

PLANNING PROPOSAL TO AMEND WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

1. OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

- A. To amend the zoning of 21-23 Niblick Street, North Bondi and 27-29 Gilgandra Road, North Bondi (Gilgandra Reserve) from R2 Low Density Residential to RE1 Public Recreation in order to more accurately reflect its historical and current use.
- B. To give the community confidence that both sites will continue to be used for recreation purposes.
- C. To identify 21-23 Niblick Street, North Bondi and 27-29 Gilgandra Road, North Bondi on the Land Reservation and Acquisition Map in order to facilitate the subject sites' eventual acquisition.

2. EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE PROPOSED LOCAL ENVIRONMENTAL PLAN

A. Amendment of Land Zoning Map

The Planning Proposal seeks an amendment to Waverley Local Environmental Plan (WLEP) 2012 in order to recognise the historical and current use of 21-23 Niblick Street, North Bondi and 27-29 Gilgandra Road, North Bondi ensure the continued use of both as recreation space. This will involve amending sheet 3 of the WLEP 2012 Land Zoning Map for the subject sites from R2 Low Density Residential to RE1 Public Recreation in accordance with the proposed zoning maps appended as Attachments F and G to this report.

Explanation: The site at Niblick Street has been licensed to Council from Sydney Water for use as a park since 1956 and the site at Gilgandra Road has been licensed to Council from Sydney Water for use as a park since 1960. Both sites are an integral part of Council's open space network in an area which is deficient in local open space. The subject sites were rezoned from Special Uses 5(a) Sydney Water to R2 Low Density Residential during the preparation of Waverley Local Environmental Plan 2012 in accordance with LEP Planning Practice Note PN10-001. This planning practice note required land previously zoned special uses 5(a) to be zoned in a manner consistent with the zoning of adjoining properties where there is no infrastructure on the land. Sydney Water's proposal to sell the land now threatens the subject sites' continued use for recreation purposes. The amendment of the sites' zoning to RE1 Public Recreation is therefore required in order to guarantee the land's continued use as open space.

B. Amendment of Land Reservation and Acquisition Map

The planning proposal also seeks to amend sheet 3 of the WLEP 2012 Land Reservation and Acquisition Map by identifying 21-23 Niblick Street, North Bondi and 27-29 Gilgandra Road, North Bondi as indicated on the map appended as Attachment H to this report.

Explanation: While the subject sites have been used as public recreation for more than 50 years, their continued use for recreation purposes is threatened by Sydney Water's proposed sale of the subject sites. Identifying the sites on the Land Reservation and Acquisition Map is required in order to make clear Council's intended acquisition of the sites to ensure their continued use for recreation purposes.

3. JUSTIFICATION FOR THOSE OBJECTIVES, OUTCOMES AND PROVISIONS AND THE PROCESS FOR THEIR IMPLEMENTATION

A. Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?

Waverley LEP 2012 was prepared in accordance with the Planning Practice Notes and Directives issued by the Department of Planning and Infrastructure for the preparation of Comprehensive LEPs in accordance with the Standard LEP template. The plan was exhibited over October and November 2011 and became effective in October 2012. Planning Practice Note PN10-001 required land previously zoned special uses 5(a) to be zoned in a manner consistent with the zoning of adjoining properties where there is no infrastructure on the land. Consequently the land was zoned R2 Low Density Residential.

The need for this current planning proposal arose from Sydney Water's recent proposal to sell the subject sites which threatens their continued use for recreation purposes. The amendment of the zoning to RE1 Public Recreation and identification of the sites on the Land Reservation Acquisition Map is therefore required in order to ensure the lands' continued use as open space. Council's Recreational Needs Study 2008 notes on page 22 that small parks "enhance visual amenity and allow respite in a dense urban environment". Again on page 55 the study concludes that based on a standards approach "Waverley is under provided with informal open spaces".

At its meeting of 21st June 2011, Council considered a report on the preparation of an open space strategy and resolved:

Council endorse the preparation of an Open Space Strategy as funding becomes available, to fill the gap in planning for community needs for open space recreation and leisure.

Until such a strategy is conducted, the provision of open space should not change. This planning proposal will ensure that the status quo in regards to small parks/children's playgrounds will be maintained.

The need to retain the subject sites for open space/recreational purposes is therefore essential. The potential loss of open space at 21-23 Niblick Street, North Bondi was reported to Council at its meeting of 17th March 2015 and Council resolved that:

The Council initiates an amendment to Waverley Local Environmental Plan 2012 by proposing to rezone 21-23 Niblick Street, North Bondi from R2 Low Density Residential to RE1 Public Recreation and amending the Land Reservation Land Acquisition Map accordingly.

It is to be noted, that Council prepared and submitted a Planning Proposal to amend the Waverley Local Environmental Plan Amendment No 11 for 21-23 Niblick Street, North Bondi and received Gateway Determination on 19 May 2015 (refer to Attachment B).

However, the potential loss of open space at 27-29 Gilgandra Road, North Bondi (Gilgandra Reserve) was reported to Council at its meeting of 2 August 2016 and Council resolved that:

Council:

1. Prepares a Planning Proposal to amend Waverley Local Environment Plan 2012 to:
 - (a) Rezone 27-29 Gilgandra Road, North Bondi (Gilgandra Reserve) from R1 Low Density Residential to RE1 Public Recreation.
 - (b) Note 27-29 Gilgandra Road, North Bondi on the Land Reservation Acquisition Map.
 - (c) Requests the Department of Planning and Environment to amend the Gateway Determination for 21-23 Niblick Street, North Bondi to include the rezoning of 27-29 Gilgandra Road, North Bondi.

All of the amendments are consistent with the Metropolitan Strategy, East Subregion Draft Subregional Strategy and the Waverley Strategic Plan as detailed below.

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

The outcomes of the planning proposal will clarify Council's strategic intent to protect open space resources and demonstrate to the community the value that Council places on these important resources. The only way to achieve this is through an LEP amendment of which this planning proposal is the first step.

2. Is there a net community benefit?

Council intends to rezone the subject sites to RE1 Public Recreation, purchase the land at 21-23 Niblick Street, North Bondi, and enter into a 99 year license agreement with Sydney Water for Gilgandra Reserve (27-29 Gilgandra Road, North Bondi) with the express purpose of ensuring the sites will always be available for community and recreational purposes and will continue to contribute to the local open space network. The zoning of the sites will give the community certainty that these important pieces of social infrastructure being public open space will be retained for their intended purpose.

B. Relationship to Strategic Planning Framework

1. 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 objectives and actions contained in the Sydney Metropolitan Strategy and East Subregion Draft Subregional Strategy (ESDSS) were comprehensively addressed during the preparation of WLEP 2012. All of the objectives and actions contained within those plans were complied with. The amendments

contained in this Planning Proposal are considered minor zoning and mapping amendments relating to the clarification of Council's intent to maintain the subject land for recreation purposes. These are equally consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and ESDSS.

2. Is the Planning Proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

In the preparation of Waverley's comprehensive LEP 2012, detailed consideration was given to Council's Strategic Plan in force at that time "Waverley Together" and the LEP was consistent with the strategies and directions contained in that plan. Waverley Council's current Community Strategic Plan, "Waverley Together 3" covers the period 2013-2025. The plan was designed to focus Council's attention on what the community really wants; provide guidance on achieving these things sustainably; and help maximise efforts to speed up attainment of the vision.

The plan is structured according to the "Quadruple Bottom Line". The Planning Proposal is not inconsistent with any of the strategies and is directly relevant to 3 of the strategies representing 3 of the 4 bottom line elements:

- Sustainable Communities which represents the "social" element of the quadruple bottom line:

C7 – Health and Quality of Life is improved through a range of recreation and leisure opportunities.

Response – This Planning Proposal aims to protect the subject parcels of land which have been used by the local community as parks for more than 50 years.

- Sustainable Environment representing the "environmental" element:

E6 A network of parks and coastal reserves, street trees and other plantings provides a habitat for a thriving local ecology.

Response: The subject parks form integral components of the local Open Space network and Council's intended purchase of the land at 21-23 Niblick Street and license arrangements for 27-29 Gilgandra Road, North Bondi will ensure their continued park use in order to meet the recreational needs of the community.

- Sustainable Governance representing the "governance" element:

G2 Our community is actively engaged in well informed decision processes.

Response: The Gateway determination will specify the minimum consultation requirement for this Planning Proposal and Council will comply fully with these requirements affording an opportunity for community engagement on all aspects of this planning proposal.

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

This Planning Proposal is consistent with State Environmental Planning Policies. Attachment C identifies all SEPPs and indicates compliance with those plans.

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

The Planning Proposal is justifiably inconsistent with Direction 3.1 Residential Zones. The direction aims to:

- Broaden the choice of housing types.
- Make more efficient use of infrastructure.
- Be of good design.
- Not reduce the permissible residential density of any land.

This Planning Proposal is of minor significance and will not impact the variety or choice of housing in the Local Government Area. While the proposal is to rezone land from R2 Low Density Residential to RE1 Public Recreation, this is only to reflect the historic and current use of the land as local parks.

This Planning Proposal is consistent with the Ministerial Section 117 Directions. Attachments C and D identify all Section 117 Directions and indicate compliance with those directions.

5. Is the Planning Proposal consistent with A Plan for Growing Sydney, released by the Department of Planning and Environment on 14 December 2014?

The proposal will result in retaining land currently used as open space for recreational purposes in a major centre of Sydney. This will help reach the goals of *A Plan for Growing Sydney*, specifically goal three, “A great place to live with communities that are strong, healthy and well connected,” and direction 3.2, “Create a network of interlinked, multipurpose open and green spaces across Sydney,” by protecting open space in North Bondi which will help create a healthy built environment. Therefore the Planning Proposal is consistent with *A Plan for Growing Sydney*.

B. Environmental, Social and Economic Impact

1. 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?

No. The land which is subject to this Planning Proposal does not include any land which contains critical habitat or threatened species populations or ecological communities or their habitats.

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

21-23 Niblick Street, North Bondi

Sydney Water engaged Parsons Brinckerhoff Australia Pty Limited (PBA) to test soil and groundwater on at 21-23 Niblick Street, North Bondi. A copy of the letter from PBA is appended as Attachment E. In that letter PBA advised as follows:

“The purpose of the environmental testing was to provide a more detailed understanding of potential soil and groundwater contamination at the park to assess whether any contamination clean-up was required prior to its sale.

Results showed that a soil sample collected at a depth of 0.2-0.3 metres below ground level at the centre of a small area in the north portion of the park had an elevated concentration of lead. The concentration of lead in this small area exceeded industry guidelines for soils in open spaces such as parklands.”

The study concluded that:

“For those reasons it is considered highly unlikely that the small area of the park with the lead impact would have caused an unacceptable health risk to those using the park.

It was recommended that the small area of lead-impacted soils be remediated. Excavation of impacted soil and disposal to an appropriately licensed off-site waste facility was chosen as the preferred remediation approach.

During the assessment of the park one piece of bonded asbestos cement and three small asbestos fibre bundles were identified in soil samples submitted for laboratory analysis. The quantities reported were well below the industry health guidelines and met the guidelines for open space and residential housing with gardens.”

A remediation Action Plan was also prepared and a copy was submitted to Council. The plan outlines the remediation process for the land which is consistent with the recommendations of the testing. Notwithstanding, should the planning proposal proceed and the land rezoned RE1 Public Recreation, remediation is not considered necessary as the environmental testing concluded that it is highly unlikely that the lead impact would have caused an unacceptable health risk to those using the park. Also, excavation of the impacted soil would result in the removal of a number of large trees on the site which would have a detrimental effect on the environmental and aesthetic appeal of the park. It is noted, that Sydney Water have not provided their consent for the remediation Action Plan to be made publicly available, and hence it will not be exhibited with the subject planning proposal.

In addition, the Planning Proposal relates to land identified as Class 5 on the Acid Sulphate Soils Map in Waverley LEP 2012. No development is proposed on the land as the purpose of the Planning Proposal is to reflect the historic and current use of the land. However, should excavation occur in order to remediate the contaminated portion of the land, this will only be to a depth of 0.5m and involve the disposal of only 37.5m³ of soil and will be undertaken in accordance with the Remediation Action Plan for the site. This is also unlikely to lower the water table on the nearby Class 4 land.

27-29 Gilgandra Road, North Bondi

Sydney Water engaged Parsons Brinckerhoff Australia Pty Limited (PBA) to conduct a detailed site investigation to test soil and groundwater on 21-23 Gilgandra Road, North Bondi. Sydney Water also engaged AECOM to provide an Environmental Management Plan (10 June 2016) for the site.

The Environmental Management Plan notes:

“The objectives of the detailed site investigation (DSI) were to identify any contamination on or underlying the site, and to assess potential risks to occupiers or workers from any identified contamination associated with the proposed future use of the property as an open space recreation park, and proposed construction of play equipment.

This EMP was prepared based on conditions encountered during the DSI (WSP/Parsons Brinckerhoff, 2016). Based on the findings of the DSI, management of the Site is required following the identification of asbestos containing material (ACM) at a depth of 0.4 metres below ground level (mBGL) in the south eastern corner of the site.

...the DSI included a visual inspection for ACM by an occupational hygienist and sampling of the upper 0.15 mBGL of the soil for asbestos at 15 locations. No asbestos was identified in the samples or observed by the occupational hygienist across the site. SWC intends to continue to lease the site to Waverley Council for use as a public reserve. Soil disturbance is not anticipated outside of activities associated with the maintenance of the public reserve.”

The site will be managed by Council in accordance with the measures recommended in the Environmental Management Plan. It is noted, that Sydney Water have not provided their consent for the Environmental Management Plan to be made publicly available, and hence it will not be exhibited with the subject planning proposal.

In addition, the Planning Proposal relates to land identified as Class 5 on the Acid Sulphate Soils Map in Waverley LEP 2012. No development is proposed on the land as the purpose of the Planning Proposal is to reflect the historic and current use of the land. However, should any future works be required on the site, they will be undertaken in accordance with the Environmental Management Plan.

3. How has the Planning Proposal adequately addressed any social and economic effects?

The amendments in this planning proposal will clarify Council’s strategic intent of maintaining the subject sites for recreation purposes. Identifying the sites on the Land Reservation and Acquisition Map demonstrates Council’s commitment to acquire the sites to ensure their continued use for recreation purposes.

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

The amendments will permit the continuation of the existing land use and therefore will not have any impact on public infrastructure.

5. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gate way determination and have they resulted in any variations to the Planning Proposal?

Council officers have initiated discussions with Sydney Water in regards to the purchase of the land however no consultation with State or Commonwealth Public Authorities has occurred in relation to this planning proposal at this stage. Consultation with relevant authorities including Sydney water will occur in accordance with the gateway determination.

4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Future community consultation will occur in accordance with the gateway determination. Notwithstanding this, Council considers that an exhibition period of 14 days would be appropriate given the minor nature of the amendments and the fact that it is intended to maintain the current use of the land. Council also suggests that:

- Notice be given in the Wentworth Courier being the local paper that services the Waverley municipal area;
- The Planning Proposal being advertised on Council's website;
- The Planning Proposal being exhibited in Council's Customer Service Centre and Library;
- Letters be sent to all adjoining and affected property owners at Council's discretion.

5. LIST of ATTACHMENTS

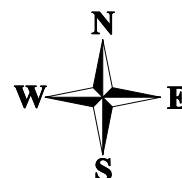
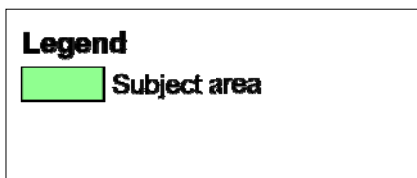
- A. Site map identifying the sites at 21-23 Niblick Street, North Bondi and 27-29 Gilgandra Road, North Bondi proposed to be rezoned from R2 Low Density Residential to RE1 Public Recreation.
- B. Gateway Determination received for 21-23 Niblick Street, North Bondi (19 May 2015).
- C. Section 117 Directions and State Environmental Planning Policy Compliance Table.
- D. Ministerial Section 117 Direction Compliance Table.
- E. Letter from Parsons Brinckerhoff Australia Pty Limited regarding the environmental testing of 21-23 Niblick Street, North Bondi.
- F. Proposed Waverley LEP 2012 Land Zoning Maps – Sheet 3.
- G. Current Waverley LEP 2012 Land Zoning Maps – Sheet 3.
- H. Proposed Waverley LEP 2012 Land Reservation and Acquisition Map – Sheet 3

ATTACHMENT A

Site map identifying the sites at 21-23 Niblick Street,
North Bondi and 27-29 Gilgandra Road, North Bondi
proposed to be rezoned from R2 Low Density Residential
to RE1 Public Recreation



Planning Proposal Waverley LEP 2012 (Amendment #) 21-23 Niblick Street and 27-29 Gilgandra Road, North Bondi



ATTACHMENT B

Gateway Determination received for 21-23 Niblick Street,
North Bondi (19 May 2015)



Planning & Environment

Mr Arthur Kyron
General Manager
Waverley Council
GPO Box 9
BONDI JUNCTION NSW 1355

FILE No:	PP-2 / 2015
ACTION OFFICER:	Alex Corno
RECORDS No:	Daniela S.

15/06855

Dear Mr Kyron

Planning Proposal to amend Waverley Local Environmental Plan 2012

I refer to your Council's letter 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 Waverley Local Environmental Plan 2012. The proposed amendment seeks to rezone 21-23 Niblick Street, North Bondi, from R2 Low Density Residential to RE1 Public Recreation.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I note that Council is yet to agree with Sydney Water on the terms of sale of the subject land. I encourage Council to work with Sydney Water to reach an agreement prior to public exhibition of the planning proposal.

The amending LEP is to be finalised within nine months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Lauren Templeman on telephone number (02) 8575 4112.

Yours sincerely


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_WAVER_001_00): to amend Waverley Local Environmental Plan 2012 (Waverley LEP 2012) to rezone 21-23 Niblick Street, North Bondi, from R2 Low Density Residential to RE1 Public Recreation.

I, the Director, Metropolitan Delivery (CBD) at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to Waverley Local Environmental Plan (LEP) 2012 to rezone 21-23 Niblick Street, North Bondi from R2 Low Density Residential to RE1 Public Recreation, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the EP&A Act with Sydney Water and the Environmental Protection Authority prior to exhibition and the outcome of this consultation is to be included as part of the planning proposal when exhibited.

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The planning proposal should respond to this consultation.

If comment from Sydney Water and the Environmental Protection Authority is not received within 21 days, Council is to exhibit the planning proposal and seek input from the relevant agencies during the consultation period.

3. Council is required to exhibit the Remediation Action Plan for the site with the planning proposal.



Planning & Environment

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 19th day of May 2015.

Director, Metropolitan Delivery (CBD)
Planning Services
Department Planning and Environment
Delegate of the Minister for Planning

ATTACHMENT C

Section 117 Directions and State Environmental Planning Policy Compliance Table

ASSESSMENT OF WAVERLEY LEP 2012 (AMENDMENT #) WITH SECTION 117 DIRECTIONS, SEPPS AND FORMER REPS

Consistency with:

PART A: Ministerial Directions under Section 117

PART B: State Environmental Planning Policies

PART C: Former Sydney Regional Environmental Plans (Deemed SEPPs)

Part A: Ministerial Directions under Section 117 of EP&A Act 1979	(Tick one only)		
	Not relevant	Consistent	Justifiably inconsistent
1. Employment and Resources			
1.1 Business and Industrial Zones	✓		
1.2 Rural Zones	✓		
1.3 Mining, Petroleum Production and Extractive Industries	✓		
1.4 Oyster Aquaculture	✓		
1.5 Rural Lands	✓		
2. Environment and Heritage			
2.1 Environmental Protection Zones		✓	
2.2 Coastal Protection	✓		
2.3 Heritage Conservation		✓	
2.4 Recreation Vehicle Area		✓	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones			✓
3.2 Caravan Parks and Manufactured Home Estates		✓	
3.3 Home Occupations		✓	
3.4 Integrating Land Use and Transport		✓	
3.5 Development Near Licensed Aerodromes	✓		
3.6 Shooting Ranges	✓		
4. Hazard and Risk			
4.1 Acid Sulphate Soils		✓	
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land		✓	
4.4 Planning for Bushfire Protection	✓		
5. Regional Planning			
5.1 Implementation of Regional Strategies	✓		
5.2 Sydney Drinking Water Catchments	✓		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton, Millfield (Cessnock LGA) (Revoked)	-	-	-
5.6 Sydney to Canberra Corridor (Revoked)	-	-	-
5.7 Central Coast (Revoked)	-	-	-
5.8 Second Sydney Airport: Badgerys Creek	✓		
6. Local Plan Making			
6.1 Approval and Referral Requirements		✓	
6.2 Reserving Land for Public Purposes		✓	
6.3 Site Specific Provisions		✓	
7. Metropolitan Planning			
Implementation of Metropolitan Plan for Sydney 2036		✓	

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SEPP 1 – Development Standards	✓		
SEPP 2 – Minimum Standards for Residential Flat Development (repealed)	-	-	-
SEPP 3 – Castlereagh Liquid Waste Disposal Depot (repealed)	-	-	-
SEPP 4 – Development Without Consent & Miscellaneous complying Development	-	-	-
SEPP 5 – Housing for Older people or People with Disabilities (Repealed)	-	-	-
SEPP 6 – Number of Storeys in a Building	-	-	-
SEPP 7 – Port Kembla Coal Loader (repealed)	-	-	-
SEPP 8 – Surplus Public Land (repealed)	-	-	-
SEPP 9 – Group Homes (repealed)	-	-	-
SEPP 10 – Retention of Low Cost Rental Accommodation (repealed)	-	-	-
SEPP 11 – Traffic Generating Developments (repealed)	-	-	-
SEPP 12 – Public Housing (Dwelling Houses) (Repealed)	-	-	-
SEPP 13 – Sydney Heliport (Repealed)	-	-	-
SEPP 14 – Coastal Wetlands	✓		
SEPP 15 – Rural Landsharing Communities	✓	-	-
SEPP 16 – Tertiary Institutions (Repealed)	-	-	-
SEPP 19 – Bushland in Urban Areas	✓		
SEPP 20 – Minimum Standards for Residential Flat Development (Repealed)	-	-	-
SEPP 21 – Caravan Parks	✓		
SEPP 22 – Shops and Commercial Premises (Repealed)	-	-	-
SEPP 25 – Residential Allotment Sizes (Repealed)	-	-	-
SEPP 26 – Littoral Rainforests	✓		
SEPP 27 – Prison Sites (repealed)	-	-	-
SEPP 28 – Town House and Villa Houses (Repealed)	-	-	-
SEPP 29 – Western Sydney Recreation Area	✓		
SEPP 30 – Intensive Agriculture	✓		
SEPP 31 – Sydney (Kingsford Smith) Airport (repealed)	-	-	-
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)		✓	
SEPP 33 – Hazardous and Offensive Development	✓		
SEPP 34 – Major Employment Generating Industrial Development (Repealed)	-	-	-
SEPP 35 – Maintenance Dredging of Tidal Waterways (repealed)	-	-	-
SEPP 36 – Manufactured Home Estates	✓		
SEPP 37 – Continued Mines & Extractive Industries (Repealed)	-	-	-
SEPP 38 – Olympic Games and Related Projects (Repealed)	-	-	-
SEPP 39 – Spit Island Bird Habitat	✓		
SEPP 41 – Casino Entertainment Complex (repealed)	-	-	-
SEPP 42 – Multiple Occupancy of Rural Land (repealed)	-	-	-
SEPP 43 – New Southern Railway (repealed)	-	-	-
SEPP 44 – Koala Habitat Protection	✓		
SEPP 45 – Permissibility of Mining (repealed)	-	-	-
SEPP 46 – Protection and Management of Native Vegetation (Repealed)	-	-	-
SEPP 47 – Moore Park Showground	✓		
SEPP 48 – Major Putrescible Landfill Sites (repealed)	-	-	-
SEPP 50 – Canal Estates	✓		
SEPP 51 – Eastern Distributor (repealed)	-	-	-

Part B: State Environmental Planning Policies (SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 53 – Metropolitan Residential Development (repealed)	-	-	-
SEPP 54 – Northside Storage Tunnel (repealed)	-	-	-
SEPP 55 – Remediation of Land		✓	
SEPP 56 – Sydney Harbour Foreshores and Tributaries (Repealed)	-	-	-
SEPP 58 – Protecting Sydney’s Water Supply (Repealed)	-	-	-
SEPP 59 – Central Western Sydney Regional Open Space and Residential	✓		
SEPP 60 – Exempt & Complying Development (repealed)	-	-	-
SEPP 61 – Exempt & Complying Development White Bay & Glebe Island Ports (repealed)	-	-	-
SEPP 62 – Sustainable Aquaculture 2000	✓		
SEPP 63 – Major Transport Projects (repealed)	-	-	-
SEPP 64 – Advertising and Signage	✓		
SEPP 65 – Design Quality of Residential Flat Development	✓		
SEPP 67 – Macquarie Generation Industrial Development Strategy (repealed)	-	-	-
SEPP 69 – Major Electricity Supply Projects (repealed)	-	-	-
SEPP 70 – Affordable Housing (Revised Schemes)	✓		
SEPP 71 – Coastal Protection	✓		
SEPP 72 – Linear Telecommunications Development – Broadband (repealed)	-	-	-
SEPP 73 – Kosciuszko Ski Resorts (repealed)	-	-	-
SEPP 74 – Newcastle Port and Employment Lands (repealed)	-	-	-
SEPP - (Affordable Rental Housing) 2009	✓		
SEPP - (Building Sustainability Index: BASIX) 2004	✓		
SEPP - (ARTC Rail Infrastructure) 2004 (repealed)	-	-	-
SEPP - (Sydney Metropolitan Water Supply) 2004 (repealed)	-	-	-
SEPP - (Development on Kurnell Peninsula) 2005	✓		
SEPP - (Major Developments) 2005	✓		
SEPP - (Sydney Region Growth Centres) 2006	✓		
SEPP - (Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP (Temporary Structures) 2007	✓		
SEPP (Infrastructure) 2007	✓		
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	✓		
SEPP (Rural Lands) 2008	✓		
SEPP (Exempt and Complying Development Codes) 2008	✓		
SEPP (Western Sydney Parklands) 2009	✓		
SEPP (Housing for Seniors or People with a Disability) 2004	✓		
SEPP (Western Sydney Employment Area) 2009	✓		
SEPP (Urban Renewal) 2010	✓		
SEPP (Sydney Drinking Water Catchment) 2011	✓		
SEPP (State and Regional Development) 2011	✓		
SEPP (Penrith Lakes Scheme) 1989	✓		

Part C: Former Sydney Regional Environmental Plans (Deemed SEPPs)	(Tick one only)		
	Not Relevant	Consistent	Justifiably inconsistent
SYDNEY REP 1 - Dual Occupancy (repealed)	-	-	-
SYDNEY REP 2 – Dual Occupancy (repealed)	-	-	-
SYDNEY REP 3 – Kurnell Peninsula (replaced)	-	-	-
SYDNEY REP 4 – Homebush Bay (repealed)	-	-	-
SYDNEY REP 5 – Chatswood Town Centre (repealed)	-	-	-
SYDNEY REP 6 – Gosford Coastal Areas (repealed)	-	-	-
SYDNEY REP 7 – Multi-Unit Housing – Surplus Govt Sites (repealed)	-	-	-
SYDNEY REP 8 – Central Coastal Plateau Areas	✓		
SYDNEY REP 9 – Extractive Industry	✓		
SYDNEY REP 10 – Blue Mountains Regional Open Space (repealed)	-	-	-
SYDNEY REP 11 – Penrith Lakes Scheme (repealed)	-	-	-
SYDNEY REP 12 – Dual Occupancy (repealed)	-	-	-
SYDNEY REP 13 – Mulgoa Valley (repealed)	-	-	-
SYDNEY REP 14 – Eastern Beaches (repealed)	-	-	-
SYDNEY REP 15 – Terry Hills (repealed)	-	-	-
SYDNEY REP 16 – Walsh Bay	✓		
SYDNEY REP 17 – Kurnell Peninsula (repealed)	-	-	-
SYDNEY REP 18 – Public Transport Corridor	✓		
SYDNEY REP 19 – Rouse Hill Development Area	✓		
SYDNEY REP 20 – Hawkesbury-Nepean River	✓		
SYDNEY REP 21 – Warringah Urban Release Areas (repealed)	-	-	-
SYDNEY REP 22 – Parramatta River (repealed)	-	-	-
SYDNEY REP 23 – Sydney and Middle Harbours (repealed)	-	-	-
SYDNEY REP 24 – Homebush Bay Area	✓		
SYDNEY REP 25 – Orchard Hills (Repealed)	-	-	-
SYDNEY REP 26 – City West	✓		
SYDNEY REP 27 – Wollondilly Regional Open Space (repealed)	-	-	-
SYDNEY REP 28 – Parramatta (Repealed)	-	-	-
SYDNEY REP 29 – Rhodes Peninsula (repealed)	-	-	-
SYDNEY REP 30 – St Marys	✓		
SYDNEY REP 31 – Regional Parklands (repealed)	-	-	-
SYDNEY REP 33 – Cooks Cove	✓		
SYDNEY REP (Sydney Harbour Catchment) 2005	✓		

ATTACHMENT D

Ministerial Section 117 Direction Compliance Table

PLANNING PROPOSAL TO AMEND WAVERLEY LEP 2012 (Amendment #)
SECTION 117 DIRECTIONS COMPLIANCE

Relevant Sec 117 Directions and their implication for this Planning Proposal are:

1. Employment and Resources	
1.1 Business and Industrial Zones • Give effect to the objectives of the direction. • Retain existing business and industrial zones. • Not reduce potential floor space area in business and industrial zones. • Must be consistent with DoPI strategy.	• Not applicable. The Planning Proposal does not relate to any land zoned for business or industrial purposes.
1.2 Rural Zones	• Not applicable. There are no existing or proposed rural zones in the LEP.
1.3 Mining, Petroleum Production and Extractive Industries	• Not applicable. The Planning Proposal does not affect any deposits.
1.4 Oyster Aquaculture	• Not applicable. The Planning Proposal does not change any land uses that would affect priority oyster aquaculture areas.
1.5 Rural Lands	• Not applicable. SEPP (Rural Lands) 2008 does not apply to Waverley.
2. Environment and Heritage	
2.1 Environment Protection Zone • Shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.	• Council's comprehensive LEP 2012 introduced provisions relating to Terrestrial Biodiversity which apply to land identified on the Terrestrial Biodiversity Map and identified three sites as having high conservation value which were zoned E2 Environmental Conservation accordingly. • This Planning Proposal does not affect any of these sites.
2.2 Coastal Protection	• Not applicable. The Planning Proposal does not apply to any land that is within the Coastal Zone.
2.3 Heritage Conservation • Facilitate the conservation of heritage items, both Aboriginal and European.	• Schedule 5 and the Heritage Maps in WLEP 2012 were developed following a comprehensive heritage study involving community consultation over a number of years. In addition, a study of Aboriginal Heritage was also conducted the results of which were also included.

	This Planning Proposal does not affect any heritage item or conservation area.
2.4 Recreation Vehicle Areas	This Planning Proposal does not enable the development of any land for the purpose of a recreation vehicle area.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones - Broaden the choice of housing types. - Make more efficient use of infrastructure. - Be of good design. - Not reduce the permissible residential density of any land	This Planning Proposal is justifiably inconsistent with the direction as it is of minor significance and will not impact the variety or choice of housing in the Local Government Area. While the proposal is to rezone land from R2 Low Density Residential to RE1 Public Recreation, this is only to reflect the historic and current use of the land as a local park.
3.2 Caravan Parks and Manufactured Home Estates	There are no existing caravan parks in the local government area or any existing provisions permitting caravan parks.
3.3 Home Occupations Allow home occupations in Dwelling Houses without the need for development consent.	- Council's comprehensive LEP made Home Occupations permissible in all residential and business zones (except for the B3 Commercial Core zone) without the need for development consent. - This Planning Proposal does not change any provision relating to Home Occupations.
3.4 Integrating Land Use and Transportation - Give effect to Improving Transport Choice – DUAP 2001 Guidelines. - Give effect to The Right Place for Business & Services – DUAP 2001 Policy.	The amendments contained in this Planning Proposal are minor zoning and mapping amendments and have no impact on transportation.
3.5 Development near Licensed Aerodromes	Not applicable. No land in Waverley is in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable. There are no Shooting Ranges in the Waverley Local Government Area.
4. Hazard and Risk	
4.1 Acid Sulphate Soils - Consider the Acid Sulphate Soils Guidelines. - Regulate works in Acid Sulphate Soil areas consistent with the ASS Model LEP.	This Planning Proposal is of minor significance and will not have any environmental impacts from the use of the land. The Planning Proposal relates to land identified as Class 5 on the Acid Sulphate Soils Map in Waverley LEP 2012. No development is proposed on the land as the

Not intensify land use on land identified as having a probability of ASS unless a study is carried out assessing the appropriateness of the change of land use.	purpose of the Planning Proposal is to reflect the historic and current use of the land. - Niblick Street - Should excavation occur to remediate the contaminated portion of the land, this will only be to a depth of 0.5m and involve the disposal of only 37.5m³ of soil and will be undertaken in accordance with the Remediation Action Plan for the site. It is also unlikely to lower the water table on the nearby Class 4 land. - Gilgandra Road – Should excavation occur, it will be undertaken in accordance with the Environmental Management Plan prepared by AECOM. - Council's comprehensive LEP made provisions for Acid Sulphate Soils. This Planning Proposal does not change any provision relating to Acid Sulphate Soils.
4.2 Mine Subsidence and Unstable Land	Not applicable. No land in the draft LEP is located within a mine subsidence district nor identified as unstable land.
4.3 Flood Prone Land - Be consistent with NSW Flood Prone Land Policy and Floodplain Development Manual 2005. - Not permit a significant increase in the development of land in the flood planning areas. - Not impose flood related development controls above the residential flood planning level for residential development.	This Planning Proposal does not apply to any land that is within a flood planning area and does not change any provision relating to Flood Planning.
4.4 Planning for Bushfire Protection	Not applicable. Council is not required to prepare a bushfire prone land map.
5. Regional Planning	
5.1 Implementation of Regional Strategies Must be consistent with the Regional Strategy.	Not applicable. Waverley is not within any of the listed regions.
5.2 Sydney Drinking Water Catchment	Not applicable. Waverley is not identified as an applicable Council.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable. Waverley is not identified as an applicable Council.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable. Waverley is not identified as an applicable Council.
5.5 Development in the vicinity Ellalong, Paxton and Millfield	Direction has been revoked.
5.6 Sydney to Canberra Corridor	Direction has been revoked.

5.7 Central Coast	Direction has been revoked.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable. Waverley is not identified as an applicable Council.
6. Local Plan Making	
6.1 Approval and Referral Requirement - Minimise the inclusion of provisions that require concurrence etc. - Not identify development as designated development without the approval of the Director General.	This Planning Proposal does not contain any referral requirements nor identify any development as designated development.
6.2 Reserving Land for Public Purposes - Not alter or create reservations without the approval of the relevant acquisition authority. - Comply with a request from a Minister or public authority to reserve land etc.	This Planning Proposal will rezone the site from R2 Low Density Residential to RE1 Public Recreation and identify the site on the Land Reservation and Acquisition Map. In accordance with Clause 5.1(2) of Waverley Local Environmental Plan 2012, Waverley Council will be the relevant acquisition authority. Council resolved to undertake this action at its meeting of 2 August 2016.
6.3 Site Specific Provisions Discourage the creation of site specific provisions that allow a particular development to occur.	The Planning Proposal contains no site specific provisions that allow a particular development to occur.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036 Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036	The objectives and actions contained in the Metropolitan Plan for Sydney 2036 and East Subregion Draft Subregional Strategy (ESDSS) were comprehensively addressed during the preparation of WLEP 2012. All of the objectives and actions contained within those plans were complied with. The amendments contained in this Planning Proposal are considered to be minor zoning and mapping amendments designed to reflect the historic and current use of the land. The amendment will maintain the status quo and are equally consistent with all objectives and actions contained in the Sydney Metropolitan Strategy and ESDSS.

ATTACHMENT E

Letter from Parsons Brinckerhoff Australia Pty Limited regarding the environmental testing of 21-23 Niblick Street, North Bondi

Parsons Brinckerhoff Australia Pty Limited

ABN 80 078 004 798

11 February 2015

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Environmental Services Senior Project Manager
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Certified to ISO 9001, ISO 14001, OHSAS 18001

Our ref: 2262007B-CLM-LTR- RevD

Dear Emma

Sydney Water North Bondi property, 21-23 Niblick Street, North Bondi, NSW

On behalf of Sydney Water Corporation (Sydney Water), Parsons Brinckerhoff Australia Pty Ltd (Parsons Brinckerhoff) tested soil and groundwater at the park located at 21-23 Niblick Street, North Bondi, NSW.

Sydney Water currently owns the park and plans to sell it. The purpose of the environmental testing was to provide a more detailed understanding of potential soil and groundwater contamination at the park to assess whether any contamination clean-up was required prior to its sale.

Results showed that a soil sample collected at a depth of 0.2-0.3 metres below ground level at the centre of a small area in the north portion of the park had an elevated concentration of lead. The concentration of lead in this small area exceeded industry guidelines for soils in open spaces such as parklands.

The industry guidelines adopted for the site for open spaces and residential land are based primarily on the ingestion of soil – i.e., by eating the soil or breathing its dust. It is unlikely that skin contact with the lead impacted soil could lead to any health problem.

The exposure factors on which the industry health guidelines for lead in open space are based on the following factors:

- Duration of exposure: A child has been exposed for 6 years.
- The rate of ingestion of soil per day: A child will ingest 50 mg of soil per day at the site.
- The frequency of exposure: The frequency of exposure is 365 days per year.
- Time spent outdoors on site each day: Children will spend 2 hours on site each day.

It should be understood that the lead industry guideline is deliberately set using very conservative exposure factors and using a child which is considered the most sensitive receptor. However, it is reasonable to assume that a person would not have spent all or even most of his or her time exclusively in the small impacted area of the park. Also, the guideline assumes that an individual meets all the exposure factors – that is, for a risk to eventuate, a child would have to play every day of the year in the small impacted area of

the park for 2 hours or more per day, and would have to eat an average of 50 mg of soil per day for at least 6 years. It is very unlikely that any individual would meet all these exposure requirements. In addition the site has grass cover which reduces exposure. Exposure to a person using the park is therefore greatly minimised.

For those reasons it is considered highly unlikely that the small area of the park with the lead impact would have caused an unacceptable health risk to those using the park.

It was recommended that the small area of lead-impacted soils be remediated. Excavation of impacted soil and disposal to an appropriately licensed off-site waste facility was chosen as the preferred remediation approach.

During the assessment of the park one piece of bonded asbestos cement and three small asbestos fibre bundles were identified in soil samples submitted for laboratory analysis. The quantities reported were well below the industry health guidelines and met the guidelines for open space and residential housing with gardens.

Yours sincerely



Adrian Heggie

Principal Scientist & Risk Assessor
Contaminated Land Management
Parsons Brinckerhoff Australia

ATTACHMENT F

Proposed Waverley LEP 2012 Land Zoning Maps - Sheet 3



Waverley Local Environmental Plan 2012 Amendment

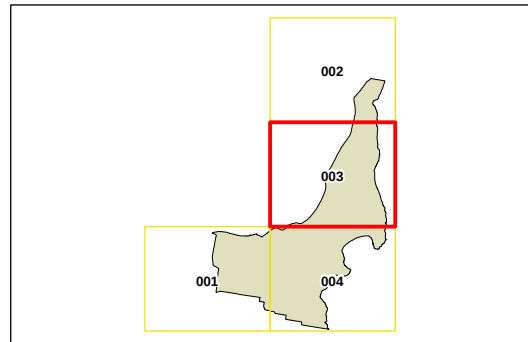
Land Zoning Map - Sheet LZN_003

Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure

Cadastre

- Cadastre 18/08/2016 © Waverley Council

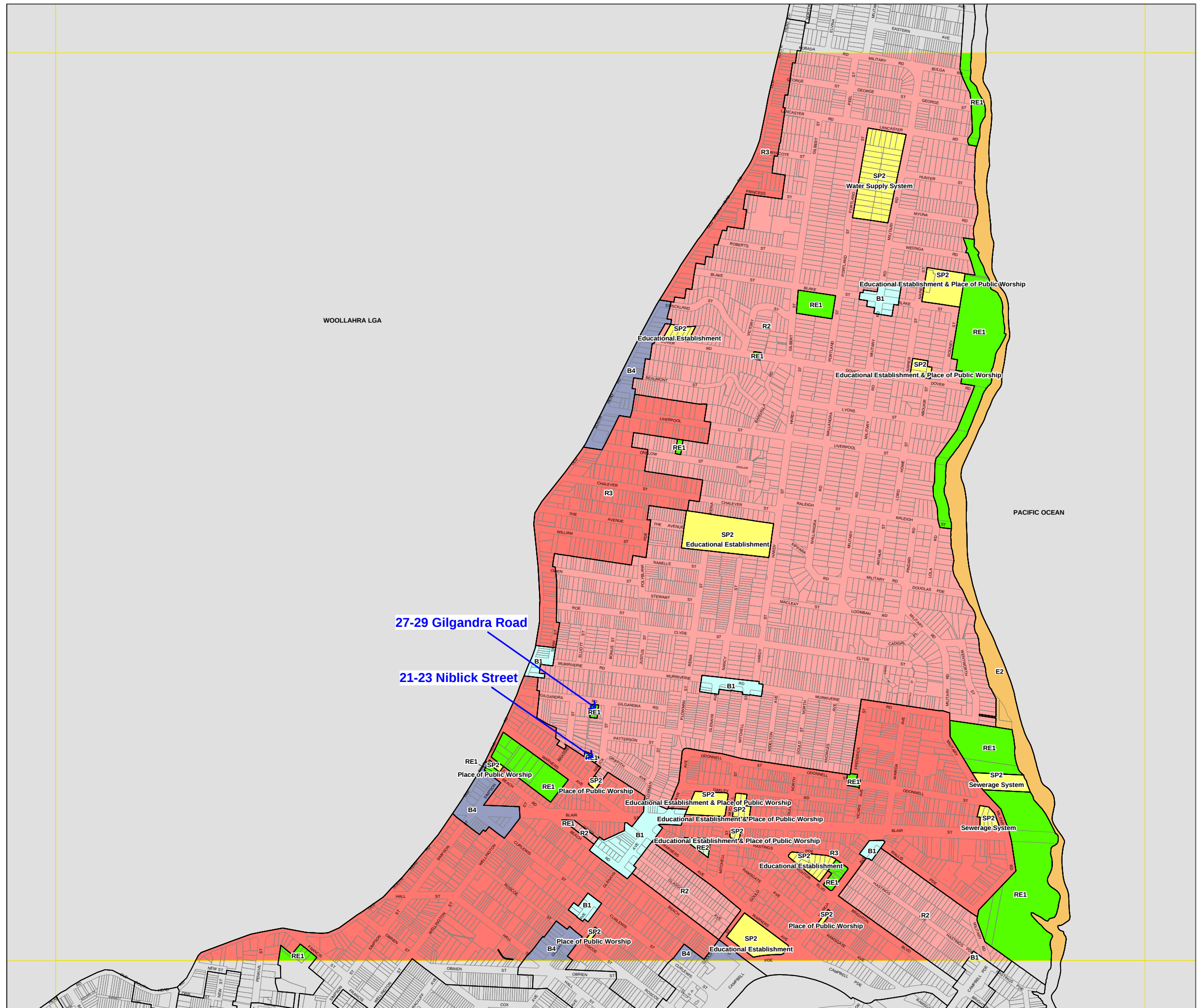


Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

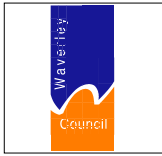
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ATTACHMENT G

Current Waverley LEP 2012 Land Zoning Maps - Sheet 3



Waverley Local Environmental Plan 2012 Existing Zoning

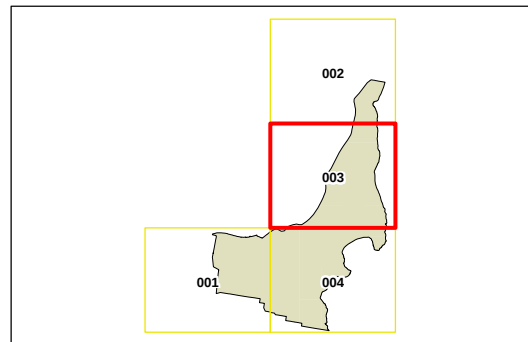
Land Zoning Map - Sheet LZN_003

Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure

Cadastre

- Cadastre 18/08/2016 © Waverley Council

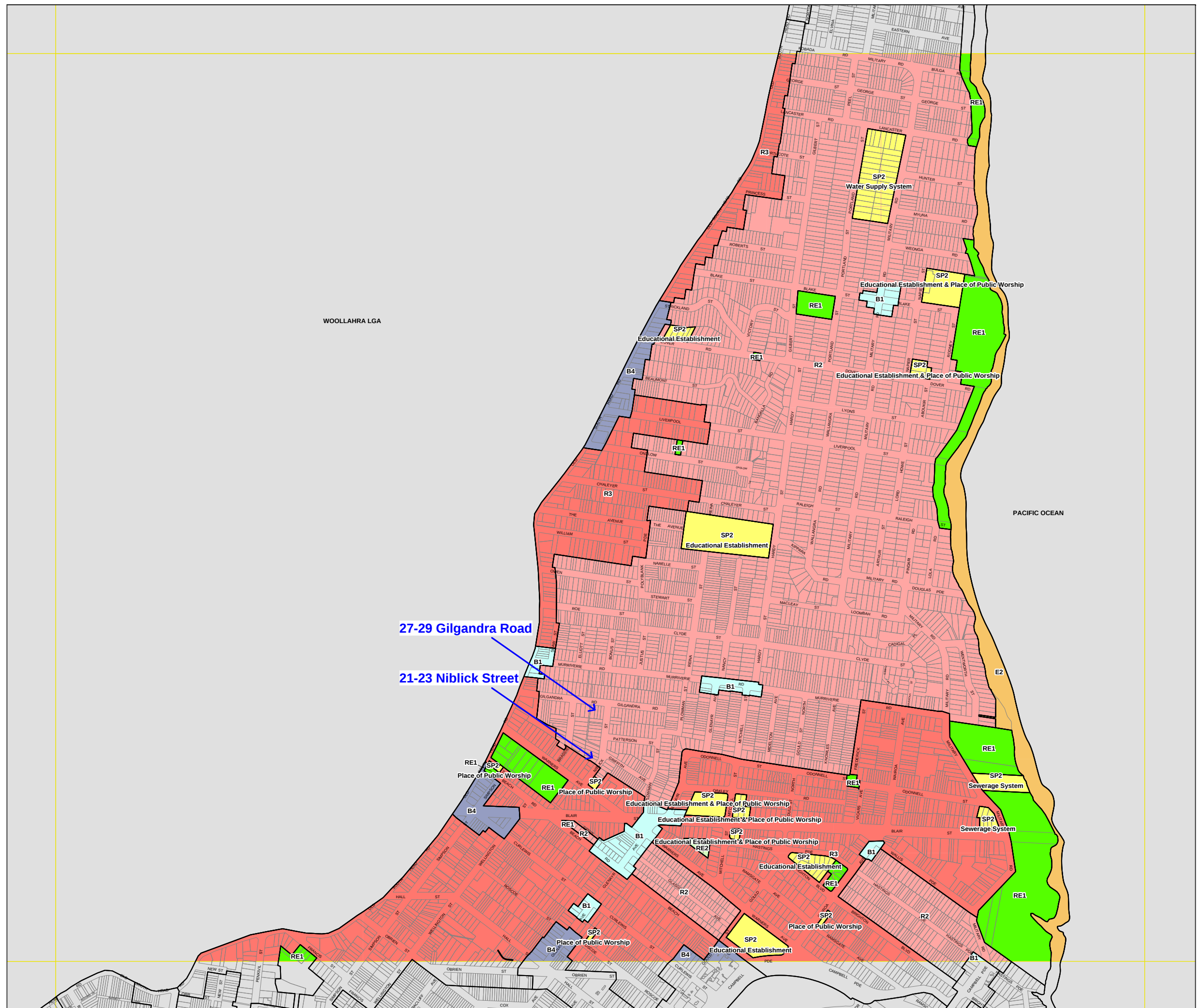


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MGA Zone 56

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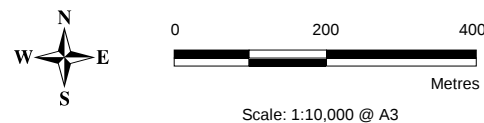
ATTACHMENT H

Proposed Waverley LEP 2012 Land Reservation and Acquisition Map - Sheet 3



 Classified Road (R2)
 Classified Road (R3)
 Local Open Space (RE1)
 Regional Open Space (RE1)
 Road (B4)

Cadastre 18/08/2016 © Waverley Council



Map Identification Number:

8050 COM LRA 003 010 20160818

