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Our ref: PP_2011_RANDW_003_00 (11/17260)

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

Dear Mr Brownlee,

Re: Planning Proposal to rezone land known as 4R Argyle Crescent from 5 (Special Uses Zone) to 7 (Environmental Protection - Natural Heritage Areas Zone) and include it in the Randwick Environment Park Heritage Conservation Area

I am writing in response to your Council's letter dated 5 August 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Randwick Local Environmental Plan 1998 to rezone land known as 4R Argyle Crescent from 5 (Special Uses Zone) to 7 (Environmental Protection - Natural Heritage Areas Zone) and include it in the Randwick Environment Park Heritage Conservation Area.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

It is noted that the Commonwealth Government (Defence Housing Australia) has not been consulted and the Commonwealth's views have not been sought in regards to the proposed rezoning. It is also noted that there is currently a Development Application before Council applying to the subject land for residential development.

The Department is concerned about Council's approach, and it is considered that to progress the matter Council should consult the Commonwealth Government on the planning proposal which proposes to prohibit residential development prior to the submission of another planning proposal. Alternatively, Council should consider the merits of prohibiting residential development on the subject land as part of the development assessment process.

It is acknowledged that there may be some merit in protecting the environmental values of the site. However, it has not been argued that there is any protected or endangered vegetation or habitat on the subject land, and conversely the site is considered by the Commonwealth Government as essential for defence housing. Therefore, the Department considers that this matter should be dealt with as part of the development assessment process and the rezoning of the land is not supported at this stage.

Should you have any queries in regard to this matter, please contact Richard Roper of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

1/12/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_RANDW_003_00): to rezone land known as 4R Argyle Crescent from 5 (Special Uses Zone) to 7 (Environmental Protection - Natural Heritage Areas Zone) and include it in the Randwick Environment Park Heritage Conservation Area.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Randwick Local Environmental Plan 1998 to rezone land known as 4R Argyle Crescent from 5 (Special Uses Zone) to 7 (Environmental Protection - Natural Heritage Areas Zone) and include it in the Randwick Environment Park Heritage Conservation Area should not proceed for the following reasons:

1. It has not been argued that there is any protected or endangered vegetation or habitat on the subject land and therefore the environmental value of the site is not considered to be of such significance to warrant an environmental zoning considering the site is identified as essential for housing defence by the Commonwealth Government.
2. The planning proposal lacks justification, given the Commonwealth Government have not been consulted on the proposed rezoning, and Defence Housing Australia currently have a Development Application before Council.
3. Council should consider the Development Application under the provisions of the Environmental Planning and Assessment Act rather than seek a rezoning of the land to prohibit residential development.

Dated 1st day of December 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure