

DO1463439



Department of
Primary Industries
Catchments & Lands

Karen Armstrong
Manager, Strategic Planning
Randwick City Council
Frances Street
Randwick NSW 2031

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Randwick City Council

12 APR 2012

RECEIVED
12 APR 2012

Our Ref: 10/15852
DOC12/022530

Dear Karen

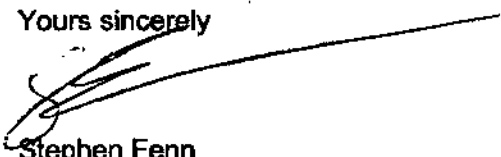
Randwick Draft LEP 2011 - Exhibition - Consultation

Thank you for your notification advising of the exhibition to Randwick City Council LEP 2011 and our recent discussions concerning issues affecting Crown lands within Randwick LGA.

The Sydney Metropolitan Office (Catchments and Lands) asks that the following issues be addressed in the LEP. Refer Schedule 1 attached and Figure 1. RE1 Zoning Table.

I would be pleased to discuss any of the issues raised in the attached schedule. I can be contacted on 8236 7113 or stephen.fenn@lands.nsw.gov.au.

Yours sincerely


Stephen Fenn
Manager, Stakeholder Relations
Crown Lands South

5/4/12

SCHEDULE 1

1. RANDWICK DRAFT LOCAL ENVIRONMENTAL PLAN 2011 (DLEP)

	Issue	RLEP 1998 Provisions	DLEP 2011 Comments
1	Zone RE1 & Horticulture as defined	Existing: Zone No 6A (Open Space Zone)	RE1 Public Recreation zone permits "horticulture" as defined without consent. The land use of "horticulture" for commercial purposes is unacceptable for Crown reserves set aside for the public purpose of "public recreation" or the like. This type of development may be considered with consent on Crown, lands zoned RU4. Provisions in Zone RE1 at should be changed to reflect the Department's position as set out above.
2	Anzac Parade and Allison Road Randwick	Ex: Unzoned	R500380 for public recreation adjacent to Anzac Road. Lot 1787 DP 821362. Proposed zone, SP2 Classified Road for R500380 incorrect. Zone RE1 appropriate for linear reserve. Refer map attached
3	Public Hall	Ex: 2A Residential Proposed: R2 Low Density Residential	Reserve D.500208- Public Hall, Malabar Library. Lot 4316//752015 Recommend SP2 Public Admin Building as Crown land set aside by the State for a public purpose. Noted that Zone SP2 Public Administration Building applies to Crown Reserve 1001065 "Town Hall Site" next to council chambers.
4	Little Bay.	Ex: various Proposed R1	Lots 3, 34, 35, 44 90 & 91 in DP 270427 should be zoned RE1 Public Recreation.
5	Home for Aged off Lawson	Ex.2A Residential Prop:R2 Low density res.	Crown Reserve 89835 Homes for the Aged. Lot 5193//752015. Lease to Catholic Health Care Ltd. It is noted that other sites in LGA are zoned SP2 Seniors Housing. E.g. St Basil's Homes Coogee Bay Road and

	Street		Little Sisters of the Poor site in Clovelly Road. Crown lands would prefer consistent zoning in this regard where possible.
6	Maroubra Police Station	Ex3A General Business Prop. B2 Local Centre	Crown Res. 84677 for Police Purposes. Lot 1 DP 504393 Proposed Zone – B2. Recommended Zone SP2 Police Services Facilities.
7	Matraville Fire Station	Ex 3B local business Prop B2 Local Centre	Crown Reserve 1000372 for Fire Brigade. Lot 41 D.P.752015. Recommend Zone SP2 Emergency Services Facilities. This maintains consistency with zoning applied to Randwick Fire Brigade, Crown R1001122 Site for Fire Brigade. Lot 14 S.10 DP 758867. Again, Crown lands would prefer consistent zoning in this regard where possible.
8	Significant coastal headlands	Ex. Zone: No 6A (Open Space Zone) Proposed: RE1 Public recreation	The department would like DLEP to recognise the “aesthetic” and natural” values of significant Crown reserve coastal headlands. This issue was raised at recent meeting with Department of Planning and Crown Lands understands that the zoning of the coastal strip will be the subject of further discussions with Planning and coastal councils.
9	Zoning of Council facilities on Crown lands e.g. depots, offices, etc	Ex Zone: Part 6A and part Residential 2B. Proposed: RE1 including Telstra site	Kensington Depot. Land provided by State of NSW and dedicated for a <u>public</u> purpose. Crown land sites should be zoned SP2 (Infrastructure) to reflect specific public/government use of site. R100376 for Municipal Depot, (Lots 1283/1284 D.P.752011) and R100192 Municipal Purposes (Lot 1752 DP 48478), Kensington. Zone SP2 (Municipal Depot) not RE1. Refer Crown Reserve 85043 for Municipal purposes Zoned SP2 “Depot”. Lot 4920 DP 752015

11	Various pedestrian access-ways & drainage reserves	Ex. Unzoned	Drainage reserves etc that function as pedestrian pathways play an important role in providing through site links and access to public open space. Pedestrian pathways & access ways determined to be Crown land should be zoned RE1, not residential. This principle to apply to all pedestrian access-ways in LGA owned by Crown. Refer sample pedestrian pathways Maroubra. R62948 for drainage purposes. Bent Lane, French Lane, Little Lane, Wride Lane, Cooper Lane etc. . Provide pedestrian access and some vehicular access. Note objective in Leichhardt DLEP RE 1 Zone relating to "provide links between open space areas" Appropriate zoning RE1 Public Recreation.
12	Bowling Clubs on Crown lands	Zone No 6A (Open Space Zone) Proposed :	Bowling Clubs on Crown Land RE1. Privately owned Bowling Clubs RE2. Crown Lands does not favour use of Zone RE2 (Private recreation) over Crown Land, as public land owned by the State of NSW and used for bowling clubs. Refer Preparing LEPs. LPMA July 2010
13	Boy Scouts Girl Guides on Crown lands (Specific reserves and direct leases)	Zone No 6A (Open Space Zone)	Department prefers Zone RE1 Public Recreation zone for scouting facilities on Crown reserves with the public purpose of BS & or GG and Crown leasehold lands set aside for BS & GGs. List of seven (7) Boy Scouts reserves and 1 lease site (Kensington) sent by email to council on 23 Dec 2011. E.g. Daceyville Scouts R.87896. All should be zoned RE1 Public Recreation to reflect community and public recreational purpose of facilities. Our letter of 26 March 2011 refers.
14	Tram shelter Maroubra	Prop. RE1.	Original location Hyde Park - date range of c.1908 - pre WWI. Moved to Maroubra Beach around 1923. Has significant heritage significance.

	Beach		Council advises that heritage studies have been completed. Consideration should be given to listing as Heritage Item – General in DLEP.
15	RSL Club Matraville		War memorial. Lot 4631 DP 93726. Crown reserve D.500308 dedicated for war memorial Zone RE1 Public Recreation. RSL under CL lease 317557 & car park under PO 6754 Zone RE1 Public Recreation not Residential R2 as public land owned by the State of NSW and used for registered club. Amend Schedule 1, Item 7
16	Franklin Street Pt. Lot 604/752015	Ex: Unzoned Proposed: Pt R2 & Pt. RE1	Pt Reserve 64116 for Future Public Requirements. No formal road existing on Crown land maps. Further understanding sought of the road and the implications for the zoning.
17	Chelmsford Ave. Malabar. Childcare centre	Ex : Res A Prop:R2	81519 Reserve for public purpose of 'baby clinic'. Lot 4087 DP 752015 As Crown land set aside by the State for a public purpose. Crown Lands prefers SP2 for Crown reserve used for child care and other community purposes if appropriate
18	Duffy's Corner child Care off Beauchamp Road	Proposed:R2 Res.	R10012 for Community Purposes. As Crown land set aside by the State for a public purpose, Crown Lands prefers SP2 for Crown reserve used for child care and other community purposes if appropriate.

2. Draft Randwick Development Control Plan 2011 (DCP)

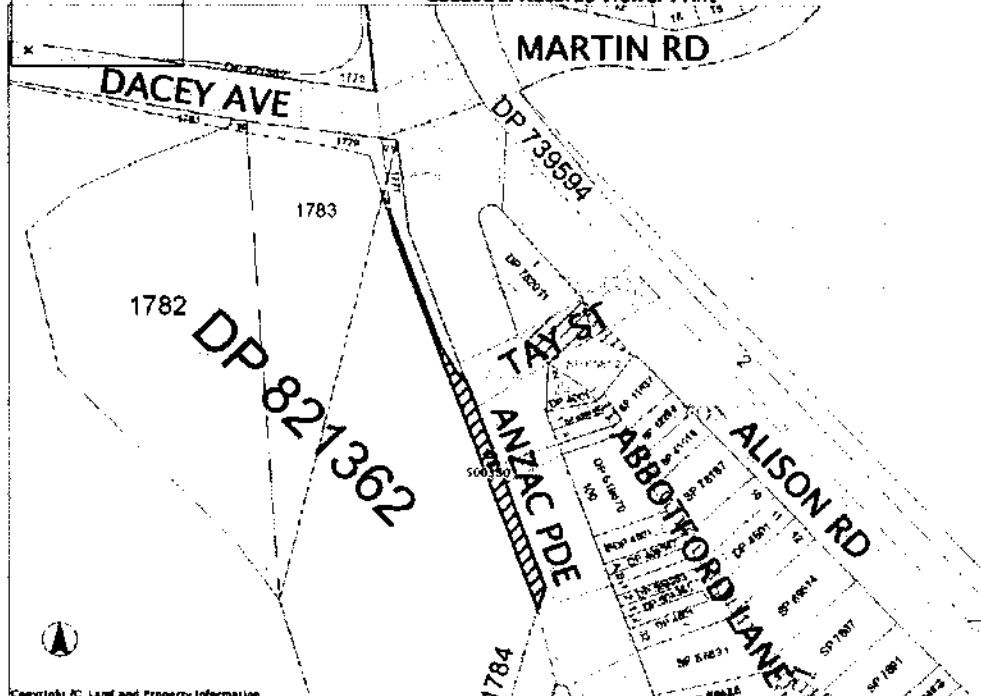
No comments.

Figure 1. Randwick DLEP RE1 Zone Table

Zone RE1	Public Recreation
1	Objectives of zone - 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. - To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.
2	Permitted without consent Environmental facilities; Environmental protection works; Flood mitigation works; Horticulture; Roads
3	Permitted with consent Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signage; Business identification signage; Car parks; Child care centres; Community facilities; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (Major); Restaurants or cafes; Water recreation structures
4	Prohibited Any development not specified in item 2 or 3

Printed: Wednesday, 4 April 2012 4:21:31 PM by Argusson

Cadastral Records Viewer Print



Current Features

LEGEND

- Current Features
- Other Selected Features
- Crown Reserves
- Crown Roads
- Open Road
- Sealed Road or Council Road
- Recreational Trail
- Localities
- LGAs
- Rail Corridor
- Waterway Corridor
- Waterways
- Unidentified Parcels
- Parcels
- Standard Lot
- Standard Part Lot
- Strips
- Boundaries
- Road Corridor
- Roads

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**Department of
Primary Industries
Catchments & Lands**

Our Ref. 10/15852

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

Randwick City Council

29 MAR 2012

RANDWICK CITY COUNCIL

Attn: Karen Armstrong

Dear Mr Brownlee

Randwick Draft Comprehensive LEP 2012- Exhibition and Consultation

I refer to the recent meeting of 21 March 2012 between representatives of Council, Crown Lands and the Department of Planning and Infrastructure on the Randwick Draft Comprehensive LEP 2012.

Crown Lands make the following comments about matters raised at the meeting:

1. **Bunnerong Road Lands** – Crown Lands recognises the environmental sensitivities of these lands and supports the proposed E2 Environmental Conservation zoning of Crown lands affected. However, as agreed at the meeting, approximately 800 square metres of Crown land, with road access to Forrest Street, bounded in the south west by the unformed section of Leichhardt Street should retain an R2 zoning. Crown Lands also support the retention of the RE1 Public Recreation zoning over the lands affected by the redevelopment of Chifley Park.
2. **Intertidal Zoning** – Crown Lands supports an appropriate zoning for Crown lands known as the intertidal zone (ITZ) to recognise and conserve its unique environmental values. The Intertidal Zone (ITZ) is defined as lands between MHW and MLWM (The LGA boundary). Crown Lands has proposed E2 for the ITZ within the LGA area but will be guided by what would be consistent and compatible with whole of State objectives for the coastal zone. We look forward to working with Planning and Coastal Councils in the metropolitan area to ensure a uniform approach to the zoning of Crown lands on the NSW coast.
3. **Scout and Girl Guide Halls** - Crown Lands considers that these facilities should attract a RE1 zoning, reflecting their community and recreational purposes.
4. **Randwick Literary Institute** – Crown Lands supports the retention of the R3 zoning over the site. Development of the site may need to rely on provisions of the *Heritage Act 1977*.
5. **War Lee Gardens - Lot 608 DP752015** - Crown Lands consider that an RU4 zoning is appropriate to ensure commercial horticultural activities occur with appropriate planning controls. This concurs with our communicated position that an RU4 zoning over the

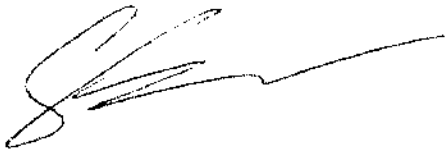
southern section of the Chinese Market Gardens site adjoining Eastern Suburbs Memorial Park is appropriate.

6. **South Sydney Amateur Fishing Association Inc.** Special Lease 81389 for erection of buildings and recreation. Described as Lot 4806 DP 752015. Crown Lands support RE1, not RE2, for this site as it is public land owned by the State of NSW and leased for recreation purposes.
7. **Wylie Baths** - Crown Lands supports a zoning and provisions that ensures uses on the reserve are compatible and supportive of its primary purpose and reservation for public baths.

A further submission about more minor issues affecting Crown lands will be provided shortly.

Thank you for the opportunity to provide additional comments on the draft LEP. Should you require further information regarding this matter I can be contacted via email stephen.fenn@lands.nsw.gov.au or phone 8236 7113.

Yours sincerely



Stephen Fenn
Manager, Strategic Projects

26/3/12



Australian Government
Department of Defence
 Defence Support Group

ID-EP-ELP-OUT-2012-AF10256039

General Manager
 Randwick City Council
 30 Frances Street
 RANDWICK NSW 2031

Randwick City Council

30 MAR 2012

Records Received

ATTN: Karen Armstrong (Manager Strategic Planning)

**RE: RANDWICK CITY COUNCIL DRAFT COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN-
 PUBLIC EXHIBITION**

Thank you for providing the Department of Defence (Defence) with the opportunity to comment on the Randwick City Council Draft Comprehensive Local Environmental Plan (LEP).

Defence understands that the Draft LEP has been prepared in accordance with State Government guidelines and is informed by a series of discussion papers and feedback from government agencies, including Defence, through consultation over 2010 and 2011.

Randwick Barracks is an important Defence asset that that supports the training of Defence personnel and units. Defence is concerned to ensure that the long-term viability of Randwick Barracks is not compromised by inappropriate development.

Defence has worked closely with Randwick City Council in regards to strategic planning and land use matters surrounding Randwick Barracks including most recently with comments on the Residential and Business Centre Discussion Papers. This work is carried out to ensure Randwick Barracks has the capacity to support current and future operational and capability requirements.

Defence requests that the land adjacent to the eastern boundary of Randwick Barracks, identified in the attached map as the area shaded in white, be zoned as *SP1 Special Activities (Defence)* consistent with the rest of the Barracks and Defence land.

Defence acknowledges the balanced approach Council is undertaking in managing the continued future growth across Randwick. Defence requests that Council continues to give careful consideration to the types of land uses permitted within close proximity of Randwick Barracks.

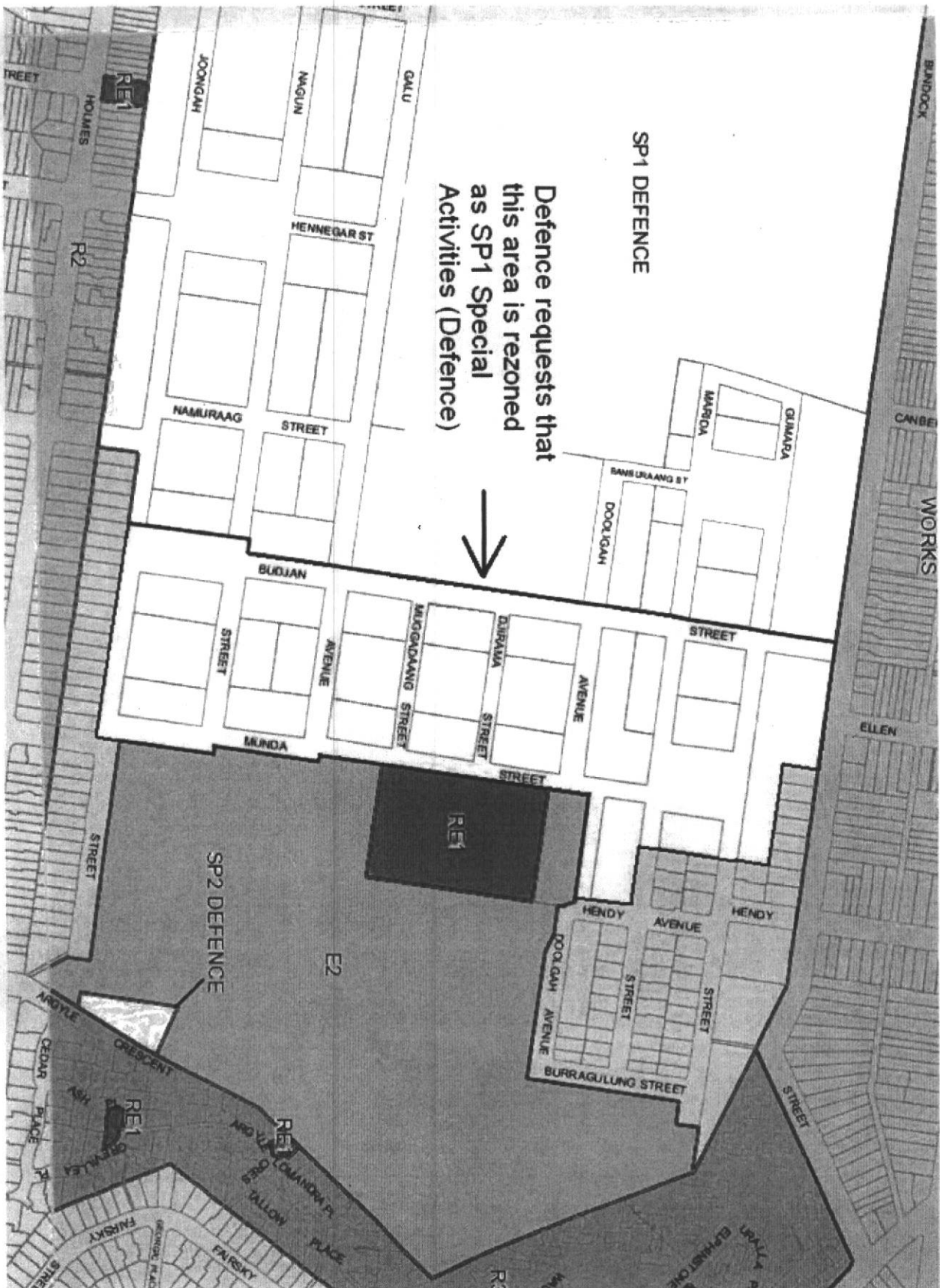
Should you wish to discuss the content of this submission further, please contact Mr Nick Parker, on (02) 6266 8186 or email at nick.parker1@defence.gov.au.

Yours sincerely

John Kerwan
 Director, External Land Planning
 Department of Defence
 BP3-1-A052
 Brindabella Park
 CANBERRA ACT 2602

26 March 2012

Cc. DS-NNSW



Defence requests that
this area is rezoned
as SP1 Special
Activities (Defence)





Transport
State Transit

2 April 2012

The General Manager
Randwick City Council
30 Frances Street
Randwick NSW 2031

Dear Sir

**Randwick Draft Local Environmental Plan 2012
NSW Transport, State Transit Authority landholdings:
31R Prince Street Randwick;
1-11 Rainbow Street Kingsford; and
629-697R Bunnerong Road Chifley.**

As part of NSW Transport, State Transit Authority is the owner of the above three land holdings within the Randwick Local Government Area. State Transit Authority has written submissions for these three landholdings in relation to Council's Open Space and Environment Discussion Paper and its Business Centres Discussion Paper, which were to inform the Randwick Draft Local Environmental Plan 2012 ("Randwick DLEP"). It is noted in the Discussion Papers that discussions would be held with State Transit Authority prior to determining a zoning for the landholdings.

The Randwick DLEP is now on public exhibition and the proposed zones for the landholdings are as per Council's recommendations and do not reflect the submissions that we have made in relation to the Discussion Papers. Please note that State Transit has modified its submission on the Prince Street Randwick property. We therefore provide this submission on the Randwick DLEP in relation to the above landholdings.

We also request the opportunity to discuss the proposals further if Randwick Council is not in agreement with our submission. We look forward to working with Council in relation to the zoning of our landholdings.

Yours faithfully

MARY MACKEN
CORPORATE COUNSEL

1-11 RAINBOW STREET KINGSFORD

The Randwick DLEP proposes to zone the site B2 Local Centre as shown on Figure 1.

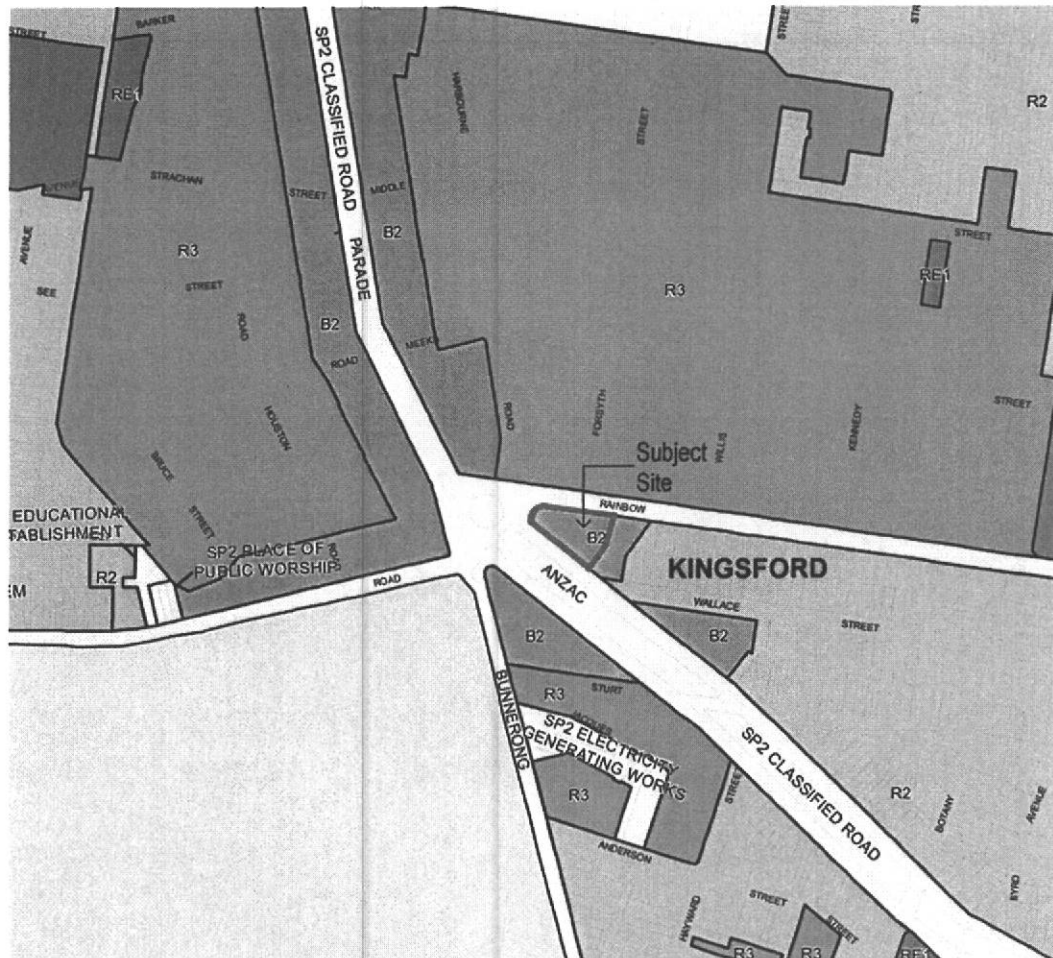


Figure 1 – Rainbow Street Rezoning
(Source: Randwick City Council)

The Rainbow Street site is currently zoned open space. The majority of the adjoining Council owned land is also zoned open space and a small area zoned 2A Residential. The Randwick Open Space and Environment Discussion Paper Discussion Paper and the Business Centres Discussion Paper proposed that this land be considered as a commercial zone.

The site is in an important location in the Kingsford commercial area. The land has been subject to discussions between Council and STA for more than 10 years. State Transit Authority made submissions to both of the above Discussion Papers supporting the rezoning as it is anxious to progress the use of the site as a major Administrative Facility. Further, it requested a greater building height and FSR given that it is identified as a key site and the opportunity to discuss the future development of the site with Council.

Randwick Council's report of 6 December 2011 states that the height and FSR proposed under the draft LEP are consistent with the adjoining Local Centre (B2) zone for Kingsford town centre and that this was recommended by an independent expert study as the land also includes the adjacent Council Rainbow Street site.

State Transit Authority is not sure of the independent expert study that was undertaken by Council, however it notes that a study was prepared in October 2002 in relation to the rezoning of the site and the General Business Scenario was based on a maximum FSR of 3:1 and a maximum height of 24m. This report is now nearly 10 years old and State Transit Authority believes that this should be reviewed, particularly in relation to new planning requirements to be considered in relation to any future development.

It is also noted that the site is considered a key site and will require the preparation of a masterplan/DCP. State Transit Authority requests that this process is expedited given the time that has occurred to date since the initial agreement to zone the site for commercial purposes and the time still required for the Randwick LEP to be gazetted.

The submission to Council requested a meeting with the Council to discuss this matter. The intent of this was to follow up the idea of a Planning Proposal and working with Council to progress the design, concept and feasibility of developing the site due to the timing for the DLEP to be gazetted as State Transit Authority has some urgency in developing the site for its requirements.

31R PRINCE STREET RANDWICK

The Randwick DLEP proposes to zone the site RE1 Public Recreation as shown on Figure 2.

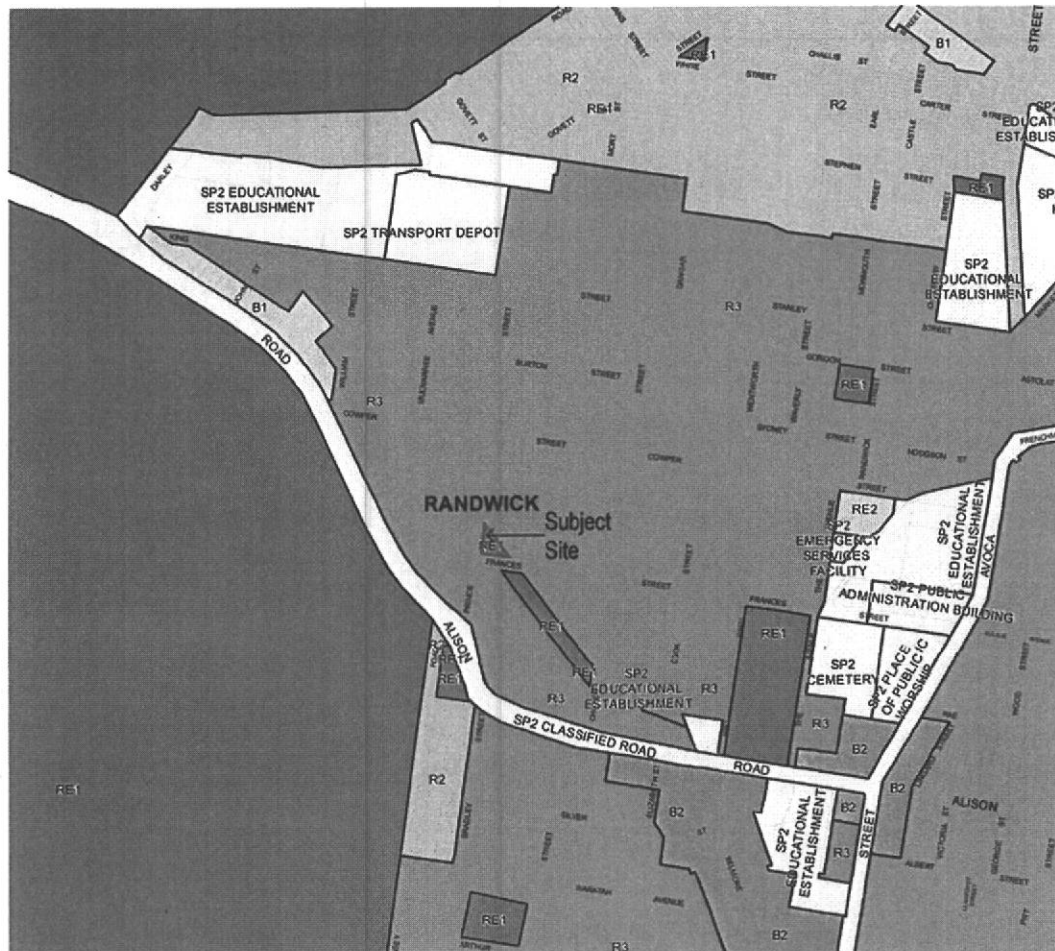


Figure 2 – Prince Street Rezoning
(Source: Randwick City Council)

The site is currently unzoned and used as an informal carpark. The Randwick Open Space and Environment Discussion Paper noted that either a residential or open space zoning may be appropriate. The Discussion Paper further stated that its preferred option is to zone the site RE1 Public Recreation, but this requires further discussion and agreement of the land owner.

The site is surrounded by a variety of residential uses and is well located in relation to the university, hospital, racecourse, Randwick commercial centre, open space and other community facilities and services, and is close to public transport. Given these attributes, State Transit Authority requested in its submission on the Open Space and Environment Discussion Paper that the site be zoned to permit either medium density residential development, or a mixed use development comprising ground level retail with residential above.

State Transit has reconsidered and now asks for a Residential R3 zoning. The site is close to Cowper Street bus facilities and appears to be used among other things as a public commuter car park. The site is degraded and potentially dangerous.

State Transit notes that the odd configuration of this 700 square metre lot, lends itself to low or medium density residential, perhaps for student accommodation. State Transit would be concerned to ensure minimum impact upon adjacent residences. State Transit also seeks to preserve the vegetation on site and accommodate for the sloping topography of the site. State Transit seeks to work to include adjoining residential owners to see if they want to extend their own properties.

It is State Transit's view that better use could be made of this site to improve the visual and physical amenity for the site itself and for surrounding properties.

The configuration of the lot and the lack of set back opportunity would need a lower scale development.

The site lacks contiguity or connectivity with other open space zonings and is in a deteriorating condition.

State Transit considers a low to medium scale residential zoning will improve the amenity of the area. The area itself is in chronic need of affordable housing, being near the hospital, university and city.

Its current use as a car park presents liability issues to State Transit. State Transit would possibly need to look at fencing off the land to prevent motor vehicles "trespassing" on the land with attendant liability issues, if the site were left unzoned or zoned as open space.

All in all, a residential zoning is a better outcome for all concerned.

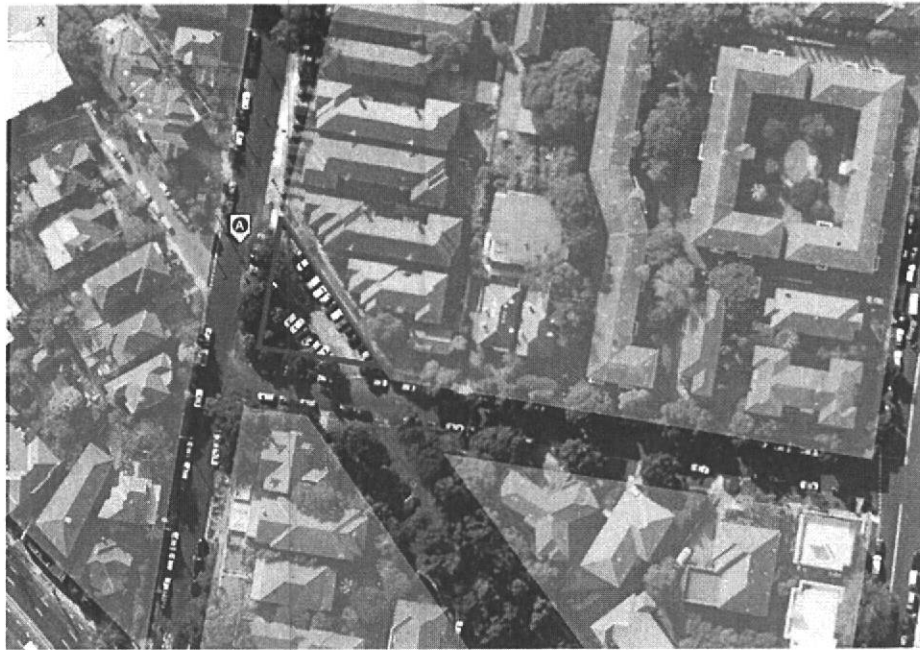
Randwick Council's DLEP Report of 6 December 2011 states that submissions from two other Government agencies were provided in relation to this landholding as follows:

- Ausgrid (part of Energy Australia)
No 31R Prince St, Randwick adjoins a State Heritage listed substation (No.349). Ausgrid supports the proposed Public Recreation zone given its close proximity to this State heritage listed substation, however notes that the zoning outcome is subject to negotiations with the land owner (STA). In this context, concerns were raised that any future residential development on 31R Prince St would need to comply with the draft ARPANSA EMF standard and DECCW Industrial Noise Policy and may affect vehicular access to the substation and/or have adverse impacts to its heritage significance.
- Heritage branch of the Office of Environment & Heritage
Support for the proposed Public Recreation zoning of 31R Prince St as provision of a public park will contribute to the preservation of the existing curtilage of the State heritage listed substation located on the adjoining land (2S Frances St), by maintaining views to and from the substation. No objection to the optional residential zone; however, future development must consider and protect the aesthetics and historic significant of the substation.

Council also stated in its report of 6 December 2011 that it did not agree with STA's submission and proposed a RE1 Public Recreation zone to recognise it as a recreation park, given the limited provision of pocket parks in this location and its natural extension of the open space/walkway along the former tram route. Further, Council did not consider the landholding as appropriate for residential/commercial development due to its corner location and configuration, the support from the Heritage Branch for the RE1 zone given the adjoining State Significant item (substation) and Ausgrid's objection to a residential zone.

Council's comments in its report dated 6 December 2011 are noted. State Transit Authority believe that 31R Prince Street should be zoned R3 Medium Density Residential for the following reasons:

- The surrounding land is proposed to be zoned R3 Medium Density Residential including the adjoining State heritage listed substation.
- The site is surrounded by a variety of residential uses and is well located in relation to the university, hospital, racecourse, Randwick commercial centre, open space and other community facilities and services, and is close to public transport. Refer Figure 3.
- The subject land is not connected to the existing open space and is separated by Frances Street.
- Significant zoned open space is located in the vicinity. Refer proposed zone plan Figure 2.
- The Heritage Branch does not object to a residential zone, however future residential development must consider the substation.
- Ausgrid states that a residential zone may affect vehicular access to the substation. The substation is located on a separate parcel of land to the east of the site, is fenced and has separate vehicular access to the site from Frances Street (Refer Figure 4).
- The parcel of land to the north of the substation and east of the subject site currently only has pedestrian access and no vehicular access. There is no onsite parking for this development. There is an existing pedestrian easement on the subject site and therefore, the development of the subject site will not impact upon access to that existing residential development.
- Its current use as a car park presents liability issues to State Transit. State Transit would possibly need to look at fencing off the land to prevent motor vehicles "trespassing" on the land with attendant liability issues, if the site were left unzoned or zoned as open space.
- The need for affordable housing within the area.



LEGEND



Subject Site



2C Residential Zone - Medium to high density residential development



Source: Extract from GoogleEarth

Figure 3 – Surrounding Area

Figure 4 – Adjoining Substation



629-697R BUNNERONG ROAD CHIFLEY

The Randwick DLEP proposes to zone the site E2 Environmental Conservation as shown on Figure 5.

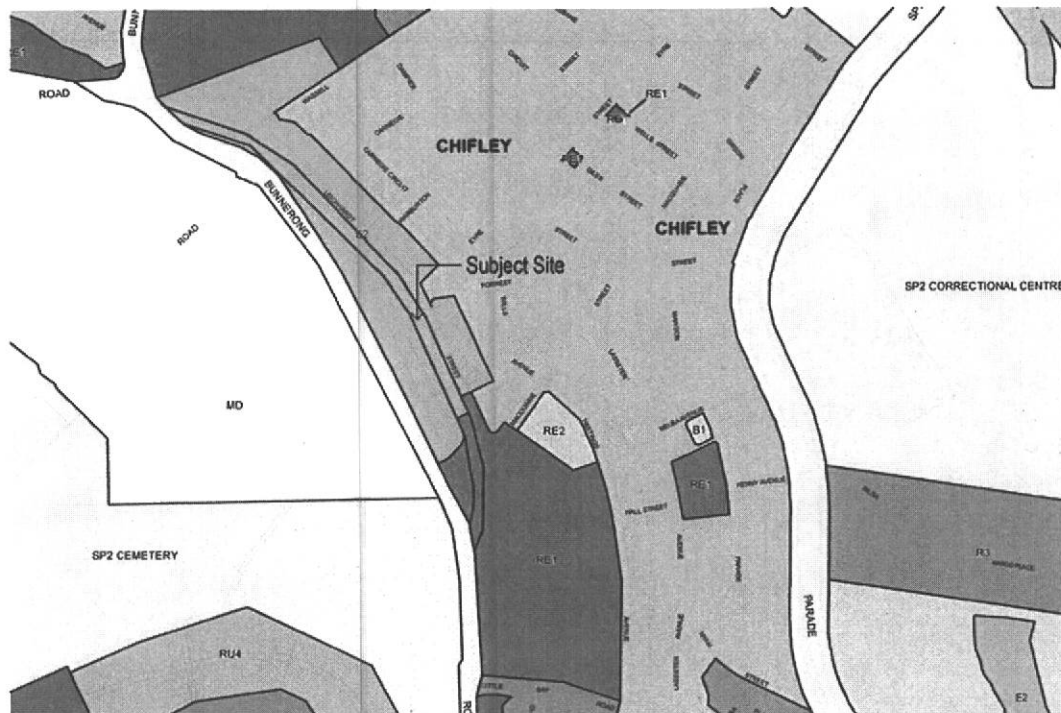


Figure 5 – Bunnerong Road Rezoning
(Source: Randwick City Council)

The land between Bunnerong Road and the existing residential area is held in multiple ownerships by state agencies including State Transit Authority, Land Management and Planning Authority, and Roads and Traffic Authority. The land held by State Transit Authority is currently zoned part open space, part residential, and part unzoned. The adjoining LMPA holding is zoned part open space and part residential, the unmade section of Leichardt Street and land immediately to its north is assumed to be owned by LMPA.

Council proposed to zone the whole area RE1 Public Recreation, and noted that parts of the lands are affected by threatened species, and the ESBS Recovery Plan in the Randwick Open Space and Environment Discussion Paper.

State Transit Authority provided a submission on the Randwick Open Space and Environment Discussion Paper regarding this site. The submission stated that a coordinated proposal allowing part of the state owned lands to be developed and the balance to be retained as open space, would be desirable from a community perspective. A development proposal for part of the site, in conjunction with a Voluntary Planning Agreement to assist in funding the ESBS Recovery Plan would provide a basis for rehabilitating this degraded area. State Transit Authority would be prepared to discuss such a proposal with other state agencies, and subject to Councils' in principle agreement, coordinate a proposal to master plan the area to achieve an integrated residential development and rehabilitated open space scheme. Such a scheme would incorporate Council's needs for pedestrian and cycleway connections.

Further, the submission had stated that the subject area is severely degraded weed infested and subject to uncontrolled access and rubbish dumping, which is outlined in the ESBS Recovery Plan. The land was subject to a proposed crown subdivision that included land owned by State Transit Authority and LMPA.

Randwick Council's DLEP Report of 6 December 2011 states that it now proposes an Environmental Protection (E2 zone) for the area as outlined in the submission from the Office of Environment and Heritage. The report also states that it will continue discussions with Government agencies and the Department to resolve any outstanding matters.

State Transit Authority request that Council discuss this matter with the Authority given that part of the land is used by Council for recreation purposes and zoned RE1 Public Recreation and the possibility of future development.



Education & Communities

Randwick City Council
30 Frances Street
Randwick NSW 2031
LEPreview@randwick.nsw.gov.au

Doc 12/102491

RE: Randwick Draft Comprehensive LEP

We refer to Randwick City Council's letter dated 21 February 2012 about the Public Exhibition of Randwick City Council's Draft Comprehensive LEP.

We understand that Draft LEP zones have not been changed since they were exhibited in discussion papers in 2011. As such, the Department's advice to Council in October 2011 on the Residential and Business discussion papers should be considered as the response to Council's Draft Comprehensive LEP.

Please ensure land use zones over school sites are appropriately zoned under the Department of Planning and Infrastructure's *LEP Practice Note PN 10-001, zoning for infrastructure in LEPs*. The Department asks that Education Establishment is a permissible use on all education sites.

Please continue to liaise closely with us on sites where potential development could impact on enrolment capacity at schools in Randwick LGA. This will allow us to plan to meet increased enrolment demand.

Contact Devika de Fonseka, Regional Asset Planner (Sydney Region) on phone 02 9217 3009 or email devika.defonseka1@det.nsw.edu.au for further information on this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony McCabe', is written over the typed name and title.

Tony McCabe
Director, Planning and Delivery
2 April 2012

From: Morgan, Nerida [Nerida.Morgan@transport.nsw.gov.au]
Sent: Wednesday, 28 March 2012 3:49 PM
To: LEPreview
Subject: draft Comprehensive LEP

I have reviewed the draft LEP on behalf of Transport for NSW. As the draft LEP is generally just a conversion of the 1998 LEP into the Standard LEP format, with minor amendments, I have no identifiable concerns.

Regards
Nerida Morgan

Principal Land Use and Transport Planner
Planning & Programs, Transport for NSW
L3, 18 Lee St Chippendale NSW 2008

Ph (02) 8202 2293 or 0418 266 459

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**Health**Justice Health &
Forensic Mental Health NetworkOur TRIM ref: DG8209/12
Your ref: F2010/00454

The General Manager
Randwick City Council
30 Frances St
Randwick NSW 2031

Attention: Karen Armstrong, Manager Strategic Planning

Re: Draft Comprehensive LEP

Dear Ms Armstrong

I refer to your letter dated 21 February 2012 regarding the Draft Comprehensive Local Environmental Plan – public exhibition.

Justice Health officers have reviewed the document and visited the display at Bowen Library on 8 March 2012. We wish to make the following comments regarding the Forensic Hospital which is located adjacent the Long Bay Correctional Complex:

- The Heritage Plan currently includes the Forensic Hospital as part of the Long Bay Correctional Complex. This should be excluded from a heritage listing as the Forensic Hospital was completed in 2008 and has no heritage significance.
- The Open Space plan incorrectly names the Forensic Hospital as the Long Bay Hospital.
- The Special Uses plan has incorrectly included the Forensic Hospital as part of the Long Bay Correctional Complex.
- The Residential Areas plan incorrectly refers to the Forensic Hospital as the Long Bay Hospital.
- The Proposed Zoning plan needs to incorporate the Forensic Hospital.

I thank you for the opportunity to comment on the draft plan. Should you have any further enquiries regarding this matter, please contact Mr Graham Lawson, Manager Corporate Services on 9700 3015 or graham.lawson@justicehealth.nsw.gov.au

Yours sincerely

Julie Babineau
Chief Executive

29 March 2012

General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

D01450039

Attention: Karen Armstrong
Manager -- Strategic Planning,

RE: DRAFT COMPREHENSIVE RANDWICK DRAFT LEP 2012.

I refer to your recent letter to Mr. Grant Greene-Smith, Manager Property Portfolio, Ausgrid (GPO Box 4009, Sydney, NSW 2001) notifying of the public exhibition of Draft Randwick Local Environmental Plan 2012. I act for Ausgrid in preparing this response.

Ausgrid notes the Council's analysis of previous submissions made by the former EnergyAustralia on the 4th February 2008 and the 5th June 2010 and appreciates the Council's support for zoning all the nominated infrastructure sites (other than Substation 7140 and 7340, located in Military Road, Matraville) *SP2 Infrastructure (Electricity Generating Works)*.

In relation to Substation 7140 (Bunnerong North Sub-Transmission Substation - No. 8 Military Road, Matraville) and Substation No. 7340 (Bunnerong 132 kV Switching Station, Military Road, Matraville), Ausgrid understands that the zoning of these sites fall within the provisions of State Environmental Planning Policy (Major Projects) 2005 and that Council cannot apply different controls under its draft LEP.

Should the Council require any further information in relation to Ausgrid's electricity infrastructure within the City of Randwick, please contact Mr. Grant Greene-Smith, Manager Property Portfolio, Ausgrid, on telephone 9269 2169 in the first instance. Ausgrid appreciates the opportunity to provide further comments in relation to Council's review of its planning controls.

Yours Sincerely

Doug Sneddon

Doug Sneddon
21st March 2012



Office of
Environment
& Heritage

Our reference: FIL03/02578
Our contact: Lyn Raffan 9585 6921

Colette Goodwin
Senior Planner
Randwick City Council
30 Frances St
Randwick NSW 2031

Randwick City Council
09 MAR 2012
Records Received

Dear Ms Goodwin,

I am writing to you in relation to the Bunnerong Rd Chifley remnant vegetation, which was proposed to be rezoned as RE1 public recreation by Randwick Council in their Open Space and Environment Discussion Paper. The Office of Environment and Heritage (OEH) provided feedback to Council on the Discussion Paper in August 2011 recommending this land be zoned E2 environmental conservation because of its biodiversity values. OEH understands that the State Transit Authority (STA), who own the land, have objected to any rezoning because they intend to develop the land as a bus depot, with a view to developing the surrounding land for housing.

OEH would like to stress that we believe this to be an important site for the Eastern Suburbs Banksia Scrub (ESBS) endangered ecological community and *Acacia terminalis* subsp. *terminalis*, an endangered species, both of which are listed at both the state and national levels. The construction of a bus depot and development of the adjoining areas for housing will destroy the patch of ESBS to the north of the site and bisect the vegetation containing *A. terminalis* subsp. *terminalis*, effectively destroying the ecological integrity of the entire remnant that supports these threatened entities.

The Eastern Suburbs Banksia Scrub Recovery Plan was approved in 2004 and aims to restore and maintain existing ESBS remnants, and where possible expand ESBS into adjacent areas. Relevant objectives of the Plan are Objective 9.2, which aims to:

Ensure that ESBS remnants are not destroyed as a consequence of habitat loss and that an increased level of legislative protection is provided over lands that support the ESBS community,

and Objective 9.3, which aims to:

Restore and, where practical, connect and enlarge remnants of ESBS through appropriate management.

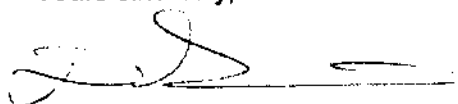
Randwick Council is a signatory of the ESBS Recovery Plan and is committed to the implementation of these objectives. Council's environment team have engaged professional bush regeneration teams and volunteers to work at the Chifley site and carry out active restoration of the vegetation over many years with good results. This work is not only improving the condition of ESBS on site, but is also providing an important link to other patches of ESBS within this remnant and the ESBS remnant at Wassell Street.

OEH is appreciative of the efforts of Council in protecting and enhancing ESBS and believes it is important to continue the work at this site and secure it for the future via a conservation zoning, which is commensurate with Objective 9.2 of the Plan.

If, however, the site is developed, a significant impact on ESBS and *A. terminalis* subsp. *terminalis* will occur, and it is likely that an appropriate offsetting agreement will need to be negotiated for the protection and rehabilitation of these threatened entities, both at this site and elsewhere in the LGA. An indicative offset ratio for the loss of ESBS is currently around 10:1.

OEH is concerned for the future of this site and would like to be involved in any negotiations with the STA or other decisions by Council involving this vegetation remnant. Please contact Lyn Raffan, the ESBS Recovery Program Co-ordinator on 9585 6912 to discuss this matter further.

Yours sincerely,

 6/3/12

Deborah Ashworth
A/Manager Biodiversity Conservation Section



Office of
Environment
& Heritage

Our reference: DOC12/7487

Ms Sima Truuvert
Director City Planning
Randwick City Council
30 Frances Street
Randwick NSW 2031

Randwick City Council
10 APR 2012
Records Received

Dear Ms Truuvert

I refer to your letter received by the Office of Environment and Heritage (OEH) on 23 February 2012 advising of the public exhibition of the draft comprehensive Randwick Local Environmental Plan (LEP) and seeking comment on the draft plan.

OEH has reviewed the relevant information and provides comments in Attachment 1 for consideration.

Please note that the OEH Heritage Branch will provide comments under separate cover.

If you have any queries regarding this matter please contact Marnie Stewart, Conservation Planning Officer, on 9995 6861.

Yours sincerely

Lou Ewins 3/4/12

LOU EWINS
Manager Planning and Aboriginal Heritage
Metropolitan Branch
Office of Environment and Heritage

Attachment 1 - OEH comments on draft Comprehensive Randwick Local Environmental Plan

1. OEH Estate

E1 National Parks and Nature Reserves

Council should ensure that all land in the local government area (LGA) that is currently reserved or earmarked for future reservation under the National Parks and Wildlife Act 1974 is zoned E1 National Parks and Nature Reserves. Council can download the GIS layer for the OEH national parks estate at the following link: <http://mapdata.environment.nsw.gov.au/>.

Malabar Headland

OEH notes that the zoning maps depict the western part of Malabar Headland (Lot 102) as zone E1 National Parks and Nature Reserves. OEH supports the application of this zone as the land was transferred to the Minister Administering the National Parks and Wildlife Act on 2 March 2012.

Crown land adjoining Botany Bay National Park

OEH notes that the section 65 certification schedule 2 requires Council to amend the maps accompanying the draft LEP to zone the unzoned land identified between the boundary of the Botany Bay National Park (high water mark) and Randwick Council's local government area boundary (low water mark) to zone E2 Environmental Conservation. As advised via email on 25 January 2012, the proposed E2 zone is supported for this strip of land.

2. Draft LEP clauses

Clause 3.3 Environmentally sensitive areas excluded

OEH notes that an additional subclause has been added to Clause 3.3(2) that exempts land identified on the Terrestrial Biodiversity Map and in the E2 zone from the provisions of exempt and complying development. This is supported by OEH.

Clause 5.9 Preservation of trees and or vegetation

OEH recommends that Council consider the inclusion of detailed native vegetation provisions in its Development Control Plan (DCP) (Clause 5.9(2)). In this regard, the following additional measures are recommended:

- that the clause in the DCP prescribing the species or kinds of vegetation to which Clause 5.9 of the LEP applies prescribe that it applies to all threatened species, endangered ecological communities (EECs) and their habitat;
- that Council prescribe the forms of proof that will be required to satisfy subclauses 5.9 (5) and (6) for dead or dying vegetation that is "*not required as habitat of native fauna*" and that is a "*risk to human life or property*"; and
- that Council consider provisions for the protection of hollow bearing trees in the DCP to protect and retain them wherever possible. Hollow bearing trees are important as habitat for many threatened species and the loss of hollow bearing trees is recognised as a key threatening process under the *Threatened Species Conservation Act*.

Clause 6.6 Terrestrial biodiversity clause and map overlay

OEH supports the inclusion of Clause 6.6 Terrestrial biodiversity and map overlay in the draft LEP. As advised in correspondence dated 10 August 2011, OEH recommended that Council identify all

areas of high biodiversity value including EECs, threatened species and their habitat, riparian corridors, wetlands and habitat corridors on the overlay map.

OEH notes Council's comments in the Government Agency Submissions and Council Responses report in regard to the Catchment Management Authority work. OEH is still of the view that the Terrestrial Biodiversity Map should include and identify all areas of high biodiversity value in the LGA. It is therefore recommended that the Terrestrial Biodiversity Map be amended and expanded as soon as practicable when mapping and information becomes available to capture a larger range of EECs, threatened species and their habitat, as well as other biodiversity values, such as movement and wildlife corridors. For example, there is a large Grey-headed Flying-fox camp in Centennial Park which should be depicted on this map, as should EECs, such as the Sydney Freshwater Wetlands and Swamp Sclerophyll Forest EECs.

3. Biodiversity

OEH notes that the E2 Environmental Conservation zone has been applied to most of the patches of remnant Eastern Suburbs Banksia Scrub (ESBS) in the LGA, which are listed under the *Threatened Species Conservation Act 1995* and *Environment Protection and Biodiversity Conservation Act 1999*. The use of the E2 zone to provide long term protection to these remnant areas of high conservation value is strongly supported.

OEH is still concerned however that it is proposed to zone some patches of ESBS to zones that permit a broad range of uses incompatible with the conservation of the values. Comments on some specific sites are provided below.

Jennifer Street - Telstra land

Council's Planning Committee Meeting report dated 6 December 2011 indicates that within the site the portions containing ESBS are proposed to be zoned E2 Environmental Conservation and the draft zoning map indicates that this site is proposed to be split zoned to SP2 Infrastructure and E2. Council's Government Agency Submissions and Council Responses report states 'in relation to the Telstra land the rezoning of patches of ESBS to E2 is supported as the vegetation is contiguous with adjoining high conservation lands and the split zone will not affect the operation and use of the site'.

OEH supports the proposed split zoning of the site, however, there are patches of ESBS in the northern portion of the site not covered by the E2 zone. While OEH is aware that these remnants have been subjected to inappropriate clearing in the past and are currently islands of vegetation, future regeneration works could link these patches of ESBS with the nearby ESBS in the surrounding Botany Bay National Park.

OEH therefore recommends that the draft zoning map be reviewed with a view to ensuring that all of the ESBS patches on the site (as per the mapping in the ESBS Recovery Plan) are covered by the E2 zone.

Jennifer Street - former La Perouse Aboriginal Land Council land

OEH understands that since the exhibition of the Open Space and Environment Discussion Paper and Council's Planning Committee Meeting report this site has been sold by the La Perouse Aboriginal Land Council. Given this situation, it is assumed that the land will no longer be subject to the La Perouse Aboriginal Land Council planning study.

In Council's Government Agency Submissions and Council Responses report it states that 'Council has applied an E2 zone to large and/or contiguous portions of ESBS' (p. 13). However, this does not appear to be the case for the large patch of ESBS on this land as the site is still shown as being zoned as R3 Medium Density Residential on the draft zoning map even though it is contiguous with ESBS in Botany Bay National Park and St Michaels Golf Course.

OEH recommends an E2 zone be applied to this site which would conserve the high conservation values present and also support a key objective of Council as outlined on p. 14 of the Government Agency Submissions and Council Responses report which is to connect and enlarge remnants of ESBS through appropriate management. The current R3 Medium Density Residential zoning compromises this objective.

Strip of ESBS in Anzac Parade, Malabar

This remnant has been identified on the Terrestrial Biodiversity Map, however, zoned SP2 Roads. It contains a large bush of *Lambertia formosa*, a species that has become rare within ESBS. This specimen sets seeds, unlike any of the other specimens in the LGA, which are much sought after by ESBS regenerators. This remnant is linear in shape and occurs in the middle of a major road. It is therefore under threat from inappropriate planting, verge mowing and destruction for road works. Given the importance of this remnant, OEH requests that Council reconsider the zoning of the remnant with a view to applying an E2 zone in order to provide for its long term conservation.

Malabar Headland

The zoning map indicates that the north-western section of Lot 101 that runs east of Byrne Crescent to Arthur Byrne Reserve is proposed to be zoned as RE2 Private Recreation. As previously advised correspondence dated 10 August 2011, this is a floristically diverse remnant of ESBS that has a history of regeneration works by the Friends of Malabar Headland. It is therefore recommended that the remnant be zoned E2 to ensure that it is protected and managed for conservation purposes.

In addition, the northern section of Malabar Headland contains ESBS (as mapped in the Recovery Plan) that has been zoned RE1 Public Recreation and RE2 Private Recreation. OEH recommends that this remnant also be zoned E2.

4. Other specific sites

Former UNSW site at Little Bay

OEH supports the E2 zoning over Lots 11 and 12 at the former UNSW site to provide for the long term conservation and protection of the registered Ochre site, Miocene site and ESBS remnant.

In relation to Lot 12, as previously advised in correspondence dated 10 August 2011, the current subdivision boundary between Lots 10 and 12 does not correspond to the ESBS mapping in the Recovery Plan which has resulted in the subdivision boundary splitting the ESBS remnant between Lots 10 and 12. OEH recommended that the boundary between Lots 10 and 12 be adjusted to ensure that the ESBS remnant is fully contained in Lot 12. OEH notes Council's comments in the Government Agency Submissions and Council Responses report supporting OEH's recommendation to adjust the sub-division boundary between Lots 10 and 12 to facilitate protection of the ESBS remnant and offering to liaise with the land owners to ensure that the finalised/registered sub-division layout achieves this outcome. OEH is very keen to progress this and will be writing to Council shortly to request a meeting to further discuss this matter.

Bunnerong Road sites, Chifley

OEH supports the proposed E2 zone over this site to provide for the long term protection, conservation and retention of the ESBS and *Acacia terminalis* subsp. *terminalis*.

As Council is aware, at the recent meeting held on 21 March 2012 between Council, Crowns lands, DoP&I and OEH, the northern part of Lot 5 DP 1173529 was discussed as a potential low density residential site. Council has recommended that this site be included in the E2 zone, however as this site has no threatened entities present and does not abut native vegetation, it was agreed by all

parties present that this parcel of land just south of Forrest St would be appropriate for two lots of single dwelling housing. OEH therefore supports the proposed amendment from E2 for this specific site to a residential zoning. OEH also supports Council's recommendation that the lots be shorter in length than those that they are adjacent to and that provisions be incorporated into the DCP to further protect the vegetation at the back of the proposed lots.

OEH also understands that Crown lands and Roads and Maritime Services have agreed to the proposed E2 zone across their land at this site and that further discussions will be held with the STA in regard to the zoning in the very near future.

5. Aboriginal cultural heritage

In previous advice dated 17 October 2011, OEH advised that in relation to the mapping of sites on an "Aboriginal Heritage Map", Aboriginal communities have very strong views on making available the location of their heritage sites to the general public. OEH recommended that Council consult with the local Aboriginal community as part of the development of an "Aboriginal Heritage Map" for the LEP and that it is usual practice that information on the location of Aboriginal sites remains confidential.

OEH notes Council's comments in the Government Agency Submissions and Council Responses report that consultation is underway with the La Perouse LAC to determine whether or not to itemise aboriginal objects or places of heritage significance and that this will inform the draft LEP. OEH notes and supports Council's current consultation with the LALC on this matter.

OEH also suggests that Council update the Conservation Plan to reflect heritage studies undertaken since 1983.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 28 March 2012 1:28 PM
To: 'RATH David A'
Subject: RE: RTA land and proposed rezoning along Bunnerong Road, Chifley

Hi David,
Thanks for your quick reply and confirmation on zoning. It is appreciated.
Regards
[REDACTED]

From: RATH David A [mailto:David.RATH@rms.nsw.gov.au]
Sent: Wednesday, 28 March 2012 12:55 PM
To: [REDACTED]
Subject: RE: RTA land and proposed rezoning along Bunnerong Road, Chifley

Hi [REDACTED]

Thanks for the call and for sending this information through. I can confirm that Roads and Maritime Services (formerly RTA) owns the land the subject of this proposed rezoning, being lot 1 DP 206840 and shown highlighted white on the attached aerial photo.

RMS raises no objections to the proposed rezoning, from Open Space to E2 Environmental Conservation, on the basis that the land supports endangered vegetation.

We will check the draft LEP, as you suggest, and forward other comments to you if required.

Regards
David

David Rath
Portfolio Planner
Property Services | Sydney Region
T 02 8588 5339 F 02 8588 4131 M 0409 849 312
www.rmsservices.nsw.gov.au

Roads and Maritime Services
Level 13, 101 Miller Street North Sydney NSW 2060 | Locked Bag 928 North Sydney NSW 2059

From: [REDACTED]
Sent: Wednesday, 28 March 2012 11:17 AM
To: RATH David A
Subject: RTA land and proposed rezoning along Bunnerong Road, Chifley

Hi David,

Good to talk to you this morning about the draft LEP which is on public exhibition until 2 April. Below are zoning extracts showing land along Bunnerong Road in Chifley. Figure 1 is the proposed zone E2 Environment Conservation while Figure 2 is the current zones under Randwick LEP 1998(Consolidation).

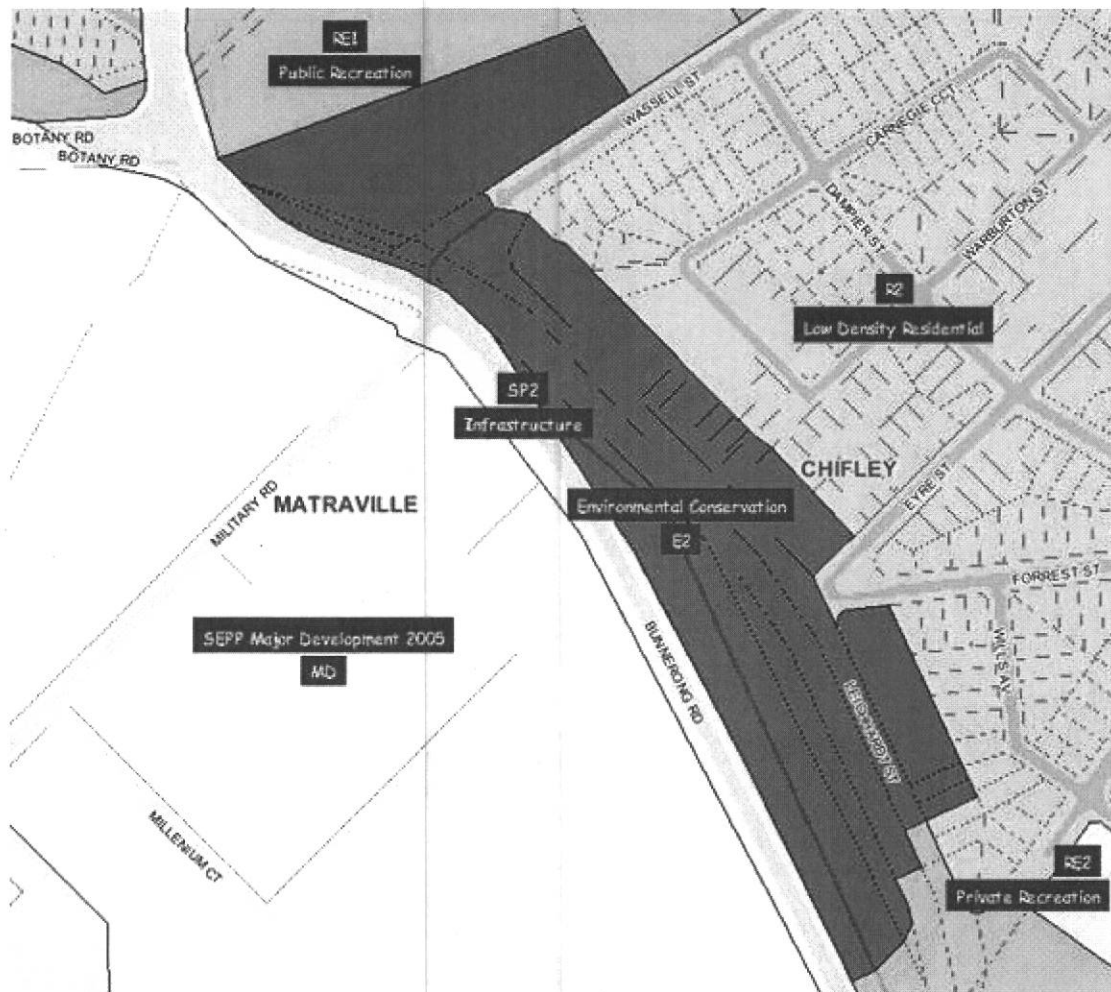


Figure 1 Proposed zoning

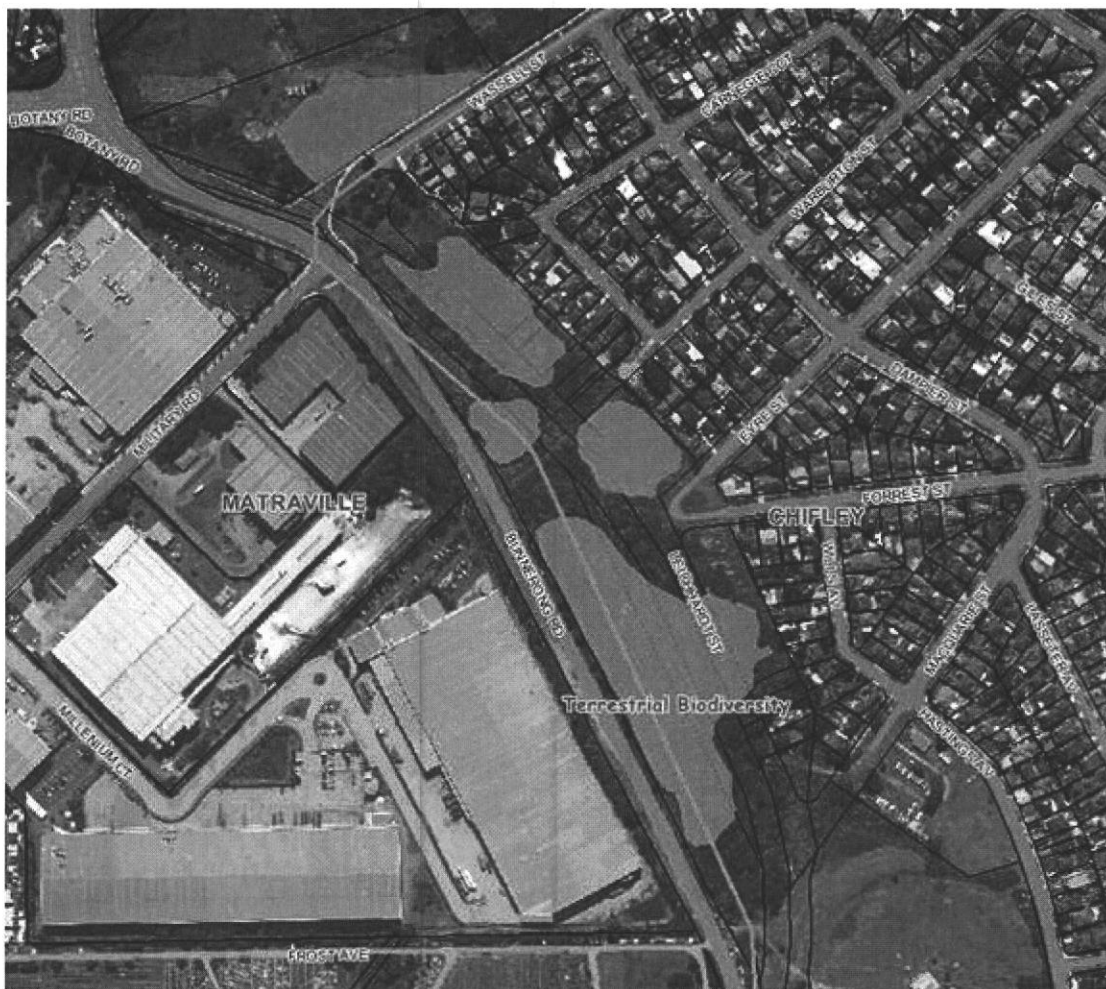


Figure 3 Terrestrial biodiversity

You may wish to review the draft LEP and Maps during exhibition to be sure there are no other matters the RTA may wish to comment on (see Council's website). We are happy to meet with you to discuss the draft LEP which will be reported to Council in May. We have a tight timeframe for the new comprehensive LEP with a final LEP going to DoPI in June.

I look forward to your response to the proposed rezoning along Bunnerong Road.

Regards

Colette Goodwin
Senior consultant planner

Randwick City Council

Ph: (02) 93990519

Email: colette.goodwin@randwick.nsw.gov.au

2014 65676

City of Sydney

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12 April 2012

File No: S081001
Our Ref: 2012/052460

Randwick City Council

17 APR 2012

FRANCISCA O'BRIEN

Ms Karen Armstrong
Manager – Strategic Planning
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

Dear Ms Armstrong,

Randwick Draft Comprehensive Local Environmental Plan

I refer to your letter dated 13 February 2012 inviting the City of Sydney to comment on Randwick Council's Draft Comprehensive Local Environmental Plan ('draft LEP').

The City commends Randwick City Council in achieving this significant milestone.

In particular, the City supports the following aspects of the draft LEP:

- The LEP's centres planning approach: Focussing businesses, retail uses and services in identified locations will reduce car travel, protect public investment in centres and transport and protect amenity in residential areas.
- The retention of industrial lands: The proposed land use controls will protect the viability of the existing industrial lands, which accommodate vital urban services.
- Randwick Council as a regional coastal destination: The business/centre zoning for coastal centres and the inclusion of permissible uses such as 'tourist and visitor' recognises the regional role of areas like Coogee.
- Schedule 1 uses: The City's proposal to use Schedule 1 to permit additional uses on certain properties within a zone was not supported by the NSW Department of Planning and Infrastructure. The City supports the use of Schedule 1 in unique circumstances to respond to local conditions.

Should you wish to speak with a Council officer about the City's comments on the draft LEP, please contact Francesca O'Brien, A/Executive Manager City Plan on 9265 9333 or at fobrien@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be "FOB", written over a horizontal line.

FRANCESCA O'BRIEN
A/Executive Manager City Plan

city of villages

From: McMahon, Cathy [mcmahonc@botanybay.nsw.gov.au]
Sent: Sunday, 25 March 2012 3:42 PM
To: LEPreview
Subject: Draft Randwick Comprehensive LEP - Public Exhibition

Your ref: F2010/00454

Attention Ms Karen Armstrong
Manager – Strategic Planning

I refer to Randwick City Council's letter dated 17 February 2012 in respect of the public exhibition of the draft Randwick Local Environmental Plan 2012. I advise that the City of Botany Bay Council has no objections to the draft Plan.

Thankyou for the opportunity to review the Draft Randwick LEP.

regards

Catherine McMahon
Chief Town Planner
City of Botany Bay
(02) 9366 3520

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