

# Planning Proposal



## Heritage Listing

### Cooper Park, Bellevue Hill (excluding Cooper Park North)

Prepared June 2020



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# 1. Introduction

## 1.1. Background

On 27 November 2017, Council adopted the following notice of motion (Item No. 11.1):

*THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Cooper Park to the Urban Planning Committee to facilitate Cooper Park (and its elements) being:*

- 1. included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. listed as a heritage item of state significance on the NSW State Heritage Register*

The following background information accompanied the notice of motion on the agenda for that meeting:

*Woollahra Council's Heritage Study (1984) highlighted Cooper Park as a 'creek valley with quite thick vegetation...with unique rainforest species' and overall high recreational value. The Heritage Study nominated the north-facing valley and south-facing slope as areas of naturalistic character and pointed to the existence of Aboriginal engravings within Cooper Park and surrounding areas.*

*The Australian Heritage Commission listed Cooper Park on the Register of the National Estate (FileNo.1/12/041/0114/01) during 1992. 'Cooper Park is an uncommon example of an early twentieth century municipal park, which demonstrates a bushland pleasure ground style. The style is expressed by the predominance of bush vegetation, a creek and meandering network of paths which link a series of architectural features (Criterion B2)'.*

*Woollahra Council Cooper Park Plan of Management February 2001 sets out the elements and management of Cooper Park. The action plan included "Conduct heritage study that audits the presence and condition of, and makes recommendations for the protection and preservation of, any built structures or other material associated with the park's Aboriginal history and its history of recreation development".*

*Cooper Park is not currently listed as heritage item under the Woollahra LEP 2014 (except for the Adelaide Street sandstone retaining wall and railing facing Cooper Park) or on the NSW State Heritage Register.*

In response to Council's decision, Chris Betteridge of Betteridge Heritage was engaged to carry out an assessment of heritage significance for Cooper Park. Chris Betteridge is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of landscape heritage.

On 18 November 2019, the Environmental Planning Committee (EPC) recommended the preparation of a planning proposal to list *Cooper Park* as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and that Council consider nominating this item for listing on the State Heritage Register (SHR).

On 25 November 2019, Council resolved:



- A. *THAT a planning proposal be prepared to list Cooper Park as a state significant heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- D. *THAT Council consider nominating Cooper Park for listing on the State Heritage Register when it considers the advice of the Woollahra Local Planning Panel.*
- E. *THAT further consideration be given to Aboriginal Cultural Heritage including appropriate engagement with Aboriginal Elders and the La Perouse Land Council.*

On 30 January 2020 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal. At that meeting the Woollahra LPP provided the following advice:

*THAT the Woollahra Local Planning Panel advises Council to:*

- A. *Proceed with the planning proposal to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014, requesting a gateway determination to allow public exhibition.*
- C. *Request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- D. *Support the nomination to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item on the State Heritage Register.*

## **1.2. Description of this planning proposal**

This planning proposal is made in relation to Cooper Park in Bellevue Hill (excluding Cooper Park North). This planning proposal explains the intended effect of an amendment to Woollahra LEP 2014. The amendment to Woollahra LEP 2014 involves listing Cooper Park (excluding Cooper Park North) as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site, including its built, landscape and natural elements.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

This planning proposal includes:

1. A description of Cooper Park and its context
2. Existing planning controls applying to Cooper Park
3. The objective of the amendment to Woollahra LEP 2014
4. An explanation of provisions that are to be included in the amendment to Woollahra LEP 2014
5. Justification for the objective and provisions to be included in the amendment to Woollahra LEP 2014
6. Mapping for the heritage listing
7. Community consultation to be undertaken
8. Project timeline

### **1.3. Assessment of heritage significance**

In response to Council's decision, a heritage significance assessment of *Cooper Park* was undertaken by Chris Betteridge of Betteridge Heritage. The assessment was completed in November 2019 and is attached separately.

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document.

There are seven criteria used in the process of assessing heritage significance. **Table 1** below provides a summary of the assessment of the heritage significance of *Cooper Park* against the seven criteria, at the local and State levels.

*Table 1: NSW Heritage assessment criteria summary*

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
<b>(a)</b>	<i>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)</i>	✓	✗
<b>(b)</b>	<i>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)</i>	✓	✓
<b>(c)</b>	<i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)</i>	✓	✗
<b>(d)</b>	<i>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons</i>	✓	✗
<b>(e)</b>	<i>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)</i>	✓	✗
<b>(f)</b>	<i>An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)</i>	✓	✓
<b>(g)</b>	<i>An item is important in demonstrating the principal characteristics of a class of NSW's</i> <ul style="list-style-type: none"> <li>• <i>cultural or natural places; or</i></li> <li>• <i>cultural or natural environments.</i></li> </ul> <i>or a class of the local area's</i> <ul style="list-style-type: none"> <li>• <i>cultural or natural places; or</i></li> <li>• <i>cultural or natural environments.</i></li> </ul>	✓	✗

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.



The heritage assessment concludes that Cooper Park in Bellevue Hill (excluding Cooper Park North) satisfies all criteria at local level and two criteria (b) and (f) at the State level. Discussion on Cooper Park North occurs in section 1.5 of this planning proposal.

#### **1.4. Statement of heritage significance**

The following statement of heritage significance is extracted from the Heritage Assessment report by Betteridge Heritage:

*Cooper Park is historically significant at a local level through its associations with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area, including vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. (Criterion A)*

*Cooper Park has associational significance at a State level derived from strong associations with the application of the NSW Prevention and Relief of Unemployment Act 1930 and 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. The park also 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 estate developed by the Cooper family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902). It is significant at a local level for these associations. (Criterion B)*

*Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of 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 aesthetically for its array of Depression-era cultural features which include 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 including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavour. (Criterion C)*

*While social value is hard to quantify without detailed surveys of those who have been associated with a place, it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons. The local community also contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. (Criterion D).*

*The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. However, there are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.*

*Cooper Park is considered to have technical and research significance at a local level but probably not at a State level. These values are derived from its ecological communities and 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. (Criterion E)*

*Cooper Park is rare at a State level 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 rarity value of the park is also enhanced by the presence of two threatened plant species *Acacia terminalis* subsp. *terminalis* and *Syzygium paniculatum*. (Criterion F)*

*The park is also representative at a local level, and possibly at a State level, subject to further comparative analysis, 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. (Criterion G)*

(Chris Betteridge: Heritage Significance Assessment, 3 November 2019, p. 65-66)

The assessment recommends the listing of Cooper Park (excluding Cooper Park North, see **Figure 1**) as a heritage item at both the local level, in Schedule 5 of the Woollahra LEP 2014 and at the State level, on the SHR.

### 1.5. Heritage Significance Assessment report

The heritage significance assessment report contains the following recommendations:

1. *Woollahra Municipal Council should propose the area of Cooper Park, encompassing the major significant ecological communities and the Depression-era unemployment relief landscape works, as outlined solid red on Figure 7 for listing as an item of State significance on Schedule 5, Woollahra LEP 2014.*
2. *Woollahra Municipal Council should nominate Cooper Park, as identified in point #1 above and outlined solid red on Figure 27, to the Heritage Council of NSW for consideration of listing on the State Heritage Register.*
3. *Cooper Park should continue to be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance, erosion control and conservation of its significant natural, landscape and built elements.*
4. *An updated Conservation Management Plan for Cooper Park should be prepared to take into account relevant information on the park that has been accumulated since 2011 and changes to the nature, condition and management regime that have taken place since 2011. If the park is listed on the SHR, Heritage Council endorsement of the updated CMP should be sought.*

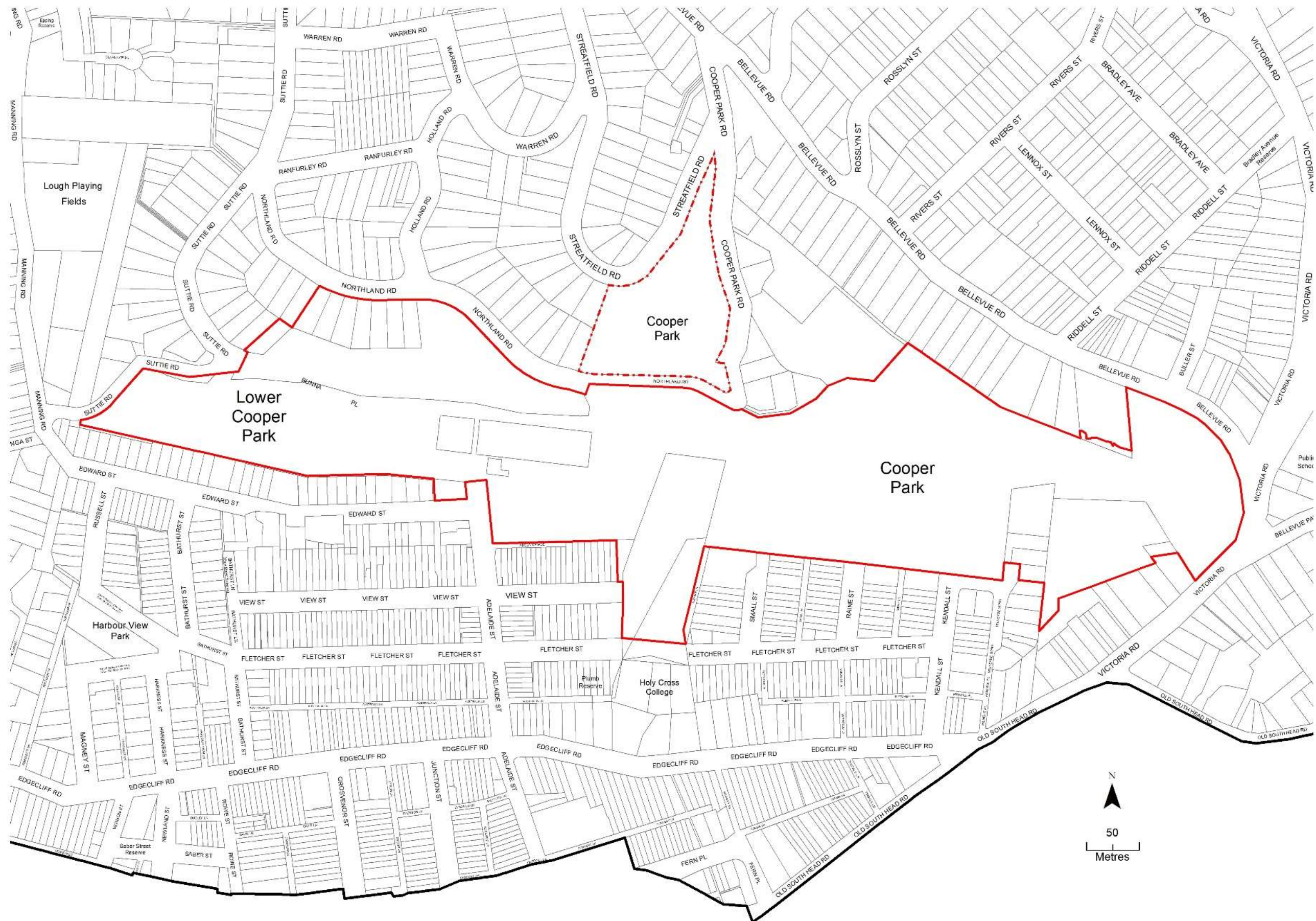
5. *Consideration should be given to interpreting the heritage significance of Cooper Park in culturally sensitive ways which may include but should not be limited to material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.*
6. *An updated Vegetation Management Plan /Canopy Replenishment Strategy for Cooper Park should be prepared to provide for the conservation of natural vegetation in the park and the staged replacement of the significant cultural plantings on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees.*
7. *Should Cooper Park be listed on the State Heritage Register, any works consistent with the policies and other recommendations of an endorsed Conservation Management Plan could be exempted, subject to ministerial approval, to reduce the need for frequent applications under Section 60, Heritage Act.*

The area recommended for local and State listing is shown with a solid red line in **Figure 1, 2 and 3**.

### **Cooper Park North**

The proposed curtilage excludes Cooper Park North, which is located to the north side of Northland Road. This area was excluded as it fails to meet the criteria for local or State listing. This is due to its different character/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.





**Figure 1:** The area of Cooper Park recommended for both local and State listing is identified with a solid red line. Cooper Park North (identified with a dotted red line) is excluded from local and State listing. (Source: Woollahra Municipal Council 2020)

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## 2. Existing site and context

### 2.1. The study area

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 originally part of the early nineteenth century estate of Daniel Cooper. It was proclaimed as a park in 1917 and developed over the next twenty years into a bushland and recreational ground.

Broadly, 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 (see **Figure 2** below).

The part of Cooper Park to the north (separated by Northland Road) is commonly known as 'Cooper Park North'. The area to the east of the tennis courts is commonly known as 'Lower Cooper Park', whilst further to the east is the Amphitheatre.

Cooper Park is approximately 17.7 hectares in size, with approximately 12 hectares of urban bushland. Cooper Park is owned by Woollahra 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.

The Park is dominated by 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, unique synthetic stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas.

**Figures 2 to 5** below illustrate significant elements in Cooper Park including the Amphitheatre, the Moon Bridge, the sandstone balustrade and a rock shelter.

The eastern end of Cooper Park is characterised by an open grassed area with expansive views (the amphitheatre, see **Figure 3**). A smaller open grassed area to the south of the main area of the park is known as Fig Tree Lane Reserve and located over Fletcher's Gully.

### 2.2. Parcels of Land Affected by Heritage Listing

The heritage listing will affect the following parcels of land. Refer to **Figures 2 and 3** for further details:

#### ***Main lots***

- PART LOT: 9 DP: 215076 (excludes Cooper Park North and Lough Playing Fields)
- LOT: 8 DP: 215076
- LOT: 1 DP: 1044557
- LOT: 2 DP: 1044557

#### ***North-western corner lots***

- LOT: 6 SEC: 2 DP: 13285
- LOT: 7 SEC: 2 DP: 13285
- LOT: 8 SEC: 2 DP: 13285
- LOT: 9 SEC: 2 DP: 13285



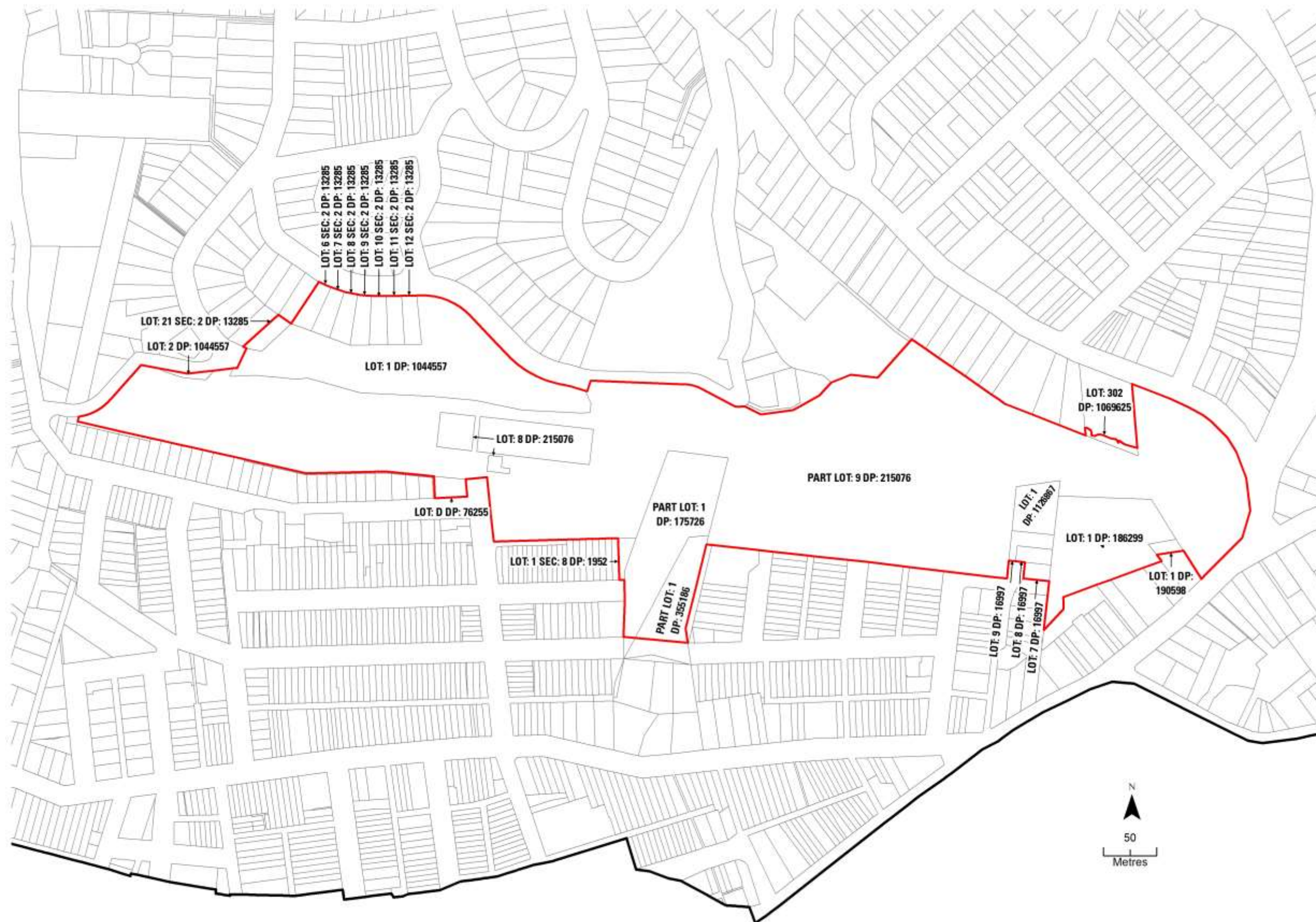
- LOT: 10 SEC: 2 DP: 13285
- LOT: 11 SEC: 2 DP: 13285
- LOT: 12 SEC: 2 DP: 13285
- LOT: 21 SEC: 2 DP: 13285

***Southern boundary lots***

- LOT: D DP: 76255
- LOT: 1 SEC: 8 DP: 1952
- PART LOT: 1 DP: 175726 (excludes Council Depot at View/Fletcher Street)
- PART LOT: 1 DP: 355186 (excludes Fletcher Street)

***Eastern end lots***

- LOT: 302 DP: 1069625,
- LOT: 7 DP: 16997
- LOT: 8 DP: 16997
- LOT: 9 DP: 16997
- LOT: 1 DP: 1126867
- LOT: 1 DP: 186299
- LOT: 1 DP: 190598



**Figure 2:** Cadastral map of Cooper Park showing the area proposed for local and State listing and land parcels.

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**Figure 3:** Aerial photograph of Cooper Park showing the area proposed for local and State listing outlined in red.



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**Figure 4:** The Amphitheatre, Cooper Park, with stone steps leading down from Victoria Road  
(Photo: Chris Betteridge, 29 March 2019)



**Figure 5:** View of Moon Bridge, in the centre of Cooper Park.  
(Photo: Chris Betteridge, 29 March 2019)





**Figure 6:** Sandstone balustrade near the Amphitheatre, Cooper Park. (Photo: Chris Betteridge, 29 March 2019)



**Figure 7:** One of the artificial rock shelters constructed by H Arnold at Cooper Park during the 1930s and located near the picnic area in the centre of Cooper Park (Photo: Chris Betteridge, 29 March 2019)

### 3. Existing planning controls

The site is subject to existing planning controls within the Woollahra LEP 2014, relating to land zoning, height of building, minimum lot size and acid sulfate soils. These are as follows:

Lots	Land Use Zone	Height of Building	Minimum Lot Size	FSR	Acid Sulfate Soils
Cooper Park - All lots except Lot 302 DP 1069625	RE1 Public Recreation	Not applicable	Not applicable	Not applicable	The majority of the Park is Class 5 with parts of Lower Cooper Park being Class 3.
Lot 302 DP 1069625	B1 Local Neighbourhood Centre This lot is incorrectly zoned and the zoning will be rectified in a future housekeeping amendment to the Woollahra LEP 2014.	20.5m	Not applicable	1.25:1	

The Objectives for RE1 Public Recreation in Woollahra LEP 2014 are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.<sup>1</sup>*

The objectives for B1 in Woollahra LEP 2014 are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide active ground floor uses to create vibrant centres.*
- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.*

Cooper Park is not currently listed as a State or local heritage item and Clause 5.10 (Heritage Conservation) of the Woollahra LEP 2014 does not currently apply.

### 4. Objective of amendment to Woollahra LEP 2014

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

### 5. 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 prior to the making of the LEP.
- Amend the Heritage Maps (Sheet HER\_003D and 003E) to identify *Cooper Park*.

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<sup>1</sup> Woollahra LEP 2014

## 6. Justification

The planning proposal has strategic merit. The heritage significance of *Cooper Park* (excluding Cooper Park North) has been established. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

These matters are further discussed below in part 6.1 to 6.3.

### 6.1. Need for planning proposal

#### 1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the result of the recommendations of the heritage significance assessment report, prepared by Chris Betteridge of Betteridge Heritage. The report concluded that *Cooper Park* (excluding Cooper Park North) meets the criteria for listing as a local and State heritage item. The report recommended that *Cooper Park* (excluding Cooper Park North), be listed as a local heritage item in Woollahra LEP 2014 and a SHR Nomination be forwarded to the Heritage Council of NSW for consideration of listing on the SHR.

#### 2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective is to recognise the heritage significance of Cooper Park (excluding Cooper Park North) and provide it with statutory protection. This will be achieved through an amendment of the Woollahra LEP 2014, to list *Cooper Park* in Bellevue Hill as a heritage item. The best, and only, means of achieving this objective is through the planning proposal process.

Other options, such as adding site-specific objectives and 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.

### 6.2. Relationship to strategic planning framework

#### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional Plan: A Metropolis of Three Cities**

The planning proposal is consistent with the directions and objectives of *Greater Sydney*

*Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.

Heritage listing of *Cooper Park* will provide ongoing protection and recognition of the heritage significance of this item.

### **Eastern City District Plan**

Yes. The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, more specifically with:

- 'A city of great places' direction
- Planning Priority E6 'Creating and renewing great places and local centres, and respecting the District's heritage'
- Objective 13 'environmental heritage is identified, conserved and enhanced'
- Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:
  - o a. engaging with the community early to understand heritage values'
- Action 54 'Consider the following issues when preparing plans for tourism and visitation:
  - o e. protecting heritage and biodiversity to enhance cultural and eco-tourism'
- Action 63 'Identify and protect scenic and cultural landscapes'.

#### **4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhood) under the theme Quality places and spaces:

*4.3 Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.*

The planning proposal is also consistent with the *Draft Woollahra Local Strategic Planning Statement* (endorsed by Council on 9 September 2019 for exhibition). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

*Planning Priority 5 Conserving our rich and diverse heritage*

#### **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1** below).

#### **6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** below).

### **6.3. Environmental, social and economic impact**

#### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. Two species found in the Park are listed in Schedule 1 Threatened Species in the *Biodiversity Conservation Act 2016 (No.63)*, namely:

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

Under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, the Sunshine Wattle is identified as an 'endangered' species, while the Magenta Lilly Pilly is listed as a 'vulnerable species'.

Heritage listing of the Park will create additional protection to these two species. These species will not be adversely affected as a result of the planning proposal.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item will be required when development is proposed for *Cooper Park* or in the vicinity of the park. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

**9. Has the planning proposal adequately addressed any social and economic effects?**

While the planning proposal does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys the park on a regular basis for recreational use.

The heritage assessment and inventory sheet measured *Cooper Park* against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The heritage assessment has been undertaken in accordance with the NSW Heritage Manual guidelines, which draws upon the Burra Charter principles. The assessment has found that *Cooper Park* is of heritage significance at the local and State level. Social significance is satisfied at local level, and heritage listing of the park acknowledges 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 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. It is likely that many people who use or have used the park for active and/or passive recreation will consider it to have social significance for them. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons.

#### **6.4. State and Commonwealth interests**

**10. Is there adequate public infrastructure for the planning proposal?**

Yes. The planning proposal involves the local heritage listing of *Cooper Park*. 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 and frequent public

transport services.

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 and appropriate for the requirements of the site.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

State and Commonwealth public authorities were not consulted during the heritage assessment process.

During the public exhibition, Heritage NSW, Department of Premier and Cabinet will also be notified.

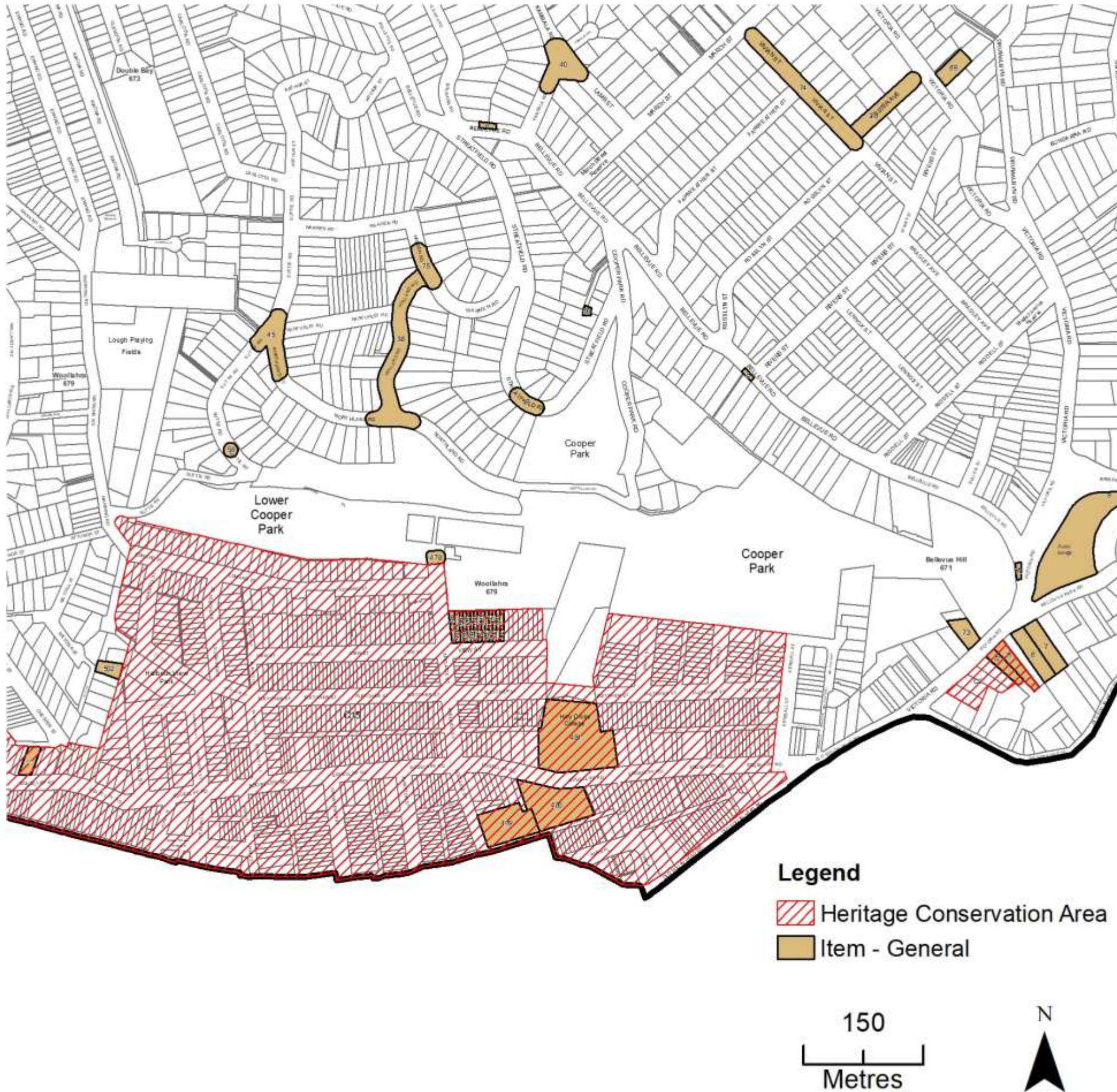
Further consultation will take place with any other authorities identified by the gateway determination.



## 7. Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Maps (Sheet HER\_003D and 003E) by applying an “Item – General” classification to *Cooper Park*.

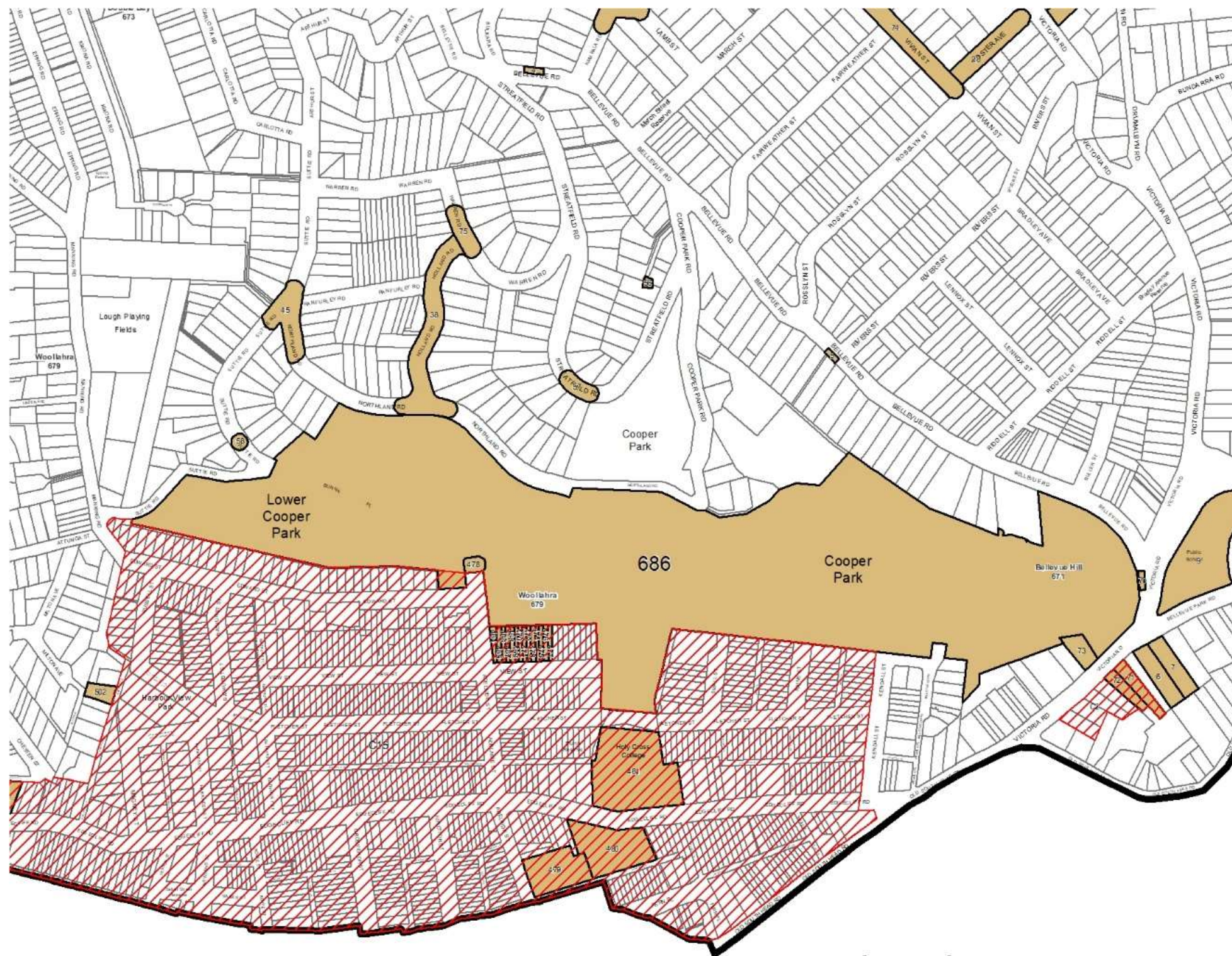
Extracts of the existing and proposed heritage maps are shown in **Figure 8** and **Figure 9 overleaf**.



**Figure 8:** Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003D and 003E)



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**Figure 9:** Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003D and 003E)

### Legend

-  Heritage Conservation Area
-  Item - General

150  
Metres



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## 8. Community consultation

### 8.1. Consultation with landowner

Woollahra Municipal Council is the landowner for *Cooper Park*. Council is the proponent of this planning proposal and has endorsed its preparation on 25 November 2019.

### 8.2. Public exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions in the gateway determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days. Public notification of the exhibition will comprise:

- A notice on Council's website.
- A letter to land owners adjoining and in the vicinity of the site.
- A letter to the National Trust of Australia (NSW).
- A letter to NSW Heritage, Department of Premier and Cabinet.
- 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 available on Council's website and in the customer service area at Woollahra Council offices:

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



## 9. Project timeline

If Council is authorised to exercise the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Council Notice of Motion	27 November 2017
Environmental Planning Committee recommends proceeding	18 November 2019
Council resolution to proceed	25 November 2019
Local Planning Panel provides advice	February 2020
Environmental Planning Committee recommends proceeding	March 2020
Council resolution to proceed	March 2020
Gateway determination	June 2020
Completion of technical assessment	Usually none required
Government agency consultation	June 2020
Public exhibition period	June 2020
Submissions assessment	August 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	September 2020
Council decision to make the LEP amendment	September 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2020
Forwarding of LEP amendment to the Department of Planning, Industry and Environment for notification on the NSW Legislation website	November 2020
Notification of the approved LEP	December 2020

## Schedules

### Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.  See section 6.3 of the planning proposal for more information.

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Affordable Rental Housing) 2009	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Infrastructure) 2007	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2019	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable  There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra Municipality which are identified in the SEPP.

State environmental planning policy	Comment on consistency
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable  Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable



<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p>

**Schedule 2 –  
Compliance with section 9.1 directions**

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The land is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of <i>Cooper Park</i> will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of Contaminated Land	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.</p> <p>The history of the site recognizes its former use as a quarry, however no development of Cooper Park is proposed, the planning proposal is for heritage listing only. Any environmental impact can be managed through the development application process and does not affect this planning proposal.</p>

<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Not applicable. The land is not zoned for residential purposes.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable. Consistent. Existing flood planning provisions will not be altered by the planning proposal.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	<p>Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.</p> <p>Heritage listing of <i>Cooper Park</i> will provide ongoing protection and recognition of the heritage significance of the item.</p> <p>Refer to Section 6.2 of this report and direction 7.1 of this table.</p>



Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of <i>Cooper Park</i> will provide ongoing protection and recognition of the heritage significance of the item.  Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

## Supplementary material (separately attached)

- **Environmental Planning Committee Report** without appendices (18 November 2019)
- **Woollahra Local Planning Panel Minutes** without appendices (30 January 2020)
- **Environmental Planning Committee Report** without appendices (17 February 2020)
- **Council's Meeting Minutes** (24 February 2020)
- **Assessment of Heritage Significance for *Cooper Park, Bellevue Hill*** – Chris Betteridge of Betteridge Heritage – November 2019
- **Cooper Park Vegetation Management Plan** by Eco Logical, October 2010