

## 7.4. MM04: Former Waverton Bowling Club

### Background

For many decades the Waverton Bowling Club site was vested in the Crown and dedicated for the purpose of public recreation. The Waverton Bowling Club site, at approximately 50,000 sqm, adjoins other Crown reserves known as Waverton Park which make up a large continuous area of open space in Waverton.

The Waverton Bowling Club operated from 1952 until 2019 at the site. When the Club went into liquidation in 2019, the lease reverted to the Crown. North Sydney Council subsequently sought to become the Crown Reserve Manager and have the land incorporated into the surrounding parklands at Waverton Park.

In 2019 and 2020, the Minister administering the *Crown Land Management Act 2016* (the Minister) granted three licences over the Waverton Bowling Club site to Council for the purposes of access and site investigation in relation to site risk assessments and reviews of the Waverton Bowling Club site.

On 30 April 2020 and 6 November 2020, the NSW Aboriginal Land Council lodged two Aboriginal land claims under the *Aboriginal Land Rights Act 1983* (ALR Act) for Waverton Bowling Club site. The Minister found that the Claimed Land was not 'claimable Crown land' and refused the Land Claims. The NSW Aboriginal Land Council appealed against that decision to the Land and Environment Court.

In those proceedings, the Minister argued that the Waverton Bowling Club site was likely to be needed for the essential public purpose of open space on the basis that Council had identified a desire to obtain and use site as open space and had taken steps towards this end such as requesting to be made the Crown Reserve Manager and carrying out community consultation in relation to the future use of the land. It was argued that this showed a pathway towards the State Government requiring the land for open space.

The Land and Environment Court held that, even though Council expressed a desire to use the site for open space, this did not translate into a likelihood that the State Government would give the site to Council as open space. The Court considered evidence that the State Government was only in the very early stages of determining the appropriate use of the site and had not ruled out other potential uses of land such as Club, hospitality, commercial and sporting uses. The Court held that any actions of Council could not be viewed as part of the State Government's assessment on the future use of the land. That is, the Court held that the site was not essential for public recreation.

In November 2022, the Land and Environment Court upheld the Land Claim for the former Waverton Bowling Club site and ordered that the land be transferred to the Metropolitan Local Aboriginal Land Council (MLALC) as freehold land.

Following the Land and Environment Court decision, Council called on the State Government to acquire the land from the MLALC, at market value, and dedicate it for public open space. That lobbying continues.

I have written no less than eight times since January 2023 seeking to meet with the Chair of the MLALC to discuss their future plans for the site. Unfortunately, to date, I have yet to secure a meeting.

### **Future of Waverton Bowling Club site**

The Waverton Bowling Club site, together with Waverton Park, is currently zoned RE1 Public Recreation under North Sydney Local Environmental Plan 2013 reflecting the recent uses and the location of the site within the Waverton parklands. The objectives of the zone are to:

- *enable land to be used for public open space or recreational purposes.*
- *provide a range of recreational settings and activities and compatible land uses.*
- *protect and enhance the natural environment for recreational purposes.*
- *ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.*

The following uses are currently permitted on the site:

#### ***Permitted without consent***

*Environmental protection works*

#### ***Permitted with consent***

*Aquaculture; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Water recreation structures*

Residential uses are prohibited under the current zone.

In February 2026, the Sydney Morning Herald reported that in order to pursue any future development of the site the MLALC has been seeking to resolve any potential native title interests through the Federal Court. This process has taken the MLALC more than two years. There is a special planning pathway for land owned by a Local Aboriginal Land Council (LALC). In 2022 the State Government introduced a new Aboriginal land planning proposal pathway which provides for specific steps for to rezone or develop community-owned land. The process is administered by the State Government, and councils have no role as consent authority.

In summary, the process under Chapter 3 of the *State Environmental Planning Policy (Planning Systems) 2021* (the SEPP) requires an LALC, such as the MLALC, to prepare Development Delivery Plan for the subject land to be approved by the Minister for Planning and Public Spaces.

A Development Delivery Plan must set out:

- the general objectives of the Aboriginal Land Council for the land, and
- the nature of development proposed for the land, and
- the basis on which the development is proposed, having regard to applicable economic, social and environmental factors, and
- strategies, actions and a program for achieving the objectives for the land, and
- contain other matters that the Minister thinks appropriate.

Once a Development Delivery Plan is approved, an LALC may lodge a formal planning proposal to rezone the land. The rezoning application is then assessed by an independent planning panel (and not by a council). If supported, it may proceed to a Gateway Determination and follow the usual course including public exhibition allowing councils, government agencies such as Transport for NSW and the community to provide feedback.

I understand that there is currently no formal application to re-zone or develop the site.

Waverton Precinct considered the site and future use at the April 2026 Precinct Meeting and, I am informed, overwhelmingly supported retention of the existing zoning for public recreation.

Given the documented deficit of public open space for the existing North Sydney local government area, the planned housing targets of 5,900 new dwellings by 2029, the impacts of the State Government's Low to Midrise housing reforms and significantly increased density under the Accelerated TOD Precinct at Crows Nest (approximately 4,800 new dwellings), it has long been Council's position to preserve and maintain existing public open space and wherever possible seek to expand public open space.

**I therefore recommend:**

- 1. THAT** Council reiterate its commitment to retention of the existing RE1 Public Recreation zone applying to the former Waverton Bowling Club site.
- 2. THAT** Council continue to advocate for the acquisition of the site by the State Government for the purpose of public open space and recreation.
- 3. THAT** Council continue to write to the MLALC seeking a meeting to discuss the future of the site and opportunities to collaborate on the provision of public recreation.
- 4. THAT** Council monitor any applications in respect of development or rezoning of the site and advise Waverton Precinct of any such applications.

**COUNCILLOR ZOË BAKER  
MAYOR**