

Gateway Determination

Planning proposal (Department Ref: PP_2020_WOOLL_004_00): to list Cooper Park (excluding Cooper Park North), Bellevue Hill as a local heritage item.

I, the Acting Director, Eastern and South Districts, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to list Cooper Park (excluding Cooper Park North), Bellevue Hill as a heritage item should proceed subject to the following conditions:

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 - (e) Remove reference to the repealed SEPPs [including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent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

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act:
- NSW Heritage, Department of Premier and Cabinet; and
 - The National Trust of Australia (NSW).

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

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

Dated 29th day of May 2020.



Brendan Metcalfe
A/Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces