

SUBMISSION ON BEHALF OF RANDWICK CITY COUNCIL TO PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS FOR THE SITE REMEDIATION AND CONSTRUCTION OF INFRASTRUCTURE FOR THE DEFENCE SITE AT RANDWICK BARRACKS, SYDNEY, NSW.

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Introduction

1. This submission to the Parliamentary Standing Committee on Public Works is made on behalf of Randwick City Council. Randwick City Council is the largest and oldest of the eastern Sydney metropolitan Councils, a local government area with 121,000 residents, covering a land area of 37 square kilometres, with 25 kilometres of Sydney's eastern seaboard extending from Clovelly into Botany Bay.

2. With the exception of works approved under Commonwealth jurisdiction and identified in the Notice of Intention (NOI) for the site, Randwick City Council is the consent authority for the redevelopment of the Defence Site.

3. Under Randwick Local Environmental Plan (LEP) 1998 the redevelopment of the surplus Defence land required the submission of a Master Plan to Council, which was adopted (with variations) by Council 13th November 2001.

4. The Master Plan sets a framework for:

- 32 superlots suitable for residential use, which will be sold to individual developers after subdivision.
- Roads, open space and associated infrastructure framework.
- A mix of dwelling types, predominantly 1 or 2 storey on the northern and southern sides of the site and up to 3 or 4 storey in the centre of the site.
- A projected range of between 650-850 dwellings, depending on dwelling types
- A projected population range of 1,700-2,000 people
- Randwick Environmental Park, a 13.1 hectare parcel of land, to be zoned as environmental protection and managed via a plan of management. The parcel contains threatened species, bushland remnants and a wetland, all with appropriate buffer areas and other measures to ensure they are not adversely affected by development. The park will also contain areas for passive recreation, board walks and educational information.
- 7 other parks/open space areas
- An army oval, which can be booked by the public subject Defence needs
- A purpose built community facility of 1,200 m² on a parcel of 3,000 m², which will provide for a community centre with multi purpose hall and artist studios, a pre school, a day care facility, Anabell House and WIRES
- Potential for a State Transit Bus service through the site
- Small scale local retail uses which will serve the local community, such as a café and newsagency
- Dedicated bicycle lanes throughout and around the site
- Traffic measures to minimise traffic impacts within and around the site.

5. In adopting the master plan Council resolved to prepare an amending LEP and site specific Development Control Plan (DCP), which were endorsed by Council 11th March 2003.

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6. While draft LEP 23 specifically rezones areas of the Defence site at Randwick Barracks to Residential 2D and Zone 7 Environmental Protection, the two new zones will potentially apply across Randwick City, subject to future rezoning of sites to these zones.

7. Randwick City Council has now requested that the Minister for Planning make the draft Local Environmental Plan, Amendment No.23, which allows the use of the subject land for residential, open space and environmental protection purposes, consistent with the approved Master Plan for the site. Council requests the Minister rezone the land Residential 2D Comprehensive Development, to better reflect the proposed redevelopment of the site; Public and Private Open Space zones 6A and 6B to provide for active and passive recreation and Environmental Protection 7 Natural Heritage Area to better protect sensitive land. The rezoning of the land will enable the Master Plan and set up appropriate land uses and controls for the site.

8. Randwick City Council, the local community and Defence Department representatives have worked together successfully on the Master Plan, the LEP amendment and site specific DCP. The draft LEP and DCP represent an important step forward for Randwick in terms of sustainability provisions and will ensure that this development when complete will be a model development, all efforts have been undertaken to minimise the ecological footprint of the future development, particularly in terms of water sensitive urban design, maximising renewable energy use, minimising green house gas emissions, waste minimisation and environmental education.

9. To date Randwick City Council has determined the following applications and policy documents in good faith with the understanding that commitments made to Council will be met by Defence, particularly with regard to the satisfactory remediation of the site and the satisfactory delivery of the major provisions of the Master Plan (paragraph 4), including a community facility:

10.

No	Type	Date
WA 01/0005	Master Plan Defence Site, Randwick Barracks	21 November 2001
DA 02/0427	Development Application Stage 1A infrastructure works	23 September 2002
DA 02/0426	Development Application Community Facility works	23 September 2002
DA 02/0428	Development Application Stage 1B infrastructure works	23 September 2002
DA 02/0747	Development Application establishment Randwick Environmental Park	23 February 2003
LEP Amd. 23	Local Environmental Plan Amendment No. 23	11 March 2003
DCP	Development Control Plan Defence Site, Randwick Barracks	11 March 2003

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TERMS OF REFERENCE FOR THE HEARING

11. *The Committee is required by the Public Works Committee Act 1969 to report to Parliament on:*

- i. The need for the work;*
- ii. If the proposed work will adequately satisfy the need;*
- iii. If the estimated cost of the work can be justified; and*
- iv. The amount of revenue, if any, the work will generate for the Commonwealth*

i) THE NEED FOR THE WORK

12. *The statement of evidence prepared by Defence specifies the following main areas of the need to be addressed as:*

- a) Decontaminate and remediate the site to a level suitable for public use;*
- b) Meet the identified commitments to Randwick City Council; and*
- c) Optimise the returns to revenue from the sale of land.*

a) *Decontaminate and remediate the site to a level suitable for public use;*

13. The site is within a highly urbanised area within metropolitan Sydney and requires the prior remediation to render the site suitable for residential and open space uses. State Environmental Planning Policy 55 "Remediation of land", under the *Environmental Planning and Assessment Act 1979* requires for both the rezoning of the land and in determining development applications that the planning authority must not permit the change of use or consent to the development application unless:

14. a. it has considered whether the land is contaminated, and
- b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and
- c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

15. The remediation of the site has been the subject of intense community concern and anxiety due to the asbestos in soil contamination over an extensive area of the site and the sites close proximity to residential dwellings. Community consultation on site remediation has occurred, in particular the independent contaminated land site auditor together with Council have invested a great deal of time and effort in explaining procedures and safeguards. It is the view of both Council and the local community that the full remediation of the site should proceed without delay. Commitments as detailed in paragraph 20 have been given to both Council and the local community by the Department of Defence through the Master Planning process, at community open days and community planning focus group meetings. Council officers also organised for the site auditor to attend the local precinct committee meeting on two occasions in 2002.

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16. Notwithstanding the fact that the remediation of contaminated land at the site is being carried out under the Commonwealth NOI approval, in adopting the Master Plan Council required that:

17. "The site must be remediated to the maximum standard for residential and other sensitive land uses applicable under relevant State and Commonwealth legislation and guidelines. In the case of asbestos or other contaminants where no adopted standard exists, the site is to be remediated to an asbestos free level, or to a level where no unacceptable health risk remains. This will be confirmed in writing by the relevant State and/or Commonwealth Government authority. The site audit statement must certify that the site is suitable for unrestricted land uses as identified in the master plan."

18. "The site must be remediated, validated and an unconditional site audit statement issued (to the extent that it must be issued with no conditions requiring ongoing management or monitoring) by a site auditor accredited by NSW EPA, under the *Contaminated Land Management Act 1997*"

19. Randwick City Council submits that the decontamination and remediation of the entire site, in accordance with the intentions of the Master Plan is critical and should continue without delay. In particular the area of the existing Community Centre, which is known to be contaminated and is still in use, should be remediated as a priority. This however will require the prior construction of the new Community Centre to relocate the current community uses. To date although the Department has undertaken remediation of part of the site, it is not clear whether the Community Centre site has been remediated and validated by the site auditor. A development Application to enable the construction of the Community Centre was approved by Randwick City Council 23 September 2002.

b) Meet the identified commitments to Randwick City Council

20. *The statement of evidence prepared by Defence specifies the following commitments to Randwick City Council as:*

- (a) the submission, by Defence of Development Applications for the subdivision of the disposal precinct and for the construction of a new community facility;*
- (b) the construction, by Defence, of the community facility and its transfer, at no cost, to Council by November 2003;*
- (c) the preparation, by defence, of a Plan of Management and a Bushland Regeneration Plan for the Randwick Environmental Park*
- (d) the embellishment, by Defence, of the Randwick Environmental Park, at a cost of up to \$1.0m, by November 2003 and the provision of a one-off payment of \$2.5m towards the management and maintenance of the Park for the next 19 years;*
- (e) construction, by Defence, of the Army oval in accordance with the NOI prior to the development of any land dependant upon its secondary role as a stormwater detention basin;*

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- (f) *remediation works, by Defence, in accordance with the master plan and Notice of Intent; and*
- (g) *Council proceeding to expeditiously rezone the site and undertaking to issue development consent(s) in accordance with the agreed, master plan.*

Community Facility

21. As outlined in paragraph 10 a number of applications have been determined by Council to enable the initial subdivision and infrastructure works required for the incoming population of up to 2,000 new residents. As identified under the s94 Developer Contributions Plan for the site there is a need to provide a 1,200m² community facility. The delivery of this community facility is seen as being integral to the redevelopment of the site as it will provide for a community centre with multi purpose hall and artist studios, a pre school, a day care facility, Anabell House and WIRES. Thus, satisfying the needs of the community groups currently utilising the site as well as those of the incoming community.

22. During the preparation of the Master Plan the Department of Defence made a commitment to the community and Council for the delivery of a new community facility in the first stage of the development with delivery to the community by 30 November 2003, this commitment was confirmed in the Master Plan for the site prepared by Defence. Several planning focus group meetings between Defence, Council and representatives of all community groups to be relocated in the facility were undertaken during the pre-lodgement phase of the Master Plan and Community Facility Development Application.

Randwick Environmental Park

23. Also during the preparation of the Master Plan and detailed within the Master Plan a commitment was made to the community and Council for the delivery of Randwick Environmental Park. The Randwick Environmental Park contains bushland, including vegetation of National and State conservation significance and an ephemeral wetland, together with areas for passive recreation, board walks and educational information. This park is an integral part of the development meeting not only the requirements of State and Federal Threatened Species and Biodiversity Conservation legislation, but providing a unique passive recreation area for the incoming and local community.

24. The successful management of the multiple use of this natural heritage area will be achieved through the rezoning of the area and the implementation of the Plan of Management. This Plan of Management has been prepared by Defence and review by a panel of experts from, Council, NSW National Parks and Wildlife Service, NSW Department of Land and Water Conservation and community wetlands expert working for the University of New South Wales. The embellishment and maintenance of the Randwick Park will require time and monetary commitment from both Defence, Council and bushcare volunteers, however it is vital that this area of national conservation significance is protected and enhanced for future generations.

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Other

25. Other commitments confirmed in the Master Plan include, an army oval which can be booked by the public subject to Defence needs, the provision of seven other parks/open space areas within the residential area and the provision of roads and infrastructure works to appropriate standards to facilitate the proposed residential redevelopment of the site. All these commitments are integral to the delivery of the site as a model development, they are important features for the incoming community and are required to meet the open space needs for the site and their timely delivery will help to facilitate the successful marketing of the site.

26. In discussions between Council's General Manager and Senior Departmental Staff the commitment was made as detailed in paragraph 20. This was further confirmed in a subsequent letter dated 30 November 2001, from the Director of Major Property Disposal Unit, Bernard Blackley. The construction of the community facility in 2003 was also confirmed in a meeting between Councillor Dominic Sullivan, Mayor of Randwick City and the then Minister responsible for the disposal of surplus Defence land Dr Brendan Nelson MP. The Department did make these commitments in public forums and documentation to the community. It is the expectation of both community and Council that these commitments are realised.

ii) IF THE PROPOSED WORK WILL ADEQUATELY SATISFY THE NEED

27. With regard to the proposed works Randwick City Council has the following understanding with Defence:

Remediation of site

28. All remediation standards and requirements of the Master Plan and Development Applications must be satisfied prior to commencement of works under the Development Applications. Under both State and Federal legislation Defence is obliged to ensure that the land is remediated to the appropriate level to allow redevelopment.

29. With regard to soil and groundwater contamination a Commonwealth Indemnity will be procured and delivered to Randwick City Council, indemnifying Council against all legal liability of any nature which the Council may incur for a period of 40 years.

Community facility

30. By 30 November 2003 Defence will complete, at no cost to Randwick City Council, the construction of the Community Facility as approved in DA 02/0426 and identified in attachment 3-1, 3-2 and 3-3 in the *Statement of evidence and supporting plans for presentation to the Parliamentary Standing Committee on Public Works, December 2002*. Upon satisfactory completion the new Community Facility will be dedicated at no cost to Randwick City Council.

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31. The Department has made a public commitment to the community, users of the community facility and Council for a timely delivery of the community facility. Consequently Randwick City Council submits that the Department should honour the commitments made and to commence the construction of the new community centre in accordance with the requirements of the Master Plan and the terms and conditions of the approved Development Application.

Randwick Environmental Park

32. By 30 November 2003 Defence will complete, at no cost to Randwick City Council, the embellishment of Randwick Environmental Park and construction of works as approved in DA 02/0747 and the Plan of Management for Randwick Environmental Park, to a maximum value of \$1m. Upon satisfactory completion of works the Park will be dedicated to Randwick City Council and Defence will pay \$2.5m towards the cost of management and maintenance of Randwick Environmental Park for 19 years after its dedication.

33. The Department has made a public commitment to the community and Council for a timely delivery of the environmental park. Consequently Randwick City Council submits that the Department should honour the commitments made and to commence the embellishment of the Randwick Environmental park in accordance with the requirements of the Master Plan and the terms and conditions of the approved Development Application.

Other

34. With regard to Development Application works the proponent will appoint a suitably qualified Environmental/Community Liaison Officer, dedicated to the site to ensure strict compliance onsite with all conditions of consent and to act as a first point of contact with the community to act on any complaints arising. This will provide benefits to the development in ensuring minimal construction phase problems and the prompt response to any community concerns, leading to the satisfactory staging of development.

iii) IF THE ESTIMATED COST OF THE WORKS CAN BE JUSTIFIED

35. Randwick City Council submits that the estimated costs of works are fully justified to ensure delivery of Master Plan outcomes and commitments. The option of doing nothing and the option of carrying out the minimum works are not supported.

**iv) THE AMOUNT OF REVENUE, IF ANY, THE WORK WILL GENERATE FOR THE
COMMONWEALTH**

36. Whilst it is not for Council to comment on the amount of revenue the work will generate for the Commonwealth it may be of interest to the Committee to note that the satisfaction of all commitments to Randwick City Council will be considered as in lieu

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developer contributions and satisfy any s94 Contributions under the *Environmental Planning and Assessment Act 1979*, therefore rendering the site s94 free. A s94 free site will maximise the potential revenue returns for the Commonwealth. All major redevelopment sites generally provide open space and community facilities for their incoming population, which serves to increase the attraction and marketability of the sites. The proposed open space and community facilities for the Defence site will enhance the site in this regard.

CONCLUSION

37. The works for remediation and construction of infrastructure at the Defence Site at Randwick Barracks, Sydney, that the Parliamentary Standing Committee are currently considering form the fundamental basis of the redevelopment of the site in accordance with the adopted Master Plan. The planning framework and proposed outcomes for the site are a culmination of many years of dedicated work from Randwick City Council, Department of Defence and the local community for which all parties are to be commended. The successful implementation of which will not only deliver a model development in terms of best planning practices implementing ecologically sustainable development practices, but will deliver the protection and embellishment of sensitive land and provision of open space, which will provide not only for recreational benefits but also visually enhance the site, together with the community facility providing for the relocation of community assets currently on site into a new and multipurpose facility better able to cater for the new population.

38. Randwick City Council submits that the Parliamentary Standing Committee should approve all the necessary funding to ensure that all the commitments made to both the community and Council are satisfied. In particular the early remediation and timely provision of the community facility and environmental park is imperative as they form an integral part of the package for the redevelopment of the site in line with the Department's commitments to the community.

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