriate and should be supported.</p> <p>Council notes the proposal will have positive social effects for the local community by enhancing the retention and protection of key buildings with heritage value.</p>
Economic	<p>There would be a minor economic impact to the landowners as the heritage listing of the properties may require specialist heritage studies to form part of any future development application submission. However, the proposal does not change the zoning or development standards applicable to the sites and will facilitate conservation of their heritage significance. The proposed listing does not preclude any future development of the properties, such as change of use, 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.</p> <p>Council notes a heritage listing can also be more attractive to owners and tenants as such a property is viewed as unique and prestigious.</p> <p>The proposal is considered to have an acceptable economic impact.</p>

3.3 Infrastructure

The planning proposal does not require any additional infrastructure. The proposal does not involve any amendments to the planning controls that will facilitate intensified development. The proposal seeks to list the sites as items of local heritage significance and would not have any material implications on infrastructure demand.

4 Consultation

4.1 Community

Council proposes a community consultation process that is consistent with the Department's LEP Making Guideline. However, the length of exhibition was not specified.

The LEP Making Guideline recommends a public exhibition period of 10 working days for 'basic' planning proposal. In this case, as there is an active development application relating to 3 Berwick Street and that an IHO is in place for this site, an exhibition period of 20 working days is considered appropriate to provide sufficient time for the community to provide any submission. This will form a condition of the Gateway determination.

4.2 Agencies

It is recommended the following public organisations / agencies be consulted on the planning proposal and given 20 working days to comment:

- Environment and Heritage Group, Department of Planning and Environment; and
- National Trust of Australia, NSW.

5 Timeframe

Council proposes a seven- month time frame to complete the LEP (from Gateway determination).

The Department's LEP Making Guideline provides a benchmark timeframe of 140 working days from Gateway to finalisation (i.e. by end of August 2023).

The Department recommends a time frame of six months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

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

7 Assessment summary

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

- It is supported by a heritage assessment (in the form of heritage inventory sheets), which finds that the sites are of local heritage significance. The assessment of significance was undertaken in accordance with the NSW Heritage Office manual.
- The proposal is consistent with the relevant directions and priorities of the Greater Sydney Region Plan, Eastern City District Plan, Randwick Local Strategic Planning Statement, Randwick Community Strategic Plan, the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
- The proposal will recognise and provide ongoing protection and allow for better conservation management of the sites.

8 Recommendation

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

1. Prior to 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. Consultation is required with the following public authorities / organisations:

- Environment and Heritage Group, Department of Planning and Environment; and
- 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 planning proposal must be exhibited within two months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation not more than four months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be **six** months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



2 March 2023

Simon Ip
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Assessment officer

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