



PCU024896



with compliments

Randwick City Council
30 Frances Street
Randwick NSW 2031
ABN: 77 362 844 121

Phone (02) 9399 0999
Fax (02) 9319 1510
www.randwick.nsw.gov.au

Dear Richard-

Welcome back! Here's a P.P.
that I spoke to Nyambura about - give
me a call if any queries. Regards.
Karen

Department of Planning
Received
10 AUG 2011
Scanning Room

5 August 2011

Mr Sam Haddad
Director-General
NSW Department of Planning and Infrastructure
GPO Box 39
NSW 2001

Attention: Sydney East Region

Dear Mr Haddad

Planning Proposal: To rezone land at 4R Argyle Crescent, Randwick under Randwick Local Environmental Plan 1998 (Consolidation)

At its Ordinary Council Meeting on 28 June 2011, Randwick City Council considered a Mayoral Minute and resolved:

That Council endorse the preparation of an amendment to Randwick LEP 1998 (Consolidation) to rezone 4R Argyle Crescent, Randwick from 5 Special uses to 7 Environmental Protection, and to include it within the Randwick Environmental Park Heritage Conservation Area, in accordance with S54 of the Environmental Planning and Assessment Act 1979, and

A planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a gateway determination in accordance with S56 of the Act.

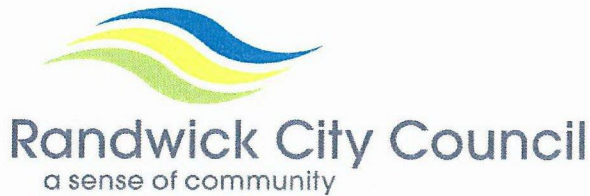
Randwick Council requests the attached Planning Proposal be referred to the LEP Review Panel for determination under the 'gateway' process.

Should you have any questions regarding this matter, please contact Ting Xu, Strategic Planner on 9399 0890 or ting.xu@randwick.nsw.gov.au.

Yours faithfully,



Karen Armstrong
Manager, Strategic Planning



PLANNING PROPOSAL

Proposed amendment to Randwick Local Environmental Plan (LEP) 1998 Consolidation: Rezoning of 4R Argyle Crescent, Randwick, from 5 Special Uses to 7 Environmental Protection and inclusion within the Randwick Environmental Park Heritage Conservation Area

August 2011

Contacts

Karen Armstrong
Manager – Strategic Planning
Karen.armstrong@randwick.nsw.gov.au
9399 0895

Ting Xu
Strategic Planner
ting.xu@randwick.nsw.gov.au
9399 0890

c/o
The General Manager
Randwick City Council
30 Frances Street
Randwick NSW 2031

www.randwick.nsw.gov.au

Introduction

This planning proposal has been prepared to extend the Randwick Environmental Park (REP) which contains one of the largest remaining sections of native vegetation, namely the endangered Eastern Suburbs Banksia Scrub.

Due to the significant plant species located in the REP, it is zoned Environmental Protection – Natural Heritage Areas zone 7 under RLEP 1998. The objectives of the zone are to provide for appropriate buffer areas and to conserve and enhance land of natural heritage value.

The subject site is owned by Defence Housing Australia, a division of the Department of Defence, and is known as the Defence Housing Land, Randwick. It is located to the south-east of the Park and lies between the REP and Argyle Crescent and is occupied by natural vegetation which is contiguous with that of the REP and may include a portion of endangered Eastern Suburbs banksia scrub. It is designated as 4R Argyle Crescent, Randwick and covers an area of approximately 2,396m²; it's real property description is lot 15 in deposited plan 1042814 and it is currently zoned Special Uses zone 5 under Randwick Local Environmental Plan (RLEP) 1998 (Consolidation).

The Council's interest in the subject site is to further safeguard the REP for environmental protection purposes and community enjoyment. It is on this basis that Council seeks the rezoning of the subject site to Zone 7 Environmental Protection and its inclusion in the Randwick Environmental Park Heritage Conservation Area.

Planning Proposal

Part 1 – Objectives/ Intended Outcomes

To further safeguard the Randwick Environmental Park for environmental protection purposes and community enjoyment.

Part 2 – Explanation of Provisions

To rezone Lot 15 in deposited plan 1042814, known as 4R Argyle Crescent, Randwick, from Special Uses zone 5 under Randwick Local Environmental Plan (RLEP) 1998 to zone 7 Environmental Protection, and to include it within the Randwick Environmental Park Heritage Conservation Area.

Part 3 – Justification

A1. Is the planning proposal the result of any strategic study or report?

This proposal has been prepared in response to a Mayoral Minute dated 28 June 2011 and a subsequent resolution of Council of the same date (see Minute and resolution at Attachment 1).

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current zoning permits a range of more intensive uses including residential and institutional development which have the potential to impact on the environmental qualities of the site and the adjacent REP.

Conversely, rezoning to zone 7 Environmental Protection, and inclusion within the Randwick Environmental Park Heritage Conservation Area, would permit very limited development such as recreation and eliminate the possibility of environmentally damaging development.

A3. Is there a net community benefit?

This proposal would expand the REP to a more logical boundary along Argyle Crescent and would result in the more effective preservation of a valuable environmental asset for both the community and future generations.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is generally consistent with the vision, land use strategy, policies, outcomes and actions of the Metropolitan Strategy and the draft East Subregional Strategy in relation to environmental protection. Although the site's potential for institutional or residential use would be extinguished by realisation of this Proposal, the minor potential it now has to contribute to housing targets and employment could readily be accommodated by existing urban areas within the LGA.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Randwick City Plan (adopted in 2006 and updated in 2010) establishes a strategic framework for the next 20 years. This planning proposal is consistent with the vision 'a sense of community' and the relevant key outcomes, being:

- Outcome 1: Leadership in sustainability
- Outcome 5: Excellence in recreation and lifestyle opportunities
- Outcome 7: Heritage that is protected and celebrated
- Outcome 10: A healthy environment

B3. Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is consistent with all applicable state environmental planning policies. Refer to Appendix 1.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal is consistent with all applicable s.117 directions. Refer to Appendix 2. The relevant directions are:

- Direction 2.1* Environment Protection Zones
The Planning Proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas.
- Direction 2.3* Heritage Conservation
The planning proposal contains provisions that facilitate the conservation of precincts of environmental heritage significance.
- Direction 6.2* Reserving Land for Public Purposes
The planning proposal facilitates the provision of public services and facilities by reserving land for public purposes,
- Direction 7.1* Implementation of the Metropolitan Strategy
Although it removes some minor potential for satisfying housing and employment targets on this site, the planning proposal is generally consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.

C1. 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?

The planning proposal is likely to positively affect critical habitats and ecological communities.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is not likely to result in any other adverse environmental effects.

C3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to result in social benefits from the retention of this land as natural urban space maintained for the enjoyment of both residents and park users. Notwithstanding this, the development potential of the land would no longer be available to the land owner.

D1. Is there adequate public infrastructure for the planning proposal?

The proposal has no impact on public infrastructure.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The site owner, Defence Housing Australia, was contacted following a council resolution and letter in 2009 seeking feedback on the addition of this land to the Park (see attached resolution - Council reference D00746955 and 17 April 2009 letter - reference D00761330). The DHA responded noting that the land is required for defence housing purposes (see attached responses of 7 July 2009 (D00816049) and 28 October 2009 (D00887672)). A development application was recently lodged with Council for the construction of eight dwellings on the site, which has not yet been determined and is still undergoing negotiation. These documents are noted under Attachment 2.

Given the nature of this planning proposal, it is not intended that any other State or Commonwealth agency will be directly consulted.

Part 4 – Community Consultation

Given the minor size of the land but positive potential benefits of the planning proposal, it is intended to consult the adjoining landowners, the general community, and Defence Housing Australia as the landowner, in line with the Gateway Determination conditions.

Appendix 1: State Environmental Planning Policies (at 1 February 2011)

Policy	Comment
SEPP (Affordable Rental Housing) 2009	Trade-off in respect of sacrifice for potential of affordable housing on-site
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Infrastructure) 2007	N/A
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP No. 71 - Coastal Protection	Consistent
SEPP No. 65 - Design Quality of Residential Flat Development	N/A
SEPP No. 64 - Advertising and Signage	N/A
SEPP No. 55 - Remediation of Land	N/A
SEPP No.32 - Urban Consolidation (Redevelopment of Urban Land)	Trade-off in respect of sacrifice for potential of affordable housing on-site
SEPP No.19 - Bushland in Urban Areas	Consistent
SEPP No.33 - Hazardous and Offensive Development	N/A
SEPP No.4 - Development Without Consent (Clause 5B)	N/A
SEPP No.1 - Development Standards	N/A
Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment Area)	N/A

Appendix 2: Section 117 (2) Directions (at February 2011)

Direction	Comment
1. <i>Employment and Resources</i>	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. <i>Environment and Heritage</i>	
2.1 Environment Protection Zones	Consistent
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	Consistent
2.4 Recreation Vehicle Areas	N/A
3. <i>Housing, Infrastructure and Urban Development</i>	
3.1 Residential Zones	Trade-off in respect of sacrifice for potential of affordable housing on-site
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
4. <i>Hazard and Risk</i>	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent
5. <i>Regional Planning - Not applicable to the Randwick City LGA</i>	
6. <i>Local Plan Making</i>	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	Consistent
6.3 Site Specific Provisions	N/A
7. <i>Metropolitan Planning</i>	
7.1 Implementation of the Metropolitan Strategy	Generally Consistent

Mayoral Minute No. MM51/11

Subject: Defence Housing Land Randwick – rezoning to Environmental Protection

Folder No: F2004/08424

Author: Councillor Matson, Mayor

Introduction

The Defence Housing Land, Randwick is located at 4R Argyle Crescent, Randwick and consists of Lot 15 in deposited plan 1042814. It is situated in the southern corner of Randwick Environmental Park fronting Argyle Crescent and is currently zoned Special Uses zone 5 under Randwick Local Environmental Plan (RLEP) 1998.

The adjacent Randwick Environmental Park (REP) borders three of the subject sites boundaries. The Park contains one of the largest remaining sections of the native vegetation, namely the endangered Eastern Suburbs Banksia Scrub. Due to the parks significant plant species the park is zoned Environmental Protection – Natural Heritage Areas zone 7 under RLEP 1998. The objectives of the zone are to provide for appropriate buffer areas and to conserve and enhance land of natural heritage value.

The Council's interest in the subject site is in further safeguarding the REP for environmental protection purposes and community enjoyment. It is on this basis that Council seeks the incorporation of the subject site into the REP.

At the Ordinary Council meeting held on 24 March 2009, Council resolved to:

- a. Write to the Minister for Defence seeking the re-incorporation back into the emerging Randwick Environment Park of the excised triangular area of land owned by Defence Housing Land adjacent to the bottom of Argyle Crescent; and*
- b. Approach Kingsford – Smith MP the Hon. Peter Garrett in both his capacity as Federal Environment Minister and local member to enlist his support for the idea.*

Following the above resolution, the Council wrote to the Department of Defence in April 2009, requesting that the land be included in REP. The response from the Minister of Defence, dated 7 July 2009, stated that Defence Housing Australia was under pressure to provide increasing levels of housing in locations close to Defence bases and that the land was required for Defence housing.

Issues**DA for Housing Development**

On 3 May 2011, Defence Housing Australia lodged a Development Application (DA/315/2011) for 8 dwellings on the site. This application is currently undergoing currently undergoing assessment.

Conclusion

Notwithstanding the desire of Department of Defence to utilise this land for Defence Housing, rezoning to Zone 7 Environmental Protection would consolidate the existing Randwick Environmental Park, protect important elements of Eastern Suburbs Banksia Scrub and ensure the preservation of this valuable natural asset for future generations.

Recommendation

That:

- a) Council resolve to prepare an amendment to the Randwick LEP 1998 (Consolidation) to rezone 4R Argyle Crescent, Randwick, from 5 Special Uses to 7 Environmental Protection, and to include it within the Randwick Environmental Park Heritage Conservation Area, in accordance with S54 of the Environmental Planning and Assessment Act 1979; and
- b) a planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a Gateway determination in accordance with S56 of the Act.

Attachment/s:

Nil

FOR ACTION

ORDINARY COUNCIL

28/06/2011

TO: Manager Strategic Planning (Karen Armstrong)

Subject: Defence Housing Land Randwick – rezoning to Environmental Protection
Target Date: 12/07/2011
Notes: Please action or reassign the Council resolution
Document No.: D01306847
Report Type: Report
Item Number: MM51/11

RESOLUTION: (Mayor, Cr M Matson) that:

- a) Council resolve to prepare an amendment to the Randwick LEP 1998 (Consolidation) to rezone 4R Argyle Crescent, Randwick, from 5 Special Uses to 7 Environmental Protection, and to include it within the Randwick Environmental Park Heritage Conservation Area, in accordance with S54 of the Environmental Planning and Assessment Act 1979; and
- b) a planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a Gateway determination in accordance with S56 of the Act.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.[Open Item in Minutes](#)

This action sheet has been automatically been produced by Administrative Services using **InfoCouncil**. the agenda and minutes database.

FOR ACTION

ORDINARY COUNCIL

24/03/2009

TO: Director City Planning (Sima Truuvert)

Subject: Motion Pursuant to Notice by Cr Matson - Proposed Re-incorporating of Excised Land Area Back into the Randwick Environment Park
Target Date: 7/04/2009
Notes: Council Resolution Forwarded to Sima
Document No.: D00746955
Report Type: Report
Item Number: NM15/09

RESOLUTION: (Matson/Woodsmith) that Council:

- a) Write to the Minister for Defence seeking the re-incorporation back into the emerging Randwick Environment Park of the excised triangular area of land owned by Defence Housing Land adjacent to the bottom of Argyle Crescent; and
- b) Approach Kingsford-Smith MP the Hon. Peter Garrett in both his capacity as Federal Environment Minister and local member to enlist his support for the idea.

MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.

Open Item in Minutes

This action sheet has been automatically produced by the Governance Unit using **InfoCouncil**. the agenda and minutes database.

F2004/08424

17 April 2009

The Hon Joel Fitzgibbon MP
Minister for Defence
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister,

Re: 4R Argyle Crescent, Randwick re-incorporation back into Randwick Environmental Park

At the Ordinary Council meeting held on 24 March 2009, Council resolved in response to a notice of motion by Cr Matson that Council:

- a. Write to the Minister for Defence seeking the re-incorporation back into the emerging Randwick Environment Park of the excised triangular area of land owned by Defence Housing Land adjacent to the bottom of Argyle Crescent; and*
- b. Approach Kingsford – Smith MP the Hon. Peter Garrett in both his capacity as Federal Environment Minister and local member to enlist his support for the idea.*

The subject site is described as Lot 15 DP 1042814, No. 4R Argyle Crescent, Randwick. The site is situated in the southern corner of Randwick Environmental Park fronting Argyle Crescent. The site is zoned Special Uses zone 5 under Randwick Local Environmental Plan (RLEP) 1998 (Attached).

The adjacent Randwick Environmental Park borders three of the subject sites boundaries. The Park contains one of the largest remaining sections of the native vegetation, namely the endangered Eastern Suburbs Banksia Scrub. Due to the parks significant plant species the park is zoned Environmental Protection – Natural Heritage Areas zone 7 under RLEP 1998. The objectives of the zone are to provide for appropriate buffer areas and to conserve and enhance land of natural heritage value.

The subject site is currently vacant and effectively forms part of the emerging Randwick Environmental Park. Council is currently preparing a new comprehensive local environmental plan (LEP) in accordance with the standard instrument introduced by the state government as part of a comprehensive reform to the states' planning system.

In preparation of a new LEP, Council is currently reviewing the City's land use zonings and planning controls, including all land zoned Special Uses.

State Government advice (as outlined in the Department of Planning PN 08-002) to councils on zoning existing 'special use' zones state that, only key

infrastructure types are to retain a special use or special purpose zone to cater for current or proposed infrastructure, such as major ports or airports. Most other land should be zoned the same as the adjoining land. In addition, that surplus public land should be rezoned to be compatible with surrounding land uses having regard to existing adjacent land uses and preferred future uses; regional strategy priorities and importantly environmental impacts and risks.

The Council's interest in the subject site is in safeguarding the emerging Randwick Environmental Park for environmental protection purposes and community enjoyment. It is on this basis that Council seeks the reincorporation of the subject site back into Randwick Environmental Park.

The Council thus seeks the Commonwealth's confirmation that the land is surplus to Defence Housing needs and is most appropriately zoned for environmental protection.

Please do not hesitate to contact me or Ms Karen Armstrong, Manager of Strategic Planning on 9399 0895 should you or your staff have any queries or wish to further discuss this matter.

Yours sincerely,

Ray Brownlee
General Manager



Randwick City Council

13 JUL 2009

Records Department

THE HON GREG COMBET AM MP
Minister for Defence Personnel, Materiel and Science

Mr Ray Brownlee
General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

07 JUL 2009

Dear Mr Brownlee

Thank you for your letter of 17 April 2009 to the then Minister for Defence, the Hon Joel Fitzgibbon MP, concerning land at 4R Argyle Crescent, Randwick. As this matter falls within my portfolio responsibilities, your correspondence has been forwarded to me for response.

I am advised that your Council wishes to incorporate a 1400 square metre area of land into the Randwick Environmental Park. Regrettably, I am unable to provide an answer to your request at this time. However, Defence Housing Australia (DHA) is continuing to follow up your enquiry and I hope to provide a response as soon as possible.

By way of background, there is increasing pressure on DHA to provide housing in areas close to major bases, which is particularly the case in the Sydney metropolitan area. DHA supplies a number of residences to Defence members in the Randwick and Kingsford area and they are almost always occupied and highly sought after.

I trust this information will be of assistance to you.

Yours sincerely

GREG COMBET

Randwick City Council

- 2 NOV 2009

Records Received



The Hon Greg Combet AM MP
Minister for Defence Personnel, Materiel and Science

Mr Ray Brownlee
General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

28 OCT 2009

Dear Mr Brownlee

Further to my letter of 7 July 2009, I am now able to provide the following answer to your enquiry concerning Defence housing land at 4R Argyle Crescent, Randwick, .

Title to the land at 4R Argyle Crescent currently belongs to DHA. DHA operates as a Government Business Enterprise under the *Defence Housing Authority Act 1987* and provides high quality housing and relocation services to members of the Australian Defence Force and their families. DHA also functions to meet the operational needs and requirements of Defence.

There is increasing pressure on DHA to provide housing in areas close to major bases, this is particularly the case in the Sydney metropolitan area. DHA supplies a number of residences to Defence members in the Randwick and Kingsford area and they are continuously occupied and highly sought after.

The land your Council wishes to incorporate into the Randwick Environmental Park is in a prime provisioning area for DHA. As a result, DHA plans to retain this land to meet future housing requirements.

I trust this information will clarify the situation for you.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Greg Combet', written over a light blue circular stamp.

GREG COMBET