



**Waverley LEP 2012 Amendment 11: 21 - 23 Niblick Street, North Bondi**

Proposal Title : **Waverley LEP 2012 Amendment 11: 21 - 23 Niblick Street, North Bondi**

Proposal Summary : **The planning proposal seeks to amend Waverley Local Environmental Plan (WLEP) 2012 to rezone 21-23 Niblick Street, North Bondi, from zone R2 Low Density Residential to RE1 Public Recreation, to recognise the historic and current use of the site.**

PP Number : **PP\_2015\_WAVER\_001\_00**      Dop File No : **15/06416**

**Proposal Details**

Date Planning Proposal Received :	<b>15-Apr-2015</b>	LGA covered :	<b>Waverley</b>
Region :	<b>Metro(CBD)</b>	RPA :	<b>Waverley Council</b>
State Electorate :	<b>COOGEE</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street :	<b>21-23 Niblick Street</b>				
Suburb :	<b>North Bondi</b>	City :	<b>Sydney</b>	Postcode :	<b>2026</b>
Land Parcel :	<b>Lot 1 DP 613758; Lot 4 DP 9486</b>				

**DoP Planning Officer Contact Details**

Contact Name : **Lauren Templeman**  
Contact Number : **0285754112**  
Contact Email : **lauren.templeman@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Alex Sarno**  
Contact Number : **0293698099**  
Contact Email : **alex.sarno@waverley.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name :  
Contact Number :  
Contact Email :

**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	
Regional / Sub Regional Strategy :	<b>Metro East subregion</b>	Consistent with Strategy :	<b>Yes</b>

## Waverley LEP 2012 Amendment 11: 21 - 23 Niblick Street, North Bondi

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Region (East) has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **The planning proposal is considered to have merit as it will ensure the site's continued use for recreation purposes in line with the needs of the LGA.**

**The planning proposal is consistent with the relevant strategic planning framework and justifiably inconsistent with s.117 Direction 3.1 Residential Zones as the site has been used as a park for almost 60 years.**

**Waverley Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act 1979 to progress this planning proposal.**

External Supporting Notes : **21- 23 Niblick Street has been licensed to Council from Sydney Water for use as a park since 1956 and forms part of Council's open space network.**

**Waverley LEP 2012 rezoned the site from Special Uses 5(a) Sydney Water to R2 Low Density Residential.**

**On 17 March 2015 Waverley Council noted that the license from Sydney Water to use this site as a playground terminated on 31 December 2014 and that Sydney Water proposes to sell the site. Council resolved to continue negotiations to purchase this site to the value of the NSW Land and Property Valuer report of July 2014.**

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal seeks to amend Waverley Local Environmental Plan (WLEP) 2012 to rezone 21-23 Niblick Street, North Bondi, from zone R2 Low Density Residential to RE1 Public Recreation, to recognise the historic and current use of the site.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal aims to:**  
**- amend WLEP 2012 Land Zoning Map - Sheet LZN\_003 by rezoning the site from R2 Low Density Residential to RE1 Public Recreation.**  
**- amend WLEP 2013 by including the site on Land Reservation Acquisition Map Sheet LRA\_003.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones**  
**4.1 Acid Sulfate Soils**  
\* May need the Director General's agreement **6.2 Reserving Land for Public Purposes**  
**7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **The planning is consistent with SEPP No 55 Remediation of Land. Should excavation occur to remediate the contaminated portion of the site, this will be undertaken in accordance with a Remediation Action Plan for the site (see Environmental, Social, Economic Impacts.)**

**The planning proposal is justifiably inconsistent with s.117 Direction 3.1 Residential Zones. While the proposal is to rezone land from R2 Low Density Residential to RE1 Public Recreation, this is to reflect the historic and current use of the land as a local park. It is considered that the inconsistency is minor.**

**The planning proposal is consistent with s.117 Direction 4.1 Acid Sulphate Soils. While the site is identified as Class 5 on the Acid Sulfate Soils Map in Waverley LEP 2012, no development is proposed. As noted above, any remediation of the site will undertaken in accordance with a Remediation Action Plan.**

**The planning proposal is consistent with s.117 Direction 6.2 Reserving Land for Public Purposes. As the relevant acquisition authority, Waverley Council resolved to create this reservation and identify it on the Waverley LEP 2012 Land Reservation and Acquisition Map at its meeting of 17 March 2015.**

**The planning proposal is generally consistent with s.117 Direction 7.1 Implementation of a Plan for Growing Sydney. The planning proposal helps create a healthy built environment by retaining land in Waverley currently used as recreational open space.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Maps have been provided showing the existing and proposed zoning for the subject site and the proposed inclusion of the site on the Land Reservation Acquisition Map.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Consultation will be undertaken in accordance with the conditions of the Gateway**

Determination. 14 days is considered sufficient.

Negotiations between Council and Sydney Water are underway regarding site remediation and the terms of sale for the site.

Consultation with the NSW Environmental Protection Authority is required during the public exhibition period.

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date : **December 2012**

Comments in relation to Principal LEP :

**Waverley LEP 2012 was notified in December 2012.**

**Assessment Criteria**

Need for planning proposal :

**The need for the planning proposal arose from Sydney Water's proposal to sell the subject site. The planning proposal will ensure the site's continued use for recreation purposes.**

Consistency with strategic planning framework :

**The planning proposal will not prevent the achievement of the aims for A Plan for Growing Sydney (2014).**

**The planning proposal is consistent with the Waverley Strategic Plan.**

**The planning proposal is consistent with Council's Recreation Needs Study 2008 which notes that small parks "enhance visual amenity and allow respite in a dense urban environment." It also notes that, based on an open space standards approach, "Waverley is underprovided with informal open spaces."**

Environmental social economic impacts :

**Environmental**

**The subject site does not include any land which contains critical habitat or threatened species populations or ecological communities or their habitats.**

**Sydney Water engaged Parsons Brinckerhoff Australia (PBA) to test soil and groundwater on the subject site. 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 site had a concentration of lead that exceeded industry guidelines for soils in open spaces.**

**The study concluded that it would be highly unlikely that this would cause an unacceptable health risk to those using the park. Regardless, it was recommended that this small area of lead-impacted soils be remediated via excavation of the soil and disposal to an appropriate off-site waste facility. A Remediation Action Plan was also prepared.**

**Social and Economic**

**The planning proposal aims to demonstrate Council's commitment to acquire the subject site to ensure its continued use for recreation purposes.**

**Waverley LEP 2012 Amendment 11: 21 - 23 Niblick Street, North Bondi**

Negotiations between Council and Sydney Water are underway regarding site remediation and the terms of sale for the site. Sydney Water has identified the need, prior to exhibition of the planning proposal, to agree to the sale of the land.

However, this is considered to be outside the terms of a gateway determination and should be left to negotiations between Sydney Water and Council. Due to the nature of this planning proposal and Sydney Water concerns, the Department has decided not to issue delegation in this instance.

**Assessment Process**

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Sydney Water**  
**Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required.:

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
--------------------	-------------------	-----------

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**  
**4.1 Acid Sulfate Soils**  
**6.2 Reserving Land for Public Purposes**  
**7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that:**

1. The planning proposal be supported.
2. The planning proposal be considered low impact and exhibited for a period of no less than 14 days.
3. Council is required to exhibit the Remediation Action Plan for the site with the planning proposal.
4. Council seek comment from Sydney Water and the NSW Environmental Protection Authority prior to public exhibition.
5. A public hearing is not required.
6. The planning proposal is to be finalised within 9 months from the date of the Gateway determination.

Supporting Reasons :

The planning proposal is considered to have merit as it will ensure the sites continued use for recreation purposes in line with the needs of the LGA.

The planning proposal is consistent with the relevant strategic planning framework and justifiably inconsistent with s.117 Direction 3.1 Residential Zones as the site has been used as a park for almost 60 years.

Signature:



Printed Name:

W. Williamson

Date:

19/5/2015