



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 1 DECEMBER 2009 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
**** ** ***

NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 24 November 2009

Minutes to be circulated separately

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

GB.1 **National Trust of Australia - Corporate Membership**

1

File: S02792

To advise Council of a request from the National Trust of Australia to renew Council's Gold Corporate Membership of the Trust for 2009-2010.

Recommendation:

That Council renew Gold Corporate Membership of the National Trust of Australia for 2009-2010 for \$2,500.

GB.2 **Tulkiyan House Museum - Budget Estimates for Auxiliary Requirements**

8

File: S07525

To provide Councillors with budget estimates for auxiliary requirements for the operation of Tulkiyan.

Recommendation:

That the report be received and noted and that this item be placed on the agenda for further discussion at the 2010-2011 budget planning meeting with Councillors and senior staff.

GB.3	5 Toongarah Road, Roseville - Construction of a Double Carport	14
------	---	-----------

File: DA0649/09

Ward: Roseville

Applicant: Urbanesque Planning Pty Ltd

Owners: Mrs A J and Mrs D J Perryman

To determine Development Application No 0649/09 for the construction of a new double carport.

Recommendation:

Refusal.

GB.4 **St Ives Showground & Precinct Draft Options Paper** 40

File: S02673

To present to Council the draft options paper for the St Ives Showground and precinct for public comment and to call for expressions of interest from the private sector as to their interest in the draft options.

Recommendation:

That the draft options be placed on public exhibition for comment and that a response from the private sector and other levels of government be sought as to potential partnerships of collaboration.

GB.5	Amendment of a Conservation Agreement for the Ku-ring-gai Flying-Fox Reserve	64
------	---	-----------

File: S02642

To seek Council's approval to list an existing Conservation Agreement on the title of Lot 34, DP 1079802 recently added to the Ku-ring-gai Flying-Fox Reserve.

GB.6 Addition of Lands into Lane Cove National Park

83

File: S02464

For Council to consider an approach from the NSW Department of Environment, Climate Change and Water regarding the transfer of Council land and to revoke care, control and management of four (4) parcels of Crown Land R89885, for the purpose of amalgamation into Lane Cove National Park.

Recommendation:

That Council provide an “in principal agreement” to transfer Council land into the Lane Cove National Park as proposed by the NSW Department of Environment, Climate Change and Water.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

**** ****

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

NATIONAL TRUST OF AUSTRALIA - CORPORATE MEMBERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of a request from the National Trust of Australia to renew Council's Gold Corporate Membership of the Trust for 2009-2010.

BACKGROUND:

Council became a Corporate Member of the National Trust of Australia in 2008 with Gold Membership. Council has recently approved \$3,000 sponsorship for the 2010 National Trust Heritage Festival.

COMMENTS:

Categories available for Corporate Membership of the National Trust of Australia are Platinum \$3,500, Gold \$2,500 and Silver \$1,500.

RECOMMENDATION:

That Council renew Gold Corporate Membership of the National Trust of Australia for 2009-2010 for \$2,500.

PURPOSE OF REPORT

To advise Council of a request from the National Trust of Australia to renew Council's Gold Corporate Membership of the Trust for 2009-2010. (Attachment A)

BACKGROUND

Council became a Corporate Member of the National Trust of Australia in 2008 with Gold Membership of \$2,500. Council, at the meeting of 20 October 2009, approved \$3,000 for sponsorship of the 2010 National Trust Heritage Festival.

COMMENTS

The National Trust is an independent member based charity at the forefront of the conservation of built, cultural and natural environments.

Categories available for Corporate Membership of the National Trust of Australia are:

Platinum	- \$3,500
Gold	- \$2,500
Silver	- \$1,500

(See Attachment B for additional details)

Corporate Membership offers benefits to member organisations, including free admission to National Trust properties, subscription to the National Trust Magazine, acknowledgement on the National Trust website, and signage at National Trust corporate events.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

There is currently \$4,000 remaining in the 2009-2010 sponsorship budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Strategy and Corporate departments have been consulted in the writing of this report.

SUMMARY

Council has received a request from the National Trust of Australia to renew Council's Gold Corporate Membership of the Trust for 2009-2010. Categories for membership are, Silver \$1,500,

Item 1

S02792
19 November 2009

Gold \$2,500 and Platinum \$3,500. There is currently a balance of \$4,000 in the 2009-2010 sponsorship budget.

RECOMMENDATION

That Council renew Gold Corporate Membership of the National Trust of Australia for 2009-2010 for \$2,500.

Janice Bevan
Director Community

Attachments: **A. Letter from the National Trust of Australia dated 23 October 2009 - 2009/190309**
 B. Application Form and Corporate Membership Program - 2009/190309



Our Patron

Her Excellency Professor Marie Bashir AC, Governor of New South Wales

23 October 2009

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE, NSW 2073

Dear Mr McKee

Re: Your Gold National Trust Corporate Membership - Renewal

I am writing to remind you that your annual National Trust Corporate Membership is now due for renewal. We greatly appreciate the support you have shown us over the past twelve months. Without the support of companies such as yours, we would find it increasingly difficult to continue our work.

The National Trust is an independent member based charity at the forefront of the conservation of our built, cultural and natural environments. We do this through:

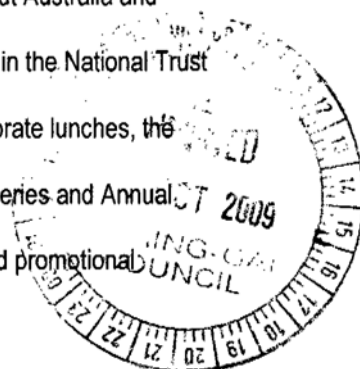
- Advocating for the protection of your local places of significance when they are under threat,
- Conserving our 38 properties and their collections for the benefit of current and future generations,
- Educating visitors, local communities and our young people so that our cultural roots are understood.

To maintain our voice in the community we need strong and tangible support. The Trust enjoys a very high level of respect from the community and corporations alike. The more members we have, the stronger our voice and the more influence we have in protecting our historical and cultural heritage.

You can be assured that as an independent charity which receives no on going government funding we undertake these activities as efficiently as possible within our limited means.

In return for your financial assistance, your **Gold Corporate Membership offers many benefits**. These include:

- Free admission to any National Trust property in Australia and overseas
- Free subscription to the National Trust Magazine
- 10 membership cards giving free access to National Trust properties throughout Australia and overseas
- Acknowledgment as a Gold Corporate Member on the National Trust website, in the National Trust Annual Report and magazine
- Networking opportunities through invitations to corporate events such as corporate lunches, the Corporate Breakfast Series, Exhibition Openings and the Heritage Lecture
- Signage at National Trust corporate events such as the Corporate Breakfast Series and Annual Heritage Lecture, including acknowledgement on tables or displays
- Certificate of Recognition for display, use of National Trust logo on website and promotional material

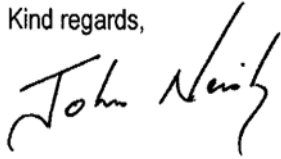


Your company's annual Gold Corporate Membership of \$2,500 (plus GST) is now due for renewal. See enclosed tax invoice. This membership will be valid for 12 months from your renewal date.

Please return your payment by the end of this month with confirmation of the 10 names to whom Corporate Membership cards may be mailed.

If you have any questions or feedback please contact Janene Gontier on 9258 0155.

Kind regards,

A handwritten signature in black ink, appearing to read "John Neish". The signature is fluid and cursive, with the first name "John" being more legible than the last name "Neish".

John Neish
Executive Director

P.S Enclosed is a full list of benefits for Platinum, Gold and Silver Memberships. Please contact us if you would like to consider a higher level of membership.



CORPORATE MEMBERSHIP APPLICATION FORM

Name of Organisation/Company: _____

Address: _____

Contact for membership: ☐ Mr ☐ Mrs ☐ Ms ☐ Miss

Name: _____

Daytime phone number: _____

E-Mail address: _____

Corporate Membership Fee

☐ Platinum \$3,500 plus GST

☐ Gold \$2,500 plus GST

☐ Silver \$1,500 plus GST

Total: \$_____

Payment Method

☐ I enclose a cheque/money order made payable to the National Trust of Australia (NSW) for \$_____

or

Please debit my:

☐ MasterCard ☐ Visa ☐ Amex ☐ Diners Club

Card number:

□□□□ □□□□ □□□□ □□□□ □

Expiry date: □□/□□

Name on Card: _____

Cardholder's signature: _____

Please fax this form to (02) 9252 1264 or mail to:
Membership, National Trust (NSW), GPO Box 518, Sydney 2001

JOIN THE NATIONAL TRUST NOW



Become a Corporate Member today to enjoy all the benefits of membership.

Complete the Membership Application Form and post to:

Membership
National Trust of Australia (NSW)
GPO Box 518
Sydney NSW 2001

or fax: (02) 9252 1264

or phone: (02) 9258 0123 / (02) 0258 0156
(during business hours)

or visit
www.nsw.nationaltrust.org.au



National Trust of Australia (NSW)

National Trust

Corporate Membership





NATIONAL TRUST CORPORATE MEMBERSHIP PROGRAM



ABOUT THE NATIONAL TRUST

The National Trust of Australia (NSW) is a non-government, not-for-profit charity that was established in 1945. Since this time, the Trust has worked with the community to protect and care for our rich built, environmental and cultural heritage so that it may be enjoyed and appreciated now, and by future generations.

Through its management and promotion of historical properties, bush regeneration, galleries and conservation works, the Trust aims to raise awareness and appreciation of our unique heritage.

Help conserve Australia's environment and heritage and enjoy many special benefits when you become a Corporate Member of the National Trust.

The Trust enjoys working with its Corporate Members to develop programs and events which help companies reach their objectives while promoting the Trust's conservation mission.



BENEFITS

- Association with Australia's largest conservation charity
- Exposure in the quarterly National Trust Magazine, mailed to 26,000 members in NSW
- Co-branding, to demonstrate your alignment with the National Trust and commitment to Australia's heritage
- Branding on marketing materials for events and projects
- Special rates and access to National Trust properties to entertain your clients and staff
- Knowing that you are making a real contribution to protecting Australia's heritage now and for the future.

There are three levels of membership:

SILVER MEMBERSHIP \$1,500

This includes:

- 5 individual memberships for your organisation to reward directors or staff
- Acknowledgement on the Trust website, in the Annual Report and in the National Trust Magazine
- Networking opportunities through invitations to corporate events such as Conservation Workshops, the Corporate Breakfast Series, Exhibition Openings and Heritage Lectures
- Acknowledgement as Corporate Member on tables or displays at events
- Certificate of Recognition for display
- Access to the Trust archives at a 25% discount rate.

GOLD MEMBERSHIP \$2,500

This includes all the benefits a *Silver Membership* provides, plus:

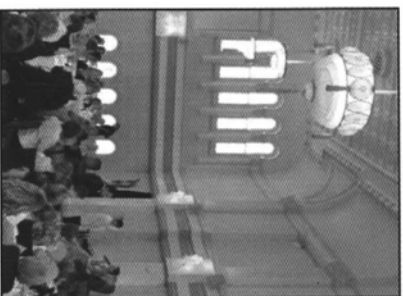
- A total of 10 individual memberships
- Use of National Trust logo on website and promotional material
- Access to expert advice on conservation and related issues
- 25% discount on the hire of selected Trust properties for 2 functions each year (subject to availability)
- Corporate Member pricing (10% discount) for function on-site catering where available.



PLATINUM MEMBERSHIP \$3,500

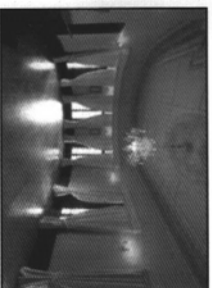
This includes all the benefits a *Gold Membership* provides, plus:

- A total of 15 individual memberships
- Signage at National Trust Corporate events
- Free guest invitation to each Corporate Breakfast
- 50% discount on the hire of selected Trust properties for 2 functions each year (subject to availability)
- Offers to staff for team building activities e.g. bush regeneration, restoration.



"Our heritage is a vital part of what makes up our national identity and protecting it ensures it is there for us and future generations to enjoy - and to learn from. EnergyAustralia is delighted to be a partner of the National Trust."

- Paul Broad, Managing Director, EnergyAustralia



TULKIYAN HOUSE MUSEUM - BUDGET ESTIMATES FOR AUXILIARY REQUIREMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide Councillors with budget estimates for auxiliary requirements for the operation of Tulkiyan.

BACKGROUND:

Council resolved on 10 November 2009, following a Notice of Motion by Councillors Keays and Szatow, to undertake an investigation of budgetary and auxiliary requirements for the operation of Tulkiyan.

COMMENTS:

The first stage was to provide a budgetary assessment of a number of functions including staffing, marketing, events management and expanding the volunteer base of the Friends of Tulkiyan.

RECOMMENDATION:

That this report be received and noted and that this item be placed on the agenda for further discussion at the 2010-2011 budget planning meeting with Councillors and senior staff.

PURPOSE OF REPORT

To provide Councillors with budget estimates for auxiliary requirements for the operation of Tulkiyan.

BACKGROUND

The following Notice of Motion by Councillors Keays and Szatow was adopted by Council on 10 November 2009. (**Attachment A**)

We move:

“That the General Manager undertakes an investigation of the budgetary and auxiliary requirements for the operation of Tulkiyan in order for it to be a showcase for heritage in Ku-ring-gai as its only Museum. Following these results, the General Manager is to undertake in a timely manner, the new Plan of Management for Tulkiyan.

The current Plan of Management (2001) does not address the issues listed in a to g and we believe for Tulkiyan to contribute significantly to the heritage landscape of Ku-ring-gai, it needs a more professional approach to its management.

These investigations and a new plan of management will assist the wonderful volunteers who currently work so hard to keep Tulkiyan a working museum.

- A. Assessment of Budgetary and auxiliary requirements for:
 - 1. Marketing.
 - 2. Staffing – especially a Permanent Part Time Person to assist The Friends in the overall running of the Museum.
 - 3. Exploration of Grants.
 - 4. Event management.
 - 5. Incorporation of “The Friends of Tulkiyan”.
 - 6. Expanding the volunteer base of “The Friends”.
 - 7. A new committee structure.
- B. Once an assessment of items 1 to 7 identified in A. above have been completed, that a formal report be referred to Council outlining the financial and resourcing implications of these matters prior to the development of a Plan of Management.
- C. Clear Guidelines as to what events are allowed in Museums of this type.
- D. New Plan of Management.”

COMMENTS

The key elements for budgetary consideration are those of employing a staff member and providing a suitable operational budget for events, programs and marketing.

Item 2

S07525
23 November 2009

Advice received from Museums and Galleries NSW recommends that if Council were to employ a person with suitable experience and expertise in heritage property management, to oversee the operations of Tulkiyan, a salary of approximately \$70,000 would be required.

This estimate is based on the equivalent of a Historic Houses Trust curator/manager for 3 days per week, with 5-10 years experience in the industry.

Skills required for this position would include heritage property management, marketing, curatorial skills and small event management.

This person would also be required to oversee the management of the Friends of Tulkiyan volunteers, review the structure and develop a recruitment program for additional volunteers.

Grant funding for such a position is very limited, and if it did become available and Council was successful, funding would not be for longer than one year. Should Council, however, appoint a permanent part time employee in this role, there may be grant funding available to increase this role to full time.

An operational budget of \$10,000 would provide funding for marketing, advertising and printing of brochures and some small events during the year. This budget would need to be reviewed, following the appointment of suitable staff and the development of an operational work plan.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

It is recommended an amount of \$70,000 be allocated for a part time employee for Tulkiyan and an additional \$10,000 be allocated for an operational budget – total \$80,000. Currently there are no funds in the 2009-2010 budget for either of these items.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Corporate, Operations and Strategy have been consulted in the writing of this report.

SUMMARY

A Notice of Motion from Councillors Keays and Szatow requested budgetary estimates for auxiliary operations at Tulkiyan. Preliminary estimates recommend \$70,000 for a part time staff member and \$10,000 for an operational budget.

RECOMMENDATION

That the report be received and noted and that this item be placed on the agenda for further discussion at the 2010-2011 Budget Planning meeting with Councillors and senior staff.

Janice Bevan
Director Community

Attachments: **Adopted Notice of Motion - 2009/198444**

RESOLUTION OF ORDINARY MEETING OF COUNCIL
10 NOVEMBER 2009

249 **Tulkiyan Plan of Management**

File: S07525

The following member of the public addressed the Council:

H Davies

Notice of Motion from Councillor Elise Keays and Councillor Cheryl Szatow dated 21 October 2009

We move:

"That the General Manager undertakes an investigation of the budgetary and auxiliary requirements for the operation of Tulkiyan in order for it to be a showcase for heritage in Ku-ring-gai as its only Museum. Following these results, the General Manager is to undertake in a timely manner, the new Plan of Management for Tulkiyan.

The current Plan of Management (2001) does not address the issues listed in a to g and we believe for Tulkiyan to contribute significantly to the heritage landscape of Ku-ring-gai, it needs a more professional approach to its management.

These investigations and a new plan of management will assist the wonderful volunteers who currently work so hard to keep Tulkiyan a working museum.

- A. Assessment of Budgetary and auxiliary requirements for:
 - 1. Marketing.
 - 2. Staffing – especially a Permanent Part Time Person to assist The Friends in the overall running of the Museum.
 - 3. Exploration of Grants.
 - 4. Event management.
 - 5. Incorporation of "The Friends of Tulkiyan".
 - 6. Expanding the volunteer base of "The Friends".
 - 7. A new committee structure.
- B. Once an assessment of items 1 to 7 identified in A. above have been completed, that a formal report be referred to Council outlining the financial and resourcing implications of these matters prior to the development of a Plan of Management.
- C. Clear Guidelines as to what events are allowed in Museums of this type.
- D. New Plan of Management."

Resolved:

(Moved: Councillors Keays/Szatow)

That the above Notice of Motion, as amended, be adopted.

CARRIED UNANIMOUSLY

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5 TOONGARAH ROAD, ROSEVILLE - CONSTRUCTION OF A DOUBLE CARPORT
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	0649/09
SUBJECT LAND:	5 Toongarah Road, Roseville
APPLICANT:	Urbanesque Planning Pty Ltd
OWNER:	Mrs A J and Mrs D J Perryman
DESIGNER:	North Shore Building Design Group
PRESENT USE:	Residential
ZONING:	Residential 2(a)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 38 - Residential Design Manual, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 56 - Notification
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 1 (objection to development standard), SEPP 55 (Remediation of land), SREP (Sydney Harbour Catchment) 2005, SEPP BASIX, Water Management Act 2004
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	1 October 2009
40 DAY PERIOD EXPIRED:	10 November 2009
PROPOSAL:	Construction of a double carport
RECOMMENDATION:	Refusal.

Item 3

DEVELOPMENT APPLICATION N^o	0649/09
PREMISES:	5 TOONGARAH ROAD ROSEVILLE
PROPOSAL:	CONSTRUCTION OF A DOUBLE CARPORT
APPLICANT:	URBANESQUE PLANNING PTY LTD
OWNER:	MRS A J AND MRS D J PERRYMAN
DESIGNER	NORTH SHORE BUILDING DESIGN GROUP

PURPOSE FOR REPORT

To determine Development Application No 0649/09 for the construction of a new double carport.

This matter was called to full Council for determination by Councillor Jennifer Anderson.

EXECUTIVE SUMMARY

Issues:	<ul style="list-style-type: none">• front setback• side setback• built-upon area• streetscape impact• insufficient information
Submissions:	None
Land & Environment Court Appeal:	N/A
Recommendation:	Refusal

HISTORY

Site history:

DA1199/06

This application sought consent for the expansion of the existing garage towards the southern side boundary (nil side setback). This application was approved by Council on 13 February 2007. Condition 2 of DA1199/06 required the garage extension to be set back 600mm from the southern side boundary.

DA1061/07

The application sought consent for alterations and additions to the dwelling, including a new first floor addition and side boundary fence. This application was identical to that approved and proposed under DA394/04. The application was approved on 22 November 2007. The works have not been undertaken. However a S95A application for an extension of time was approved, giving the applicant until 23 November 2010 to commence works.

DA0105/09

The application was lodged on 4 March 2009 and involved construction of a double carport, changes to the driveway and new retaining walls. This application was refused on 15 May 2009 for the following reasons:

Item 3

1. *The proposed development breaches Council's Built Upon Area (BUA) development standard under Clause 60C of the KPSO.*

The submitted site plan varies from the site plan recently approved with DA 1061/07. Consequently, the overall ratio applied for is questioned.

Built form will dominate the landscaped character of the site. The scale of development proposed within the front setback conflicts with Council's planning objectives and will adversely impact upon the streetscape.

The SEPP 1 objection submitted by the applicant is not supported.

2. *The development conflicts with the following objectives for residential development in Schedule 9 of the KPSO.*

The proposal does not 'improve the existing amenity and environmental character' of the residential zone (objective 1(a)).

The development is not compatible or harmonious with or sympathetic to the existing environmental character of the locality (objective 1(b)) and does not retain the existing tree cover (objective 2(c)).

The proposal does not retain sufficient area as soft landscaping (objective 2(d)), particularly to the front of the dwelling.

3. *The proposed carport and driveway introduces significant non-compliances with the southern side setback control, the front setback control and the driveway width control. The proposal conflicts with Parts 3. 4.1, 4.2, 4.3 and 4.5 of DCP 38.*

Garaging is predominantly recessive within the Toongarah Road streetscape and the scale of the proposed carport is out of character. Consequently, the proposed built form is excessive and will detrimentally affect the streetscape.

4. *Insufficient opportunity exists to balance built form with landscaping and the carport will dominate the streetscape.*

The proposed removal of the Japanese Maple tree to the front of the dwelling will significantly reduce streetscape amenity and emphasise the impact of the built form.

5. *The proposal is not considered to be in the public interest for the above reasons.*

REV0016/09 – 82A review of DA0105/09

The application for a review of Council's determination was refused on 8 September 2009 for the following reasons:

1. *The SEPP 1 Objection is not well founded. The SEPP 1 Objection to Clause 60C of the KPSO has not addressed how the development meets the objectives of the development standard. Despite the existing non-compliance the application has not*

Item 3

been supported by specific calculations of the existing built upon area and the proposed built upon area. There is conflict between the survey information submitted in terms of areas to be converted into landscape area and the architectural plans.

- 2. The proposed carport has not been designed in accordance with 4.5.3 Design of Carports and Garages of DCP 38. The proposed carport is setback 1.8 metres from the front boundary and 1.4 metres from the existing dwelling. A greater setback can be accommodated on site.*
- 3. The proposed driveway is 5.4 metres in width at the crossing and 5.7 metres in width at the front boundary and therefore greater than the control requirement of 3.5 metres as required under 4.5.6 Driveways of DCP 38. The width of the driveway is necessary to accommodate a non-complying development within the front setback. The introduction of this excessive hard surface is undesirable and permanently removes opportunity for landscaping within the front setback.*
- 4. The development conflicts with the residential objectives of Schedule 9 of the KPSO in that the development does not 'improve the existing amenity and environmental character' of the residential zone as required by objective 1(a). The proposal does not retain the existing tree cover (objective c) and does not retain sufficient area as soft landscaping (objective d).*
- 5. The site is not considered suitable for the proposed development by virtue of the non-complying setback, inconsistency with the design provisions of carports and the reduction in landscaping within the front setback. The proposal is not in the public interest.*

Current application history:

1 October 2009 - application lodged.

6 October 2009 – stop the clock letter sent.

4 November 2009 - Councillor Jennifer Anderson calls the application to full Council for determination.

5 November 2009 - preliminary assessment letter completed.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(a)
Visual Character Study Category:	1945-1968
Lot Number:	12
DP Number:	15267
Area:	759m ²
Side of Street:	Western
Cross Fall:	North to South
Stormwater Drainage:	To street

Item 3

Heritage Affected:	No
Required Setback:	12-14 metres
Integrated Development:	No
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site is legally described as Lot 12 within DP 15267 and is known as 5 Toongarah Road, Roseville. The site is generally rectangular in shape, with the exception of an irregular street frontage. The site has an area of 759m², with a northern boundary depth of 43.905 metres, a southern boundary depth of 45.575 metres and a western (rear) boundary of 16.765 metres.

The site presently contains a single storey brick dwelling house. There is an existing vehicular cross-over from Toongarah Road located adjacent to the southern side boundary. The site contains a large deck and paved area at the rear of the dwelling, with a swimming pool positioned in the south-western corner of the property. Other structures on the site include retaining walls, stairs and a cubby house in the north-western corner of the property.

Surrounding development

The surrounding area is described in the Ku-ring-gai Visual Character Study as being characterised by slightly smaller lot sizes and setbacks and proportionally less open space with original accommodation for one or two cars within or attached to the main structure of the residence. The predominant housing style in the street is a mix of one and two storey dwellings.

The adjoining property to the south (No. 7 Toongarah Road) contains a one and two storey brick dwelling. The dwelling is positioned behind the front alignment of the existing dwelling at 5 Toongarah Road. The adjoining property to the north (No. 3 Toongarah Road) also contains a one and two storey brick dwelling.

The following carports exist in Toongarah Road:

Address	Size and location	Date approved
10 Toongarah Road	Single carport, forward of the established building line with a front setback of approximately 4.2 metres.	The approval predates Development Control Plan 38, approved as amended on 12/09/1997.
6 Toongarah Road	Single carport, forward of the established building line with a front setback of approximately 7.3 metres.	The development application was approved as amended on 17/02/ 2005. The carport would generally meet the current requirements of DCP 38 for carports forward of the building line.

Item 3

Address	Size and location	Date approved
4 Toongarah Road	Single carport, behind the building line.	Pre-dates Council's records.
2 Toongarah Road	Double carport, forward of the building line, with a front setback of approximately 2 metres.	The approval predates Development Control Plan 38, approved on 14/04/1994.

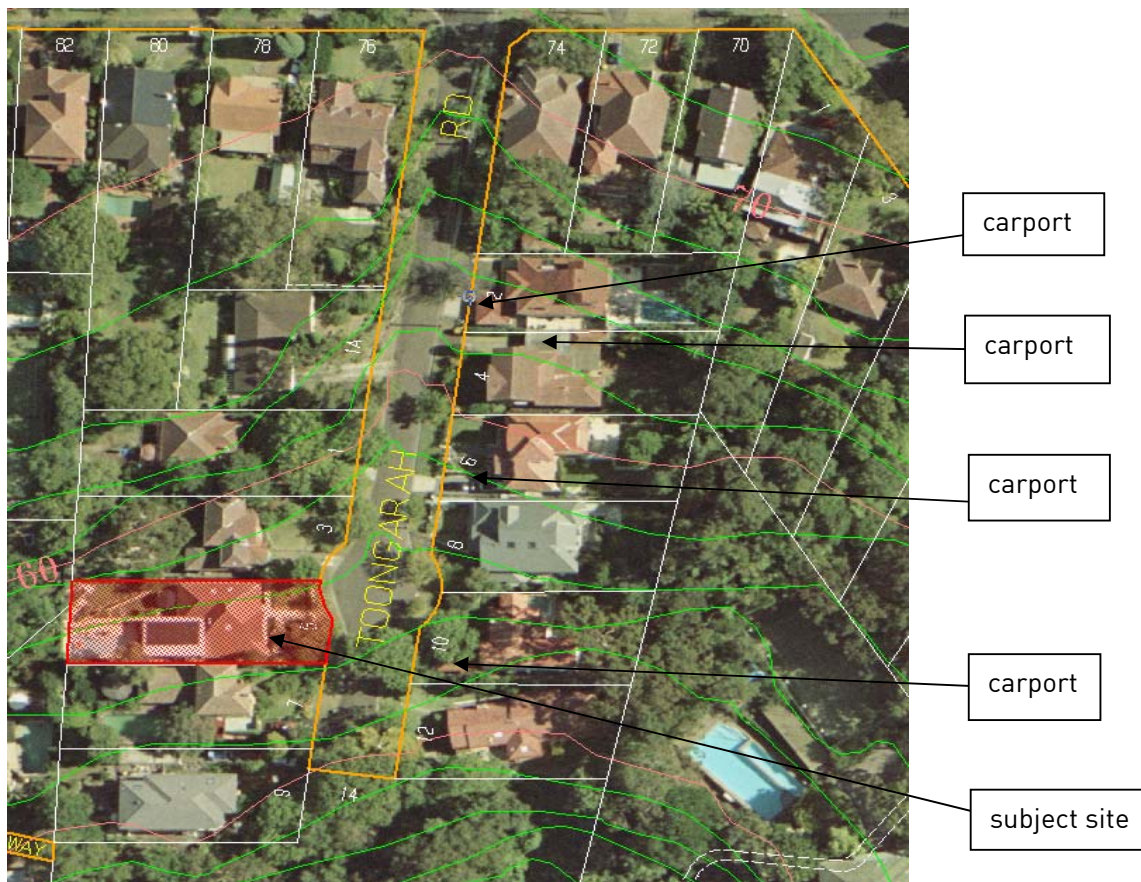


Figure 1: Aerial photo of Toongarah Road.

THE PROPOSAL

Consent is sought to construct a detached double carport, associated retaining walls and new driveway within the front yard. The proposed carport will measure 6 metres in width, 6 metres in depth and would be set back a minimum of 1.8 metres from the front boundary and 900mm from the southern (side) boundary. The proposed carport includes a pitched gable roof, with a maximum height of 4.5 metres to the ridge. No driveway, carport slab or retaining wall levels or ridge height have been provided to enable an accurate assessment of the application.

Removal of a Japanese Maple within the front setback is also proposed.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the application.

No submissions were received.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscape Services were consulted during assessment of the application. No objection is raised to the removal of the Japanese Maple.

CONSULTATION - OUTSIDE COUNCIL

Rural Fire Services

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service are as follows:

"I refer to your letter dated 6 October 2009 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA & the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- 1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2008' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*

Design and Certification

The Intent of measures is that buildings are designed and constructed to withstand the potential Impacts of bush fire attack.

2. *New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 3.*

3. *Development is determined as being within the "Flame Zone".*

There is to be no exposed timber to the proposed new Carport."

STATUTORY PROVISIONS

State Environmental Planning Policy No. 1 – Development Standard (SEPP 1)

Clause 60(c) of the KPSO states that the maximum built upon area (BUA) of land on which a dwelling house is proposed to be erected or extended shall be 60%.

The existing built upon area as advised by the applicant is 67.43%, already breaching the prescribed standard. The pre and post development built upon area is unclear on the submitted plans. The applicant was requested to provide accurate pre and post development built upon area plans, these plans have not been submitted to date.

It is estimated that the proposed built upon area is approximately 64.5% (489.35m²). The application proposes to reduce the built upon area by deleting paving behind the building line. Although the hard surface on site is reduced resulting in a proposed built upon area of 64.5%, a breach of a development standard nevertheless remains. Accordingly, the breach of the standard must be considered against the provisions of SEPP 1.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require consideration of the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration include biodiversity, ecology, and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to or within views of the waterway, or wetland.

The proposed development satisfies the provisions of the SREP.

Ku-ring-gai Planning Scheme Ordinance

Part A: Development standards

Development standard	Proposed	Complies
Site area: 759m ²	No change	N/A
Built upon area 60% (455.4m ²) (max)	64.5% (489.35m ²) BUA area not clearly identified	NO

Built-upon area (Clause 60C)

The proposed development would result in a built upon area of approximately 64.5% and does not comply with Council's maximum built upon area requirement under clause 60 of the Ku-ring-gai

Item 3

Planning Scheme Ordinance. The applicant's SEPP 1 objection is considered against the following relevant provisions:

whether the planning control to be varied is a development standard

Clause 60C of the Ku-ring-gai Planning Scheme Ordinance (KPSO), states:

- (2) *The maximum built-upon area of land to which this clause applies is 60%.*
- (3) *In this clause;*

Built-upon area" means the area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Clause 60C of the KPSO restricts the land on which dwelling houses are constructed to a maximum built upon area of 60%. As the KPSO is a statutory planning instrument, this control is a development standard as defined under Section 4 of the Environmental Planning & Assessment Act, 1979.

the underlying objective or purpose of the standard

There are no specifically stated purposes or objectives expressed in clause 60(c) of the KPSO.

Objectives for residential zones are outlined in Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance. Clause 2(d) states:

- 2(d) any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area; and*

Objectives of part 4.2 (Building Form) of Development Control Plan No. 38 include the following:

- (a) To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista.*
- (b) To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees*
- (f) To encourage well designed, attractive and site responsive buildings.*

Objectives from section 4.2.7 (Built-upon Area) of Development Control Plan No. 38 should therefore also be considered. The intention of the control specified by this section of the DCP is outlined by the following objective:

- *Maintain a reasonable proportion of the site as soft landscaping to ensure the predominant landscape character of the locality is maintained or enhanced*

whether compliance with the development standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act

The aim of SEPP 1 is to:

Item 3

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act.

In this regard, the objects of Section 5(a)(i) and (ii) of the Act are:

(a) To encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land.*

Compliance with the development standard is considered to be consistent with SEPP 1 and compliance will not hinder attainment of the objectives in Section 5(a)(i) and (ii) for the reasons advanced below.

whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The applicant has put forward the following arguments in their SEPP 1 objection in support of the variation to the development standard:

... 'The existing dwelling was constructed between the wars and has had various additions and alterations and a swimming pool erected in the rear yard. The pool and other works were presumably approved prior to the gazettal of Clause 60C of the KPSO which occurred on 26 May 1989.

- *The application proposed a new carport forward of the building line as there is no alternative access behind the building line and the existing single garage is not functional as a garage due to its width. New works will increase the landscape area. This will lead to a reduction in the built upon area to 65.15% from the existing built upon area of 67.43%. This small improvement however is still an improvement.*
- *Full compliance to the 60% development standard would require a substantial paved or building area to be demolished and this is unreasonable given the way the land has been developed.*
- *Compliance with the standard is unnecessary for the following reasons:*
 - *a reasonable proportion of the site will be soft landscaped;*
 - *the proposed carport is largely over an area that is already paved;*
 - *the carport is to be provided with screen planting in accordance with the plans which*

Item 3

will enhance the site and locality when viewed from the street and neighbouring properties. The predominant landscape character of the locality will therefore be enhanced in accordance with the objectives.

Strict compliance with the development standard is considered warranted in the circumstances of the case and the proposal is considered contrary to the objectives specified in Section 5(a)(i) and (ii) of the EP & A Act. Although the site currently breaches the BUA development standard, the proposed redistribution of the hard surfacing in combination with the proposed carport would dominate the streetscape and would not contribute positively to the landscaped character of Ku-ring-gai.

The current built upon area calculation for the site is 67.43% as stated by the applicant. The proposed works will reduce the built upon area to approximately 64.5% as calculated by Council officers. As stated above, the submitted plans do not accurately depict the proposed built upon area. Although the proposed works reduce built upon area, the remaining departure from the development standard is unacceptable. The applicant has not adequately demonstrated that the proposed works improve the existing amenity and environmental character of the area. The redistribution of the built upon area to the front setback is inappropriate and would have an adverse impact on the streetscape for the following reasons:

- The proposed development provides for a utilitarian structure forward of the building line reducing the landscaping quality and extent of soft landscaping within the front setback of the property, which detrimentally impacts on the streetscape character.
- The proposed development is largely inconsistent with the established development within the streetscape in terms of siting of the carport, setback, bulk and appearance and will impact unreasonably on the character of the area. The proposal is also inconsistent with the streetscape character as envisaged in DCP 38.
- Although the proposal would reduce the amount of built upon area on site, the redistribution of hard surface area actually increases built upon area in the front setback. The cumulative impacts of the carport being forward of the dwelling, increased hard surfacing within the front setback and the nature strip impacts negatively on the streetscape and the character of the area.
- The development has not been designed in accordance with the specific provisions of clause 4.5.3 design of carport and garages of DCP 38. The proposed carport has not provided the maximum possible distance from the street. Notwithstanding the above, there is an existing garage, located within the building envelope. DA1199/06 approved the expansion of the existing garage towards the southern side boundary. The works were not undertaken, but demonstrate that garaging is achievable behind the building line.
- The submitted plans do not clearly indicate existing and proposed built upon area. This issue was noted as a reason for refusal in previous applications. Additional information has also been requested to address this issue and has yet to be addressed by the applicant.

whether the objection is well founded

Item 3

Considering the SEPP 1 objection submitted with the application, the arguments are considered not to be well founded as the proposal does not achieve the underlying objectives/purpose of the site coverage standard and results in adverse streetscape impacts.

Part B: Aims and objectives for residential zones:

The development is unsatisfactory having regard to the following specific aims and objectives for residential development as outlined schedule of KPSO:

- 1 (a) *to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and*

 (b) *to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.*
- 2 (c) *any building or development work shall maintain or encourage replacement of treecover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced;*

 (d) *any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area;*

 (e) *all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development;*

In particular:

- 1) The siting and design of the proposed carport fails to maintain the existing prevailing streetscape and visual character of the locality, due to its location just 1.8 metres from the front boundary and well forward of the existing building line.
- 2) The proposal would result in the undue imposition of car parking structures forward of the building line. Whilst it is acknowledged that other carports exist in the streetscape, the proposed carport is set back a minimum of 1.8 metres from the front boundary. The minimum setback and extensive hard surface area forward of the carport amplifies the bulky and scale of the structure, which is unacceptable in the streetscape.
- 3) The location of the proposed carport in association with the paved areas forward of the dwelling would dominate the landscape setting and fails to ensure the landscape quality of the locality.

Part C: Heritage /conservation areas:

The subject land and the dwelling are not heritage listed and are not located within the vicinity of heritage items or within any gazetted Urban Conservation Area. The site is located within the National Trust Urban Conservation Area No. 4. As detailed within this report, the proposed development would impact detrimentally on the surrounding streetscape.

Item 3

POLICY PROVISIONS**Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual**

COMPLIANCE TABLE DCP 38		
Development Control	Proposals Numeric Compliance	Complies
Section 4: Design Elements		
4.1 Streetscape:		
Building Setbacks (s.4.1.3)		
Front Setback: 12m (Ave) -75% front elevation	1.8m (proposed carport) min.	NO
Side Setback: Ground Floor: 1.5m(min)	900mm (carport from the southern side), in line with existing dwelling	NO
Rear Setback: 10.9m(min)	No change	N/A
4.2 Building Form:		
FSR (s.4.2.1) 0.4:1 (max)	No change	N/A
Building Height Plane (s.4.2.3) 45° from horizontal at any point 3m above boundary	No encroachment	YES
Built-Upon Area (s.4.2.7) 60% (455.4m ²) (max)	64.5% (489.35m ²)	NO
Solar Access (4.2.11) 4h solar access to adjoining properties between 9am to 3pm	4 hours to adjoining properties	YES
Cut & Fill (s.4.2.15) max cut 900mm	1000 mm (approximate no RL's shown)	NO
max cut & fill across building area of 1800mm and 900mm	1000mm (approximate no RL's shown)	NO

Item 3

COMPLIANCE TABLE DCP 38		
Development Control	Proposals Numeric Compliance	Complies
no cut or fill within side setbacks	Cut within the southern side setback for concrete slab and footings	NO
4.3 Open Space & Landscaping:		
Soft Landscaping Area (s.3.3) 40% (304m ²) (min)	35.5% (269.65m ²)	NO
Useable Open Space (s.4.3.8) Min depth 5m and min area 50m ²	>5m >50m ²	YES YES
4.5 Access & Parking:		
No. of Car Parking Spaces (s.4.5.1) 2 spaces behind building line	2 spaces forward of building line	NO
Size of Car Parking Space (s.4.5.2) 5.6m x 5.4m	5.3m x 5.3m (internal dimensions)	NO
Driveway Width (s.4.5.6) 3.5m max at front boundary	5.65m	NO

Part 4.1 – Visual Character**Front setback (s4.1.3)**

The proposed carport fails to meet the objectives of Part 4.1 of DCP 38.

The desired future character for this area as espoused by DCP 38 and the visual character study for Ku-ring-gai is one that reflects and enhances the existing streetscape and treed character of Ku-ring-gai. The DCP also seeks to encourage sensitive, high visual quality development which enhances the streetscape within the local context and surrounding area. The character should be reinforced in new development which should complement the existing streetscape and contribute positively to the surrounding locality.

It is acknowledged that other carports exist in the street, with one sited approximately 2 metres from the front boundary. This development exemplifies the reason Council policies discourage this form of development.

The existing dwelling is sited forward of the required front setback, with a minimum setback of 9.3 metres, reducing the available area for landscaping within the front setback. The lack of landscaping within the already undersized front yard would be further reduced by the proposed double carport and driveway, with an unacceptable impact on the streetscape. It is noted that the

Item 3

existing Japanese Maple is also to be removed, with no canopy trees proposed within the front setback.

Given the proximity of the carport to the street (1.8metres), the additional built upon area forward of the building line and the already constrained front yard, the development is considered to be inconsistent with the streetscape character and would have a detrimental impact on the surrounding area.

Side setback (s4.1.3)

A side setback of 1.5 metres is required by DCP 38. A 600mm breach of the side setback control is proposed along the southern side of the carport. The breach is consistent with the existing side setback provided by the dwelling. The side setback will not unreasonably impact on the amenity of the southern adjoining property. However, given the scale of the carport, the setback breach will contribute to excessive built form and restricted ability to soften streetscape impacts with landscaping. This setback non-compliance will contribute to the poor scale relationship and is not supported.

Part 4.2 – Building Form

Built upon area (s4.2.7)

This issue has been addressed under the assessment of the proposal against the provisions of SEPP1, above. Here, it has been established that although the proposed built upon area across the site would be reduced, additional paving would be provided forward of the building line. In combination with the proposed carport structure and given its proximity to the property boundary, the development is considered to impact unreasonably upon the character of the streetscape.

Cut and fill (s4.2.15)

The submitted plans do not provide relative levels to Australian Height Datum for the carport, driveway and retaining walls. Section A-A shows the retaining wall with approximately 1000mm of cut, which is non compliant with DCP 38.

Part 4.3 – Open Space and Landscaping

Soft landscaping area (SLA) (s4.3.3)

This issue has been addressed under the assessment of the proposal against the provisions of SEPP1, above. It has been established that the additional built upon area forward of the front building line is unacceptable. The cumulative impact of the additional built upon area within the front setback and the minimal 1.8 metres setback to the front boundary would result in adverse streetscape impacts. Consequently, the objectives stated by this section of the DCP would not be achieved by this proposal.

Part 4.4 – Privacy and Security

The proposed carport is located aligning the southern boundary of the site adjacent to the common boundary of No. 7 Toongarah. Given the existing screen planting and the type of development no unreasonable privacy impacts or security issues are anticipated.

Part 4.5 – Access and Parking

Location of parking structures (s4.5.1 & s4.5.3)

Item 3

The site is located toward the end of a cul-de-sac. The proposed carport would be set back a minimum of 1.8 metres from the front boundary and 900mm off the southern (side) boundary. The substantial breach of the 12 – 14 metres setback and, more importantly, the provision of a car parking structure forward of the building line defined by the existing dwelling, results in an unsatisfactory streetscape impact. The resultant development would introduce a utilitarian structure forward of the dwelling which would compete with the existing dwelling as a dominant element within the streetscape and would further reduce the constrained front garden. Well vegetated gardens are typical features within Ku-ring-gai and the proposal will therefore detrimentally impact on the existing streetscape and the desired future character of the area.

DCP 38 specifies that Council may consider carports forward of the building line when the site is steeply sloping and where there are limited side setbacks (less than 3.6m).

In these circumstances the following is required:

- *the structure must be open sided;*
- *the structure must be located at the maximum possible distance from the front property boundary; and*
- *the design of the structure must be of a scale and form that is compatible with the streetscape character.*

The site contains an existing garage accessed via a driveway adjacent to the southern side boundary and is behind the building line defined by the existing dwelling. The garage is integrated into the design of the dwelling. During the assessment of REV0016/09, which proposed the same scheme, Council's Development Engineer, Masa Kimura provided the following comments:

... 'I confirm that the dimensions shown in the submitted sketch demonstrate that the existing garage does not comply with AS/NZS 2890.1 (2004) – "Off Street Car Parking" The clear internal width is deficient by 300mm'...

The existing garage is set back 900mm from the side boundary. Development consent DA1199/06, although expired, was issued for the expansion of the garage towards the southern boundary with a 600mm setback, which would be compliant with AS/NZS 2890.1 with regard to minimal internal width. The garage length was approved at 8.4 metres, being an oversized single garage. In this regard, a single carport which is open sided, set back the maximum possible distance from the front property boundary would be a more appropriate design where the scale and form is more compatible with the streetscape.

Driveway width (s4.5.6)

The proposed driveway width of 5.65 metres exceeds the maximum allowable crossing width of 3.5 metres at the front boundary. In addition, the vehicular crossover also has to be increased accordingly over the nature strip.

The excessive driveway is required to facilitate the non complying carport, which results in reduced landscaping within the front setback, detrimental to the landscaped setting of Ku-ring-gai.

LIKELY IMPACTS

The likely impacts of the proposed carport have been considered elsewhere in this report and are considered to be unacceptable.

SUITABILITY OF THE SITE

The site is currently used as a dwelling house and would be suitable for the proposed development. No objection is raised on the basis of the suitability of the site.

ANY SUBMISSIONS

No submissions have been received.

PUBLIC INTEREST

The approval of the application is not in the public interest.

OTHER CONSIDERATIONS

There are no other matters for consideration.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning Assessment Act 1979, the proposed development is considered unsatisfactory. Therefore, it is recommended that the application be refused.

RECOMMENDATION

THAT the Council, as the consent authority, refuse development consent to DA0649/09 for the construction of a double carport, retaining wall and driveway on land at 5 Toongarah Road, Roseville, for the following reasons:

1. Design

The proposal does not satisfy the objectives of Part 4.1 streetscape and Part 4.5 of Access and Parking of Development Control Plan 38

- (a) The proposed development is not sensitive to its setting. The proposal is not well designed nor responsive to the site characteristics.
- (b) The proposal does not ensure that the bulk and scale of the proposed works do not dominate the existing streetscape.

Particulars

- The proposed carport is a dominant structure of excessive scale and bulk given its proximity to the front boundary, design and location in an already constrained front yard. The carport will be unsympathetic to the natural and built environment in this location. The carport and driveway do not allow for sufficient soft landscaping area which is inconsistent with the objectives of the Ku-ring-gai Planning Scheme Ordinance.
- The cumulative impact of both the carport and the additional hard surface area forward of the dwelling within an already reduced front setback undermines the streetscape setting of the locality contrary to the street in general.
- The development fails to comply with clause 4.1.3 of DCP 38 (building setbacks) (front) in that the development has a front setback of 1.8 metres to the proposed carport which is in breach of the front setback control of 12 metres to 14 metres.
- The development fails to comply with clause 4.5.1 and 4.5.3 of DCP 38 (car parking spaces) in that the development proposes car parking forward of the front building line, which is not set at its maximum possible distance from the street. The carport is to be sited 7.4 metres forward of the existing dwelling.
- The development fails to comply with clause 4.5.6 of DCP 38. The proposed driveway measures 5.65 metres wide at the boundary exceeding the maximum driveway width of 3.5 metres prescribed by DCP 38. The width of the driveway is required to accommodate the non-complying development. The development will result in the introduction of excessive hard surface area which permanently removes the opportunity for landscaping within the front setback. The hard surfacing in combination with the utilitarian structure forward of the dwelling will dominate the site and streetscape and reduce the dwelling's existing landscaped garden setting.

2. Amenity and environmental character

The development is unsatisfactory having regard to the following specific aims and objectives for residential development as outlined in schedule 9 of the KPSO:

- (a) to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and
- (b) to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.
- (c) any building or development work shall maintain or encourage replacement of tree cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced;

Item 3

- (d) any building or development work on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area;
- (e) all new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development;

In particular:

- The siting and design of the proposed carport fails to maintain the existing prevailing streetscape and visual character of the locality, due to its location 1.8 metres from the front boundary and well forward of the existing building line.
- The proposal would result in the undue imposition of a car parking structure forward of the building line. The minimum setback and extensive hard surface area forward of the carport amplifies the bulk and scale of the structure, which is unacceptable in the streetscape.
- The location of the proposed carport in association with the paved areas forward of the dwelling would dominate the landscape setting and fails to ensure the landscape quality of the locality.

3. State Environmental Planning Policy 1 (SEPP 1)

The SEPP 1 objection is not well founded.

In particular:

- The SEPP 1 objection has not satisfactorily addressed how the development meets the objectives of the development standard Clause 60(c) of the KPSO.
- The application has not been supported by pre and post development built upon area plans and specific calculations of the existing and proposed built upon areas.
- The extent of hard surface areas that are proposed to be converted into landscaped area is unclear.

4. Insufficient information

The proposal fails to provide levels relative to the Australian Height Datum (RL's to AHD) for the proposed driveway, retaining walls and carport height.

In particular:

- RL's (to AHD) have not been provided for the proposed driveway.

Item 3

- Top of Wall and Bottom of Wall RL's (to AHD) have not been provided for the proposed retaining walls.
 - Carport ridge RL's (to AHD) have not been provided.
5. The proposal fails to adequately demonstrate pre and post development built upon area.

In particular:

- The application has not been supported by pre and post development built upon area plans or specific calculations of the existing and proposed built upon areas.
- The cubby house is shown inaccurately on the site plan, distorting the existing built upon area calculation.

B Newell
Senior Development Assessment Officer

S Garland
Team Leader
Development Assessment – South

C Swanepoel
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

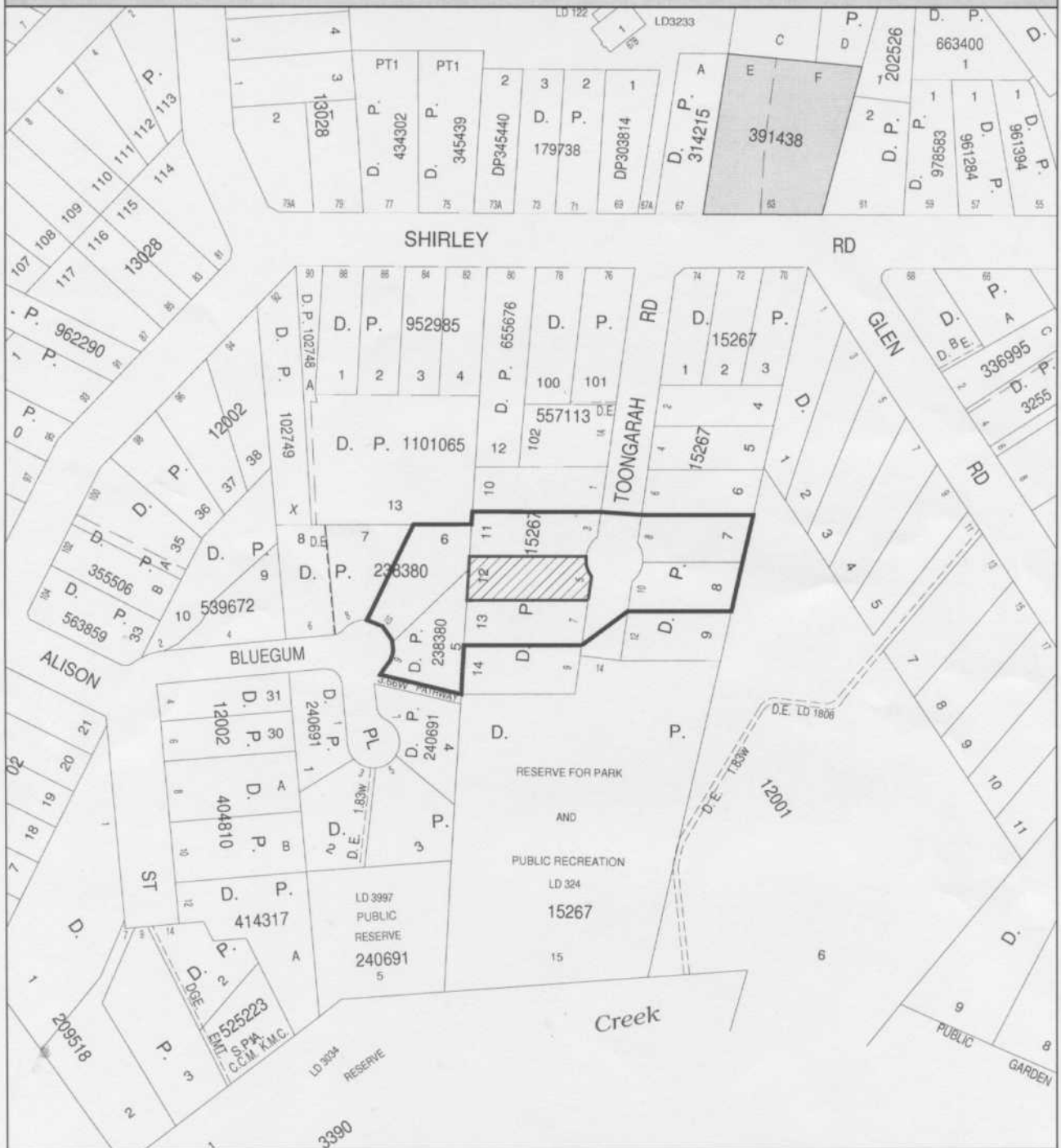
Attachments:

- Location sketch – 2009/206758
- Zoning extract – 2009/206759
- Site plan - 2009/206761
- Existing and proposed plan - 2009/206762
- Elevations and section A-A - 2009/206763
- Site analysis plan - 2009/206765

LOCATION SKETCH

5 Toongarah Road, ROSEVILLE

DEVELOPMENT APPLICATION No 0649/09



Scale : 1:2000

17-11-2009

No Written Responses



HERITAGE PROPERTY



SUBJECT LAND



CIRCULATED AREA



AGREEMENT



OBJECTION



PETITION



SUBMISSION



Zoning Extract

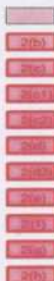
5 Toongarah Road, ROSEVILLE - DA0649/09



ZONES

2. RESIDENTIAL

- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H



3. BUSINESS

- (a) RETAIL SERVICES

FLOOR SPACE RATIOS

- A1 2.0:1
- A2 1.0:1
- A3 0.75:1

- (b) COMMERCIAL SERVICES

FLOOR SPACE RATIOS

- B1 1.0:1
- B2 1.0:1

5. SPECIAL USES

- (a) SPECIAL USES A (Schools etc)
- (a1) SPECIAL USES A1
- (b) SPECIAL USES (Railway)

6. OPEN SPACE

- (a) RECREATION EXISTING
- (b) RECREATION PRIVATE
- (c) RECREATION PROPOSED

RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE

SPECIAL USES

- SPECIAL USES (Parking etc)

ROADS

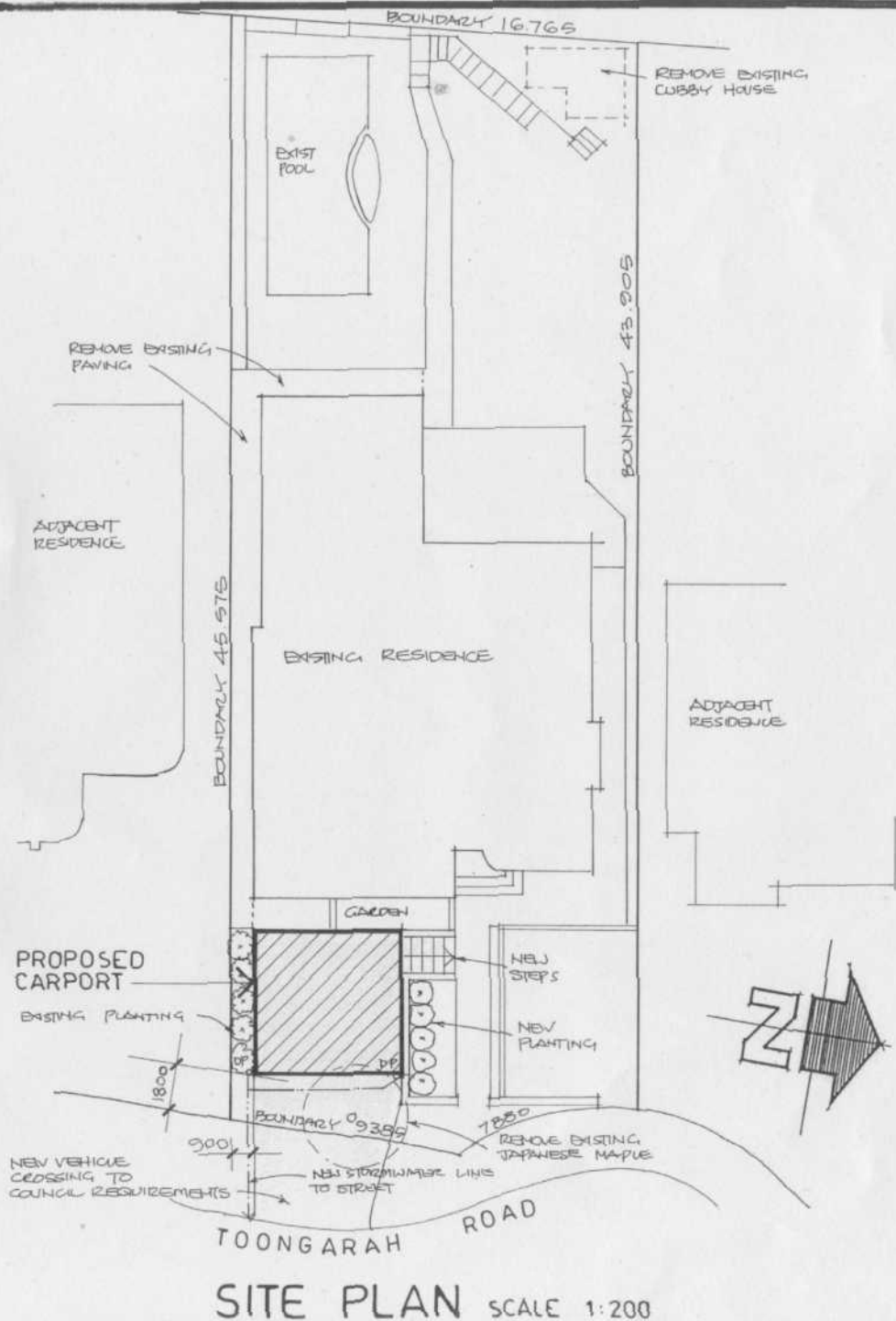
- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS



Scale: 1:2000
Date: 17-11-2009



SITE PLAN SCALE 1:200

NO WORK IS TO COMMENCE UNTIL A CONSTRUCTION CERTIFICATE HAS BEEN ISSUED

SITE INFORMATION

TOTAL SITE AREA = 759 m²

EXISTING BUILDUPON AREA = 511.8 m² = 67.43%

POST DEVELOPMENT
BUILDUPON AREA = 494.52 m² = 65.15%

AMENDMENTS:

1. -12.3.09. REAR ELEVATION NOTE ADDED TO READ WEST ELEVATION
- . NORTH ELEVATION ADDED

- Please note that all building work must be carried out fully in accordance with the development consent and conditions of approval and it is an offence to carry out unauthorised building work or building work that is not in accordance with Council's approval.
- All building work must be carried out in accordance with the provisions of the Building Code of Australia, Local Government codes and all current Australian standards.
- All balustrading required to be 1000mm high by the B.C.A. shall be measured from FINISHED floor level.
- No investigation of underground services has been made. All relevant authorities should be notified prior to any excavation on or near the site.
- Developers & excavators may be held financially responsible by the asset owner should they damage underground networks.
Minimise your risk and dial before you dig - Tel. 1100
- All dimensions shall be checked and verified by the builder prior to commencement of work.
- All concrete and structural steelwork is to be designed and certified by a structural engineer.
- All dimensions to boundaries shall be set out and verified by a registered survey.



**PROPOSED CARPORT
5 TOONGARAH ROAD ROSEVILLE
FOR MR. D. & MRS. A. PERRYMAN**

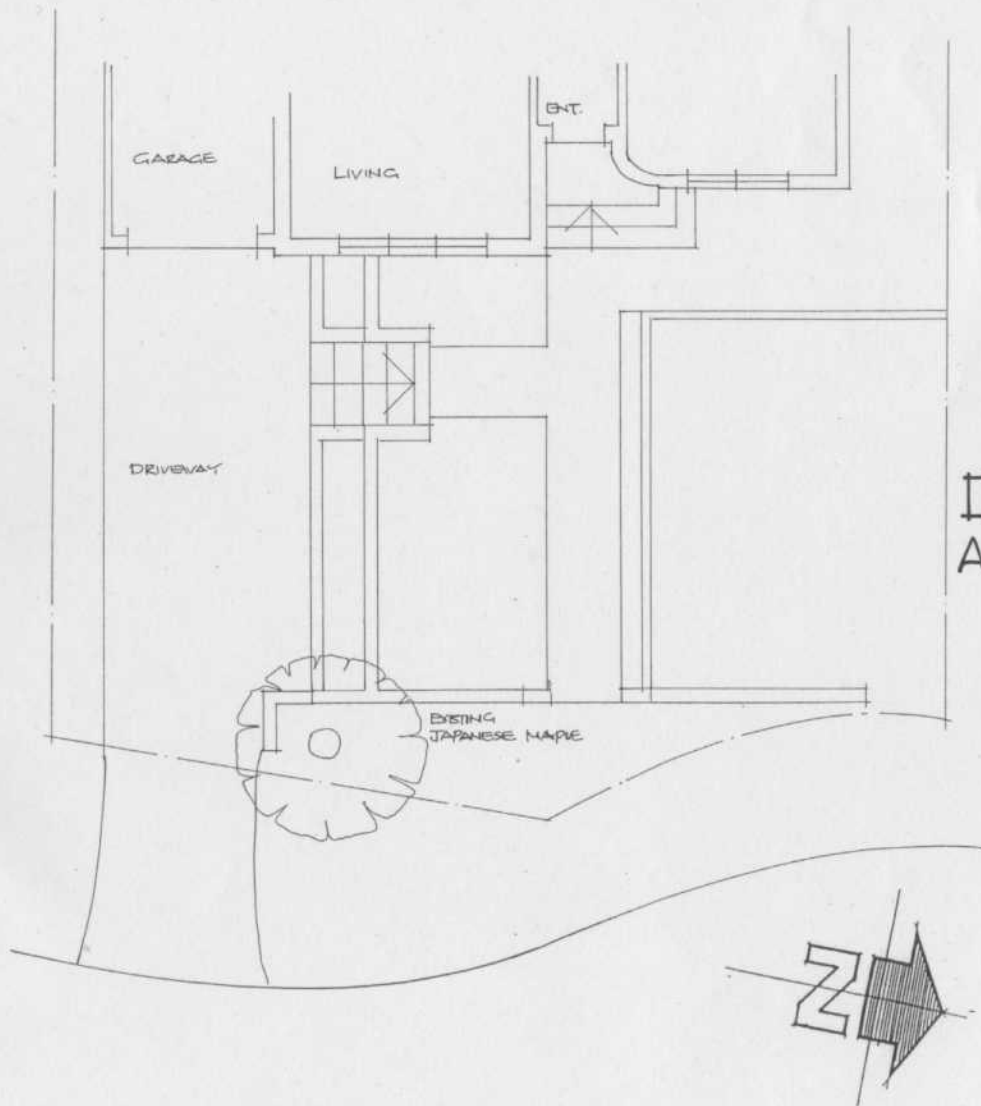
DRWG N° 010:09 DATE: JAN. 2009 DRAWN Ken Yardley SHEET 1 of 3



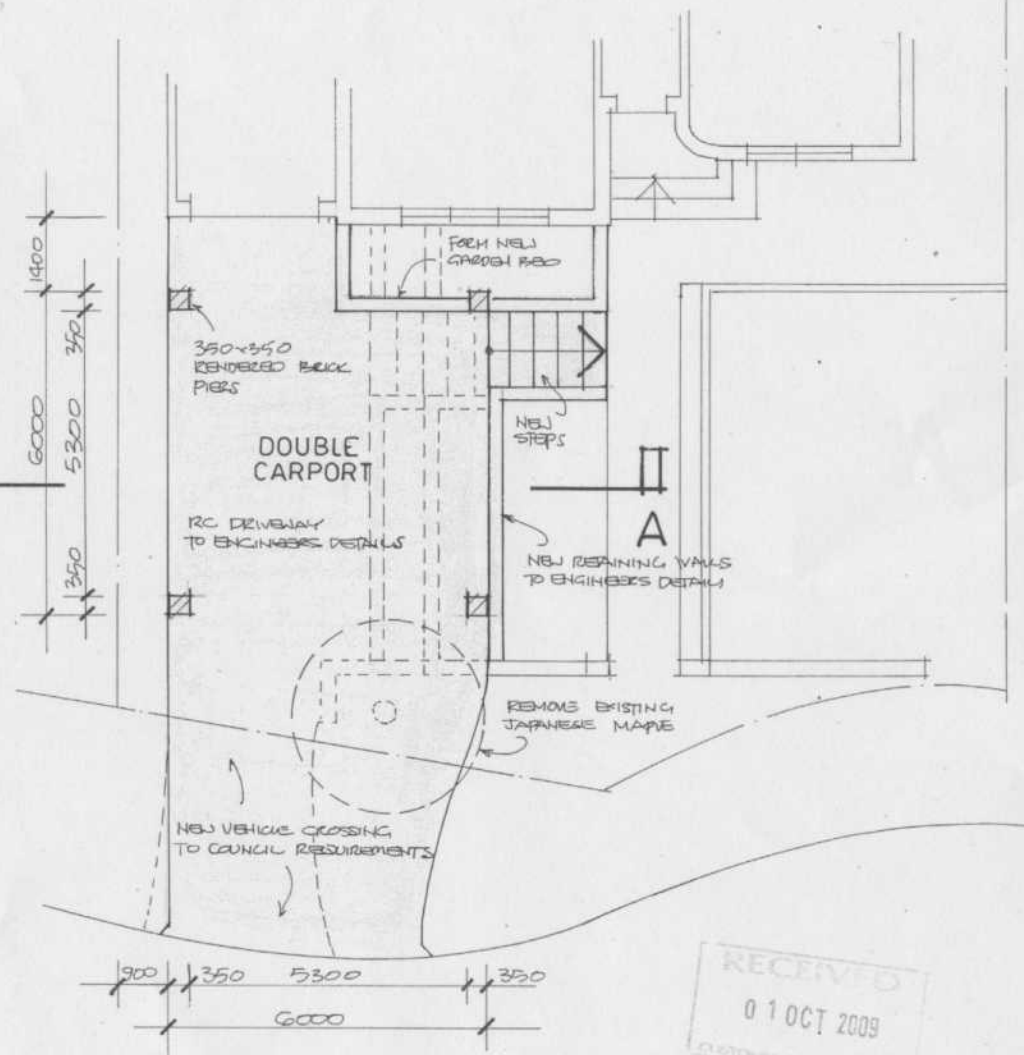
Telephone (02) 9420 8099
Fax (02) 9427 8550
Mobile 0419 601530
Email kenyardley@optusnet.com.au

North Shore Building Design Group

Chartered member - Building Designers Association of NSW Accreditation No.6014
Suite 7, 225 Burns bay Road, Lane Cove. NSW 2066 ABN No. 24 569 794 584



EXISTING PLAN SCALE 1:100



PROPOSED PLAN SCALE 1:100

AMENDMENT 1-12-3-09

ROOF TILES
SIMILAR TO EXISTING

350x350 RENDERED
BRICK PIERS

NORTH ELEVATION SCALE 1:100

ROOF TILES
SIMILAR TO EXISTING

FC SHEET WITH
TEXTURE COAT FINISH

350x350 RENDERED
BRICK PIERS

RETAINING WALL
TO ENGINEER'S DETAIL

SIDE (SOUTH) ELEVATION SCALE 1:100

FRONT (EAST) ELEVATION SCALE 1:100

30°
ROOF TRUSSES TO
ENGINEER'S DETAIL

300

350x350 RENDERED
BRICK PIERS

FC CEILING
CARPORT

2300

RC SLAB & RETAINING WALLS
TO ENGINEER'S DETAIL

SECTION A - A SCALE 1:100

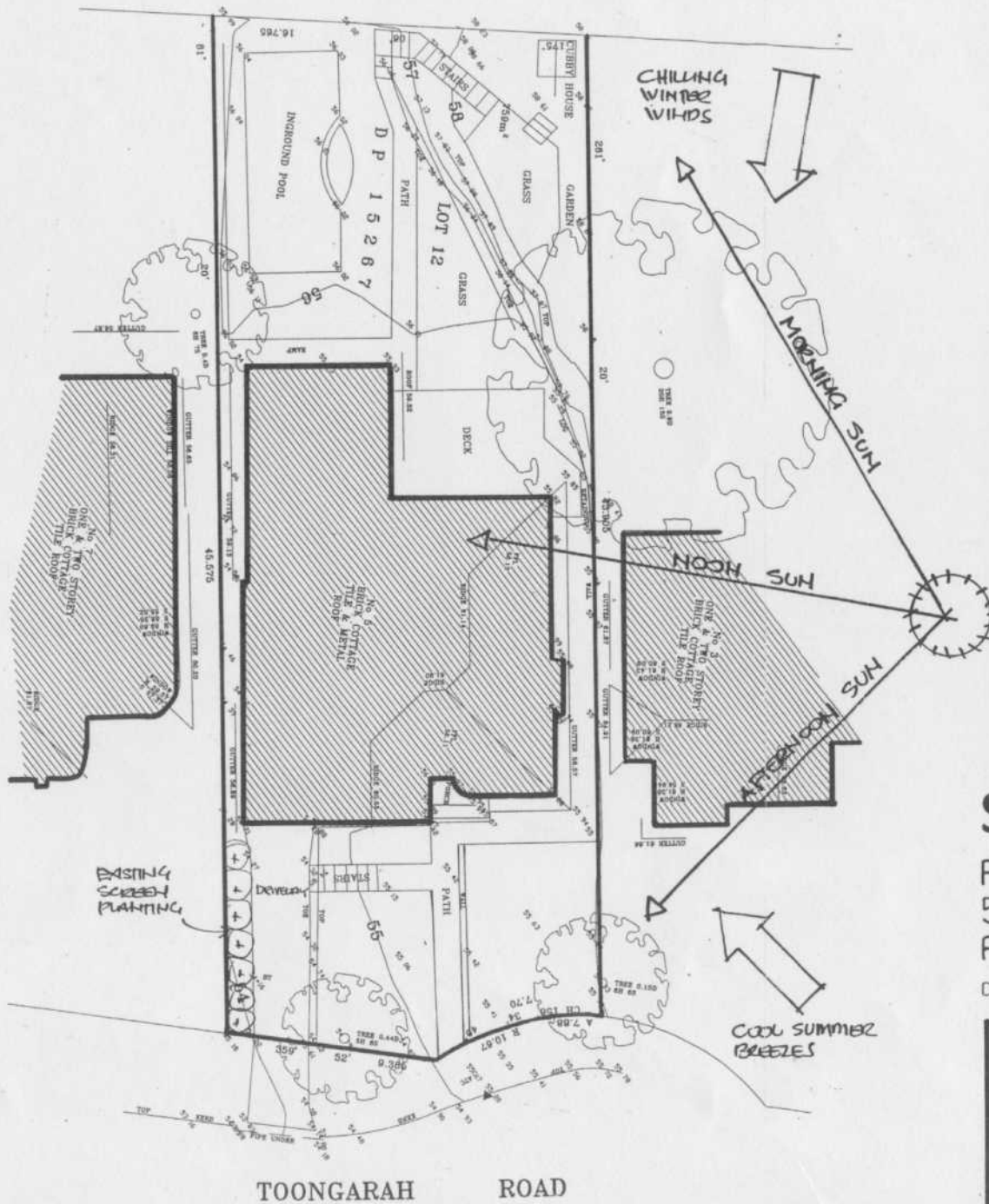
ROOF TILES
SIMILAR TO EXISTING



350x350 RENDERED
BRICK PIERS

REAR (WEST) ELEVATION SCALE 1:100

AMENDMENT 1 - 12-3-09



01 OCT 2009

SITE ANALYSIS PLAN

PROPOSED CARPORT
5 TOONGARAH ROAD ROSEVILLE
FOR MR. D. & MRS. A. PERRYMAN

DRWG N° 011 : 09 DATE: JAN. 2009 DRAWN Ken Yardley



Telephone (02) 9420 8099
Fax (02) 9427 8550
Mobile 0419 601530
Email kenyardley@optusnet.com.au

North Shore Building Design Group

Chartered member - Building Designers Association of NSW Accreditation No.6014
Suite 7, 225 Burns bay Road, Lane Cove, NSW 2066 ABN No. 24 569 794 584

ST IVES SHOWGROUND & PRECINCT DRAFT OPTIONS PAPER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the draft options paper for the St Ives Showground and precinct for public comment and to call for expressions of interest from the private sector as to their interest in the draft options.

BACKGROUND:

In 2008, Council resolved through its Management Plan to identify opportunities to re-use sites within the St Ives Showground and precinct. This was to be developed via an options paper then incorporated into a revision of the plan of management for the site.

COMMENTS:

This report presents the draft options for the site including Ku-ring-gai Wildflower Garden, Nursery, Showground, HART and Green Waste Tip site. The options have evolved from discussions with key stakeholders and seek to provide for a range of new facilities to cater for current and future demand.

RECOMMENDATION:

That the draft options be placed on public exhibition for comment and that a response from the private sector and other levels of government be sought as to potential partnerships of collaboration.

PURPOSE OF REPORT

To present to Council the draft options paper for the St Ives Showground and precinct for public comment and to call for expressions of interest from the private sector as to their interest in the draft options.

BACKGROUND

This report presents a draft options paper for the future of the St Ives Showground and precinct. This draft plan (**Attachment 1 and 2 to 6 for detail**) has been prepared as an objective within the 2008-2012 and 2009/2010 Council Management Plans that seek to identify opportunities to re-use sites in the precinct for recreational.

The draft options concerns itself with a number of sites in the precinct most notably:

- the Wildflower Garden
- Council Nursery
- St Ives Showground
- Honda Driver Training Facility and
- the disused tree tip site.

Each of these are owned by the Crown. Figure 1 and Table 1 map and identify the area in question. All parts of the precinct are zoned 6a Recreation (existing), other than the driver training facility which is zoned 5 (a1) Special Uses, and the tree tip site which is zoned 5 (a) Municipal Purposes.

The St Ives Precinct is made up of various Crown Reserves under the care control and management of Council. Some reserves are leased or licensed to Council and consequently sub-leased, such as the Honda driver training centre facility. Two reserves yet to be assigned appropriate reservation status including an area south of Mona Vale Road and a closed Crown Road (refer to Figure 1 and Table 1). Because of the land tenure, Council wrote to the Department of Lands on 1 May 2008 advising that it had resolved to review the St Ives Showground Plan of Management (as adopted by Council and later approved by the Minister for Lands in 1999) and that it intends to prepare an options paper to outline potential uses of the sites as part of the forward planning by Council. In response, the Department of Lands supported Council's role in the preparation of a draft plan of management and was interested in participating in the preparation of an options paper for the sites. As the management falls within their legislation, it also requested that any draft plan of management be sent to them for comment.

As requested by NSW Land and Property Management Authority (formerly the Department of Lands – Crown Lands Division), the development of the preliminary and now draft options paper has identified the amalgamation of all the existing reserves in the precinct into larger units for planning and management purposes. These would fall under the administration of Ku-ring-gai Council. The draft options have also considered the principles of the management of Crown lands as outlined in the *Crown Land Act 1989* which ensures that:

- enjoyment of Crown land is encouraged
- natural resources are sustainably managed and the environment is protected for future generations

Item 4

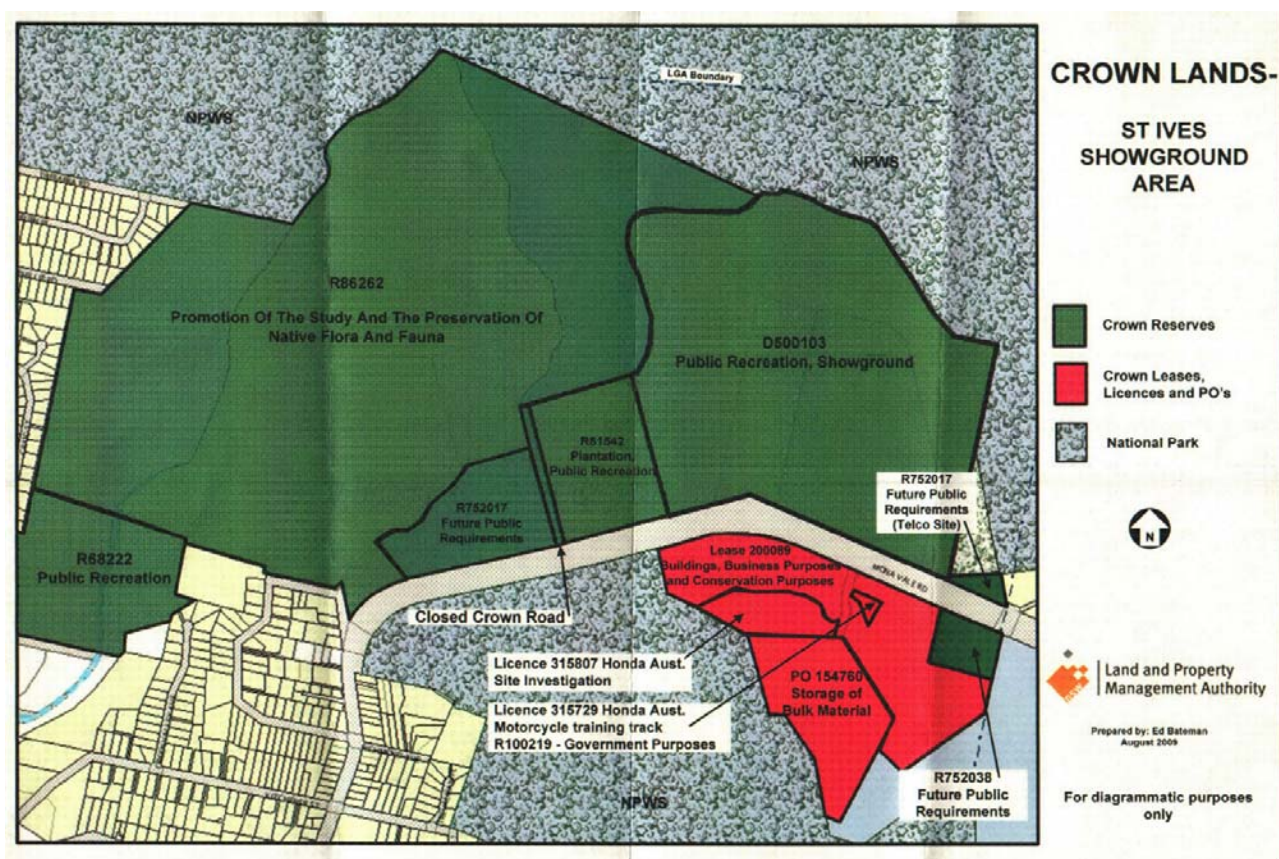
S02673
19 November 2009

- land is used for multiple purposes
- Crown land is occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State and its people.

Only the Showground has a Plan of Management gazetted under the *Crown Land Act 1989*. There are however other plans that support the management directions of the site or sites such as: Strategic Plan for Sportsfields/Courts in Ku-ring-gai, adopted by Council 2 September 1997; Open Space Strategy adopted by Council 20 September 2005; Sport in Ku-ring-gai Strategy adopted by Council 9 May 2006; Ku-ring-gai Wildflower Garden Management Plan 1983; and St Ives Showground Plan of Management 1999. At a regional level, planning for the site has also considered the Department of Planning NSW Metropolitan Strategy advice that:

"Population growth and demographic change will create new demands for parks and public places in the North Subregion. Since growth is predominately planned for existing areas, the focus for open space will be to improve accessibility and quality of existing areas. Opportunities for new open space should be identified."

Figure 1



Item 4

S02673
19 November 2009

TABLE 1: Land management within the St Ives Showground and precinct

Identifier	Purpose of land	Gazettal	
R68222	Public recreation	24/03/1939	2/09/1972
R86262	Promotion of the study and the preservation of native flora and fauna	12/05/1967	
	Closed Crown Road	11/10/1966	GG 123
R752017	Future Public Requirements	unknown	
R64678	Public recreation	27/07/1934	
SPA	CCM	7/09/1973	5/10/1973
R81542	Reserve from sale for Recreation and Plantation	17/47/1959	
D500103	Public recreation, Showground	9/05/1958	
R752017	Future Public Requirements (Telco Site)	CROWN	
TR20177	Mole Trig Station	CROWN	21/07/1894
R752038	Future Public Requirements	CROWN	
R100219	Government Purposes (Licence 315729 Honda Aust Motorcycle training track)	CROWN	
M L 51		CROWN	
M L 48	PO 154760 Storage of Bulk Material	CROWN	
Lease 200089	Buildings, Business Purposes and Conservation Purposes (Council head lessee)	Lease date	1994-2019
Licence 315807	Honda Aust Site Investigation	unknown	

As part of process for the development of an options paper, the following ten stages were identified, as below. The process and subject of this report is at stage 5, which is seeking a decision of Council to get broader public comment on the draft options.

Stages of development of the St Ives Showground Precinct options paper and Plan of Management:

1. Ideas forum – this was undertaken on Saturday 21 February 2009 with an aim to identify possible options that would form part of the deliberations by Council and the Minister for Lands as to the future use of the area. Fifty-five people attended representing 24 groups or associations. Participants were encouraged to present their ideas on the day and along with those unable to attend, were asked to write down their ideas as part of the data collection for this stage of the project. A memo summarising the outcome of the consultations was circulated to Councillors on 24 February 2009.
2. Technical review by staff – this considered outcomes from the forum and provided additional input from relevant sections of council.
3. Preliminary draft options report – this presented a number of options for the various sites and was presented at the Planning Committee on the 1 July 2009.
4. Consultation with user groups and stakeholders, including Department of Lands. The preliminary draft options were presented to various interest groups and others to ascertain their preference and reasons in support or not of the various options. This was used to inform the current draft options.
5. Draft options paper. This is to be considered by Council and placed on public exhibition for broader community consultation.

Item 4

S02673
19 November 2009

6. Adoption by Council of the preferred options for the site.
7. Preparation of a draft plan of management for the precinct – this would similarly be prepared in consultation with the community and stakeholders
8. Draft plan of management adopted by Council and Department of Lands.
9. Detailed financial plan, landscape plan, relevant approvals, lease/licence agreements.
10. Staged implementation of the site master plan and plan of management.

COMMENTS

In arriving at the draft options presented in **Attachment 1**, consideration was given to a range of statutory requirements, demands and expectations (current and future), site layout and configuration, heritage and environmental values of the site, traffic and other issues. A discussion on some of the key themes is presented below as they have provided context and support for the draft options.

Environmental aspects

The major environmental consideration has been the presence of the Duffys Forest Ecological Community on parts of the site. This has been identified as part of Council's vegetation mapping project that commenced in 2008. This ecological community has a very restricted distribution being found primarily on relatively deep residual lateritic soils on ridges and plateaus overlying Hawkesbury Sandstone. The associated soils are slightly more fertile and have higher clay content than normal Hawkesbury Sandstone ridge top soils. This laterite soil is now uncommon and should be preserved wherever possible.

The recognised core areas of the Duffys Forest Ecological Community on the site have been identified for its long term survival. The primary purpose of these core areas will be for conservation. It is envisaged access would be restricted within these core areas to controlled and defined tracks as part of ordinary use, and particular care would be necessary during recovery periods after fire.

In response the draft plan has proposed to:

- Provide physical protection for Duffys Forest Ecological Community and other existing natural vegetation on the St Ives Showground lands from encroachment, vehicles and compaction, nutrients, weeds and rubbish.
- Improve habitat and actively encourage regeneration where required.
- Prevent increased run-off and associated erosion and control and manage existing erosion and run-off impacts on the catchment.
- Engage regular users in actively supporting environment and conservation activities for the precinct.
- Assess existing vegetation and prioritise tree management and needs in terms of hazard abatement and asset protection zones.
- Use educational opportunities to build the value placed on the natural and built heritage of the precinct by regular and casual users.
- Recognise the active recreation role of the St Ives Showground lands and the likelihood that formal and informal use will increase as the population of Ku-ring-gai and Sydney increases.

Item 4

S02673
19 November 2009

The *Threatened Species Conservation Act 1995* and Regulations require Council to implement the Duffys Forest Ecological Community Recovery Plan. Actions include:

- Develop a community education, awareness and involvement strategy to inform the community of the conservation requirements and threats affecting this endangered ecological community (EEC).
- Co-ordinate recovery program.
- Update and maintain fire management guidelines.
- Develop Best Practice Management Guidelines for Duffys Forest Ecological Community remnants.
- Prepare and implement a plan of management on public land .
- Assess and manage the impacts of horse riding and mountain bike activities (this would also extend to Ku-ring-gai Mini Wheels Training Club).
- Incorporate outcomes from research into preparation and implementation of Best Practice Management Guidelines.
- Prioritise, cost and implement threat management and ecological restoration works.
- Establish and implement a threat management monitoring program.

The recovery plan management strategies for all areas containing Duffys Forest Ecological Community will also maintain and improve habitat to assist the retention of identified threatened bird and animal species including the Red-crowned Toadlet, Grey-headed Flying Fox, Heath Monitor, Powerful Owl, Southern Brown Bandicoot and Glossy Black Cockatoo.

Traffic and transport

As a consequence of increasing population growth and demographic change, locally and regionally, the draft options will expand the diversity of activities across the sites. This will lead to an increase in user numbers and associated traffic and transport requirements. To operate efficiently, sustainably and safely, an increased demand for public transport will require negotiation on existing bus routes (Forest Coach Lines) for bus services to service bus shelters outside the Nursery/Green Waste Tip site and the Showground/HART site. It is also recommended that the existing Mona Vale Road speed limit of 90km/hr be reduced to 70km/hr through the precinct from the Local Government Area (LGA) boundary, a distance of 1200 metres. This will add approximately 15 seconds to the trip for the average car user and importantly ensure safer road crossing for pedestrians, cyclists and vehicles.

The 70km/hr speed limit will allow the Roads and Traffic Authority (RTA) to approve the installation of signalised traffic lights for pedestrian and vehicle crossing use at two key locations – entry/exist to Showground and HART and entry/exit to Nursery site and Green Waste Tip. The need for traffic lights was previously identified in the adopted St Ives Showground Plan of Management. The traffic lights would also facilitate safe exit from the Ku-ring-gai Wildflower Garden via a road connection with the signalised exit point at the existing Nursery.

A separate cycle track suitable for use by all cyclists, including children, is proposed along the southern boundary of Mona Vale Road along the existing cleared power easement within the road reserve. This would connect with the traffic lights to enable safer cycle crossings between St Ives and the Showground precinct. Road cycling would still be available to experienced riders as currently exists.

An internal sealed cycling circuit road is proposed connecting the precinct and to support cycling events. The cycle track on the northern side of Mona Vale Road is 5.4km long, 2.23km of which is in

Item 4**S02673
19 November 2009**

Ku-ring-gai Wildflower Garden. In the longer term, construction of a crossing tunnel under the road between the Showground at the HART site for pedestrian and cyclist use is proposed. Combined with the HART road, using a tunnel under Mona Vale Road, the combined distance of cycling tracks would be approximately 7km.

Walking track links will be retained to and through the St Ives Showground lands precinct. This includes walking tracks to Ku-ring-gai Chase National Park, Warringah Shire, Harbour to Hawkesbury Walk, St Ives Chase, Garigal National Park, St Ives South, Cascades, Belrose, and Middle Harbour. When traffic lights are installed on Mona Vale Road, the existing Harbour to Hawkesbury walking track could be re-routed from traversing suburban roads in St Ives to wholly within bushland to reach the only overnight camping site at the Showground.

Heritage

A review by the Aboriginal Heritage Office and other reports has not identified any Aboriginal heritage items within the St Ives Showground and precinct (Aboriginal Sites Management and the Aboriginal Potential Areas Reports). The reports were written with the knowledge of all recorded site data from the Department of Environment, Climate Change and Water. It should be noted, however, that not all areas of Ku-ring-gai Council have been subject to systematic survey and unrecorded sites certainly would exist. Any proposed works within the precinct will consider potential sites and areas as part of the investigation, in liaison with the Aboriginal Heritage Office (AHO).

In terms of built heritage, in 2001 the Showground was classified by the National Trust of Australia and included in its register. In 2006, a Heritage Assessment of the Showground site was completed and identified 15 structures which are considered to be of heritage significance relating to previous Show or Army use. These include:

1. Army Relief Map
2. Bar Building (Army Era Regimental Aid Post)
3. Canteen
4. Agricultural Show Office
5. Dog Shed B (Army Era Amenities Building)
6. Horse Superintendent's Office
7. Sewer Treatment Facility
8. Concrete Slab 1
9. Concrete Slab 2
10. Concrete Slab (west horse wash)
11. Concrete Slab (east horse wash)
12. Grandstand – south
13. Grandstand – east
14. Broadcast Box
15. Stables

Most of these items require some conservation work and a comprehensive action plan has been prepared for asset funding by Council. Presently, the Army Relief Map is being designed for interpretation, conservation and as a war relic memorial with funding from the Capital Works Program and potential grants.

Item 4

S02673
19 November 2009

The draft plan has identified the conservation and re-use of the buildings including:

- the Bar Building is proposed to be used for a local site museum and interpretive display;
- the Canteen will be used as a visitor information centre and site office;
- the Agricultural Show office will be retained for Northern Suburbs Agricultural & Horticultural Society show use;
- Dog Shed B will be retained in its current use;
- the Horse Superintendent's Office will be available for community use.

The Ku-ring-gai Wildflower Garden contains the Pavilion designed in the 1960s by Architect John Daubney. This remains a fine and intact example of late 20th Century Sydney Regional Architecture known as 'Sydney School' in public use. Style influences in evidence include:

- influences of the Australian Bush surrounding the building and in the planted landscape
- materials textural and tactile qualities are expressed
- textures and colours are generally natural or neutral
- the key elements of this style are use of flat roof, clerestory windows, exposed timber beams and exposed rafters left in their sawn state that are stained or oiled, and
- the use of stone and massed sandstone bearing columns.

It is recommended to seek recognition on the State Heritage Register or local listing in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance for those buildings or built elements and their curtilage assessed as having potential state or local cultural significance within the St Ives Showground (SISG) and the Ku-ring-gai Wildflower Garden (KWG).

Crown Land

Part of the draft option consideration was to amalgamate various existing Crown Reserves into larger units. The benefits of this approach include:

- Reserve land can be assessed and managed in a holistic way, in consultation with the community, rather than in isolation.
- The use and management of the St Ives Showground and Precinct supports public requirements, and increases capacity to direct resources where they are needed most.
- The land can be managed responsibly for the environmental, social and economic needs of our community.
- Changing needs for recreation and community facilities caused by expanding population can be accommodated while preserving natural and culturally significant areas.
- The precinct land will be available for the enjoyment of both the existing community and visitors to the area, enabling improved multiple uses and maximising public access and elevating public awareness of the area.
- Administration of Reserve Trust funding and income requirements, leases and licences, can be improved and has the potential for creating efficient management of the Precinct between Land and Property Management Authority and Council.

The NSW Land and Property Management Authority has also raised the need to consider opportunities for income generation and funding self sufficiency as part of the site planning and future Plans of Management. It is expected that such initiatives would need to have joint benefit to the Authority and Council.

Item 4

S02673
19 November 2009

Further investigations to formalise access provisions for Council and users over adjoining Crown land is required to ensure that current access arrangements from Mona Vale Road to the current Green Waste Tip site are available as part of the development strategy.

Camping

Caravan parks and camping grounds which are advertised and used for general public caravan and camping are subject to approval under the Local Government Act 1993, and must be in compliance with the Local Government (Manufactured Home Estates, Caravan Parks, and Camping Grounds and Moveable Dwellings) Regulation 2005. Development consent is required and an approval to operate must be consistent with the Regulation. Crown Lands consent is required for the development and concurrence for the approval to operate, as well as a business plan to demonstrate the facility viability and that it can generate enough funds to operate at a profit, hence contributing funds back for Showground maintenance.

Presently the permissibility of camping is limited under the Plan of Management as a licensed activity for the purpose of supporting agricultural and other shows at the site.

The Crown Lands Act does allow for the Trust Manager to grant temporary licences short-term and generally low impact activities on the reserve without the Minister's consent. The purposes for temporary licences include camping using a tent, caravan or otherwise and other short term activities such as filming, markets, sports and other uses. However, the use of the reserve through these temporary licences should not diminish the availability and use of the reserve for the purpose for which it was set aside.

Council currently manages itinerant camping through the Council Showground Ranger who works to manage the number of campers, location, power and other requirements. The Ranger works actively to keep picnic and other areas clear.

There are a number of operational issues that would require addressing:

- Council's fees and charges include relevant fees for caravans and camping.
- As the gates to the Showground are not locked, access after hours by camper, cars and caravans is possible.
- Current arrangements, areas for camping can be booked as part of approved events and require areas to be vacated.

The Precincts

The following provides a description of the preferred draft options for each of the precincts.

Ku-ring-gai Wildflower Garden (KWG) Precinct (Attachment 2)

1. The Crown Land Reserve boundaries (R68222 Public Recreation, R86262 Promotion of the study and the preservation of native flora and fauna, R752017 Future Public Requirements) will be consolidated into a single reserve trust. At the request of the NSW Land and Property Management Authority the gazetted Rules and Regulations of 08/03/1968 for the management of R86262 under the *Public Trusts Act 1897* will be updated to be consistent with the Crown Lands Act 1989 and subsequent Regulations.

Item 4

S02673
19 November 2009

2. As Part of this boundary consolidation, a small portion (approx 8000m²) of the Existing Nursery Site (R81542 Reserve from sale for Recreation and Plantation) will be incorporated into the KWG.
3. The Closed Crown Road will be incorporated into the adjoining Existing Nursery Site as a buffer zone with the KWG.
4. Gated entrances will be managed to exclude dogs but allow access for hikers and cyclists through the KWG from adjoining St Ives Showground and National Parks link tracks (such as Harbour to Hawkesbury Walk).
5. The existing 2.23km Solander Trail bitumen roadway around the KWG is proposed to be widened from 4m to 6m to enable multi-use cycling events. This will build on the already disturbed bushland along the existing road corridor and the proposed widening works will enable amelioration of existing road run-off and drainage road impacts and reduce existing negative impacts on road edge bushland.
6. This roadway will be continued through the high voltage transmission easement where the car park will be formalised and impacts reduced on adjoining bushland, to link with the adjoining Nursery site and Showground. It will allow a second exit point from the KWG where it is proposed to have a signalised intersection with Mona vale Road.
7. The remaining walking tracks will be retained and upgraded as required to be excellent examples of best environmental practice and to be consistent with Australian Walking Track Standards. Tracks and their links will be clearly signposted and interpreted. "No Dog" prohibition will be enforced. Mountain bike use will be restricted to existing suitable fire trails only.
8. The small retail section of Council's Community Nursery will be relocated to the KWG and sited adjacent to the existing Australian Plant Society (APS) greenhouse where the promotion of the study and the preservation of native flora activities can be mutually supported. This would include an office space for both the APS and the retail nursery function, a holding yard for plants for sale, and car parking.
9. The existing house (currently used as an office) will be extended to provide a purpose built Ku-ring-gai Environmental Education and Cultural Centre containing theatre and lecture/meeting room, interpretive displays, exhibitions, visitor services, staff services and administration offices for management of the whole Showground precinct and education rooms, storage, kitchen/kiosk and amenities, all within the existing secure compound.
10. The Centre will be a demonstration of a 6 Green Star Sustainable Building that maximises light, roof-mounted solar panels, natural ventilation, grey-water recycling, and composting, including an organic and bush food garden, fauna program areas, and electric shuttle bus. There is parking for 25 cars.
11. The existing pavilion (with some minor repair and sensitive upgrading work) will be Heritage Listed as a Significant 1960s Sydney School (Architect John Daubney) pavilion. It will cater for multi-purpose use as an environmental events centre, for themed Eco Weddings and Celebrations, Eco Product launches, Festivals centre, Community Environment promotions and provide a bushfoods café/Kiosk.
12. A new community use classroom/multi-purpose and Guide hall (St Ives Girl Guides) will be built sympathetic to the existing pavilion on the adjacent cleared land and also be a demonstration sustainable building.
13. Lamberts Clearing will be upgraded to cater for greater use through the provision of power, accessible composting toilets (currently under installation) improved group picnic facilities, solar/gas BBQ conversions and improved playground facilities.

Item 4

S02673
19 November 2009**Council Nursery Site (Attachment 3)**

This area of Crown Reserve (R81542) is under Council's care control and management for Recreation and Plantation. It is distant from adjoining residential neighbours but easily accessible from Mona Vale Road. The site was previously used as a market garden.

1. It is proposed to construct two full sized synthetic playing fields, one field available for all-weather use and one field available for all-weather hockey use. Currently there are no fields available for all-weather use in the Ku-ring-gai LGA, despite demand for these facilities from local football and hockey clubs.
2. These fields will be lit for night-use purposes. There are 58 parking spaces dedicated to the fields with a link road to overflow parking for 55 cars in the existing cleared area under the transmission lines at the adjoining Ku-ring-gai Wildflower Garden.
3. The fields will be set back from the existing site boundary with a managed buffer zone to prevent any environmental impacts to the adjoining KWG land. The fields will be used to collect run-off water for re-use. The fields will act as an asset protection zone in the event of bushfires.
4. The closed Crown Road will be incorporated into this Crown Reserve as a buffer zone between KWG and the Nursery site.
5. The northern boundary of the reserve site will be realigned to incorporate the existing walking track/fire trail and head of Tree Fern Gully Creek and associated important habitat into the KWG.
6. It is proposed to construct an indoor sports centre with four (4) timber floor multi-purpose courts, gymnasium, amenities and kiosk. This site can also accommodate expansion for an additional two (2) timber floor multi-purpose courts should demand require it. There is no indoor sports centre for Ku-ring-gai residents in the LGA, and a demand has been recognised for this facility.
7. The indoor leisure centre can provide up to 142 parking spaces beneath it. This would be incorporated into the detailed design of the facility and would be similar to the centre at the Brick Pit at Thornleigh.
8. An internal roadway is proposed through areas of non-threatened species or weedy bushland to connect the Nursery site, Ku-ring-gai Wildflower Garden (KWG) and St Ives Showground. This road will be used by cyclists, walkers and service vehicles and managed specifically during major events for site parking access and circulation within the Precinct.
9. Inclusion of pedestrian traffic lights at Mona Vale Road and existing Nursery site access road will enable safe ingress and egress to the site and also enable pedestrians and cyclists using the purpose-built off-road path parallel to Mona Vale Road to safely negotiate crossing it. Traffic exiting the KWG could also be redirected through the link road to the traffic lights enabling signalised access to Mona Vale Rd.

Small Arena, Camping and Equestrian Precinct (Attachment 4)

1. The Ku-ring-gai Mini-wheels Training Club will be relocated from the Duffys Forest Ecological Community (DFEC) to the Green Waste Tip site. This enables the former Ku-ring-gai Mini-wheels site to be re-assigned to more ecologically sustainable and compatible uses. Where remaining areas of DFEC are in good condition, they will be rehabilitated and regenerated under Recovery Plan principles.
2. St Ives Showground has a long history of providing a venue for animal shelter, temporary caravans and camping linked to show bookings and events, together with managed

Item 4

S02673
19 November 2009

caravans, and motor homes whilst providing income for the Reserve Trust. The Crown Lands Act allows for the Trust Manager (Council) to grant temporary licences for short-term and generally low impact activities on the reserve without the Minister's consent being required. The purposes for temporary licences include camping using a tent or caravan; however the current unstructured approach to camping using a tent or caravan is diminishing the environment, availability and use of the Showground.

3. The Ku-ring-gai Mini Wheels site will be rehabilitated to control run-off and erosion, and degraded cleared areas devoid of natural soil profiles, will be re-used for controlled vehicle camping. The existing scattered vehicle camping from the Showground site will be centralised in a contained area and carefully managed and delivered under a business plan to comply with Green Globe Sector Benchmarking Indicators and Ecotourism Australia criteria. There is capacity for 21 sustainable sites with capacity to provide shelter and access to dump points, waste management, with water and toilets provided using the converted Ku-ring-gai Mini-wheels clubhouse building.
4. To be consistent with industry standards, the NSW Land and Property Management Authority requires that a caravan park and/or a camping ground have an approval under:
 - a. the Local Government Act 1993 (LG Act), and be in compliance with
 - b. the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (the Regulation).
5. In addition there will be provision of 11 sustainable small hiking tent camping platforms and basic shelter for overnight Harbour to Hawkesbury walking track accommodation, with access to facilities at the converted Ku-ring-gai Mini-wheels clubhouse building.
6. The existing Ku-ring-gai Model Flying Club arena will be shared with an area for temporary stage or screen events such as concerts and/or outdoor cinema. The Ku-ring-gai Model Flying Club need for level landing strips in good condition will be adapted to 2m wide synthetic hard stand circle areas around existing concrete pads, enabling for other uses in the grassed arena.
7. The existing Ku-ring-gai Model Flying Club building will be supplemented with additional storage space.
8. The degraded Council materials stockpile area will be rehabilitated and used for day picnic area with BBQs, tables, shelters. The adjacent car parking will be formalised (37 spaces) with run-off impacts managed. Edge impacts on the Duffys Forest Ecological Community will be controlled.
9. Existing picnic areas will be enhanced with additional shelters, and random parking spaces will be formalised to reduce bushland encroachment and damage. Road edges will be managed and controlled to reduce and prevent run-off and erosion.
10. Northside Riding Club use of Princess Anne Equestrian area remains and the arena will be improved by irrigation and drainage and control of nutrient and run-off impacts on adjoining bushland. The fenced edges of Duffys Forest Ecological Community will be continued where access control is needed.
11. The existing dressage area will be reconfigured to the correct dimensions (60m x 20m) and the edge spaces retained as warm up areas. The arena will be roofed to include skylights for high natural light levels, and roof water will be collected for re-use.
12. The heritage Horse Superintendent's Office will be restored and made available for community use. The stable building and horse wash areas will also be retained.
13. The existing sediment basin will be cleaned out and maintained to reduce run-off impacts into bushland.

Item 4

S02673
19 November 2009

14. Camping is removed from this area thereby reducing potential conflict between campers and horses and enabling additional areas to be available for equine float and trailer parking in a more controlled manner. An area is formalised for 10 float and trailer spaces.
15. Camping is also removed from the area adjacent to Picnic Area 6 (playground and junior cycle track) and two group picnic shelters installed to cater for larger picnic groups.
16. Agreed areas will be set aside for hitching horses to designated posts. Unwanted compaction directly under trees will be remediated and these areas removed from continual use. Management practices will be implemented for manure and waste substances which will be composted for horticultural use off site.
17. The main arena will continue to be used for equestrian and show events similar to current bookings.

Main Arena, Show and Pavilions and Dog Club Precinct (Attachment 5)

1. The Jim Watson Arena (Main Arena) is remediated to eliminate the trotting track and improve the playing surface with irrigation from recycled water, and drainage.
2. The Main Arena is used for multi-purpose sports, show events, equestrian events, dog-off-leash area and other one-off events permitted by Council. Existing field lighting will be improved to meet relevant Australian Standards.
3. The existing grandstand will be improved and extended within its existing clearing, with sustainable design features and amenities/change rooms to better address the arena and provide covered viewing of events. Roof water will be collected and recycled.
4. The Louise Lennon Pavilion will be extended to provide two flexible spaces. A Men's Shed will be constructed adjacent to the Douglas Pickering Pavilion (pending DA approval). All buildings will incorporate sustainable principles such as water recycling tanks which will also serve to collect uncontrolled run-off which would otherwise cause significant erosion. A dedicated hydrant for fire control purposes should be located in this area, and water tanks fitted with appropriate fire fighting (Storz) connections.
5. A 6m wide perimeter road for shared use will be routed behind the existing pavilion buildings through the existing degraded areas of Duffys Forest Ecological Community. This road will act as boundary control edge to encroachment and run-off, as well as creating a bushfire asset protection zone for pavilion buildings.
6. Existing male and female toilet blocks will be renovated to sustainable and aesthetically improved standards and access upgraded.
7. Existing picnic areas will be enhanced with shelters in a range of sizes and seating will be scattered in positions under shade trees.
8. Random parking spaces will be formalised to reduce compaction under existing trees, bushland encroachment and damage. Road edges will be managed and controlled to reduce and prevent run-off and erosion.
9. The Dog Rings and the Northern Suburbs Dog Training Club area will be retained and nutrient and run-off impacts on adjoining bushland remediated. The fenced edges of Duffys Forest Ecological Community will be continued where access control is needed.
10. The existing Canteen building will be conserved and extended to provide a centralised accessible Visitor Services office. Site Rangers will provide visitor information services, take camping bookings and administer camping areas and after hours security control.
11. The existing Northern Suburbs Agricultural and Horticultural Society Inc (NSAHS) show building will be conserved and retained for show purposes.
12. The existing degraded War Memorial Flagpole area will be relocated adjacent to the Army Relief Map which is being conserved and interpreted as a significant Army relic of heritage significance.

Item 4

S02673
19 November 2009

13. The Rotary Kiosk will be paved outside to provide an improved café and kiosk.
14. The open grassed areas used for the Organic Food Markets and Heritage Craft Fair will be improved with increased funded maintenance services. Barrier fences will be removed and replaced with bollards (similar to existing) to facilitate pedestrian circulation whilst preventing unwanted vehicle access. Formal markers will be laid into the ground to facilitate setting up of temporary stalls and entry points can be clearly identified and turf resilience strategies incorporated to reduce wear and compaction. Flagpole area removal will open up the link between the existing main hardstand area and the grassed area thus improving access and circulation especially during wet weather.
15. The main entry will be made more visible with gateway public art at key locations and artwork fence and banner poles along Mona Vale Road leading to the entry, with improved signage. Security gates will be installed to enable optional securing of the site such as at night or during bushfire emergencies. Internally, way-finding signage will be co-ordinated with promotional brochures and interpretive elements to guide users around the site and inform them of events, points of interest and items of heritage or natural significance.
16. The Ku-ring-gai & Warringah Radio Control Electric Car Club Inc area will be retained and erosion and run-off remediated.
17. Bar Building (Army Era Regimental Aid Post) of significant heritage value will be conserved and used as a Local Site History Museum with interpretive displays, such as information and relics of show and military history.
18. The Showground Caretaker's Cottage will be fenced off and screened from the public with an adjacent works compound and shed for machinery and tools. Water storage tanks for irrigation of the main arena can also be sited in this compound. Long term superseded stored items from Council demolition such as fencing materials, light poles, play equipment and other materials will be removed from site to an approved recycling facility.
19. The main parking area adjacent to the main entry will be formalised for 140 cars with stands of Duffys Forest Ecological Community and laterite retained to encourage regeneration. Run-off and erosion will be managed with a suitable natural surface treatment.

HART and Green Waste Tip Precinct (Attachment 6)

1. The lease area land currently managed by Council and leased by HART will be rationalised to include the areas R100219 (Licence 315729) and R752038 (Mole Trig) all to be allocated to Council's care control and management.
2. Previous 4WD track areas which are no longer used for this purpose will be removed from HART (Licence 315807 and the south east section of Lease 200089) and included with the Green Waste Tip site under Council's care, control and management as multi-purpose recreational land for community use.
3. The unassigned Crown land adjacent to the south-eastern boundary of the Green Waste Tip lands will be included with the Green Waste Tip site under Council's care, control and management as multi-purpose recreational land for community use. This land will also act as a buffer zone to prevent impacts on Garigal National Park.
4. These bushland areas with existing tracks will be made available for regular negotiated Ku-ring-gai Mini-wheels Club use. The extended tracks will be incorporated as part of the Mini-wheels enduro course and will also be made available for mountain bike use.
5. The Green Waste Tip site has been allocated funding under the Climate Change Fund from NSW Department of Environment and Climate Change to recycle green waste water into valuable water for irrigation and nursery purposes. Design plans are currently being prepared and this element of the project is expected to go to tender early 2010.

Item 4

S02673
19 November 2009

6. The differential settlement of the site due to its previous tip function limits use of the land to functions that can tolerate land that is uneven and settling over time. Sports facilities relying on stable surfaces such as playing fields are unsuitable for this area.
7. It is proposed to move Council's Community Nursery to the Green Waste Tip site adjacent to the available water source to facilitate efficient use of this resource.
8. Relocation includes nursery propagation and wholesale functions, including seed collection and storage for provenance stock supply, production and holding nursery functions, material bays, glasshouses, shade houses and administration functions and staff/community volunteer facilities area .
9. The relocated nursery can be constructed to maximise environmental sustainability and recycling processes and based on green design principles, in accordance with Council's Sustainability Plan.
10. It is proposed to relocate the Ku-ring-gai Mini-wheels Training Club from the showground, currently in an area constrained by environmental legislation (Threatened Species) to the tip site.
11. Ku-ring-gai Mini Wheels Training Club's expressed need for expansion and growth of activities can be accommodated, including community use clubhouse and amenities (based on green design principles), and a range of tracks to cater for nippers to junior Enduro trials. These tracks will be limited to specific agreed areas and existing tracks managed to environmental best practice under a lease agreement similar to that currently held with Council. The spread of use over a larger site area and daylight weekend-only use, will minimise noise impacts.
12. A right-of-way to use the existing vehicle access road through Garigal National Park for controlled access to tip site and leachate pump house will be negotiated as a shared permanent access road, for Council lease area users with controlled gate use.
13. Potential for an alternate second access road through south-west boundary of HART is available if existing National Parks and Wildlife Service (NPWS) road is not available for Council use. The NPWS access road is expected to be retained as permanent access is required for NPWS and transmission access for Energy Australia.
14. The existing road will continue to support cycle and walking track links to the existing network of trails through Garigal National Park and to Warringah Shire.
15. Inclusion of pedestrian traffic lights at Mona Vale Road and the tip access road will enable safe ingress and egress to the site and also enable the Harbour to Hawkesbury walking track to be negotiated to the Showground camping area without walking through local streets through St Ives (Cambourne, Whitehaven, Kitchener).
16. The tip site will continue to be maintained and rehabilitated and environmental impacts monitored.

CONSULTATION

Consultation on this project has followed the process up to stage 5 as outlined in the Background section of this report. To date this has incorporated feedback from the St Ives Showground and Precinct Ideas Forum on 21 February 2009, subsequent consultations on various draft options and through the Planning Committee and Open Space Reference Committee. The draft plan has deliberately evolved from the input of various users and interest groups covering sport and recreation, bushland and environmental groups and the local precinct committee, details of which are included below:

Item 4

S02673
19 November 2009

- A review of current users and uses, and analysis of future demands through stakeholders forum, site inspections and engagement with existing and potential stakeholders has been undertaken to enable an options paper to be prepared for the St Ives Showground and Precinct. This process is ongoing and will continue during the development and delivery of the precinct draft Plan of Management.
- There is significant interest from the public, stakeholders, existing users and interested new users in the preparation of a draft plan and future draft Plan of Management for the whole precinct and this has been recorded during substantial consultation meetings and Council's information distribution during the ongoing options paper process. Feedback from this process was used to modify or otherwise consider changes.
- This consultation has been integral in establishing the strategic direction of the St Ives Showground and Precinct in the overall planning process. Council support and public interest for the St Ives Showground and Precinct options paper to date has identified a demand and need for maximising public access and broadening the use of the entire Showground precinct to ensure its relevance for current and future community and key stakeholder needs.

As part of the consultation on the draft options for the site, the following will be undertaken:

- community presentation meetings held in February (after school term commences) in 2010
- information displays at libraries, Council Chambers, St Ives Shopping Centre, Crown Lands Office and the Showground to commence in December 2009 and continue through the consultation period
- website and local paper advertising
- written invitation to comment to all involved in the project to date
- Expressions of Interest advertised for response by end February 2010. The intention of this, as outlined in the Financial Considerations of this Report, will be to gauge the interest of the levels of government and the private sector in partnerships or other models to help realise the construction and operation of the facilities.

Following the end of the formal consultation, comments will be collated and presented to Councillors and the NSW Land and Property Management Authority for comment. From this, a report to Council will be prepared in collaboration with the Authority. This will recommend the final options for the site, as per stage 6 of the project. Once agreed, the process for the Plan of Management will proceed.

FINANCIAL CONSIDERATIONS

At this stage the draft options have not been costed. The philosophy behind this approach has been to enable users, stakeholders and others to envisage medium to long term options for the site without being unnecessarily constrained by current or possible budget for this site. As part of this approach, it is recommended that the draft plan be used as a basis for an open expression of interest to gauge a reaction from the private sector and also other levels of government to fund or to joint fund part or all of the draft plan. This approach is considered appropriate at this early stage as any interest, supported by possible financial backing or other arrangement, may help Council and the Department of Lands finalise the direction for the site based on a likelihood of implementation that meets the needs of the community.

Furthermore, it will also help inform any future business planning that would be necessary if such a direction is adopted. Given the nature and scale of many of the items identified, it is not

Item 4

S02673
19 November 2009

anticipated that these would be funded in total by Ku-ring-gai Council and its ratepayers without careful analysis of the business risks and opportunities and financial returns.

Notwithstanding the above, Council has secured external grant funding for the leachate re-use from the Green Waste Tip site to irrigate the Showground and Nursery. Given the preferred option to relocate the Nursery from its current location to the Green Waste Tip site, it is recommended that any tender process for this project provide options for this, as separable portions for costing.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Internal consultation was undertaken with relevant staff from Community, Development and Regulatory, Operations and Strategy and Environment Departments for the preparation of the Draft Options for the St Ives Showground and Precinct.

SUMMARY

The draft options have proposed a number of major changes to the site reflecting the needs current and future, of current and future users. The options have accommodated all existing uses and importantly identified areas for increased diversity and intensity of use within the environmental constraints of the site and surrounding bushland. Key changes proposed in the draft plan are described below.

Ku-ring-gai Wildflower Garden

The existing house (currently used as an office) will be extended and upgraded to a 6 green star sustainable environmental education and cultural centre. This would complement the existing activities at the site and also provide a new area for local tourism initiatives and for other community uses. A new multi-purpose building is also proposed near the current pavilion that could be used as a classroom and Guide/Scout Hall. A retail outlet for Council's nursery will be relocated adjacent to the existing Australia Native Plant Society greenhouse with expanded office and holding area.

Nursery Site

An indoor sports centre would be constructed to accommodate four multi-purpose courts (with an optional extension of another two courts) with underground parking. Adjacent to this would be two synthetic playing fields, one dedicated to hockey the other a multi-use surface. An internal roadway would be built connecting the Ku-ring-gai Wildflower Garden and the Showground. This roadway would be linked to the construction of traffic lights on Mona Vale Road to enable safer egress and ingress to the sites.

Showground

Camping would be relocated to the currently degraded areas within the Ku-ring-gai Mini-wheels training facility, with 21 vehicle camping sites and 11 small hiking tent platform sites. Camping facilities would be accommodated within the existing clubhouse. The balance of this site containing Duffys Forest Ecological Community would be rehabilitated. The existing Ku-ring-gai Model Flying Club arena would be modified slightly to enable shared use for events such as concerts and outdoor cinema. The dressage area would be reconfigured to the appropriate standard and covered providing a supporting facility to the Princes Anne equestrian area. The adjacent heritage building would be restored to support multiple uses.

Item 4

S02673
19 November 2009

The trotting track would be removed from the main arena as part of a general upgrade to the playing surface that will also accommodate an irrigation system and improvements to lighting funded from the recycled leachate of the Green Waste Tip. The grandstand would be extended and improvements would be made to the amenities facilities. The Louise Lennon Pavilion would be extended and a new pavilion built adjacent to the Douglas Pickering Pavilion for the Men's Shed. Across the site, general improvements will be made to amenities and other buildings, new picnic areas installed and a 6m perimeter road constructed to support vehicle movement and to help with asset protection. The entrance to the site to be made more visible with internal roads to connect with the main parking area providing for 140 vehicles. This will allow for improvements to the small stands of Duffy Forest.

HART and Green Waste Tip sites

In order to achieve the objectives identified within this report it is proposed to consult with HART to vary the existing lease of the land to exclude all bushland track areas. This is currently only used occasionally by mountain bikes, but has the potential to be expanded for use by Ku-ring-gai Mini-wheels Training Club. Mini-wheels would construct the majority of their tracks in and around the Green Waste tip area and clubhouse. Council's production nursery would be located on-site, near the leachate pond which will provide water for irrigation. Ongoing rehabilitation and management to this site would be required and it is proposed that access would continue via a right-of-way though the National Park from Mona Vale Road. A second entry point is proposed along the south-west boundary of the HART site, if necessary. Important to note is that the proposed access paths will not impact on HART's operations.

The next direction for the project is to seek broader input from the community and others. This will be gained through traditional consultative processes such as public meetings as well as gauging the interest from the private sector and other levels of government as to their willingness to assist and fund the implementation. This information will then be brought back to Council and the NSW Land and Property Management Authority for reconsideration early 2010.

RECOMMENDATION

- A. That Council place the draft options for the St Ives Showground and Precinct on public exhibition from December 2009 to mid February 2010, as outlined in the report.
- B. That Council seek comment from the NSW Land and Property Management Authority and Department of Environment, Climate Change and Water on the draft options.
- C. That Council approve the calling of expressions of interest for the major element of the precinct that would benefit from public/private partnership or partnerships with other levels of government.
- D. For Council to seek recognition of the State Heritage Register or local listing in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance (KPSO) for those buildings or built elements and their curtilage assessed as having potential state or local cultural significance within the St Ives Showground and the Ku-ring-gai Wildflower Garden.

Item 4

**S02673
19 November 2009**

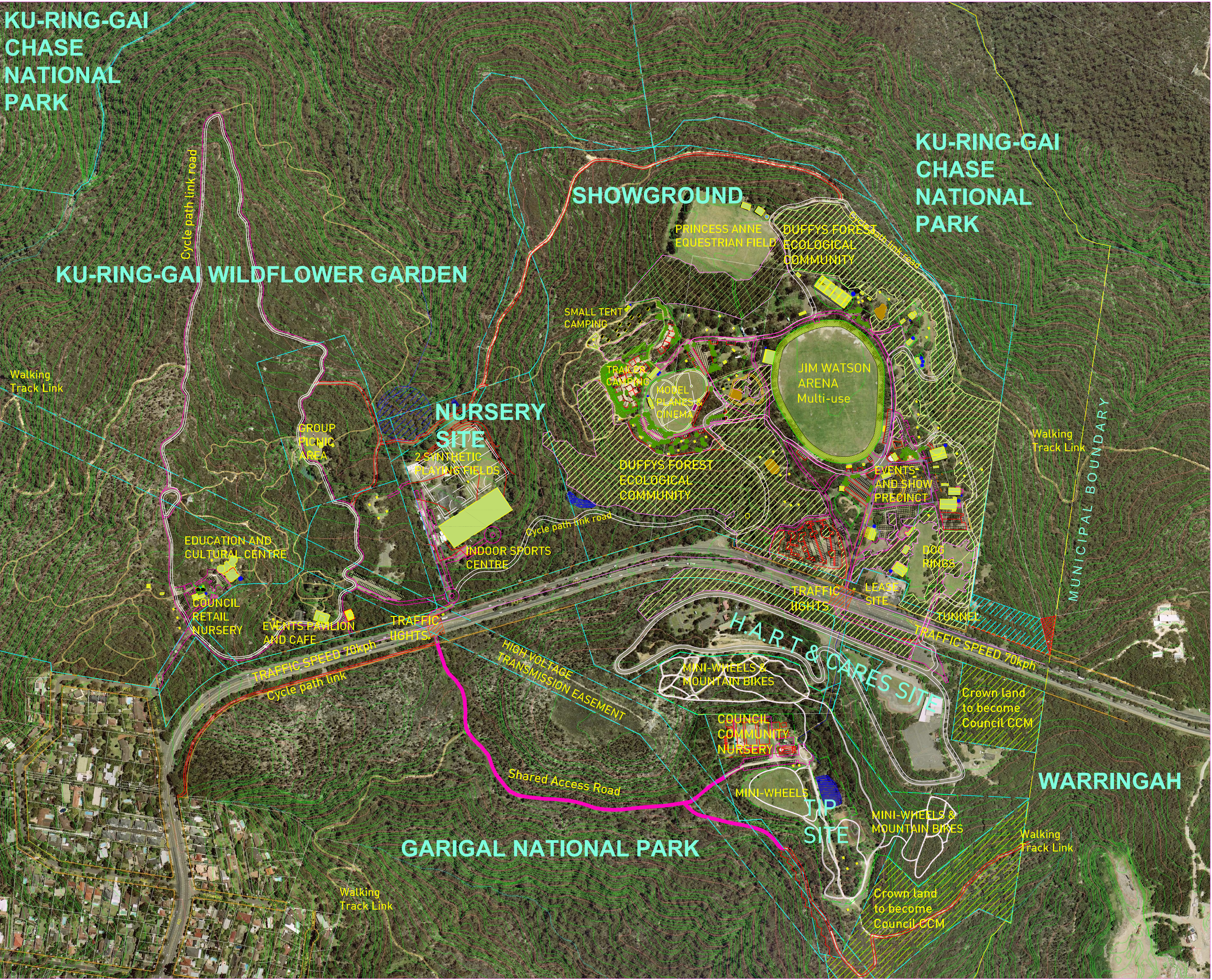
- E. That the draft options plan be incorporated within the development of the Draft Ku-ring-gai Contributions Plan 2009.
- F. That the General Manager or his delegates commence discussions with the NSW Land and Property Management Authority and the NSW Department of Environment and Conservation and Water, seeking their formal support for Council to retain access rights over the adjoining Green Waste Tip site.

Alison Walker
Principal Landscape Architect

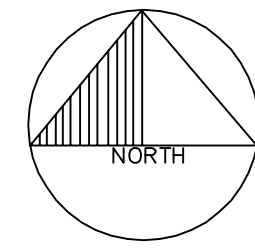
Peter Davies
Acting Director Strategy & Environment

Attachments:

- 1. Draft St Ives Showground Lands Precinct Map - 2009/206766**
- 2. Ku-ring-gai Wildflower Garden. 2009/206632**
- 3. Nursery site. 2009/206635**
- 4. Small Arena, Camping & Equestrian Area. 2009/206637**
- 5. Main Arena, Events & Dog Club Area. 2009/206641**
- 6. Green Waste Tip site & HART site. 2009/206644**



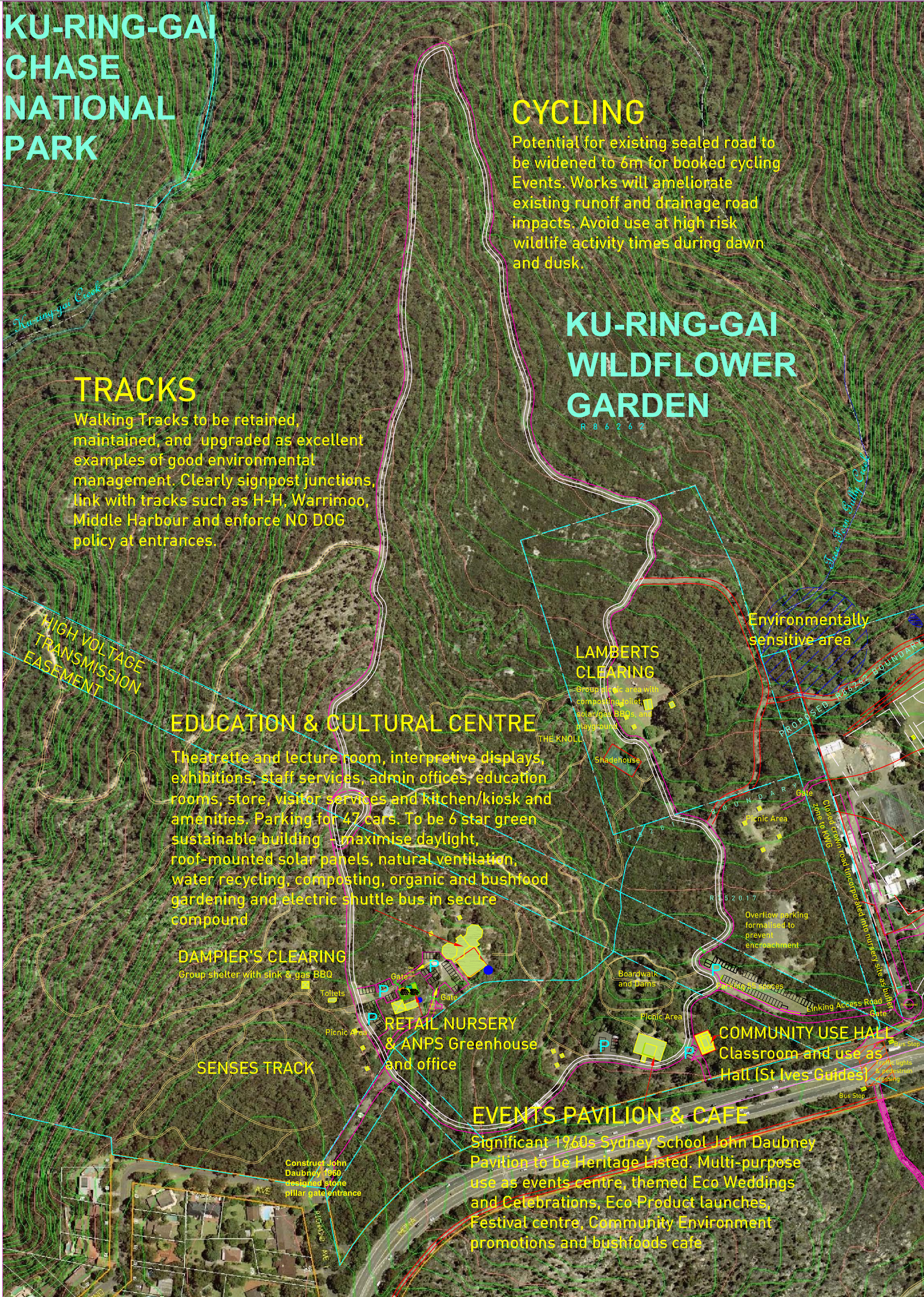
DRAFT



SCALE

ATTACHMENT 1

ST IVES SHOWGROUND PRECINCT



KU-RING-GAI
CHASE
NATIONAL
PARK

TRACKS

Walking Tracks to be retained, maintained, and upgraded as excellent examples of good environmental management. Clearly signpost junctions, link with tracks such as H-H, Warrimoo, Middle Harbour and enforce NO DOG policy at entrances.

CYCLING

Potential for existing sealed road to be widened to 6m for booked cycling Events. Works will ameliorate existing runoff and drainage road impacts. Avoid use at high risk wildlife activity times during dawn and dusk.

KU-RING-GAI
WILDFLOWER
GARDEN

EDUCATION & CULTURAL CENTRE

Theatrette and lecture room, interpretive displays, exhibitions, staff services, admin offices, education rooms, store, visitor services and kitchen/kiosk and amenities. Parking for 47 cars. To be 6 star green sustainable building - maximise daylight, roof-mounted solar panels, natural ventilation, water recycling, composting, organic and bushfood gardening and electric shuttle bus in secure compound

DAMPIER'S CLEARING

Group shelter with sink & gas BBQ

RETAIL NURSERY
& ANPS Greenhouse
and office

SENSES TRACK

EVENTS PAVILION & CAFE

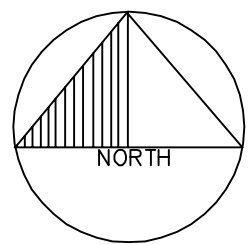
Significant 1960s Sydney School John Daubney Pavilion to be Heritage Listed. Multi-purpose use as events centre, themed Eco Weddings and Celebrations, Eco Product launches, Festival centre, Community Environment promotions and bushfoods cafe

LAMBERTS
CLEARING

Group picnic area with composting toilet, sink/gas BBQs, and playground

Environmentally
sensitive area

DRAFT



SCALE
1:2000@A1

KU-RING-GAI WILDFLOWER GARDEN ATTACHMENT 2

ST IVES SHOWGROUND PRECINCT

[illegible]

COUNCIL NURSERY SITE

SHOWGROUND



**NURSERY
SITE**

PLAYING FIELDS

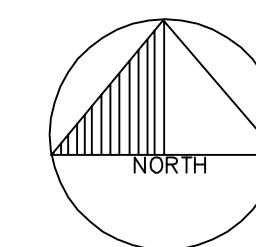
Two fields 91.5 x 61m - one synthetic for multi purpose use and one water based field hockey using recycled water.

INDOOR SPORTS CENTRE

Includes up to 6 multi-use courts for indoor sports. Includes amenities, kiosk, admin offices and parking under (up to 142 parking spaces)

GARIGAL NATIONAL PARK

DRAFT



0 10 20 30 40 50 100 150 200
metres

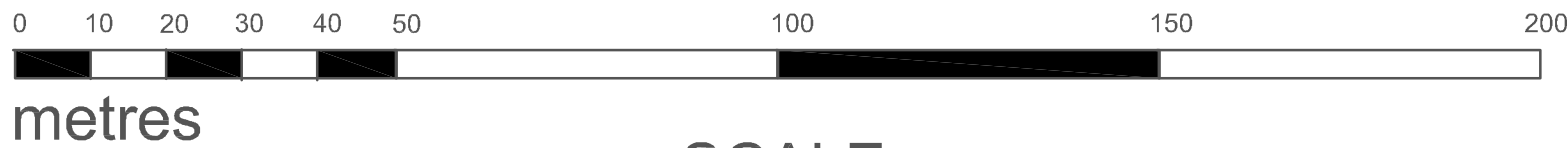
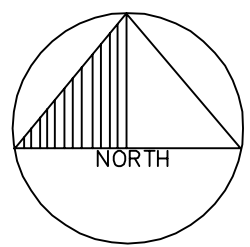
SCALE
1:1000@A1

ATTACHMENT 3

STIVES SHOWS GROUND PRECINCT



DRAFT

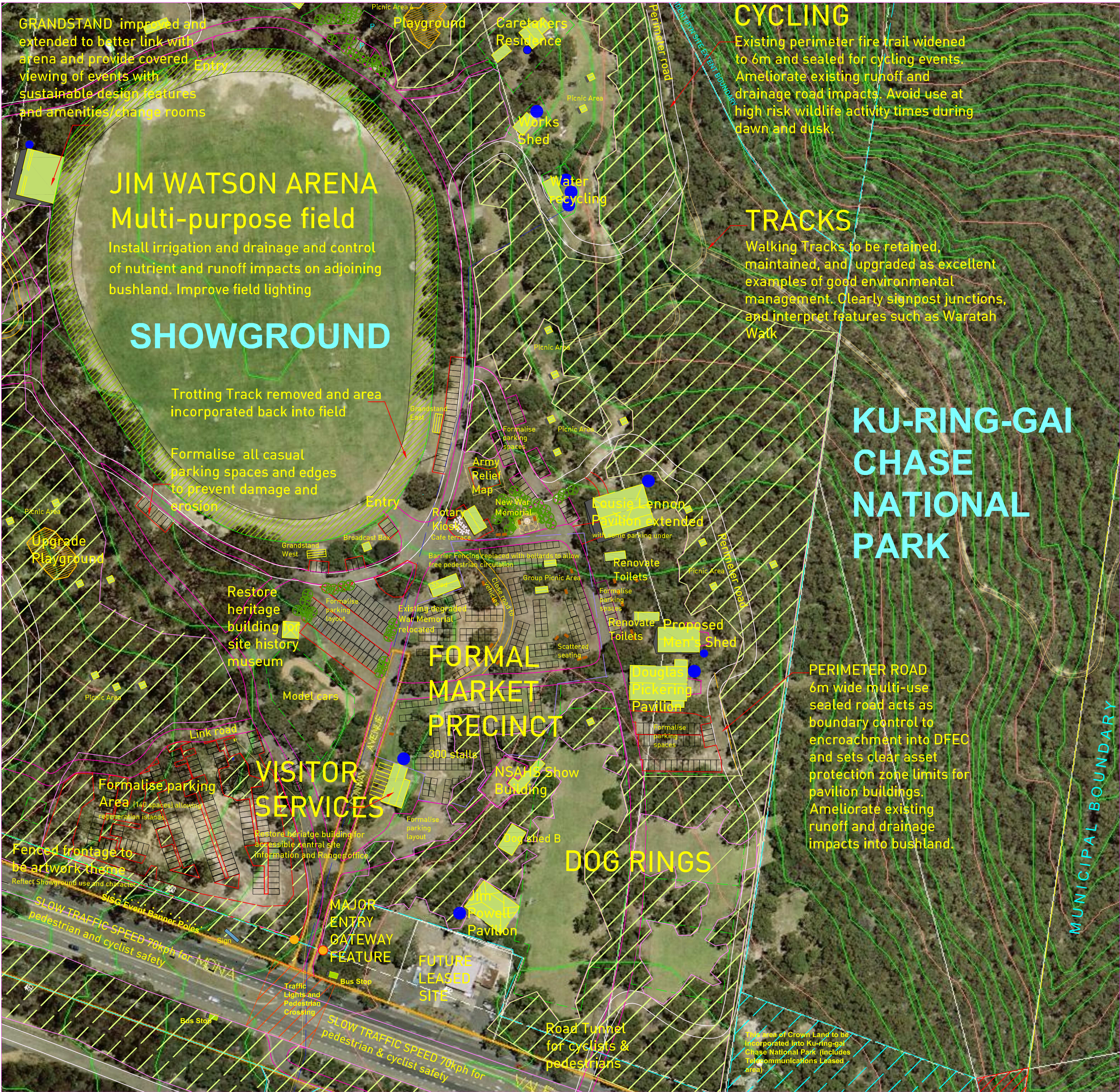


SCALE
1:1000@A1

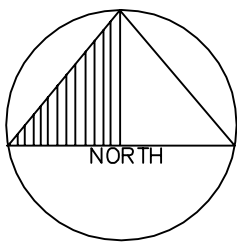
ATTACHMENT 4

SMALL ARENA, CAMPING & EQUESTRIAN AREA

ST IVES SHOWGROUND PRECINCT



DRAFT



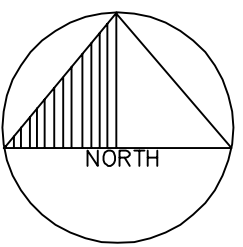
SCALE
1:1000@A1

ATTACHMENT 5

MAIN ARENA, EVENTS & DOG CLUB AREA



DRAFT



SCALE
1:2000@A1

GREENWASTE TIP AND HART SITE

ATTACHMENT 6

AMENDMENT OF A CONSERVATION AGREEMENT FOR THE KU-RING-GAI FLYING-FOX RESERVE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to list an existing Conservation Agreement on the title of Lot 34, DP 1079802 recently added to the Ku-ring-gai Flying-Fox Reserve.

BACKGROUND:

The Ku-ring-gai Flying-Fox Reserve has been covered by a Conservation Agreement with the Department of Environment, Climate Change and Water since 1991. In 2007, Council acquired a neighbouring block of land with funds from the Sydney Region Development Fund. The Ku-ring-gai Bat Conservation Society has assisted Council to acquire and manage the land to add greater protection for the threatened Grey-headed Flying-Fox camp in Gordon.

COMMENTS:

The existing Conservation Agreement and its conditions will be applied to the new parcel of land, Lot 34, DP 1079802, after it is listed on the land's title. This will require among other matters the control of weeds and the conservation of the Flying-Fox camp.

RECOMMENDATION:

That Council approve the inclusion of the existing Conservation Agreement for the Ku-ring-gai Flying-Fox Reserve on the title of the new parcel land, Lot 34, DP 1079802.

PURPOSE OF REPORT

To seek Council's approval to list an existing Conservation Agreement on the title of Lot 34, DP 1079802 recently added to the Ku-ring-gai Flying-Fox Reserve.

BACKGROUND

On 6 June 2007 Lot 34, DP 1079802 located at the rear of 34 Nelson Street Gordon was acquired by Council to increase the size of the Ku-ring-gai Flying-Fox Reserve for the purpose of conserving the maternal camp of Grey-headed Flying-foxes (see memorandum included in **attachment**). This species is listed as threatened under Federal and State legislation. The Ku-ring-gai Bat Conservation Society provided valuable assistance to Council to acquire the land which included making submissions to the NSW Premier. The land was acquired through the State Government's Sydney Region Development Fund as considered by Council at its meeting of 14 March 2006 (GB8).

On the 7th February 1991, Council signed a Conservation Agreement (**Attached**). The *National Parks and Wildlife Act 1974* governs the function of conservation agreements and accordingly Council is required to prepare specific management plans for the site. The first was created in 1995 and the second was co-signed by the Minister for Environment in May 1999. Provisions from these plans have been included in the Flying-Fox Reserve Plan of Management (1999).

COMMENTS

The existing Conservation Agreement is proposed to be amended to include the new parcel of land (Lot 34, DP 1079802) (refer to **Attachment**). The Department of Environment, Climate Change and Water (DECCW) have drafted a Variation of Conservation Agreement to include the new parcel of land in the existing Conservation Agreement. The existing conditions of the current Conservation Agreement will apply to the new parcel of land and the original plan will be amended accordingly.

In brief, the Conservation Agreement places a number of covenants over the land including but not limited to:

- no development take place that is inconsistent with the preservation of native flora and fauna;
- the owner take such action as necessary to restore and maintain the habitat of the Grey-headed Flying-fox colony; and
- the owner will manage the land in accordance with an adopted plan of management (*for Council, this is incorporated within the Flying-Fox Reserve Plan of Management 1999*).

Upon Council's approval for the inclusion of the new parcel of land, the Department of Environment, Climate Change and Water shall place the amended Conservation Plan on exhibition. After the exhibition, any submissions will be considered prior to a new agreement which is to be signed by the Minister and Council.

CONSULTATION

Members of the Ku-ring-gai Bat Conservation Society have been consulted on this issue. Many members of this society are residents and several live adjacent to the Ku-ring-gai Flying-Fox Reserve. The inclusion of the Conservation Agreement, on the title of this land, will have no direct impact for residents near the reserve.

FINANCIAL CONSIDERATIONS

The agreement will formalise requirements for Council to manage the site consistent with those of the existing Conservation Agreement over the rest of the reserve and also its current management plan. This will require occasional work such as weed and feral animal control. The parcel of land is small and contains bushland in good condition so will require resources. Bushcare volunteers from the Ku-ring-gai Bat Conservation Society are expected to provide ongoing assistance with site maintenance.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Bushland Operations section of Council's Operations Department was consulted as to the impacts the new land parcel would have on their works schedules and budgets. They have indicated that the addition of the new parcel of land would not have a significant impact on their program

SUMMARY

This report recommends that the land acquired by Council, through the Sydney Region Development Fund, Lot 34, DP 1079802, be incorporated within the existing Conservation Agreement as applies to the Ku-ring-gai Flying-Fox Reserve. The site is currently managed in accordance with the Flying-Fox Reserve Plan of Management. The Ku-ring-gai Flying-Fox Reserve has been covered by a Conservation Agreement with the Department of Environment, Climate Change and Water since 1991.

No extra financial considerations are expected with the addition of the Conservation Agreement to the title of the recently acquired parcel of land.

The Department of Environment, Climate Change and Water will be responsible for the exhibition of the variation to the existing Conservation Agreement once the title of the land parcel is amended.

Item 5

S02642
20 November 2009

RECOMMENDATION

- A. That Council approves the inclusion of the existing Conservation Agreement for the Ku-ring-gai Flying-Fox Reserve on the title of the parcel of land (Lot 34, DP 1079802).
- B. That Council notify the Department of Environment, Climate Change and Water accordingly.

David Wilks
Biodiversity Officer

Peter Davies
Acting Director Strategy & Environment

Attachments: Conservation Agreement and associated information - 2009/204822



MEMORANDUM

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1056, Pymble NSW 2073
T 02 9424 0770 F 02 9424 0880 DX 8703 Gordon TTY 02 9424 0875
E kmc@kmc.nsw.gov.au W www.kmc.nsw.gov.au ABN 86 408 856 411

TO: MAYOR
COUNCILLORS
GENERAL MANAGER
DIRECTORS

COPY TO: GARY LEBENS, DAVID WILKS, EDWIN ATHAIDE

FROM: DEBORAH SILVA - COMMERCIAL SERVICES COORDINATOR

SUBJECT: **LOT 34 DP 1079802 - ACQUISITION OF REAR PORTION OF
34 NELSON STREET GORDON - FLYING FOX RESERVE**

As you are aware, for several years Council and the Ku-ring-gai Bat Conservation Society have sought to acquire the rear portion of 34 Nelson Street, Gordon. The land is adjacent to Council's Flying Fox Reserve, and the acquisition purpose is to safeguard a colony of Grey Headed Flying Foxes.

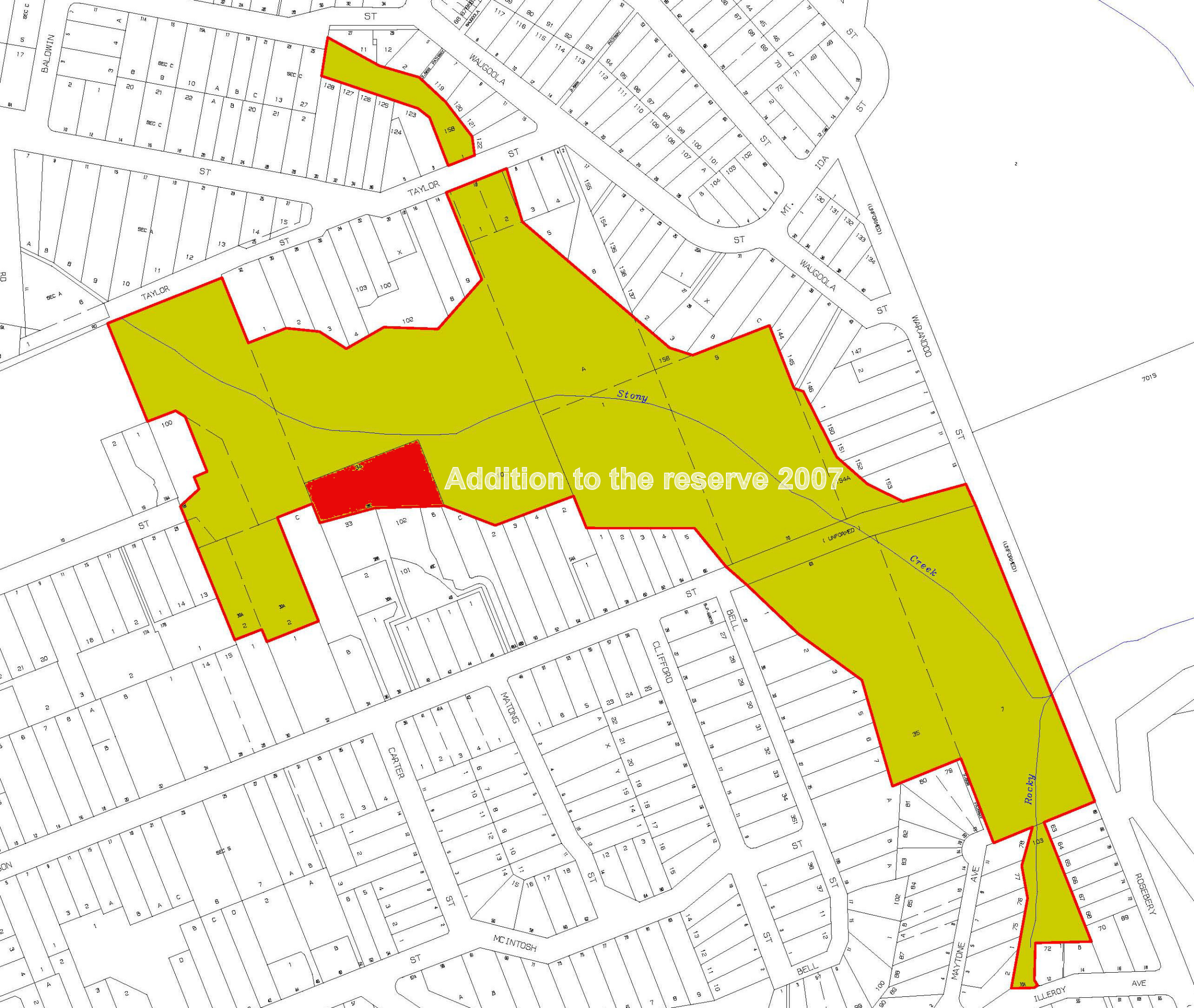
On 6 June 2007, Council received the Certificate of Title to Lot 34 DP 1079802. The acquisition was funded through the State Government's Sydney Region Development Fund.

The land is classified a Community Land and categorised as natural area/bushland, and will be governed under Council's Bushland Reserves Plan of Management, adopted May 2006.

Members of the Ku-ring-gai Bat Society have been advised of the recent transfer.

Regards

Deborah Silva
Commercial Services Coordinator



Addition to the reserve 2007

**VARIATION OF
CONSERVATION AGREEMENT**

BETWEEN

**THE MINISTER FOR THE ENVIRONMENT OF
THE STATE OF NEW SOUTH WALES**

AND

For the property

**VARIATION TO CONSERVATION AGREEMENT UNDER PART 4 DIVISION 12
OF THE NATIONAL PARKS AND WILDLIFE ACT 1974**

THIS AGREEMENT made the _____ day of _____, Two thousand and _____, **BETWEEN THE HONOURABLE, NAME OF MINISTER**, the Minister for the Environment of the State of New South Wales, being the Minister for the time being administering the *National Parks and Wildlife Act, 1974* ("the Minister" which expressions shall where the context admits, be deemed to include his successors in office) of the one part and ("the Owner") of Lot xxx of the other part.

WHEREAS:

- A An agreement dated<>, dealing AC683134 NP was duly executed between the Minister and the Owner relating to a parcel of land being Lot, Deposited Plan, Parish of, County of.
- B The Owner is the registered proprietor of that parcel of land being Lot, Deposited Plan, Parish of, County ("**the Land**"). That part of the Land shown by hatching on Diagram A annexed to this Agreement is the variation to the conservation area ("**the conservation area**"), being part of Lot DP . The conservation area covered by this Agreement equals xxx hectares.
- C The Owner and the Minister wish have agreed to this variation of the conservation agreement which shall have effect from the day of execution and shall continue until terminated by the parties in accordance with the Act.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED by)
The Honourable)
NAME OF MINISTER)
as such Minister)
for the Environment and for the)
purpose of rendering liable the)
Government of the State of New)
South Wales (but not so as to incur)
any personal liability) hereunder in)
the presence of :)

MINISTER

Date

Witness

Date

SIGNED by the **OWNERS**

Date

in the presence of

Witness

Date

DIAGRAM A.

Attach the hard copy of the Diagram from the surveyor.

Second page from surveyor.

THE "PROSPECT CREDIT UNION LIMITED" , the first mortgagee of the conservation area, consents to this Agreement.

Date: _____

Witness: _____

Date: _____

Appendices

Appendix A – Voluntary Conservation Agreement

CONSERVATION AGREEMENT

Between

TIMOTHY JOHN MOORE

Minister for the Environment

And

THE COUNCIL OF THE MUNICIPALITY OF
KU-RING-GAI

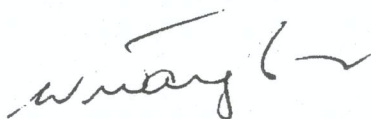
The Owner

of Ku-ring-gai Flying Fox Reserve

Lots 1 and 3 in DP 578212; Lot 101 in DP 714935; Lots 154A, 156 and 158 in DP 17131; Lots 1 and 2 in DP 38541; Lot 10 in DP 23994; Lot A in DP 212698; Lot 35 in DP 16006; Lot 2 in DP 200605; Lot 2 in DP 204102; Lot 1 in DP 179532; Lot Part 7 Section 2 in DP 979271; Lot 103 in DP 17647, Lot 5 Section 1 DP 979271; and the section of unmade road off the eastern end of Nelson Street north of Lot 35 DP 16006 and Lot 7 Section 2 DP 979271. Parish of Gordon, County of Cumberland and Municipality of Ku-ring-gai, as shown on diagram annexed hereto.

Dated: 7th February, 1991 ~~1990~~

This is a true and
accurate copy of the
original document
held by Council.



TOWN CLERK

Director

NSW National Parks
and Wildlife Service

43 Bridge Street

HURSTVILLE NSW

THIS AGREEMENT made the Seventh day of February
One thousand nine hundred and ninety one
BETWEEN THE HONOURABLE TIMOTHY JOHN MOORE,
the Minister for the Environment
of the State of New South Wales being
the Minister for the time being administering the
National Parks and Wildlife Act 1974 ("the Minister"
which expression shall where the context admits be deemed
to include his successors in office) of the one part
AND THE COUNCIL OF THE MUNICIPALITY
OF KU-RING-GAI
("The Owner")
of Council Chambers
818 Pacific Highway Gordon NSW 2072
of the other part the parties agree as follows

1. INTERPRETATION

In this Agreement unless the contrary intention appears:-

"the Act" means the National Parks and Wildlife Act 1974 and any regulations from time to time in force thereunder.

"the Minister" means the Minister for the time being administering the Act and where not repugnant to the context includes the servants and agents of the Minister.

"the Owner" includes the Owner and successors in title as defined by the Act.

"the Director" means the Director of National Parks and Wildlife appointed under the Act and includes any person for the time being acting as such.

"the subject land" means the land hereinbefore described and where the context so admits any part of the land.

"development" has the same meaning as the definition in Section 69A of the Act.

"plan of management" means a written document/plan prepared by the Owner within a period of 12 months from the date of this Agreement containing details of proposed management of the subject land for a period of five years, to give effect to the purpose of the agreement.

Words importing the singular number shall include the plural and masculine gender the feminine or neuter and vice versa.

Any reference to a person shall be deemed to include a corporate body and vice versa.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

- 2 A. The Owner is registered as the holder of that parcel of land known as Ku-ring-gai Flying-Fox Reserve which includes Lots 1 and 3 in DP 578212; Lot 101 in DP 714935; Lots 154A, 156 and 158 in DP 17131; Lots 1 and 2 in DP 38541; Lot 10 in DP 23994; Lot A in DP 212698; Lot 35 in DP 16006; Lot 2 in DP 200605; Lot 2 in DP 204102; Lot 1 in DP 179532; Lot Part 7 Section 2 in DP 979271; Lot 103 in DP 17647; Lot 5 Section 1 DP 979271 and the section of unmade road off the eastern end of Nelson Street north of Lot 35 DP 16006 and Lot 7 Section 2 DP 979271. Parish of Gordon, County of Cumberland and Municipality of Ku-ring-gai in the State of New South Wales comprising 14.589 hectares plus unmade road.
- B. The subject land forms a major part of the catchment of Stoney Creek, from off the eastern end of Edward Street to the boundary with Governor Phillip Reserve and straddles Taylor Street in the north and extends south to Illeroy Avenue, Gordon. It is in a relatively natural condition so far as native plant species are concerned and is described as urban bushland. It includes a variety of wildlife habitats and contains the only Sydney colony of the Grey-headed Flying-fox (*Pteropus poliocephalus*) which is the largest and most important maternity colony of this species in southern New South Wales.
- C. The Minister wishes steps to be taken to ensure the protection and preservation of native flora and fauna, in particular the Grey-headed Flying-fox colony and all elements of its habitat, on the subject land.
- D. The Owner has agreed with the Minister to enter into these presents pursuant to section 69B of the Act for the purpose of protecting and preserving the natural scenery and the native flora and fauna on the subject land upon the terms and conditions hereinafter appearing.

3. USE OF THE SUBJECT LAND

The Owner covenants with the Minister as follows:-

3.1 Unless the prior written consent of the Director is obtained, no development shall be carried out on the subject land which is inconsistent with the preservation of native flora and fauna according to the intent of this agreement other than is necessary for essential services.

3.2 The Owner shall retain the soils, water courses, native flora and fauna as far as possible in an undisturbed condition.

3.3 The Owner shall take such action as is necessary to restore and maintain the habitat of the Grey-headed Flying-fox Colony as consistent with the purpose of this agreement.

3.4 The Owner shall not permit domestic animals or pets on the subject land.

3.5 Unless the prior written consent of the Director is obtained, the Owner shall not undertake or permit controlled burning for bushfire hazard reduction purposes.

3.6 The Owner shall not construct or permit any recreation facilities on any part of the land or formalise access other than those required for the provision of education opportunities and interpretation for the public regarding the Grey-headed Flying-fox colony.

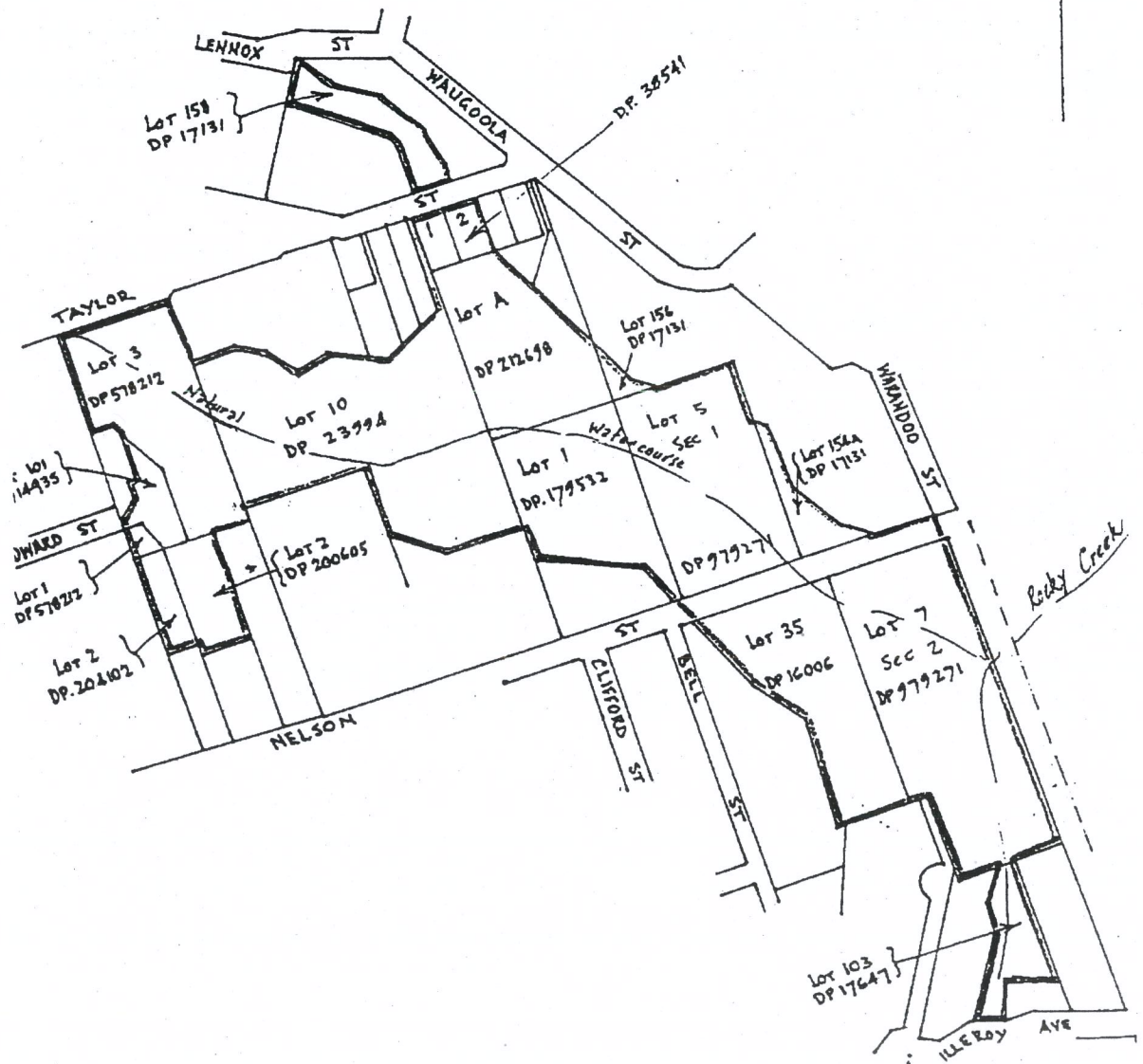
3.7 The Owner will manage the subject land in accordance with an adopted plan of management.

4. RIGHT TO INSPECT

The Minister, the Director and their servants and agents may at all times enter upon the subject land to ensure due compliance with this Agreement.

DIAGRAM
PART LANDS OWNED BY KU-RING-GAI MUNICIPAL COUNCIL
AT GORDON

PARISH OF GORDON: COUNTY OF CUMBERLAND



5. OBLIGATIONS TO THE MINISTER

The Minister covenants with the Owner as follows:-

5.1 The Minister will arrange for the provision of such technical and scientific advice and assistance to the Owner as the Minister deems necessary to ensure the protection and preservation of the native flora and fauna, in particular, the Grey-headed Flying-fox colony and all elements of its habitat, on the subject land.

5.2 The Minister will arrange for the provision of technical advice and financial assistance to the Owner as the Minister deems necessary to ensure the provision of education opportunities and interpretation for the public regarding the Grey-headed Flying-fox colony on the subject land.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written

SIGNED SEALED AND DELIVERED by
HONOURABLE TIMOTHY JOHN MOORE
as such Minister for the
Environment and for the purpose
of rendering liable the Government
of the State of New South Wales
(but not so as to incur any
personal liability hereunder) in
the presence of:

L. Moore

Christopher JP

Witness

CHRISTOPHER DAVID CHURCH

SIGNED SEALED AND DELIVERED BY

Raymond
MAYOR

in the presence of:

Joseph Vesic
ACTING TOWN CLERK

P. Bateson
Witness
PAUL BATESON

THE COMMON SEAL OF THE COUNCIL OF
THE MUNICIPALITY OF KU-RING-GAI was
affixed on the 7th day of February
1991 in pursuance of a Resolution of
the Council passed on the 29th day of
January 1991

ADDITION OF LANDS INTO LANE COVE NATIONAL PARK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider an approach from the NSW Department of Environment, Climate Change and Water regarding the transfer of Council land and to revoke care, control and management of four (4) parcels of Crown Land R89885, for the purpose of amalgamation into Lane Cove National Park.

BACKGROUND:

In 2004, the Department of Environment, Climate Change and Water approached various stakeholders with interests in and holdings of land within the retired B2 road corridor between Canoon Road South Turramurra to Wahroonga. The purpose of the approach was to consolidate various land parcels adjacent to Lane Cove National Park into this estate to provide greater clarity on land ownership and management, and to unify the Park.

COMMENTS:

There are two (2) current proposals from the Department of Environment, Climate Change and Water (DECCW) for the transfer of land into Lane Cove National Park. These relate to Council owned and Council managed land, both of which relate strongly to the Lane Cove National Park.

RECOMMENDATION:

That Council provide an "in principal agreement" to transfer Council land into the Lane Cove National Park as proposed by the NSW Department of Environment, Climate Change and Water.

PURPOSE OF REPORT

For Council to consider an approach from the NSW Department of Environment, Climate Change and Water regarding the transfer of Council land and to revoke care, control and management of four (4) parcels of Crown Land R89885, for the purpose of amalgamation into Lane Cove National Park.

BACKGROUND

Council is the owner and has care and control management of certain land parcels adjacent to Lane Cove National Park. Historically, many of these parcels have been treated and managed as part of the Lane Cove National Park, given their proximity and the co-operation and co-ordination between land managers. The National Parks and Wildlife Service undertakes active management of the land with Council through general maintenance, hazard reduction, feral animal and weed management programs and supporting volunteer bush regeneration groups.

In 2004, the Department of Environment, Climate Change and Water (DECCW) approached various stakeholders with interests in and holdings of land within the retired B2 road corridor between Canoon Road, South Turrumurra to Wahroonga. The purpose of the approach was to consolidate various land parcels adjacent to Lane Cove National Park. The reasons were to provide greater clarity on land ownership and management and to unify the Park. The proposal involves the transfer of Council owned land and revoking care, control and management of certain Crown lands for the purpose of expanding and consolidating Lane Cove National Park. This was not actioned pending the outcome of further discussions regarding the ongoing maintenance of the land.

In December 2006, and March 2007, the Department of Environment, Climate Change and Water approached Council to request the transfer of certain parcels of Council lands to be consolidated into the Lane Cove National Park in the vicinity of Lady Game Drive. On 3 April 2007, a report was considered at the Ordinary Meeting of Council (**Attachment A**) to seek approval for the transfer of approximately 6,825m² of Council land to the Department of Environment, Climate Change and Water for the amalgamation with Lane Cove National Park. This was approved by Council.

In recent years, similar proposals have been approved by Ryde City and Hornsby Shire Councils, who have collectively transferred approximately 35 hectares of bushland to the Department of Environment, Climate Change and Water as part of the consolidation and expansion of the Lane Cove National Park. The land transfer program has seen the Park double in size.

In addition, land owned by the Transport Infrastructure Development Corporation (TIDC), and Crown Land adjacent to Lane Cove National Park, has been transferred to the Department of Environment, Climate Change and Water for similar purposes. In April 2007, Council resolved to transfer 6,818m² of land in the vicinity of Lady Game Drive, Lindfield to unify the bushland management of Lane Cove National Park.

In June 2007, the Department of Environment, Climate Change and Water wrote to Council again regarding the transfer of additional Council lands within the retired B2 road corridor adjacent to Canoon Road, South Turrumurra through the valley to Wahroonga (**Attachment B**). In December

Item 6

S02464
23 November 2009

2007, a further request was made seeking Council to revoke care, control and management of certain parcels of Crown Land located in the vicinity of this land corridor (**Attachment C**).

COMMENTS

The proposal by the Department of Environment, Climate Change and Water seeks the transfer of Council owned land and a request for Council to formally revoke its care, control and management of Crown Reserve 89885. Each proposal is discussed in detail below.

Council lands

The land proposed to be transferred comprise of surplus lands around and within the B2 transport corridor shown hatched in the plan attached to the Department of Environment, Climate Change and Water letter (**Attachment C**). Various agencies have tenure over these lands. Department of Environment, Climate Change and Water have approached all land owners requesting the transfer of these lands into Lane Cove National Park.

The following information which has been submitted from Department of Environment, Climate Change and Water, lists the proposed transfer of lands from the various stakeholders including Council.

LAND OWNER	HECTARE AREA	ZONING
Council	44.02	Recreation Existing 6(a)
Dept of Planning	5.69	Recreation Existing 6(a)
RTA	0.5	Recreation Existing 6(a)
Crown Roads	3.57	Unzoned

The parcels of Council land proposed to be transferred (**Attachment D**) are classified Community Land under the *Local Government Act (LGA) 1993*. Section 45 of the *Local Government Act (LGA) 1993* (**Attachment E**), permits the transfer of community classified land for the purpose of enabling the land to become, or added to a Crown Reserve or Land that is reserved under the *National Parks and Wildlife Act 1974*.

Council staff have met with representatives from the Department of Environment, Climate Change and Water and undertaken a preliminary review of the proposal as outlined in the Department of Environment, Climate Change and Water's letter dated 20 June 2007. The Department of Environment, Climate Change and Water is generally supportive of the proposal subject to the approval of Council. The proposal is consistent with the open space zoning of the lands and the natural and cultural heritage values present.

There are however, a series of issues that are yet to be resolved and require dialogue between Council and the Department of Environment, Climate Change and Water to progress the proposal.

The following is an indication of initial land title and operational issues to be resolved:

- Boundary issues. This includes ensuring the recreational areas and tennis courts from Lot 21 DP 752031 remain with Council;

Item 6

S02464
23 November 2009

- Access to the Guide Hall and inclusion of a narrow strip of land along the eastern edge of the proposal (DP 65046);
- Road closure requirements are met;
- Land title information and any potential impediments to transfer of the lands are dealt with by the Department of Environment, Climate Change and Water;
- The Department of Environment, Climate Change and Water provide an outline on how they will successfully manage the environmental condition of the site and the interface areas to Council land;
- Creation of positive covenants and/ or conservation agreement on title to ensure the land transferred remains a National Park;
- All costs associated with the proposal are borne by the Department of Environment, Climate Change and Water including but not limited to surveys, land title investigations, subdivisions, legals, and land registrations;
- The Department of Environment, Climate Change and Water consult with other impacted stakeholders including but not limited to Roads and Traffic Authority and Department of Planning; and
- Council retain access rights over the Crown Lands.

Crown Lands

In this proposal, Department of Environment, Climate Change and Water are requesting that Council formally revoke its care, control and management of Crown Reserve 89885. As previously discussed in December 2007, written correspondence received from the Department of Environment, Climate Change and Water advised that the Department of Lands supported the proposal subject to Council approval. This followed a similar outcome with Ryde City Council and Hornsby Shire Council as part of a land consolidation process to help clarify and improve management in the Park.

Accordingly, the Department of Environment, Climate Change and Water is seeking Council's decision as to whether it is willing to revoke its responsibilities with respect to the four (4) parcels within this reserve. Maps highlighting the land parcels within Crown Reserve 89885 are attached in **Attachment F**.

TITLE INFORMATION	HECTARE AREA	ZONING
Lot 7046 DP 1050797	1.257	Public Recreation
Lot 7070 DP 1050798	1.238	Public Recreation
Lot 7071 DP 1050798	0.875	Public Recreation
Part Lot 3 DP 33934	1.59 & 1.63	Public Recreation

Subject to Council revoking care, control and management over these lands adjacent to Lane Cove National Park, the Department of Environment, Climate Change and Water would seek to transfer the subject lands from the Department of Lands into their portfolio. The subject lands comprise of vegetation dominated by Gully Forest and Ridge Top Woodland. There are no fire trails or walking tracks within the area, although an access track to a high voltage power line is present and is maintained by the authority in question. From an operational perspective, little maintenance is expended on these lands.

Item 6

S02464
23 November 2009

Given the location of the land and its history of use and management, unifying the ownership is considered reasonable and will provide consistent conservation and recreation management, along with clearer land management responsibility in relation to access and use of the areas. The National Parks and Wildlife Service would undertake active management of these lands through maintenance, hazard reduction, weed management programs and supporting volunteer bush regeneration groups who work on the land.

CONSULTATION

Council officers have consulted with Ryde City Council, Hornsby Shire Council and the Department of Environment, Climate Change and Water with regard to the proposal outlined in this report.

Discussions with the NSW Land and Property Management Authority (formerly Department of Lands) Crown Lands Office have indicated support of the proposal.

FINANCIAL CONSIDERATIONS

Should Council agree in principal to the transfer of the lands, the costs associated with this proposal will need to be borne by the Department of Environment, Climate Change and Water in order to proceed.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from the Strategy and Environment and Operations directorates have been involved in the assessment of the request from the Department of Environment, Climate Change and Water, and in the development of this report.

SUMMARY

The NSW Department of Environment, Climate Change and Water through their National Parks and Wildlife Service division have written to Council seeking to unify ownership of land in the vicinity of Lane Cove National Park. This has been initiated from the lifting of the B2 road corridor and the opportunity this brings in having a single land manager responsible for the site. There are two (2) current proposals from the Department of Environment, Climate Change and Water for the transfer of land into Lane Cove National Park. These are the transfer of Council owned land and the request for Council to formally revoke its care, control and management of Crown Reserve 89885.

In recent years similar proposals have been approved by Ryde City and Hornsby Shire Councils, who have collectively transferred approximately 35 hectares of bushland to Department of Environment, Climate Change and Water as part of the consolidation and expansion of the Lane Cove National Park.

Item 6

S02464
23 November 2009

Council staff have met with representatives from the Department of Environment, Climate Change and Water who have undertaken a preliminary review of the proposal. They are generally supportive of the proposal subject to the approval of Council. The proposal is consistent with the open space zoning of the lands and the natural and cultural heritage values present.

The parcels of land proposed to be transferred are classified Community Land under the Section 45 of the *Local Government Act (LGA) 1993*. Section 45 of the *Local Government Act (LGA) 1993*, permits the transfer of community classified land for the purpose of enabling the land to become, or added to a Crown reserve or land that is reserved under the *National Parks and Wildlife Act 1974*.

There are a series of issues that are yet to be resolved and require dialogue between Council and the Department of Environment, Climate Change and Water to progress the proposal. However, the good condition of the vegetation of the subject land is such that few Council operational resources have been and are presently directed towards its management. Subject to favourably resolving these issues, it is recommended that Council agree to the proposal submitted by the Department of Environment, Climate Change and Water.

RECOMMENDATION

- A. That Council provide an "*in principal agreement*" to the transfer of Council land into the Lane Cove National Park as proposed by the Department of Environment, Climate Change and Water subject to resolving the following:
- i. Boundary issues, including boundary revision to excise the recreational areas and tennis courts from Lot 21 DP752031 to ensure they remain with Council;*
 - ii. Access to the Guide hall and inclusion of a narrow strip of land along the eastern edge of the proposal (DP 65046);*
 - iii. Road closure requirements are met;*
 - iv. Land title information and any potential impediments to transfer of the lands are dealt with by the NSW Department of Environment Climate Change and Water;*
 - v. The NSW Department of Environment Climate Change and Water provide an outline on how they will successfully manage the environmental condition of the site and the interface areas to Council land;*
 - vi. Creation of positive covenants and / or conservation agreement on title to ensure the land transferred remains a National Park;*
 - vii. All costs associated with the proposal are borne by the Department of Environment, Climate Change and Water including but not limited to surveys, land title investigations, subdivisions, legals, and land registrations;*
 - viii. The Department of Environment, Climate Change and Water consult with other impacted stakeholders; and*

Item 6

S02464
23 November 2009

ix. Council retain access rights over the Crown Lands.

- B. That the General Manager advise the Department of Environment, Climate Change and Water of Council's chosen position and commence discussions to progress the land transfers.
- C. That Council support the revocation of the care, control and management of Crown Reserve 89885 to enable the inclusion of the four (4) parcels of land into the adjacent Lane Cove National Park.
- D. That Council provide written advice to the Department of Lands and the Department of Environment and Conservation and Water, indicating their support and advising that there is no objection to the addition of Crown Reserve 89885 into Lane Cove National Park.
- E. That a further report be brought back to Council advising of the outcomes of discussions with Department of Environment Climate Change and Water to seek formal approval to transfer Council owned lands to be incorporated into Lane Cove National Park.

Deborah Silva
**Manager Strategic Assets & Property
Management**

Peter Davies
Acting Director Strategy & Environment

Attachments:

- A. Previous Council Report 3 April 2007 - 783905**
- B. Transfer of lands within B2/B3 corridor correspondence - 790831**
- C. Inclusion of Crown Lands correspondence - 868487**
- D. Location sketch of proposed land transfer - 2009/204471**
- E. Section 45 of Local Government Act 1993 - 752472**
- F. Maps highlighting the land parcels within Crown Reserve 89885 - 2008/046339**

LANE COVE NATIONAL PARK - ADDITION OF LANDS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek the approval of Council for the transfer of four (4) parcels of land adjoining Lane Cove National Park to the Department of Environment and Conservation NSW (DEC NSW).

BACKGROUND:

The Department of Environment and Conservation NSW has approached Council to request the transfer of certain parcels of Council lands into the Lane Cove National Park near the vicinity of Lady Game Drive, Lindfield.

COMMENTS:

The land requested to be transferred is currently being treated and managed as part of the Lane Cove National Park. Transferring the land would unify land ownership and provide for consistent management of the bushland in the area.

RECOMMENDATION:

That Council agree to the transfer of Council land into the Lane Cove National Park as proposed by the Department of Environment and Conservation NSW.

Item 2

S02464
26 March 2007

PURPOSE OF REPORT

To seek the approval of Council for the transfer of three (3) parcels of land adjoining Lane Cove National Park to the Department of Environment and Conservation NSW (DEC NSW).

BACKGROUND

Council is the owner of certain land parcels either side of Lady Game Drive, Lindfield, in the vicinity of the Lane Cove National Park.

By letters dated 7 December 2006 (**Attachment A**) and 20 March 2007 (**Attachment B**) the Department of Environment and Conservation NSW, has approached Council to request the transfer of certain parcels of Council lands to be consolidated into the Lane Cove National Park. DEC has requested that Council agree to the transfer of these parcels in order to unify ownership and provide consistent management of bushland.

The parcels requested to be transferred are:

TITLE INFORMATION	SQM AREA	ZONING
Lot 20 DP 822305	281	Open Space 6(a)
Lot 7 DP 1041540	0.527	Open Space 6(a)
Lot 8 DP 1041540	6,261	Open Space 6(a)
Lot 11 DP 1041540	276	Open Space 6(a)

Historically, these parcels have been treated and managed as part of the Lane Cove National Park, as they are adjacent to the National Park. The National Parks and Wildlife Service undertakes active management of the parcels by maintaining and mowing grassed areas, weed management programs and supporting volunteer bush regeneration groups who work on the land.

COMMENTS

The land proposed to be transferred is on both sides of Lady Game Drive shown hatched in the plan attached to the DEC letter. Various agencies have tenure over these lands, and DEC has approached all land owners requesting the transfer of these lands into the National Park.

Similar proposals have been approved by both Ryde City Council and Hornsby Shire Council. Collectively these councils transferred approximately 35 hectares of bushland to DEC. Additionally, Transport Infrastructure Development Corporation (TIDC) and Crown land adjacent to Lane Cove National Park is also being transferred to the Department for similar purposes.

The parcels of land proposed to be transferred are classified Community Land under the Local Government Act (LGA) 1993. Section 45 of the LGA 1993, permits the transfer of community classified land for the purpose of enabling the land to become, or added to a Crown reserve or land that is reserved under the National Parks and Wildlife Act 1974 (**Attachment C**).

Item 2

**S02464
26 March 2007**

The DEC has prepared a Plan of Acquisition to acquire the Lots under the provisions of the National Parks and Wildlife Act 1974 (**Attachment D**).

In addition, Council has advised DEC that the appropriate caveats would be placed on the titles of the land to ensure the land is retained for future open space purposes.

Given the location of the land and its history of use and management, unifying the ownership is considered reasonable and will provide consistent conservation and recreation management, along with clearer land management responsibility in relation to access and use of the areas.

CONSULTATION

Council officers have consulted with officers from Ryde City Council, Hornsby Shire Council and the DEC with regard to the proposal outlined in this report.

FINANCIAL CONSIDERATIONS

DEC has been incurring expenses in relation to the management of the subject land for many years. Should Council not agree to the transfer, DEC has indicated that it would no longer accept this responsibility and the financial burden would revert to Council.

DEC has advised that all costs associated with the transfer of the land would be borne by the Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Open Space & Planning and Finance & Business have been involved in the assessment of the request from DEC and the development of this report.

SUMMARY

The proposal to unify ownership of land in the vicinity of Lady Game Drive, Lindfield by adding Council land to the Lane Cove National Park is a reasonable and appropriate approach to the management of this site. The land in question has a total area of approximately 6,818 square metres and mainly comprises of a grassed area adjacent to a main entry to the Park.

It is recommended that Council agree to the proposal submitted by DEC.

RECOMMENDATION

Item 2

S02464
26 March 2007

- A. That Council agree to the transfer of Council land to the Lane Cove National Park as proposed by the Department of Conservation NSW.
- B. That the Common Seal of Council be affixed to the documentation as required.
- C. That the Mayor and General Manager be delegated authority to execute all necessary documentation associated with the transfer of lands.

Deborah Silva
Commercial Services Co-ordinator

Peter Davies
Manager Sustainability & Environment

John Clark
Acting Director Finance & Business

Steven Head
Director Open Space & Planning

Attachments: **Attachment A: Letter dated 7 December 2006 from DEC NSW - 708516**
 Attachment B: Letter dated 20 March 2007 from DEC NSW - 751879
 Attachment C: Sect 45 LGA 1993 - 752472
 Attachment D: Plan of Acquisition - 752447



NSW National Parks
and Wildlife Service

Our reference
Contact

: DOC07/10882;02/09630-2
: Ahamad Sherieff (02) 9585 6910

General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Dear Sir/Madam

RE: Transfer of lands within B2/B3 transport corridor

I am writing in regard to the B2/B3 corridor lands located between Wahroonga and South Turramurra.

The future zoning of B2/B3 lands south of the Comenarra Parkway has been completed and this has resulted in the zoning of the Lane Cove River Valley section of the corridor as 'open space'. This section consists of land parcels owned by Department of Planning (DoP) along with other lands owned by Ku-ring-gai Council, and some lands under private ownership.

Department of Environment and Climate Change (DECC) is interested in reserving land owned by DoP and Ku-ring-gai Council as part of Lane Cove National Park, as shown in the attached Map. This includes Council lands both within and adjacent to the Lane Cove River Valley section of the B2/B3 corridor. Cadastral details of these lands are also provided in Table 1 attached for your reference.

DECC considers that these land parcels would form valuable additions to Lane Cove National Park considering their high conservation significance due to the presence of Turpentine Ironbark Forest Community (listed as an Endangered Ecological Community under *TSC Act 1995*) and a range of other threatened species. Further, these lands would have wider conservation significance to the Upper Lane Cove River Valley due to their position in the head of a major sub-catchment of the Lane Cove River which makes them particularly important from a total catchment management perspective.

DECC strongly believes that the identified lands if incorporated into the reserves would:

- provide consistent land management across the area,
- increase efficient use of resources and benefit increased funding for the bush management; and
- increase area for public recreation and provide various recreational opportunities.

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 95 PARRAMATTA NSW 2124
Lvl 1 10 Valentine Avenue PARRAMATTA NSW 2150
Ph: (02) 9895 7412 Fax: (02) 9895 7414
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW

I now request your advice regarding Council's willingness to transfer their lands (as shown in the Map attached) to DECC for their inclusion into Lane Cove National Park. DECC has also approached the DoP with a request to transfer their open space zoned lands to DECC.

Should you require any additional information, please contact Ahamad Sherieff, Conservation Assessment Officer on (02) 9585 6910, or email on ahamad.sherieff@environment.nsw.gov.au.

Yours sincerely

Bob Conroy 20/6/07

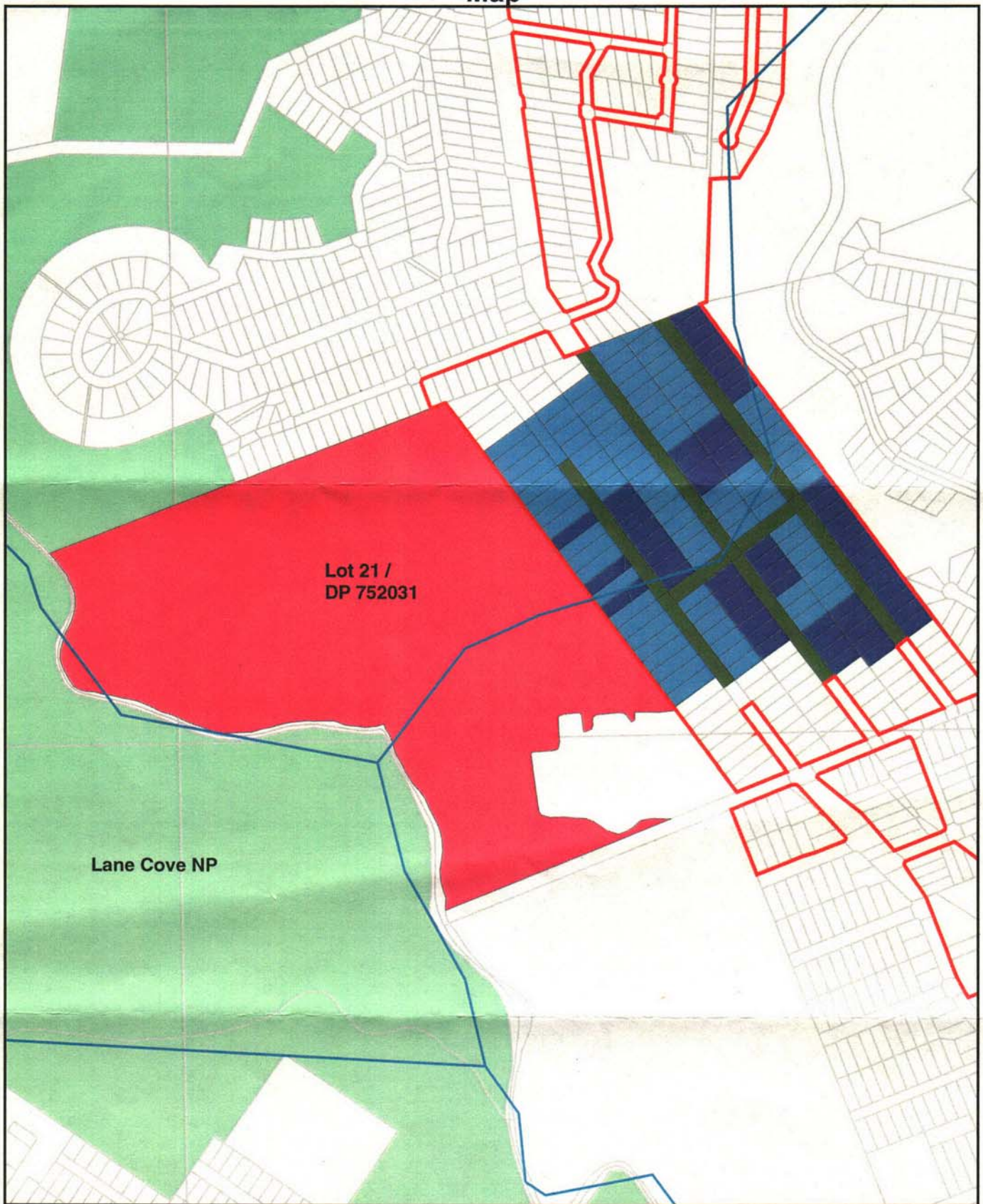
Bob Conroy
Director, Central Branch

Table 1: Proposed additions to Lane Cove National Park – Cadastre details

Tenure	Lot number	DP number	Size (ha)
Department of Planning	1	1791	0.16
		747126	0.03
	1	747125	0.01
		1791	0.20
		747126	0.18
	2	747125	0.14
		1791	0.20
	3	747125	0.06
		1791	0.21
	4	747125	0.10
	5		0.21
	6		0.22
	7		0.21
	8		0.20
	9		0.11
	10		0.20
	11		0.21
	12		0.20
	13		0.26
	17		0.10
	18		0.20
	19		0.20
	20		0.20
	21		0.20
	22		0.10
	23		0.11
	24		0.10
	25		0.20
	26		0.20
	27		0.30
	28		0.30
	29		0.10
	30		0.10
	31		0.10
	32		0.10
	33		0.11
	34		0.10
	35		0.10
	36		0.11
	37		0.10
Ku-ring-gai Council		1791	0.15
	1	651885	0.17
	2		0.20
	3		0.31
	4		0.31
	5		0.46
	6		0.47
	7		0.47
	8		0.37
	9	1791	0.46
	10	1791	0.37

Tenure	Lot number	DP number	Size (ha)
	11		0.36
	12		0.36
	13		0.21
	14		0.48
	15		0.47
	16		0.57
	17		0.31
	18		0.48
	19		0.20
	20		0.38
	21		0.37
	21	752031	33.67
	22	1791	0.56
	23		0.46
	24		0.46
	25		0.36
	26		0.36
	27		0.26
	28		0.10
	29		0.10
	31		0.10
	32		0.10
	33		0.10
	34		0.10
Paper roads under Council CC&M			3.86
Total size			54.80

Map

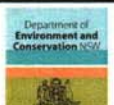


Tenure

- | | |
|---|--|
|  Ku-ring-gai Council land |  B2/B3 transport corridor |
|  Council's other land (outside corridor) |  Main rivers |
|  Dept. of Planning | |
|  Paper roads under Council's CC&M | |
|  DECC Estate | |

B2/B3 transport corridor surplus lands - DECC proposed additions to Lane Cove NP

Copyright Department of Environment and Conservation (NSW) April, 2007
This map is not guaranteed to be free from error or omission.
The Department of Environment and Conservation (NSW) and its employees disclaim liability for any act done on the information in the map and any consequences of such acts or omissions.



Printed By
I & A Section,
CC& EPG Metro

Datum/Projection: AGD 1966 AMG Zone 56

0.1 0.05 0 0.1
Kilometres



NSW National Parks
and Wildlife Service

Our reference : 04/09211

General Manager
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Dear Sir/Madam,

RE: Inclusion of Crown lands into Lane Cove National Park

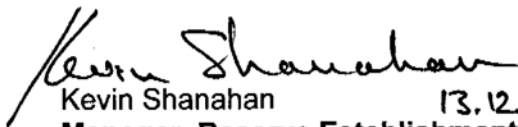
I am writing in regard to the proposed addition of various parcels of Crown land to Lane Cove National Park. The lands form part of Crown Reserve 89885 for Public Recreation, under the care, control and management of Ku-ring-gai Council. They include lots 7046 DP1050797; 7070 & 7071 DP1050798; and lot 3 DP33934 as shown in the attached maps.

In 2004 the Department of Environment & Climate Change (DECC) referred these lands to various stakeholders including Department of Lands (DoL), seeking their concurrence in regard to reservation. In response DoL supported the proposal but advised that DECC would also need to discuss the proposal with Council prior to the transfer of these lands.

I now request your advice regarding the willingness of Ku-ring-gai Council to relinquish its trusteeship and transfer the subject lands in its care, control and management to DECC for their addition to Lane Cove National Park. The addition of these lands will help rationalise park boundaries, protect conservation values and improve management of the existing reserve.

In the recent past, Council supported the management of lands of conservation significance in Lane Cove River Valley under a single land management agency and agreed to the transfer of several parcels of land under its ownership or trusteeship to DECC, as additions to Lane Cove National Park.

Yours sincerely


Kevin Shanahan

13.12.07

Manager, Reserve Establishment and Land Information Unit
Parks and Wildlife Group
Department of Environment and Climate Change (NSW)

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 1967, Hurstville NSW 2220
43 Bridge Street, Hurstville NSW
Tel: (02) 9585 6404 Fax: (02) 9585 6402
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW



Lane Cove NP
Ku-ring-gai Council

This map was prepared,
in December 2007,

by Reserve Establishment
and Land Information Unit
Parks and Wildlife Division
Department of Environment and Climate Change, NSW

Beltana Place

Lane Cove NP

Lane Cove River

Lot 7046
DP1050797

Lot 7070
DP1050798




Lot 7071
DP1050798

KU-RING-GAI
LGA

HORNSBY
LGA

0 120 Metres

Legend

-  Proposed addition
-  NPWS estate
-  LGA boundary

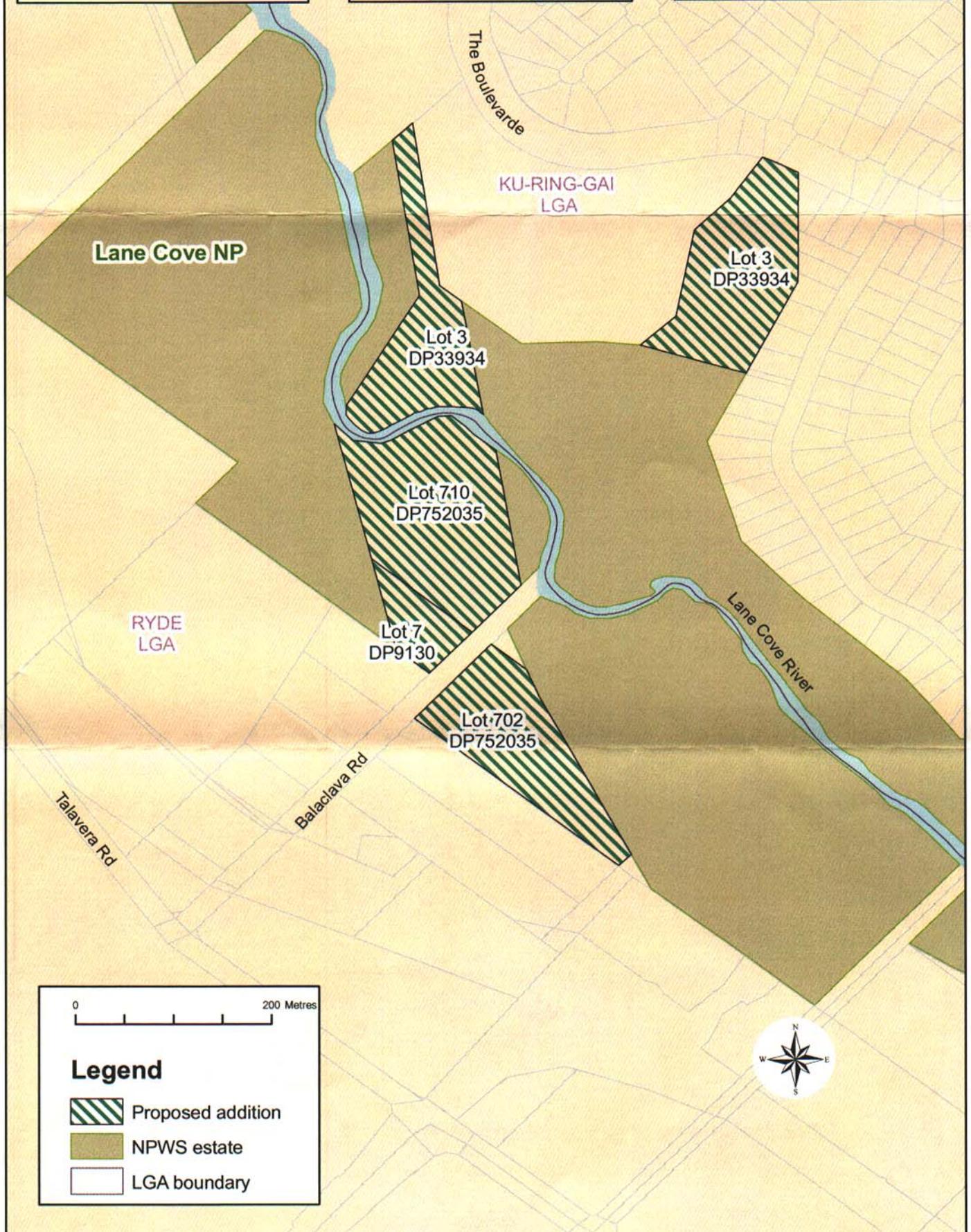


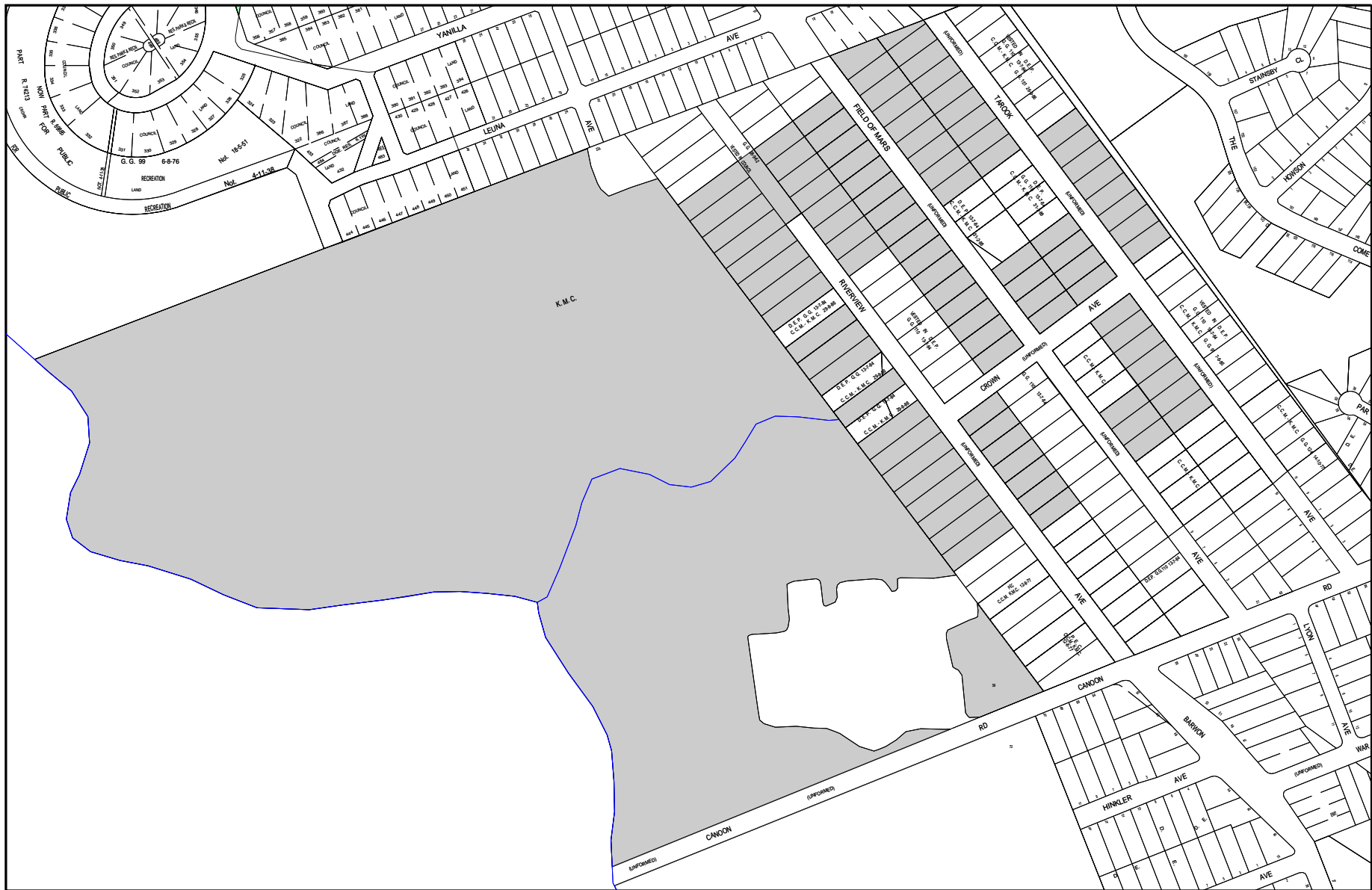


Lane Cove NP Ku-ring-gai Council

This map was prepared,
in December 2007,

by Reserve Establishment
and Land Information Unit
Parks and Wildlife Division
Department of Environment and Climate Change, NSW





19-11-2009

1:5000

PROPOSED LAND TRANSFER TO DECCW.
ADDITION OF LANDS INTO LANE COVE NATIONAL PARK





New South Wales Consolidated Acts

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#) [\[History\]](#)
[\[Help\]](#)

LOCAL GOVERNMENT ACT 1993 - SECT 45

What dealings can a council have in community land?

45 What dealings can a council have in community land?

- (1) A council has no power to sell, exchange or otherwise dispose of community land.
- (2) A council may grant a lease or licence of community land, but only in accordance with this Division.
- (3) A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

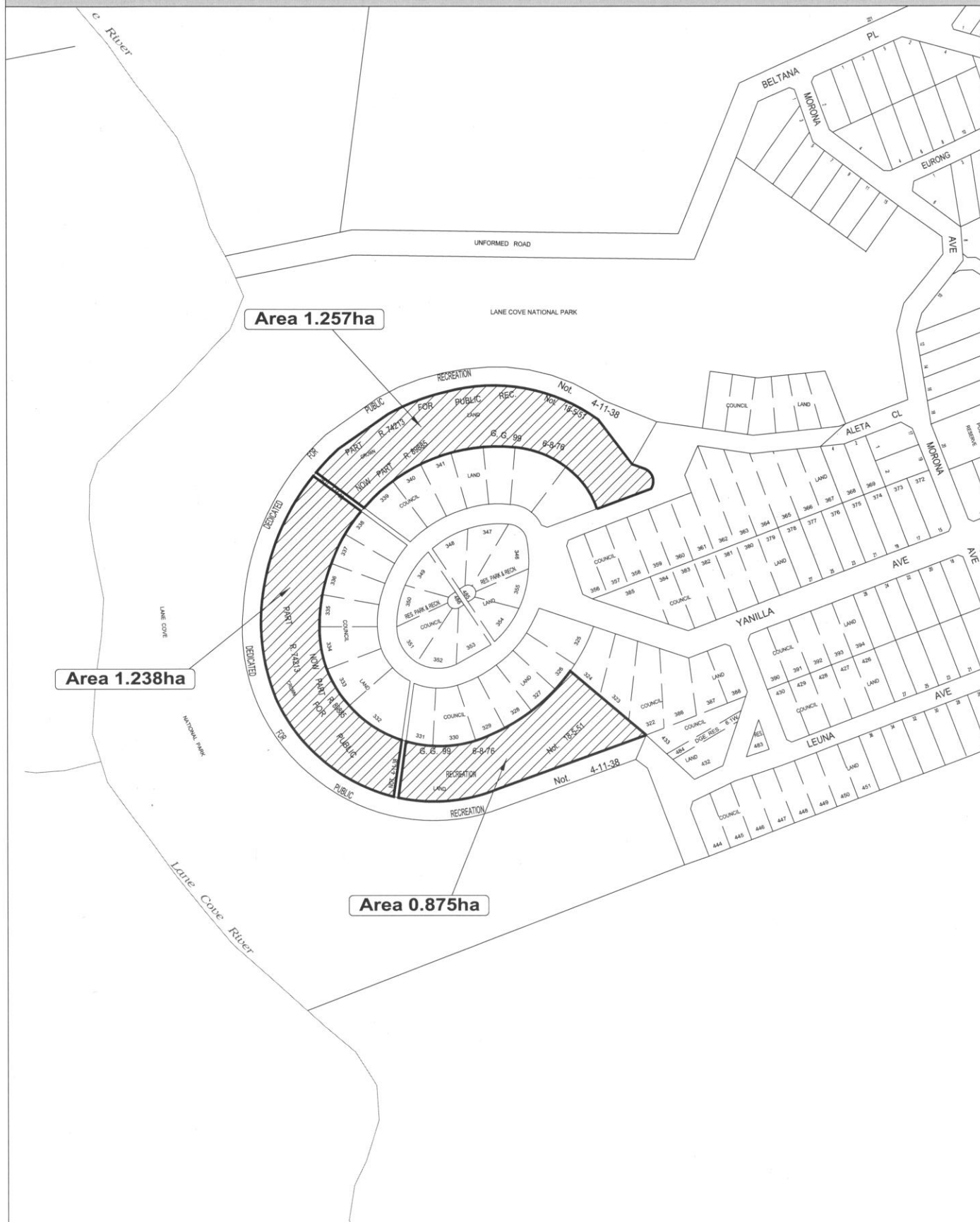
Note: The word "estate" has a wide meaning. See the *Interpretation Act 1987*, section 21 (1).

- (4) This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to become, or be added to, land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#) [\[History\]](#)
[\[Help\]](#)

LOCATION SKETCH

Proposed Inclusion of Crown Lands into Lane Cove National Park



SCALE: 1:4000

DATE: 04-12-2008

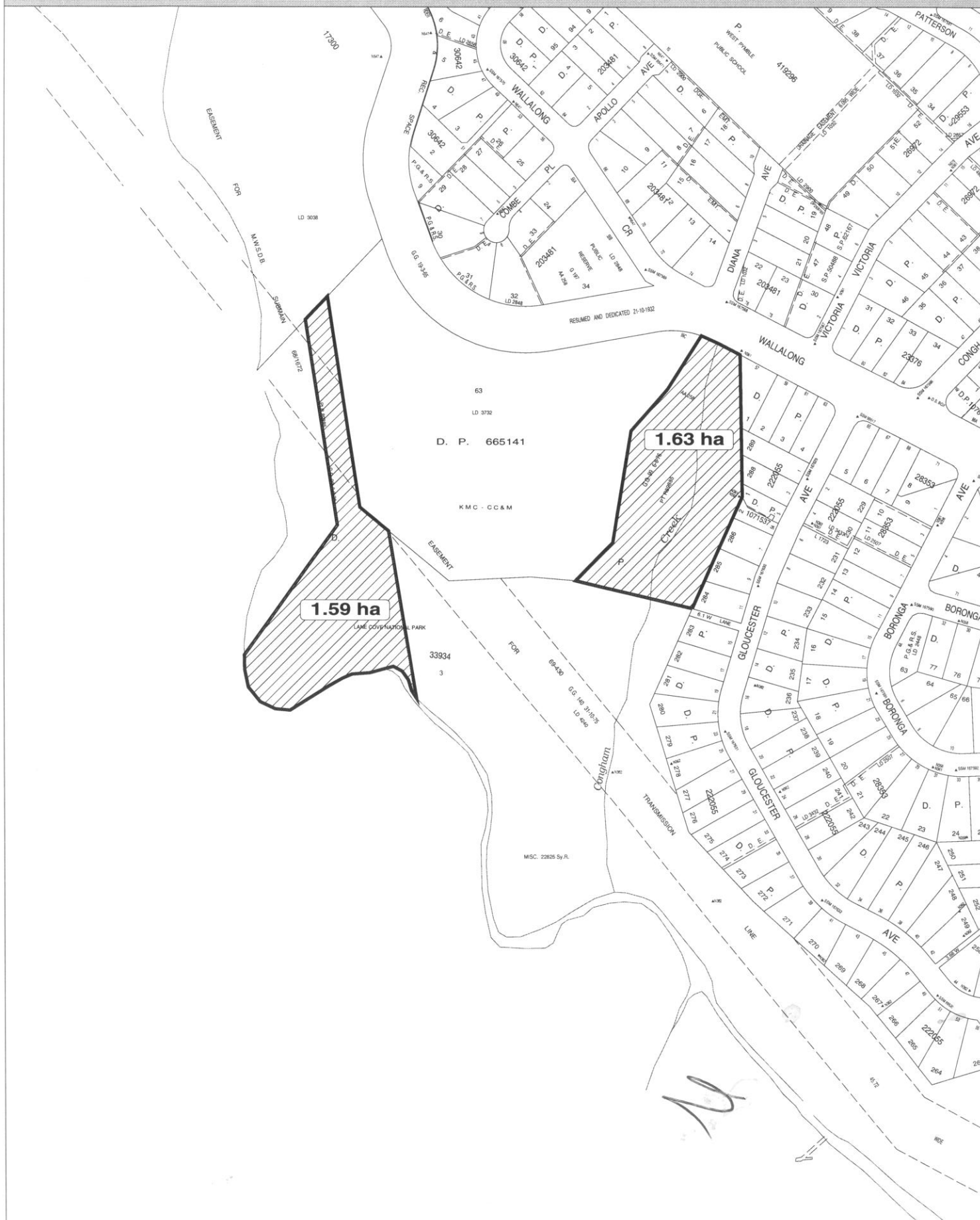


CROWN LAND



LOCATION SKETCH

Proposed Inclusion of Crown Lands into Lane Cove National Park



SCALE: 1:4000

DATE: 04-12-2008



CROWN LAND

