



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 4 DECEMBER 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
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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 20 November 2007
Minutes numbered 469 to 491

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 22 November 2007

Minutes numbered KTC9 to KTC12

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 and without debate.*

GB.1 Christmas/New Year Recess Delegations

1

File: S02017

To grant appropriate Delegations during the Christmas/New Year recess period.

Recommendation:

That appropriate Delegations of Authority be granted to the Mayor, Deputy Mayor and General Manager.

GB.2 Bradfield Park Pre-School & Childcare Centre

4

File: P36250

To advise Council of the Bradfield Park Pre-school and Childcare Centre Management Committee's proposal to transfer management of the centre to KU Children's Services, and to seek Council's approval to grant a lease to KU Children's Services for 51-53 Bradfield Road, West Lindfield.

Recommendation:

That a lease be granted to KU Children's Services (Bradfield Park Childcare Centre and Pre-school) for 51-53 Bradfield Road West Lindfield, for a period of three (3) years in the terms outlined in the report.

GB.3 Amendments to Development Control Plan No 56 - Notification 13

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File: S03673

To present to Council Draft Development Control Plan No 56 - Notification for consideration and adoption.

Recommendation:

That Draft Development Control Plan No 56 - Notification be adopted by Council.

GB.4 Parking Management Plan & Action Plan 46

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File: S06051

To update Council on the progress of the Parking Management Plan.

Recommendation:

That the report on the progress on the Parking Management Plan and Action Plan be received and noted.

GB.5 Draft Planning Agreement Policy 51

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File: S06198

To put forward Council a Draft Planning Agreement Policy for Council to review and adopt for exhibition.

Recommendation:

That the Draft Planning Agreement Policy 2008 be placed on non statutory public exhibition and that a further report be presented to Council after the close of the exhibition period.

GB.6 Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting held 15 October 2007 73

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 15 October 2007.

Recommendation:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 15 October 2007 and attachments be received and noted.

GB.7 **40 Station Street, Pymble - To Extinguish a Redundant Drainage Easement** 86

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File: P59351

Ward: St Ives

To seek approval to extinguish a redundant Council drainage easement at No 40 Station Street, Pymble.

Recommendation:

That Council approves the extinguishment of the drainage easement subject to Conditions A to C noted in recommendations of this report.

GB.8 **Sustainability Reference Group** 90

.
File: S05396

For Council to constitute the Sustainability Reference Group and appoint its inaugural members.

Recommendation:

That Council endorse the appointment of fifteen (15) nominees for the Sustainability Reference Group.

GB.9 **Hassell Park Night Game - Sportsground Plan of Management** 96

.
File: S02285

For Council to consider the public exhibition of draft amendments to the Sports Grounds Generic Plan of Management.

Recommendation:

That section 3.18 of the Sports Grounds Generic Plan of Management be amended to allow early evening competition sport to be played at Hassell Park, St Ives on Saturdays from 8.00am to 7.30pm on up to nine Saturdays per season, with all players and supporters to vacate the facility by 9.00pm. The draft amendments are to be publicly exhibited for a period of 42 days and the outcome of the exhibition is to be reported back to Council in February 2008.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING
REGULATION**

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS &
PUBLIC EXCLUDED**

*The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public
excluded for the reason stated below:*

C.1 Tender for the Provision of Legal Services

1

*[Section 10(2)(d)(i) - Commercial Information of a Confidential Nature that would,
if disclosed, prejudice the commercial position of the person who supplied it]*

File: S05138

Report by Corporate Lawyer, Director Development & Regulation, Director Corporate &
General Manager dated 12 November 2007.

John McKee
GENERAL MANAGER

**** ** ** ** ****

MAYORAL MINUTE

NATIONAL TRUST FESTIVAL 2008

I have been approached by representatives from the National Trust with a proposal for Council to become a sponsor for the 2008 National Trust Festival. (see **attached**)

The festival, which celebrates Australia's natural and cultural heritage, will be held from Saturday 5 April to Sunday 20 April 2008. Its theme "Our Place" was developed to pay tribute to Australia and its people.

The proposed amount for sponsorship for this event is \$10,000. The benefits to Council, as a major sponsor would be an entire page in the Signature Events Section of the National Trust Program. The program has a print run of 35,000 items, which are distributed across NSW. There would also be logo recognition as a sponsor of the festival on the sponsor page of all programs, as well as in the National Trust member magazine.

Currently there is no funding in the Sponsorship Budget to sponsor this event. Should Council decide to provide sponsorship to the National Trust, funds would need to be sought in the next budget review.

RECOMMENDATION

That Council support in principle the sponsorship of \$10,000 subject to appropriate funding being identified in the December Quarterly Review.

Cr Nick Ebbeck
Mayor

Attachments: **Proposal to Council to sponsor the 2008 National Trust Festival**



PROPOSAL TO KU-RING-GAI COUNCIL TO SPONSOR THE 2008 NATIONAL TRUST FESTIVAL

Background

The National Trust (NSW) is an independent charity that receives no government funding and is reliant on income from membership subscriptions, fundraising, grants, donations, trusts and foundations, benefaction and bequests.

The Trust's brief is to protect the environment and built and cultural heritage on behalf of future generations.

The National Trust Festival

The National Trust Festival celebrates Australia's natural and cultural heritage. It is the largest and longest running community festival in the state. In what will be the twenty-eighth year of the National Trust Festival, 2008 will once again see a fantastic variety of over 400 community-hosted events held across metropolitan and regional NSW from **Saturday 5 April to Sunday 20 April 2008**.

As the host, the Trust brings together community groups, schools, the business community and local government to create a unique program of events. This year's theme is about Australia and our people, focusing on our life yesterday, today and tomorrow, with the view to building a better future.

'Our Place' is everyone's place. It is a home, a building, a club, a street, a business, a trade, a playing field, a theatre, a museum, an art gallery, a restaurant, an historic site, a future place, a garden, a shopping mall, a stadium, a shire, a region, the state, our country, our place in the world.

Proposal

The Trust requires sponsorship to ensure the continued running of this incredibly popular event. Understanding that Ku-ring-gai Council would like to boost tourism to the many heritage and historical sights and landmarks in the Ku-ring-gai area, including the Blue Gum High Forest and Aboriginal paintings, for example, we would like Ku-ring-gai's sponsorship to assist in accomplishing this.

To achieve this, we would like to offer Ku-ring-gai Council an entire page in the Signature Events section of the National Trust Festival program. The Festival program has a print run of 35,000, and is distributed across NSW to program contributors, National Trust properties, RTA branches (both metro and regional), NSW libraries and universities, Visitor Information Centres, Tourism NSW branches, local government authorities and many more. The electronic version of the program is promoted on the National Trust Festival website, which receives over 1

million hits per year, as well as having links on all the major Sydney and NSW events websites, through Sydney Harbour Foreshore Authority and Tourism NSW's e-newsletters.

With a full page in the front section of the program, Ku-ring-gai Council would be able to promote the events that they run during the Festival, as well as the tourist attractions in Ku-ring-gai as highlights of the Festival. The extensive distribution of the program ensures maximum coverage for Ku-ring-gai.

Ku-ring-gai Council would also receive logo recognition as a sponsor of the Festival on the sponsor page of the program, as well as in the National Trust member magazine. We would also provide a link to Ku-ring-gai Council's website on the National Trust website.

The cost for a full page of advertising in the Festival program is \$10,000 plus GST.

As the Trust has its roots in Ku-ring-gai, there are a number of ways in which we could work together. National Trust Day is another opportunity where the Trust can join with Ku-ring-gai in selling pins and badges at railway stations, with perhaps student involvement, etc.

Summary

The Trust would very much like to be closely involved with Ku-ring-gai Council for the 2008 National Trust Festival in a way that will be mutually beneficial.

This has currently been discussed as being through advertising in the National Trust Festival Program, as well as involvement in National Trust Day 2008.

Kylie Westaway
Events Coordinator
9258 0181
kwestaway@nsw.nationaltrust.org.au

CHRISTMAS/NEW YEAR RECESS DELEGATIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To grant appropriate Delegations during the Christmas/New Year recess period.
BACKGROUND:	Council at its meeting of 5 December 2006 adopted an amended Meeting Cycle for 2007 through to 5 February 2008.
COMMENTS:	The Christmas recess period is from the last Council meeting on 11 December 2007 until meetings resume on 5 February 2008. During this period, it is necessary to grant Delegated Authority to the Mayor, Deputy Mayor and General Manager.
RECOMMENDATION:	That appropriate Delegations of Authority be granted to the Mayor, Deputy Mayor and General Manager.

PURPOSE OF REPORT

To grant appropriate Delegations during the Christmas/New Year recess period.

BACKGROUND

Council at its meeting of 5 December 2006 adopted a Meeting Cycle for 2007 through to 5 February 2008.

COMMENTS

The Christmas recess period is from the last Council meeting for the year, which is to be held on 11 December 2007 through to the first meeting of 2008 on 5 February.

During the recess period, it will be necessary to grant Delegated Authority to the Mayor, Deputy Mayor and General Manager to exercise the functions of Council where such functions could not be deferred until the meeting of Council on 5 February 2008.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That the Mayor, Councillor Nick Ebbeck, the Deputy Mayor, Councillor Anita Andrew and the General Manager, John McKee, be granted authority to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 12 December 2007 to 4 February 2008, subject to the following conditions:

Item 1

S02017
5 November 2007

1. Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.
 2. Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 5 February 2008.
- B. That consultation subject to their availability be held with Ward Councillors on matters where they would normally be contacted before delegation is exercised.

John McKee
General Manager

BRADFIELD PARK PRE-SCHOOL AND CHILDCARE CENTRE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the Bradfield Park Pre-school and Childcare Centre Management Committee's proposal to transfer management of the centre to KU Children's Services, and to seek Council's approval to grant a lease to KU Children's Services for 51-53 Bradfield Road, West Lindfield.

BACKGROUND:

Representatives from Bradfield Park Pre-school and Childcare Centre Management Committee have approached Council staff for advice regarding the management of their service.

COMMENTS:

Council staff discussed a number of possible options as management models for Bradfield Childcare Centre, with the preferred option being KU Children's Services as the new auspice of the Service.

RECOMMENDATION:

That a lease be granted to KU Children's Services (Bradfield Park Childcare Centre and Pre-school) for 51-53 Bradfield Road West Lindfield, for a period of three (3) years in the terms outlined in the report.

PURPOSE OF REPORT

To advise Council of the Bradfield Park Pre-school and Childcare Centre Management Committee's proposal to transfer management of the centre to KU Children's Services, and to seek Council's approval to grant a lease to KU Children's Services for 51-53 Bradfield Road, West Lindfield.

BACKGROUND

Representatives from Bradfield Park Pre-school and Childcare Centre Management Committee approached Council staff for advice in exploring new management models. Council staff advised the Committee of possible community based management options available to the Centre, clarified current lease arrangements with Council and reviewed the responsibilities of the Bradfield Park Management Committee under its constitution as an Incorporated Association. The Bradfield Park Pre-school and Childcare Centre Management Committee was required to consult and gain the support of their members prior to any future decision regarding the management of the service being implemented.

In August 2007 the Bradfield Park Preschool and Childcare Centre Management Committee held an extraordinary General Meeting where a unanimous decision was made by the members to outsource the management of the service to a community based non-profit organisation. Following an extensive search for a suitable auspice, KU Children's Services and Sydney Day Nursery were short-listed as favoured management options. In September 2007 presentations were made by both organisations to the Bradfield Park Pre-school and Childcare Centre Management Committee and parents. Following input from parents in attendance, the Bradfield Park Preschool and Childcare Centre Management Committee selected KU Children's Services as the preferred organisation to manage the service. Since that time, the Bradfield Park Preschool and Childcare Centre Management Committee has been negotiating and making arrangements for the smooth transition of its management functions. In October 2007 correspondence was received from Bradfield Park Pre-school and Childcare Centre and KU Children's Services (Attachment 1 and Attachment 2) regarding future management arrangements and negotiation of a new lease agreement.

History of Bradfield Park Pre-school and Childcare Centre (1987-2007)

The Bradfield Park Pre-school and Childcare Centre was initially established under the National Child Care Strategy with State and Commonwealth Government funding in 1987. Ku-ring-gai Council acted as the 'sponsor' of the project by accepting the funds for the construction of the new building.

The Centre was built on 51-53 Bradfield Road, West Lindfield, a site which comprised Council owned land (No.53) and an additional 830m² of CSIRO owned land (No.51).

Bradfield Park Pre-school and Childcare Centre was incorporated as an association in 1988 to provide independent non-profit, community based management to the new Long Day Care Centre. Council formally transferred the management of the service to Bradfield Park Pre-school and Childcare Centre Management Committee prior to the Centre officially opening in July 1989. Since that time the Bradfield Park Pre-school and Childcare Centre's Management Committee have independently run the service.

Item 2

P36250
26 November 2007

Council holds a 21 year lease agreement with CSIRO for the CSIRO's portion of land (51 Bradfield Road, West Lindfield), which expires in December 2010. The Bradfield Park Pre-school and Childcare Centre has entered into a lease with Council for 53 Bradfield Road West Lindfield and a sublease for 51 Bradfield Road West Lindfield. Currently, the lease and sub-lease between Bradfield Park Pre-school and Childcare Centre and Council expires in July 2009.

CSIRO Background

CSIRO owns 830m² of land on the site and offered the land for use as a child care centre in September 1987. Initially the entire child care centre building was constructed on Council's parcel of land, however in 1997, an extension to the Centre to house another 10 children resulted in construction on CSIRO land.

A peppercorn rent of \$10 per annum is charged by the CSIRO to Council for use of the site on 51 Bradfield Road, West Lindfield. The lease between the CSIRO and Council for use of 51 Bradfield Road will cease in December 2010. The CSIRO has agreed to a variation of the lease and the transfer of the Bradfield Park Pre-school and Childcare Centre to a not for profit child care provider. They have also agreed to reflect this arrangement in the current lease agreement with Council. Within the current lease agreement between Council and the CSIRO there is provision for the CSIRO to be represented on the Bradfield Park Pre-school and Childcare Centre Management Committee. The CSIRO have requested that this provision remain in any new advisory structure that is established by KU Children's Services. The CSIRO has also advised Council that any extension of the lease for use of their land beyond the December 2010 period will need to wait until the completion of the CSIRO's review of its property portfolio (Attachment 3). Council officers will pursue lease negotiations with CSIRO for the period beyond 2010 in early 2008 when CSIRO have completed a review of their property portfolio.

KU Children's Services Background

KU Children's Services was established in 1895 as the Kindergarten Union of NSW. Their aim is to enrich children's lives by providing high quality play-based learning experiences and opportunities. KU Children's Services is well regarded in the early childhood profession and is the largest non-government, not-for-profit employer of staff in children's services in NSW.

KU Children's Services provides programs for pre-school, long day care and out of school hours services, plus family programs and manages 150 children's services in NSW and Victoria. They have a long established relationship with Council and currently manage the following pre-schools on Council owned premises:

- KU Fox Valley Pre-school – 16 Fox Valley Road, Wahroonga
- KU Killara Park Pre-school – 72A Springdale Road, Killara
- KU South Turramurra Pre-school – 10A Auluba Street, South Turramurra
- KU St Ives Barra Brui Pre-school – 2A Burraneer Avenue, St Ives
- KU The Chase Pre-school – 6-8 Babbage Road, Roseville
- KU Wahroonga Pre-school – 23 Millewa Avenue, Wahroonga
- KU West Pymble Pre-school – 30 Lofberg Road, West Pymble

COMMENTS

The Bradfield Park Pre-school and Childcare Centre Management Committee has undertaken an extensive planning process with their members regarding the future direction of the service. Primarily they were concerned with the long term viability of the Centre, the provision of high quality child care, staff stability and the continuation of the Centre as a non-profit community

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based service. Over the past two months the Bradfield Park Pre-school and Childcare Centre Management Committee and KU Children's Services has been working closely together to ensure the smooth transition of the service. Issues under consideration have included:

1. Lease and license arrangements with Council
2. Relationships with CSIRO
3. Re-licensing of the service with NSW Department of Community Services
4. Budgeting, financial records and fees
5. Staff retention, employment conditions and transfer arrangements
6. Management transfer arrangements and time-frame; and
7. 2008 enrolment procedures.

Plans for all the issues identified above are well advanced and close to completion between the Bradfield Park Pre-school and Childcare Centre Management Committee and KU Children's Services. It is anticipated that the management arrangements and transfer of responsibilities will occur in January and February 2008. An important element in this process is the finalisation of leasing and subletting arrangements between Council and KU Children's Services which are required to complete the re-licensing of the service.

As the premises are located partly on Community Land, any agreement must comply with the conditions of the Local Government Act 1993, in particular sections 47 and 47A. In brief these conditions require that public notice and exhibition be given of the proposal before a lease agreement can be granted.

CONSULTATION

The Bradfield Park Pre-school and Childcare Centre Management Committee have consulted extensively with their members, staff, parents utilising the service and the NSW Department of Community Services. This has involved formal meetings of all members, Extraordinary General Meetings, parent surveys and presentations by potential auspice organisations. Parents and staff of the Bradfield Park Pre-school and Childcare Centre have also been kept informed through regular written communication by the Management Committee. There is full support for the process undertaken by the Management Committee to transfer of management of the Bradfield Park Pre-school and Childcare Centre to KU Children's Services.

Representatives of the Bradfield Park Pre-school and Childcare Centre Management Committee have also met with Council staff to discuss issues impacting on the Centre and discuss proposed courses of action regarding the future of the service.

Council staff have held discussions with the Property Services Section of the CSIRO regarding variations to the current lease agreement which expires in December 2010, and negotiations of a new agreement beyond that period. The CSIRO has also advised Council that they will discuss any extension of the lease period beyond the December 2010 period, after the completion of the CSIRO's review of its property portfolio.

FINANCIAL CONSIDERATIONS

The most recent market rental valuation from an independent valuer, the State Valuation Office, determined the rental for the premises at \$62,000pa, exclusive of GST. Taking into account Council's 90% rental rebate, an annual rental of \$6,200 would apply exclusive of GST.

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The terms and conditions of the proposed lease with KU Children's Services is outline below:

Lessee:	KU Children's Services (Bradfield Park Pre-school and Child Care Centre)
Lessor:	Ku-ring-gai Council
Commencement:	1 January 2008
Expires:	December 2010
Rent:	\$6,820
Outgoings:	Lessee
Maintenance:	As per standard building maintenance agreement
Legal Costs:	50% Council, 50% Lessee

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with the Development and Regulation regarding certificates, plans and documentation required for the NSW Department of Community Services re-licensing process.

SUMMARY

The Bradfield Park Pre-school and Childcare Centre Management Committee has undertaken extensive consultation with a range of stakeholders to ensure the long term viability of the service and the smooth transition of management to KU Children's Services. The transfer of management responsibilities is supported by the parents and members of the Bradfield Park Pre-school and Childcare Centre. KU Children's Services has a strong reputation in the community as a quality child care provider and currently leases 7 Council owned facilities for the provision of pre-school services in Ku-ring-gai.

RECOMMENDATION

- A. That a lease be granted to KU Children's Services (Bradfield Park Childcare Centre and Pre-school) for 51-53 Bradfield Road, West Lindfield for a period of three (3) years in the terms outlined in the report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act and that Council issue a Public Notice as prescribed under the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the Lease Agreement.

Margaret Wong
Community Development
Officer - Children's Services

Danny Houseas
Manager Community Development

Janice Bevan
Director Community

Attachments: 1A. Letter from Bradfield Park Pre-school and Childcare Centre - 838027
 1B. Letter from KU Children's Services - 844713
 2. Letter from CSIRO dated 10 October 2007 - 841025

**BRADFIELD PARK PRESCHOOL
& CHILD CARE CENTRE**
51-53 Bradfield Rd West
Lindfield NSW 2070
Ph: 9416 3134 Fax: 9889 8050



Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073
4th October 2007

Dear Mr McKee

The Bradfield Park Child Care Centre Management Committee would like to advise Council of recent decisions the Committee has made regarding its future operations.

The Bradfield Park Child Care Centre is located at 51-53 Bradfield Road West Lindfield. The Management Committee leases land and premises from Council with the parcel of land at No. 51 Bradfield Road owned by the CSIRO and subject to a lease arrangement between Council and the CSIRO. The Centre is currently run as a community-based child care centre with a parent Management Committee acting as licensee and management.

Over recent years increased regulation in the child care field has brought added responsibilities and workload to the management and licensee roles. This coupled with the difficulties faced by working parents already engaged in other full-time employment in performing additional management roles on a voluntary basis has prompted the Committee to consider alternatives to the present arrangements. The aim of this decision was to ensure the continuation of the high quality child care currently enjoyed by children and parents of the Centre.

On 20th September 2007 the Management Committee resolved to commence formal negotiations with KU Children's Services to take over as licensee and Centre management. It is envisaged that KU will also take over the lease for the Centre's operations at the conclusion of these negotiations.

KU Children's Services currently manages 150 not-for-profit children's services in New South Wales and Victoria including 7 child care services already operating within Ku-ring-gai. The Bradfield Park Child Care Centre Management Committee is confident that with this existing established relationship a smooth transition can occur.

The Committee will keep Council informed as negotiations proceed and would be pleased to discuss any aspects that Council may wish to raise.

Yours faithfully

Lynda Fisher
Secretary for Bradfield Park Preschool and Childcare Centre
Mobile: 0421 055 912

On behalf of

Bradfield Park Child Care Centre Management Committee



9th of October 2007

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

Attention: Danny Houseas.

Dear John

RE: LEASE FOR BRADFIELD PARK PRESCHOOL AND CHILD CARE CENTRE

The above service is currently held at the following venue that is owned by Ku-ring-gai Council:

Bradfield Park Preschool and Child Care Centre
51-53 Bradfield Road
Lindfield NSW 2070

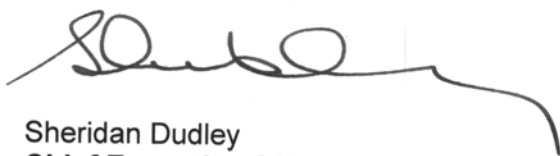
We understand that the current management committee of Bradfield Park Preschool and Child Care Centre have notified their intention of transferring the funding and management of the service to KU Children's Services.

KU Children's Services are applying to you to continue to hire the premises with the current lease arrangements and would like your advice on the next step in this process.

If you have any questions or you would like to discuss this further with us, please contact the Business Development Consultant, Narelle Coad on 02 9268 3945.

Thank you for your assistance with this matter and we look forward to hearing from you.

Yours sincerely



Sheridan Dudley
Chief Executive Officer



KU Children's Services

129 York Street, Sydney NSW 2000 • Box Q132, QVB Post Office NSW 1230 • Tel: 02 9264 8366 • Fax: 02 9267 6653
ABN 89 000 006 137 • Email: childrensservices@ku.com.au • Website: www.ku.com.au



10 October 2007

Mr Danny Houseas
Manager, Community Development
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Dear Danny

Variation to Lease – CSIRO Bradfield Park Child Care Centre

I refer to your letter dated 21 September 2007 requesting a possible transfer of management from the Bradfield Park Child Care Centre Management Committee to a not-for-profit child care provider and an extension of the Lease following the current expiry of 31 December 2010.

CSIRO agrees to the transfer of the centre management to a not-for-profit child care provider on the understanding that CSIRO will continue to have representation on any Child Care Centre Parent Advisory Committee.

In respect to an extension of Ku-ring-gai Council's Lease, CSIRO is currently in the midst of a Review of its Property Portfolio and is unable to consider a Lease extension at this stage. I will contact you early in 2008 to discuss options for the Council's ongoing occupancy of the CSIRO land.

Please do not hesitate to contact me on 02 – 6276 6488 should you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Irene Ford". The signature is fluid and cursive, with a large initial "I" and a long, sweeping underline.

Irene Ford
Property Officer
irene.ford@csiro.au
02 – 6276 6488



AMENDMENTS TO DEVELOPMENT CONTROL PLAN NO 56 - NOTIFICATION

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council Draft Development Control Plan No 56 - Notification for consideration and adoption.
BACKGROUND:	Council's Development Control Plan No 56 – Notification (DCP 56) came into effect on 13 July 2005. On 16 October 2007, as a result of community concern regarding the lack of a requirement for notification of a sporting goods and firearms retail outlet, Council resolved to exhibit draft DCP amendments to provide for notification of Development Applications for such premises. The draft DCP was publicly exhibited for 28 days and notified on the website.
COMMENTS:	The amendment would result in a development application for a firearms outlet requiring notification and advertising. Other minor amendments are also included. No submissions were received in response to the public exhibition.
RECOMMENDATION:	That Draft Development Control Plan No 56 - Notification be adopted by Council.

PURPOSE OF REPORT

To present to Council Draft Development Control Plan No 56 - Notification for consideration and adoption.

BACKGROUND

Council's *Development Control Plan 56 – Notification (DCP 56)* came into effect on 13 July 2005. It affects all land to which the Ku-ring-gai Planning Scheme applies, currently the entire Local Government Area.

Chapter 3 of the DCP includes a table which outlines that a new use in a 3(a) or 3(b) zone is to be notified in accordance with the requirements for Type A.

In relation to Type A, Section 4.1.1 states that:

No advertising is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.

Community concern was raised regarding the approval of a development application (DA) for a sporting goods and firearms retail outlet at 19-21 Babbage Rd, Roseville Chase. The DA was not notified, as it was not deemed to be required as a Type A proposal. Council resolved to prepare a draft DCP to address this issue.

Amendments in relation to the notification of potential heritage items discussed at the Planning Committee of 18 September have also been incorporated into the draft DCP.

On 16 October 2007 Council resolved:

A. That Draft Development Control Plan No. 56 – Notification, as attached, be placed on exhibition in accordance with the Environmental Planning and Assessment Regulation.

B. That a report be brought back to Council for consideration following the exhibition period.

COMMENTS

A. It is proposed to amend DCP 56 to provide for notification and advertising of any DA for firearms outlets to ensure that the community has an opportunity to consider and comment on the impacts of any proposal for such outlets. The following amendments are proposed (see **Attachment 1** for Draft DCP):

1. To the Dictionary of Definitions (Chapter 2) add a definition of firearms outlet in the appropriate location:

Item 3

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26 November 2007

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under the NSW Firearms Act (1996).

2. To the Table in Chapter 3, in section Other – New Use, in column 2 add: *firearms outlets in any zone* and in column 3 add the letter *F*.

This would provide that DAs for firearms outlets be notified and advertised in accordance with Type F. Under Section 4.6.1, Type F requires 30 day notification:

- *to such persons as appear to [Council] to own or occupy:*
 - *the three (3) adjoining and neighbouring properties to each side of the subject property; and*
 - *the seven (7) adjoining and neighbouring properties to the front and rear of the subject property; and*
 - *if practicable, to such other persons as appear to [Council] to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out;*
 - *and to such other persons as are required to be notified by the regulations.*

Type F also requires the placement of a notice at the site and advertising in the local newspaper.

3. In the Appendix, to the list of developments that require Type F notification, add:

Firearms outlets all

for consistency with the table in Chapter 3.

- B. Other minor changes are recommended to fix typographical errors and reduce confusion.

1. Listing of heritage items in a separate section on Council's website

- a. Section 4.6.10 of the DCP requires that "heritage items or items in a conservation area" be listed in a separate section of Council's website for "existing and potential heritage items". It is recommended that DAs for works on such sites be listed in the usual place on the website, and marked as being a heritage item or within a conservation area. Note, however, that there are currently no gazetted conservation areas under the KPSO, and none are likely to be declared till the Ku-ring-gai Comprehensive Principal LEP is made. This control would therefore only apply to heritage items at this stage.

2. Notification of demolition of heritage items – separate listing on website

- a. Section 4.4.8 of the DCP relates to the notification of the proposed demolition of "potential heritage items" and "proposed conservation areas". A sign at the site, and listing on a separate section of the website is required. Again, it is

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recommended that DAs for demolition on such sites be listed in the usual place for development applications on the website, and marked appropriately, and the requirement for separate listing be deleted.

- b. However, confusion arises regarding two of the terms within Section 4.4.8 as they have no statutory meaning, namely:

proposed conservation area

- It is recommended that “proposed conservation area” be amended to “draft conservation area” which is a statutory term referring to conservation areas that have been adopted by Council, but not yet gazetted.

potential heritage item

- Council has been reviewing a number of items for their potential heritage significance. Each of the items is still being reviewed and has not been adopted by Council as a *draft heritage item*. Such items are listed on Council’s database, Proclaim, as a *potential heritage item*. It is recommended a definition of *potential heritage item* be added to the dictionary in the DCP to ensure clarity. Such a definition would refer specifically to those items under review and listed on Proclaim as *potential heritage items*.
- Such a definition would not include *draft heritage items*, that is, items that *have* been adopted by Council or the Heritage Council for listing as a heritage item, but not yet gazetted. It is therefore recommended that this control include the reference to *draft heritage items* for consistency.

3. To the Table in Chapter 3, in section Modifications to development Consent: Correct the typographical error in the last line, to read:

all other s.96(2) and s.96AA modifications *B*

4. In Section 4.1.1, change the term “advertising” to “notification”. As most DAs are not advertised in the paper, this will clarify the control.

CONSULTATION

The draft plan was placed on public exhibition from 26 October 2007 until 23 November 2007 in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 including advertisement in the North Shore Times on Friday 26 October 2007 and notification on Council’s website. No submissions were received in response to the exhibition.

FINANCIAL CONSIDERATIONS

The costs associated with this DCP are limited to staff time and advertising/exhibition costs. The costs are covered by the budget of the Strategy Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Draft DCP 56 has been prepared in consultation with Development and Regulation and Strategy Departments.

SUMMARY

Draft DCP 56 has been prepared in response to community concerns about the lack of notification of a DA for a firearms outlet. The amendments would result in the notification and advertising of DAs for such proposals in the future to ensure that the community has an opportunity to make a submission. The draft DCP was publicly exhibited from 26 October to 23 November. No submissions were received in response to the exhibition.

RECOMMENDATION

- A. That Draft Development Control Plan No 56 – Notification be adopted.
- B. That a notice be placed in the local paper in accordance with the Environmental Planning Assessment Regulation 2000.
- C. That the Department of Planning be notified of Council's decision in accordance with the Environmental Planning Assessment Regulation 2000.

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Attachments: Draft Ku-ring-gai Development Control Plan No 56 - Notification - 844288

Draft Development Control Plan 56 - Notification Contents

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Chapter 1

Introduction

1.1 Where the DCP applies

This plan applies to all land within the Ku-ring-gai Local Government Area to which the *Ku-ring-gai Planning Scheme Ordinance* applies, unless the development being carried out is defined as exempt or complying in Council's adopted DCP 46 - Exempt and Complying Development.

1.2 Commencement of the Plan

This plan was adopted by Council on 28 June 2005 and came into force on 13 July 2005.

1.3 Purpose of the Plan

This plan has been prepared in order to clearly communicate Council's requirements for the involvement of stakeholders in the consideration of applications for development consent made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

1.4 Objectives of the Plan

The objectives of this DCP are:

- A. Public participation in the planning process that is appropriate to the type and form of development proposed.
- B. A consistent, transparent and efficient development assessment process.

1.5 Relationship to other Environmental Planning Instruments

The plan has been prepared to complement the Ku-ring-gai Planning Scheme Ordinance and has been prepared in accordance with section 72 of the *Environmental Planning and Assessment Act 1979*, as amended, and Part 3 of the *Environmental Planning and Assessment Regulation 2000*, as amended. The advertising and notification procedures required under this legislation take precedence over the provisions of this DCP. In the event of any inconsistency between this plan and other Council development controls plans, policies and codes, this plan will prevail unless otherwise specified in this plan or in the other plans, policies and codes.

Chapter 2

Dictionary of Definitions

Adjoining land means land that has a boundary in common with the site on which the development is proposed or that is separated from the site by not more than a pathway, driveway, laneway, roadway or similar thoroughfare.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising means written notice of a proposed development including a notice in a newspaper.

Ancillary, in the context of residential development, includes but is not limited to, such related facilities as a swimming pool, outbuilding, pergola, patio, pathway, driveway or tennis court.

Building includes a structure or part of a permanent building or structure but not a manufactured home, a moveable dwelling or associated structure or part thereof.

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

Bushland is land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and flora of the natural vegetation.

Community Land Development means community land development within the meaning of the *Community Land Development Act 1989*.

Complying Development means a minor type of work or activity listed in Schedule 2 of Council's DCP 46 that can be certified within seven days by either Council or an accredited certifier.

Council means Ku-ring-gai Council.

Cut and fill means earthworks undertaken to alter the slope or level of the land. DCP stands for Development Control Plan.

Designated Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development means the erection of a building or the carrying out of a work in, on, over or under the land or the use of land or building or work thereon or the subdivision of land.

Development Application has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Development assessment officer means the Council officer with primary responsibility for assessing the development application.

Development assessment team leader means a Council officer with responsibility for a group of development assessment officers.

Dual Occupancy means land with two dwellings.

Dwelling means a room or suite of rooms occupied, used, constructed or adapted so as to be capable of being occupied or used as a separate domicile.

Exempt Development means a minor type of work listed in Schedule 1 of Councils DCP 46 that will have minimal environmental impact and that does not require development consent before it may be undertaken, but that may require some other form of approval or license from Council or another authority.

Firearms outlet means premises used for the display, exhibition or sale of goods which require a licence under Section 7 of the NSW Firearms Act (1996)

Ground level means the level of the site before development is carried out on the site under this Plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.

Local Development has the same meaning set down in the *Environmental Planning and Assessment Act 1979*.

Neighbouring land means any land, other than adjoining land, within the Ku-ring-gal local government area, the enjoyment of which the assessment team leader considers may be detrimentally affected by the development proposal.

Notification means written information provided to potential stakeholders by the Council in the form of a letter, e-mail, information on Council's website or a sign that may be viewed from a public place.

Occupier means a person who lives on the land.

Owner has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Potential heritage item is a site identified by Council resolution for potential listing as a heritage item, and is listed as such on Council's database, Proclaim.

Public exhibition is where a development application is made available for inspection, by any person, at the office of Council, and such other places to be determined by Council for a period not less than fourteen (14) calendar days.

Recreational venue means a sports facility (indoor or outdoor), park, playground and the like.

Section 96(1) modifications are modifications by Council to consents that involve minor errors, misdescriptions or miscalculations.

Section 96(1A) modifications are modifications by Council to consents that involve minimal environmental impact.

Section 96(2) modifications are other modifications by Council to consents that may have an environmental impact.

Section 96AA modifications are modifications made by consent authorities to consents granted by the Court.

Site area means the area of land contained within the title boundaries of the site or the area of the property on which the development is proposed to be carried out. Site area excludes an access corridor to the site such as the area of any access handle in the case of battle-axe (hatchet) shaped allotments.

Strata Title Building means a strata title building within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold) Development Act 1986*.

Written submission means a submission in writing in the form of a letter, report, facsimile transmission, petition, e-mail or other like form.

Chapter 3

Notification and Advertising Requirements

- 3.1 Where a development, section 96 modification or section 82A review application is submitted to Council, notification is required in accordance with the table in this Chapter.
- 3.2 In accordance with the requirements of the *Ku-ring-gai Planning Scheme Ordinance* and as specified in the table below, the following development on heritage items must be notified and advertised as Notification Type F, which is the same as the requirements for designated development:
- a) all demolition of heritage items;
 - b) all demolition in urban conservation areas; and
 - c) any use of a building or land for which consent is sought under the provisions of 61 H of the *Ku-ring-gai Planning Scheme Ordinance* (KPSO), in that where consent would not normally be granted under the KPSO, consent may be granted where doing so would have little or no adverse effect on the amenity of the area and where conservation of the building depends on Council granting consent under clause 61 H.
- 3.3 A development is considered to require the notification type specified in the table if it meets one or more of the circumstances specified in the relevant line of the table.
- 3.4 Where a development may be considered to fall into two or more Notification Types, notification shall be undertaken in accordance with the higher requirement.
- 3.5 Once the development category is determined, the notification must be undertaken in accordance with the notification Type (A - F) listed for that development category in the table, as described in Chapter 4 of this DCP.
- 3.6 In the event that the development for which consent is applied does not appear in the below, the notification /advertising requirements for the development application will be determined by the development assessment team leader in accordance with other requirements of this DCP.

Development Category	Circumstances	Type
AMENDMENTS, MODIFICATIONS AND REVIEWS		
Amendments to undetermined DAs	Where the environmental impact will be the same or less than the original proposal	A
	Where the environmental impact will be greater than the original proposal	B
Modifications to Development Consent	S96(1) and S96(1A)	A
	S96(2) and S96AA that is designated development, State significant or any other where Council is not the consent authority – see clause 118 of the EP&A Regulation	Cl 118 EP&A Regs
	All other S96(2) and S96AA modifications	B
Review of Determinations (S82A)	Must be notified as per the notification requirements for the type of development proposed in the original DA	as per original DA
MULTI-UNIT DWELLINGS (except seniors living policy)		
Heritage items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Apartment Conversions	All	F
Residential Flat Buildings	All	F
Townhouses	All	F
Villas	All	F
Other	All	F
SENIORS LIVING POLICY		
All	All	F
DUAL OCCUPANCY DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Dual Occupancy	New	D
	Alterations and additions	C
Family Flats	New, addition of one or more rooms	D
	Other works	C

DETACHED SINGLE DWELLINGS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Alterations and Additions to Dwellings	All	C
Alterations and Additions with Ancillary Works	See “alterations and Additions to Dwellings” above	-
New Dwellings	All	D
New Dwellings and ancillary	See “New Dwellings” above	-
Other	All (see also residential ancillary)	C
RESIDENTIAL ANCILLARY		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Carports / Garages	All	C
Combined Multi	All	C
Fencing	All	A
Landscape Works	All	A
Outbuildings	All	C
Swimming Pools	All	C
Tennis Courts	All	C
Other	All	C
SUBDIVISION		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Torrens Title	All	D
Strata Title	All	A
Community Title	All	A
Company Title	All	A
Stratums	All	A
COMMERCIAL DEVELOPMENT		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Internal works (any development type)	All	A
Boarding Houses	New building / use; additional habitable rooms; increased height; outdoor recreation facilities	D
	Other	A

Brothels	New business; external alterations / additions; increase in room and / or employee numbers by more than two	D
	Other	A
Caravan Parks	All	D
Clubs	In residential zones	F
	In non-residential zones: internal modifications; minor external changes	A
	In non-residential zones: other	D
Hotels	New buildings; additional habitable rooms; outdoor recreation facilities; increased height	E
	Other	C
Motels	In residential zones	A
	In non-residential zones: new buildings; additional rooms; outdoor recreation facilities; increased height	E
	Non-residential zones: other	C
Professional Consulting Rooms	In residential zones	F
	In all other zones	A
Restaurants	In non-residential zones	A
	In residential zones	D
Service Stations	Minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	A
	All other works	D
Warehouse / Bulk Stores	Minor external changes; internal changes	A
	All other works	D
Other – Alterations and Additions	All	D
Other – New Use	In areas zoned 3(a) or 3(b)	A
	In any other zones	D
	Firearms outlets in any zone	F
Other – new Buildings	In areas zoned 3(a) or 3(b)	D
	In any other zones	E
Other – Extension of Trading Hours	In a residential zone	D
	In any non-residential zone	A

DEMOLITION		
Heritage Items	Where the DA applies to the heritage items	F
Urban Conservation Areas	Any demolition in an urban conservation area	F
Other	All	D [†]
COMMUNITY FACILITIES		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Child Care Centres	Internal works	A
	In residential zones (except internal works)	F
	In zones other than residential (except internal works)	D
Educational Establishments	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	D
Hospitals / Nursing Homes	Internal works	A
	In residential zones (except internal works)	F
	In non-residential zones (except internal works)	E
Places of Public Worship	All	F
Places of Assembly	Residential zones	F
	Non-residential zones	D
Recreational Venues	In residential zones	D
	In non-residential zones	A
Special Events	All	A
Libraries	Internal works	A
	New libraries	D
	Alterations and additions to libraries	C
Public Authorities	All	A
Other	All	D

[†] Note: As described in Chapter 4, additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a proposed conservation area or where the item is identified as a potential heritage item by Council.

SIGNAGE		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Residential	All	C
Commercial	All	A
Other	All	A
TELECOMMUNICATIONS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Other	All	D
MISCELLANEOUS		
Heritage Items	Any application relying on KPSO Clause 61H	F
Urban Conservation Areas	Any application relying on KPSO Clause 61H	F
Agriculture	All	A
Drainage	In residential zones	A
	In all other zones	A
Utility Installations	All	A
Other	All	D

Chapter 4

Notification Requirements by Type

4.1 Type A Requirements

- 4.1.1 No notification is necessary except where, in the opinion of the development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in Section 4.7 of this DCP if the development proposal was carried out.
- 4.1.2 In the event that the development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters shall be sent in accordance with 5.3 of this DCP to all such persons.

4.2 Type B requirements

- 4.2.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
 - a) all persons who were notified about the original application or any subsequent applications for amendment or modification; and
 - b) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.
- 4.2.2 Where, in accordance with the above controls, the development assessment team leader determines that re-notification and re-advertising shall not occur, the assessment report on the application shall include a statement giving the reasons that this was not considered necessary.
- 4.2.3 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.2.4 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.3 Type C requirements

- 4.3.1 Notification letters shall be sent in accordance with 5.3 of this DCP to:
 - a) all owners and occupiers of the adjoining land on either side of the subject property, and
 - b) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken,

except where, in the opinion of the development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in Section 4.6 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.

- 4.3.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters sent in accordance with 4.3.1 shall also be forwarded to the proprietors of the strata plan or community plan.

- 4.3.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared.

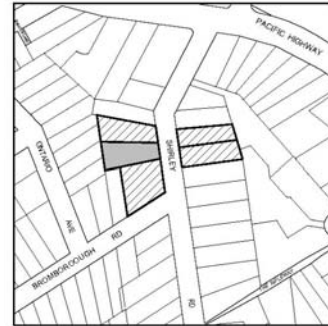
- 4.3.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.

- 4.3.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.

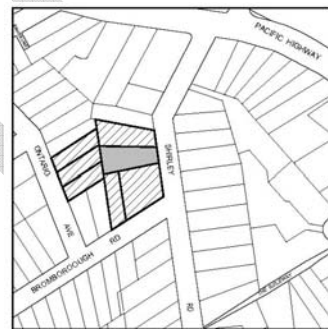
- 4.3.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.4 Type D requirements

- 4.4.1 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of all adjoining land except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



Type C example – minimum notification for works at front



Type C example – minimum notification for works at rear



Type D example – minimum notification for all works

- 4.4.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.4.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.4.3 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.4.4 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.4.5 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.4.6 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.4.7 **If the development application is for a new dual occupancy development, a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP.**
- 4.4.8 If the development application is for demolition of an item within an area identified by Council as a draft conservation area or where the item is identified as a draft heritage item or a potential heritage item:
- a) a notification sign must be placed at the street frontage to the property in accordance with 5.5 of this DCP; and
 - b) the notification of the development application on Council's website must indicate that the item is a draft heritage item, a potential heritage item or an item in a draft conservation area as appropriate.

4.5 Type E requirements

- 4.5.1 The notification specified in 4.5.2 is required, except where, in the opinion of the development assessment team leader, the owners and occupiers of land other than that specified below would be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, in which case additional persons shall be notified as specified by the development assessment team leader.



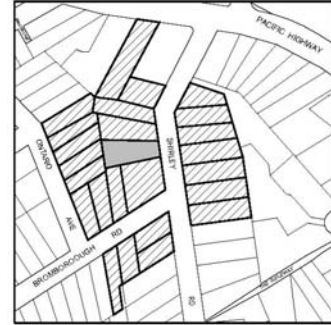
*Type E example – minimum
notification for all works*

- 4.5.2 Notification letters shall be sent in accordance with 5.3 of this DCP to the owners and occupiers of:
- a) three (3) adjoining and neighbouring properties to each side of the subject property, and
 - b) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.
- 4.5.3 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.5.4 An advertisement shall be placed in a local newspaper that circulates at least once weekly throughout the Ku-ring-gal Local Government Area in accordance with 5.4 of this DCP.
- Note:** Council is obliged to advertise the development only once during the period of public inspection.
- 4.5.5 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.5.4 shall also be sent to the proprietors of the strata plan or community plan.
- 4.5.6 Details regarding the owners and occupiers of adjoining and neighbouring land are to be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 4.5.7 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 4.5.8 The development application shall be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 4.5.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.

4.6 Type F Requirements

- 4.6.1 As soon as practicable after the development application has been submitted, Council shall
- a) place the application and any accompanying information shall be placed on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published as referred to in (c), and give written notice of the application in accordance with the regulations:

- to such persons as appear to it to own or occupy
 - the three (3) adjoining and neighbouring properties to each side of the subject property and
 - the seven (7) adjoining and neighbouring properties to the front and rear of the subject property, and



Type F example – minimum notification for all works

- if practicable, to such other persons as appear to it to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in Section 4.7 of this DCP if the proposal was carried out, and
 - to such other persons as are required to be notified by the regulations, and
- b) cause notice of the application to be exhibited in accordance with the regulations on the land to which the application relates, and
- c) cause notice of the application to be published in accordance with the regulations in a newspaper circulating in the locality.
- 4.6.2 If land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with 4.6.1 shall also be sent to the proprietors of the strata plan or community plan.
- 4.6.3 If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the requirements of 4.6.1.
- 4.6.4 A notification sign shall be placed at the street frontage to the property in accordance with 5.5 of this DCP.
- 4.6.5 During the submission period, any person may inspect the development application and any accompanying information and make extracts from or copies of them. [The cost of copying will be charged in accordance with Council's Fees and Charges.]
- 4.6.6 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.
- 4.6.7 Circumstances in which public exhibition may be dispensed with:

- a) a development application for designated development is amended, or substituted, or withdrawn and later replaced before it has been determined by the consent authority, and
 - b) the consent authority has complied with 4.6.1, 4.6.2 or 4.6.3 in relation to the original application, and
 - c) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application,
 - d) the consent authority may decide to dispense with further compliance with 4.6.1 in relation to the amended, substituted or later application. In that event, compliance with 4.6.1 in relation to the original application is taken to be compliance in relation to the amended, substituted or later application.
- 4.6.8 The consent authority must give written notice to the applicant of its decision under 4.6.6 at or before the time notice of the determination of the development application is given under section 81 of the *Environmental Planning and Assessment Act 1979*.
- 4.6.9 The development application shall be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in Chapter 5.
- 4.6.10 If the development application applies to a heritage item or an item in a conservation area, the notification on Council's website must indicate that the item is a heritage item or an item in a conservation area as appropriate.
- 4.7 Criteria to be considered in determining likely detrimental effect of development**
- 4.7.1 In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this DCP, the development assessment team leader shall consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.
- 4.7.2 In considering whether enjoyment of adjoining or neighbouring land may likely be detrimentally affected by the proposed development, the development assessment team leader shall take into account the following matters:
- a) views from surrounding properties;
 - b) overshadowing;
 - c) loss of privacy;
 - d) noise impact;
 - e) the design and appearance of the proposal in relation to the streetscape;
 - f) the use of the development;

- g) the scale, height, external appearance and bulk of the proposed building;
- h) the siting of any proposed building in relation to the site boundaries;
- i) hours of use;
- j) light spillage or reflection;
- k) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed.
- l) traffic and parking generation;
- m) adverse impacts of stormwater drainage;
- n) tree removal impacts; and
- o) excavation requirements.

- 4.7.3 The opinion formed by the development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

Chapter 5

Procedures for Notification

5.1 Website information

- 5.1.1 Where, in accordance with this DCP, the development application is to be advertised on Council's website, the following minimum information must be included:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) a brief description of the proposed development; and
 - d) if the land on which the development is proposed contains a heritage item or is in an urban conservation area.
- 5.1.2 In accordance with Chapter 4 of this DCP, where the development application relates to an existing or potential heritage item identified by Council, or to an existing or potential conservation area identified by Council, information about the development application must be included in a separate section of Council's website regarding existing and potential heritage items and conservation areas.

5.2 Notification to Councillors

- 5.2.1 Councillors will receive a weekly list of all new development applications within their ward area including:
- a) the development application number;
 - b) the address of the proposed development (lot, deposited plan and street numbers);
 - c) the date on which the development application was accepted by Council;
 - d) the name of the development assessment team leader responsible for assessing the development application;
 - e) a brief description of the proposed development; and
 - f) A4 notification plans of the proposal.

5.3 Notification letters

- 5.3.1 Where, in accordance with this DCP, notification letters are to be sent, the letters shall contain the following information:
- a) the development application number;
 - b) the address of the proposed development;
 - c) the name of the applicant;

- d) the name of the Council officer responsible for assessing the development application;
- e) a brief description of the proposed development;
- f) an invitation to view the development proposal;
- g) when and where the development application may be viewed;
- h) advice that the persons to whom the letter is addressed have the right to make a written submission regarding the development proposal:
 - i. within thirty (30) days if the development is Notification Type F and lodged between 24th January and 9th December (inclusive); or
 - ii. within fourteen (14) days if the development is Notifications Types B, C, D or E and lodged between 24th January and 9th December (inclusive); or
 - iii. if the application was lodged between 10 December and 23 January (inclusive), not later than the first working day after 13 February,

and that the written submission will be considered during the assessment period.

- i) advice that submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and will be available for the applicant to consider under the Freedom of Information legislation;
- j) advice that copies of the plans may be provided by Council if costs are paid by the person requesting the plans;
- k) the date by which written submissions must be provided to Council; and
- l) where physical works are proposed, A4 notification plans.

5.4 Advertisements in the local newspaper

5.4.1 Where, in accordance with this DCP, the development application is to be advertised in a local newspaper, the advertisement shall contain the following minimum information:

- a) the development application number;
- b) the address of the proposed development (lot, deposited plan and street numbers; and
- c) a brief description of the proposed development.

5.4.2 The applicant shall pay to Council the fee determined by Council for advertising in accordance with its adopted fees and charges.

5.5 Notification signs at the property

5.5.1 Where, in accordance with this DCP, a notification sign is required, it shall be headed “Development Proposal” and shall contain the following details:

- a) the development application number;
- b) the address of the proposed development;
- c) the name of the applicant;
- d) a brief description of the proposed development;
- e) when and where the development application may be viewed; and
- f) the date by which written submissions must be provided to Council.

draft

Chapter 6

Written Submissions to Council

6.1 Form of Written Submissions

- 6.1.1 A person may make one or more written submissions regarding any development proposal to which this DCP applies within the period during which the application is available for public inspection, as specified in Section 6.4 of this DCP.
- 6.1.2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
- 6.1.3 A written submission shall state the reasons for objection to or support for a development application.
- 6.1.4 The name and address of the person making the written submission shall be clearly marked on the submission.
- 6.1.5 If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
- 6.1.6 The development application number shall be clearly marked on the submission.
- 6.1.7 The written submission shall be clear and legible.

Note: It is also helpful to Council if a daytime telephone contact number is provided in the event that Council needs to clarify issues with the person making the submission.

6.2 Anonymous submissions

- 6.2.1 Council will not consider any anonymous submissions in the assessment of development applications.

6.3 Disclosure of submissions

- 6.3.1 The applicant for the development and members of the public may access submissions upon request to Council under the *Freedom of Information Act*.
- 6.3.2 If the development application is reported to a Council meeting, the submission may be reproduced and / or summarised in the assessment report.

6.4 Acceptance and consideration of submissions

- 6.4.1 All written submissions submitted on or prior to the date specified by Council in the newspaper advertisement and/or notification letter shall be considered by the development assessment team leader in the assessment of the development proposal.
- 6.4.2 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of the development assessment team leader, a longer period is warranted in the circumstances.
- 6.4.3 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of the assessment report by the development assessment team leader.
- 6.4.4 In the assessment of a development proposal, Council will not consider written submissions lodged after the assessment report has been completed by the responsible Council officer.
- 6.4.5 The reasons for support of or objection to the development application specified in the written submissions considered by Council shall be summarised in the assessment report prepared by the development assessment team leader.
- 6.4.6 Subject to the *Privacy and Personal Information Protection Act 1998*, the names and addresses of the persons who made written submissions with respect to the development application shall be indicated in the assessment report.

6.5 Acknowledgement of submissions

- 6.5.1 Written submissions received by Council will be acknowledged in writing.
- 6.5.2 In the event that the development application is to be determined at a Council meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or email, provided such contact details have been given to the Council, to advise the person of the committee or Council meeting date.

6.6 Advice to applicant of written submissions

- 6.6.1 The applicant of a development application to which this DCP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- 6.6.2 The applicant shall be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

Appendix

Notification Type A Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Agriculture	all
Amendments to undetermined DAs	where the environmental impact will be the same or less than the original proposal
Boarding houses	all works other than new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	all works other than new businesses, external alterations and additions and increase in room and/or employees numbers by more than two
Clubs	internal modifications and minor external changes in non-residential zones
Commercial Development	all internal works
Educational Establishment	all internal works
Hospitals /Nursing Homes	all internal works
Libraries	all internal works
Modifications to development consent	s.96(1) and s.96(1A)
Other Commercial Development	new use in 3(a) and 3(b) zones and extension of trading hours in any non-residential zone
Professional consulting rooms	in non-residential zones
Public Authorities	all
Recreational Venues	in non-residential zones
Restaurants	in non-residential zones
Service stations	minor external and internal works where no change to storage, pumping, bunding, drainage and the line of liquids or dangerous materials is required

Signage	Commercial and other non-residential
Special Events	all
Utility Installations	all
Warehouse / Bulk Stores	minor external changes and all internal changes

Notification Type B Developments

Amendments to undetermined DAs	where the environmental impact will be greater than the original proposal
Modifications to Development Consent	s.92(2) and s.92AA modifications other than those requirements set by the <i>Environmental Planning and Assessment Regulation</i>

Notification Type C Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Alterations and Additions to Dwellings	all
Carports / Garages	all
Combined Multi	all
Dual Occupancy	alterations and additions
Family Flats	works other than new buildings and addition of one or more rooms
Hotels	all works other than new buildings, additional habitable rooms, outdoor recreation facilities and increased height
Libraries	alterations and additions
Motels	all works in non-residential <u>other than</u> new buildings, additional rooms, outdoor recreation facilities and increased height
Outbuildings	all

Residential Signage	all
Swimming pools	all
Tennis Courts	all

Notification Type D Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Boarding Houses	new buildings, new uses, additional habitable rooms, increased height and outdoor recreation facilities
Brothels	new businesses, external alterations / additions, increase in room and / or employee numbers by more than two
Caravan Parks	all
Child Care Centres	all external works in non-residential zones
Clubs	all works in non-residential <u>other than</u> internal modifications and minor external changes
Demolition [‡]	all except demolition of heritage items or in urban conservation areas
Dual Occupancy [§]	new
Educational Establishments	all external works in non-residential zones
Family Flats	new and addition of one or more rooms
Libraries	new
New Detached Single Dwellings	all
Places of Assembly	in non-residential zones
Recreational Venues	in residential zones
Restaurants	in residential zones

[‡] In accordance with the provisions of Chapter 4, additional notification provisions *may* apply to this type of development.

[§] In accordance with the provisions of Chapter 4, additional notification provisions apply to this type of development.

Service Stations	all works other than minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous chemicals is required
Telecommunications	all
Torrens Title Subdivision	all
Warehouse / Bulk Stores	all works other than internal changes and minor external changes

Notification Type E Developments

Note: Any works proposed on heritage items or in urban conservation areas where the application relies on KPSO Clause 61H must be notified as Notification Type F

Hospitals / Nursing Homes	in non-residential zones (except internal works)
Hotels	new buildings, additional habitable rooms, outdoor recreation facilities, increased height
Motels	in non-residential zones: new buildings, additional rooms, outdoor recreation facilities, increased height

Notification Type F Developments

Apartment Conversions	all
Child Care Centres	in residential zones (except internal works)
Clubs	in residential zones
Educational Establishments	all external works in residential zones
Firearms outlets	all
Heritage Items	any application relying on KPSO Clause 61H any demolition
Hospitals / Nursing Homes	all external works in residential zones
Motels	in residential zones
Places of Assembly	residential zones
Places of Public Worship	all

Professional Consulting Rooms	in residential zones
Residential Flat Buildings	all
Seniors Living Policy	all
Townhouses	all
Urban Conservation Areas	any application relying on KPSO Clause 61H and any demolition
Villas	all

draft

PARKING MANAGEMENT PLAN & ACTION PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To update Council on the progress of the Parking Management Plan.
BACKGROUND:	At its meeting on 30 October 2007, Council considered a report on the progress and status of the work program for the reclassification of Council owned land within the town centres. An update on the progress of the Parking Management Plan and Action Plan was provided.
COMMENTS:	Work has been continuing on a precinct by precinct analysis of the town centres, as updated retail and commercial yield information is being finalised. A Working Party has been formed to provide community input at key stages and will meet over 2 sessions, with the first session to held in early December. Results of the workshops will be forwarded selected residents and businesses in the respective centres, for wider feedback. It is anticipated that the parking analysis, strategy development and feedback from the Working Party sessions will be combined to be reported back to Council early in 2008 as a final report.
RECOMMENDATION:	That the report on the progress on the Parking Management Plan and Action Plan be received and noted.

PURPOSE OF REPORT

To update Council on the progress of the Parking Management Plan.

BACKGROUND

Consistent with the recommendations of the Chairpersons of the public hearings, for five of the six town centres (Roseville excluded) into reclassification Council resolved that further information be provided and a number of studies be undertaken to inform Council's final decision regarding the reclassification of council owned land from community to operational land.

One such study is the Parking Management Plan and Action Plan, which is to be prepared for each town centre and reported to Council prior to gazettal of the Draft Local Environmental Plan. The objective of the Parking Management Plan is to develop a comprehensive plan for the long term management and provision of car parking within the main commercial centres of Ku-ring-gai Local Government Area (LGA). In particular, it seeks to address existing Council resolutions in relation to parking within the town centres in relation to maintaining current levels of public off-street car parking (both time restricted and unrestricted), as well as strategies to manage and compensate for any parking shortfalls that may arise.

The Parking Management Plan and Action Plan is divided into 4 stages:

- Stage 1 – parking surveys, literature review, data collection, calculation of parking demands shortfalls and/or over supplies.
- Stage 2 – discussion of appropriate strategies to address shortfalls.
- Stage 3 – specific recommendations in relation to each centre focusing on parking rates, short term parking commuter parking etc.
- Stage 4 - finalise recommendations and prepare Council report.

At its meeting on 30 October 2007, Council considered a report on the progress and status of the work program for the reclassification of Council owned land within the town centres. An update on the progress of the Parking Management Plan and Action Plan was provided, and the following summary status and key actions required were reported:

The next stage of the project is for staff to undertake detailed analysis on a centre by centre basis using the ARUP report as background to prepare parking strategies for each centre. To date this has been commenced for St Ives and a draft will be presented to Councillors at the 23 October 2007 Planning Committee.

For example, in the St Ives centre, analysis of parking is being undertaken on a precinct basis. The analysis identifies existing parking availability and occupancy in the precinct (short stay and long stay), as well as future parking provision (taking into account development and public domain changes). Allowances are made for the demand attributable to baseball games on the Village Green and Sir William Cowan Oval. Based on

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precinct usage patterns, an occupancy level is applied to the future parking provision to determine the amount of residual parking spaces (short stay and long stay). The quantum of residual parking spaces and their characteristics (short stay/long stay) will shape eventual management strategies. Investigations are also being undertaken into potential strategies to address the manner in which surface public parking can be temporarily replaced during construction of underground car parks on sites proposed for reclassification.

A copy of the base information and analysis report prepared by ARUP Transport Planners was attached to the report. The ARUP report generally concluded that additional future levels of retail/commercial and mixed use developments should be able to accommodate their future parking needs on-site in accordance with requirements of Council's Town Centre LEP (2006), with appropriate street access arrangements in some cases requiring new laneway extensions and new local access streets. Provided this occurs, the ARUP study indicates that future parking provision in the centres should be generally adequate. Adjustments to the parking rates for mixed use developments, however, may require additional on-street parking provision.

At the meeting of 30 October 2007, Council resolved:

That in light of uncertainty over planning issues in Ku-ring-gai, the matter of re-classification of Council-owned land referred to in the report be deferred.

COMMENTS

Notwithstanding Council's resolution of 30 October 2007 to defer the matter of re-classification of Council-owned land, work is continuing on the Parking Management Plan and Action Plan.

Since the draft precinct-based analysis of the St Ives centre and the presentation of these results to the Planning Committee meeting on 31 October 2007, work has been continuing on precinct by precinct analysis of the St Ives centre and other centres, as updated retail and commercial yield information is being finalised for those centres.

As with the St Ives centre, analysis is being undertaken on the overall existing and future parking provision and demand, as well as analysis on a precinct by precinct basis. While 3 precincts were identified in St Ives and Turramurra, the Pymble, Gordon, Lindfield and Roseville centres are being analysed as 2 precincts, with the Pacific Highway/North Shore railway line forming the approximate division.

Concern was raised by DOP that the redevelopment of a number of strip shop sites in various centres would not be economically viable. Council's response to this was that a reduction in parking provision would increase the viability of these sites. Preliminary testing indicates that economic viability could be improved if parking provision is generally restricted to 1 basement level. This reduced parking provision outcome is being factored into the analyses of the centres, so that strategies can be developed, if necessary. It is intended to undertake further economic analysis regarding this matter, to confirm viable parking provisions.

As part of the consultation strategy for the Parking Management Plan and Action Plan, the Working Party is being formed to provide input at key stages and assist in communication and

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engagement with the community. The Working Party will comprise the Mayor/Deputy Mayor (Chair), interested Councillors, representatives from the Chambers of Commerce from each centre and resident representatives, and will meet 2 times during the life of the project. The first session, a Parking Briefing & Information Session, will be held on Wednesday, 5 December (7pm to 8.30pm). The purpose of this session is to:

1. Provide a concise summary of the context of parking planning,
2. Give a background briefing on current issues and approaches to parking management, and
3. Provide business and resident representatives with materials to take away and review about parking issues in their respective centres.

Participants will be given time over the end of year break to review the material provided.

The second session will be a Parking Workshop & Plenary, and will be held in February 2008, on a date to be arranged. This workshop session will encourage the centre-based groups to draw out key issues from the above materials, and points from representatives' own experience of parking in their respective centre. This will parallel other groups' work for parking in the other town centres. A plenary will allow sharing of ideas from each town centre's group.

Following the second session, the refined results of the workshops will be forwarded to all emailable residents and businesses in the respective centres, for them to provide priorities and some comments on. These will be then added to the other research work to support and direct the draft Parking Management Plan.

It is anticipated that the parking analysis, strategy development and feedback from the Working Party sessions will be combined to be reported back to Council in early 2008 as a final report.

CONSULTATION

During the data collection process in September 2007, preliminary consultation with business owners and residents was undertaken using email surveys. In terms of business owners, the most common response was a request for Council to provide permits for business staff to park in Council car parks or for more unrestricted/all day parking, and provision of loading/courier spaces. Residents responses generally revolve around the provision of more (including more short term parking), commuter parking, drop off areas and enforcement.

These and other parking issues will be further explored with interested business owners and residents, in the Working Party Sessions scheduled for Wednesday 5 December 2007 and in February 2008, on a date to be arranged.

FINANCIAL CONSIDERATIONS

Resources required to undertake the work outlined in this report are drawn from existing recurrent budgets and following specific reporting, funds dedicated for planning projects.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

An integrated planning approach has been adopted in preparing and reviewing the town centre plans and the reclassification process - all Departments where applicable have been consulted in the preparation of the plans.

SUMMARY

At its meeting on 30 October 2007, Council considered a report on the progress and status of the work program for the reclassification of Council owned land within the town centres, including an update on the progress of the Parking Management Plan and Action Plan.

To date, parking surveys, literature review, data collection, calculation of parking demands shortfalls and/or oversupplies have been undertaken. The base information prepared by ARUP indicates that future parking provision in the centres should be generally adequate. There has been preliminary discussion with Councillors of appropriate strategies to address shortfalls for St Ives.

Work has been continuing on precinct by precinct analysis of the St Ives centre and other centres, as updated retail and commercial yield information is being finalised for those centres. A Working Party is being formed to provide community input at key stages and will meet over 2 sessions, in early December 2007 and February 2008. Results of the workshops will be forwarded selected residents and businesses in the respective centres, for wider feedback.

It is anticipated that the parking analysis, strategy development and feedback from the Working Party sessions will be combined to be reported back to Council in early 2008 as a final report.

RECOMMENDATION

That the report on the progress on the Parking Management Plan and Action Plan be received and noted.

Joseph Piccoli
Strategic Traffic Engineer

Antony Fabbro
Manager Urban Planning

DRAFT PLANNING AGREEMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To put forward Council a Draft Planning Agreement Policy for Council to review and adopt for exhibition.

BACKGROUND:

Planning Agreements are an important component of the Development Contributions systems. The draft policy provides the framework for future negotiation of Planning Agreements, which will assist Council in providing future infrastructure for the community.

COMMENTS:

A Planning Agreement Policy is one of the required documents identified in the Town Centres Contributions Strategy. It has been prepared having regard to the relevant legislation and the Practice Guidelines.

RECOMMENDATION:

That the Draft Planning Agreement Policy 2008 be placed on non statutory public exhibition and that a further report be presented to Council after the close of the exhibition period.

PURPOSE OF REPORT

To put forward Council a Draft Planning Agreement Policy for Council to review and adopt for exhibition.

BACKGROUND

Planning Agreements are part of the Development Contributions system under Division 6 of the Environmental Planning and Assessment Act. Division 6 Subdivision 2, being s93F to s93L inclusive, deal specifically with Planning Agreements. Planning Agreements have an important role in the delivery of public infrastructure as part of the development process.

Agreements are voluntary in nature as set out in the planning legislation.

Planning Agreements may be negotiated concurrent with development application assessment or as part of a request for rezoning.

Planning Agreements may support the delivery of infrastructure valued by an adopted Contributions Plan as land dedication and/or works-in-kind. For example, a developer may undertake to provide a fully embellished park or a new road, each built to Council's specifications and standards for the benefit of the community.

A Planning Agreement may also provide for works that may not be covered by a Contributions Plan but which may provide a public benefit related to the development, for example streetscape embellishment at the front of a mixed used development.

Planning Agreements may also facilitate the achievement of developments which incorporate Council land and Council facilities as part of a larger development. Planning Agreements are more flexible than traditional Section 94 Development Contributions Plans in the types of public benefits that can be negotiated but must be voluntary on both sides – an unfettered agreement, acknowledged to be fair by both sides, much be reached.

Council has an important responsibility to act with probity for the benefit of the community in all such negotiations. There are also statutory requirements relating to the content, and process and procedures of negotiating, exhibiting and executing a Planning Agreement.

It is essential that these principles and requirements are documented in a formal Council Policy, publicly exhibited, adopted and published to ensure public accountability. That is what the document which is the subject of this report, the *Draft Planning Agreement Policy 2008*, sets out to achieve.

COMMENTS

The *Draft Planning Agreement Policy 2008* is provided as **Attachment 1**. The draft policy includes three appendices of its own (**Attachment 2**). Appendix A of the Policy is a draft template planning agreement. Appendix B is a draft Explanatory Note which is a one page summary required as part of the exhibition of any draft planning agreement. Appendix C is a non-exclusive list of sites which may have the potential to be part of a planning agreement.

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The adopted *Town Centres Contributions Strategy* outlines the role of planning agreements in the achievement of new infrastructure and identifies particular facilities that have the potential to be achieved by the use of a planning agreement – these sites have been carried into the *Planning Agreement Policy 2008* at Appendix C to that document. The Department of Planning is preparing to issue revised guidelines which may limit the scope of development contribution levies, however a time schedule for this release has not been forthcoming. The present uncertainty over the types of facilities that could be achieved within the scope of a traditional Development Contributions Plan under Section 94 of the Act, suggests there may be a greater role for Planning Agreements in the future and Appendix C does not attempt to limit the scope of the policy while flagging key sites where Council would be keen to talk to a prospective developer.

Draft Planning Agreement Policy 2008 first outlines the application of the policy and the legislation pertaining to the policy. It lists and explains what a planning agreement must contain (mandatory inclusions) and what it should contain and must not contain. It explains the relationship between planning agreements and other processes of Council especially the development assessment process.

Draft Planning Agreement Policy 2008 then goes into more detail on the possible content of planning agreements. It outlines Ku-ring-gai Council's objectives in using planning agreements and the key principles of planning agreements. The policy then goes into more detail on the heads of consideration for specific types of planning agreements. For example, for a planning agreement dealing with the provision of infrastructure works by a developer might include requirements such as reference to approved design drawings including the type and quality of materials, security during construction and the following defects liability period, public liability insurance, Council's requirements for the timing of inspections during the process of work and the notice to be provided to arrange inspections, asset handover procedures, and the like.

The draft policy also includes a probity test which involves a series of questions.

The preparation of this *Draft Planning Agreement Policy 2008* has been undertaken with reference to the *Environmental Planning and Assessment Act* and *Regulation* and the Guidelines issued by the (then) Department of Infrastructure, Planning and Natural Resources (DIPNR).

CONSULTATION

The *Draft Planning Agreement Policy 2008* has been presented to Councillors and discussed at two Planning Forums. The first was held on Wednesday 31 October 2007 and the second on Tuesday 27 November, 2007.

The recommendation of this report is for this *Draft Planning Agreement Policy 2008* to be publicly exhibited for a period of not less than 28 days commencing in February 2008 (after the Christmas / New Year summer holiday period).

FINANCIAL CONSIDERATIONS

Planning Agreements are potentially an important mechanism for the funding of infrastructure development in Ku-ring-gai. They support and enhance development contributions to facilitate the achievement of infrastructure as part of the development process – concurrent with development.

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One of the key purposes of Planning Agreements is to minimise the opportunities for misinterpretation and dispute with respect to the nature and quality of the infrastructure to be provided through the incorporation of detailed documentation. Formal agreement of the details of the infrastructure provision in advance has the potential to save Council from considerable cost in enforcement and the liability that would be attached to poor quality assets by assisting in ensuring the timely provision of quality infrastructure.

Planning Agreements also contain provisions for dispute resolution and financial security such as bank guarantees which protect Council financially in the event of default or sub-standard work by a developer enabling the rectification and/or completion of any outstanding work without additional cost to Council.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

An integrated planning approach has been adopted in preparing this report with involvement from other Departments where relevant. The *Draft Planning Agreement Policy 2008* was also referred to Council's Internal Corporate Lawyer and Council's Internal Ombudsman. Their comments and suggestions were received and incorporated.

SUMMARY

Following internal consultation and refinement, the *Draft Planning Agreement Policy 2008* is now recommended for non statutory public exhibition. This draft policy supports the future negotiation of Planning Agreements which will assist Ku-ring-gai Council in the future provision of infrastructure for the benefit of the community.

RECOMMENDATION

- A. That the *Draft Planning Agreement Policy 2008* be adopted for non-statutory exhibition in February 2008.
- B. That a further report be presented to Council after the close of the exhibition period.

Kate Paterson
Infrastructure Co-ordinator

Antony Fabbro
Manager Urban Planning

Attachments: **Attachment 1. Draft Planning Agreement Policy - 859332**
 Attachment 2 - Appendices to Draft Planning Agreement Policy (above) - to be
 circulated separately

Ku-ring-gai Council
Draft Planning Agreement Policy 2008
(Final Draft)

December 2007

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EXECUTIVE SUMMARY

Planning agreements are a mechanism for planning authorities and developers to negotiate outcomes in respect of applications to modify an environmental planning instrument (such as a Local Environmental Plan) or applications for development consent – especially development consents which give rise to development contributions. Planning agreements may specify how development contributions are to be implemented by a developer. Planning agreements may also authorise development contributions for a variety of public purposes which may go beyond contributions that would be possible under a Section 94 Development Contributions Plan. They must be publicly advertised and submissions from the public may be made and must be considered.

Importantly, planning agreements must be voluntary. No party can be compelled to enter into a planning agreement.

Planning agreements are one mechanism Ku-ring-gai Council intends to use to implement the public domain works and community infrastructure associated with the *Ku-ring-gai Town Centres Development Control Plan*, to implement the *Ku-ring-gai Town Centres Draft Development Contributions Plan* and to assist in the orderly development of Council owned land.

By way of example, a planning agreement would be appropriate where the *Ku-ring-gai Town Centres Development Control Plan* identifies a new road to be located on or through a development site, where that site has been purchased or optioned by a developer and is expected to be the subject of a formal development application in the foreseeable future. In such circumstances, the planning agreement would make provision for the negotiated value of the land (valued by a registered valuer taking into account the unique characteristics of the land) to be off set against the monetary contributions attributable to that development. The planning agreement may also make provision for the developer to construct the road and any associated intersection works or it may make provision for the council to complete the road at such time as further land comes into Council's ownership. If the planning agreement makes provision for the road construction to be undertaken by the developer then the planning agreement would include Council's specifications, reference to detailed designs, Council's requirements for formal inspections during the course of the work, defects liability periods, security by bond or bank guarantee and the like.

This document provides an overview of the legislative requirements for negotiating planning agreements¹ and the procedures which Council intends to follow in the negotiation of a planning agreement.

¹ Nothing in this policy is to be taken as superseding or obviating any legislative requirement whether made prior or subsequent to the adoption of this policy; the legislation shall always prevail to the extent of any discrepancy.

1 INTRODUCTION

1.1 Name of this Policy

This Policy is called the 'Ku-ring-gai Council Planning Agreement Policy 2008.'

It details Ku-ring-gai Council's policy and procedures relating to the preparation of planning agreements under s93F of the *Environmental Planning and Assessment Act 1979*.

1.2 Commencement Date

This policy came into effect on [INSERT DATE].

1.3 Purpose

The purpose of this policy is:

- 1) to guide the preparation and negotiation of planning agreements for the provision of public benefits as part of applications for development and/or rezoning in Ku-ring-gai;
- 2) to facilitate the achievement of public benefits such as public domain improvements and community facilities identified in Development Control Plans, Development Contributions Plans and other plans and policies of the Council as part of the development process in the Ku-ring-gai Local Government Area; and/or
- 3) to facilitate improvements to the street vitality, amenity and economic viability of commercial centres within the Ku-ring-gai Local Government Area.

1.4 Objectives

The objectives of this Policy are:

- a) the timely instigation of negotiations between a developer or prospective developer, Ku-ring-gai Council and, if required, any other relevant party;
- b) to ensure transparency in the process of negotiating a planning agreement;
- c) to safeguard the public interest with respect to the provision of public benefits; and
- d) the effective and efficient achievement of quality public benefits associated with development.

1.5 Circumstances in which this Policy applies

This Policy applies within the Ku-ring-gai Local Government Area:

- a) in circumstances where a developer proposes to provide a public benefit as part of the development process whether or not that benefit will be on public or private land and whether or not that benefit is valued by a Contributions Plan;

- b) in circumstances where council owned land is proposed to be incorporated as part of any development site other than the direct sale of a parcel of land in its entirety; and
- c) any other circumstances where Council considers it desirable to have a planning agreement.

1.6 Legislation

The following legislation applies to the negotiation of a planning agreement:

- *Environmental Planning and Assessment Act 1979* – Part 4 Development Assessment Division 6 Development Contributions Subdivision 2 Planning Agreements – Sections 93F-93L
- *Environmental Planning and Assessment Regulation 2000* – Division 1A Planning Agreements – Clauses 25B-25H
- *Local Government Act 1993*

1.7 Relationship to other Plans and Policies

The following documents also apply to the negotiation of a planning agreement:

- *Ku-ring-gai Section 94 Contributions Plan 2004-2007 (as amended)*
- *Ku-ring-gai Section 94 Contributions Plan for the Town Centres (draft)*
- *Ku-ring-gai Town Centres Development Control Plan*
- Any other plans and policies as determined in the circumstances of the request.

1.8 Development Contributions Practice Notes

This policy has been prepared having regard to the Development Contributions Practice Notes issued by the Department of Planning (then known as the Department of Infrastructure, Planning and Natural Resources).

1.9 Variations to the Policy

Variations to the recommendations of this Policy may be permissible if, in the opinion of the Council, the objectives of the Policy have been met. A written statement and any other supporting information that details how this has been achieved must be provided to Council.

2 DEFINITIONS

Act means the *Environmental Planning and Assessment Act 1979*.

Affordable Housing has the same meaning as in the Act.

Consent Authority means Ku-ring-gai Council, its heirs or successors, or any public body or panel which may be authorised to exercise the particular local government functions in respect of the land on which the planning agreement is proposed to be made.

Developer means a person who has sought a change to an environmental planning instrument or who has made, or proposes to make, an application for development consent.

Development Application has the same meaning as in the Act.

Development Contribution means the payment of a monetary contribution, the dedication of land, the carrying out of a work-in-kind, the provision of a material public benefit or any combination of the above in part or full satisfaction of a requirement occasioned by an application to develop land.

Explanatory Note means a written statement associated with a draft planning agreement in accordance with clause 35E of the Regulation.

Instrument change means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a planning agreement.

Material Public Benefit means a work not identified in or valued by a Development Contributions Plan and proposed to be offset against any development contributions required as a consequence of the development of a site.

Planning Authority means Ku-ring-gai Council, its heirs or successors, or any public body which may be authorised to exercise the particular local government functions in respect of the land on which the planning agreement is proposed to be made.

Planning Agreement means an agreement negotiated and made in accordance with the *Environmental Planning and Assessment Act 1979* (Part 4 Development Assessment Division 6 Development Contributions Subdivision 2 Planning Agreements) and the *Environmental Planning and Assessment Regulation 2000* (Division 1A Planning Agreements).

Planning benefit means a development contribution that confers a nett public benefit being a benefit that exceeds anything required to be done to address the impacts of a particular development on surrounding land or the wider community.

Public includes a section of the public.

Public benefit means a facility or work which provides a direct benefit to the public beyond the inhabitants of the proposed development.

Public facilities mean public infrastructure, facilities, amenities or services.

Public domain means any area outside the private domain.

Public purpose means the provision of, or recoupment of the cost of providing, public amenities and public services, affordable housing, transport or other infrastructure and may include recurrent expenditure, the costs of monitoring impacts of a development, the conservation or enhancement of the natural environment and any like purpose.

Regulations mean the *Environmental Planning and Assessment Regulation 2000*.

Works in Kind means a work identified in and valued by a Development Contributions Plan and proposed to be offset against monetary contributions.

3 WHAT MUST A PLANNING AGREEMENT CONTAIN?

3.1 Mandatory inclusions

A planning agreement must be in writing and signed by all of the parties to the agreement. A planning agreement is not entered into until it is signed. Ku-ring-gai Council must comply with Section 93F of the *Environmental Planning and Assessment Act* which requires planning agreements to include provisions specifying:

- a) a description of the land to which the agreement applies;
- b) a description of the change to the environmental planning agreement, or the development, to which the agreement applies;
- c) the nature and extent of the development contributions to be made by the developer under the agreement, and when and how the contributions are to be made;
- d) whether the agreement excludes (wholly or partly) the application of s94 or s94A to the subject development;
- e) if the development does not exclude the application of s94 to a development, whether benefits under the agreement may or may not be considered by the consent authority in determining a contribution in relation to that development under s94;
- f) a dispute resolution mechanism; and
- g) the enforcement of the agreement by a suitable means, such as the provision of a bond or bank guarantee, in the event of a breach by the developer.

Before a draft planning agreement may be exhibited, it must be accompanied by an Explanatory Note agreed upon by all the parties to the draft planning agreement.

3.2 General Inclusions

Ku-ring-gai Council may require a planning agreement to include additional clauses such as:

- the date or circumstances at which time a planning agreement may come into effect.²
- the application of the goods and services tax to the agreement;
- whether money contributed under a planning agreement may be pooled with other money from planning agreements and/or monetary development contributions and paid progressively towards for the purposes for which the money has been levied;
- the circumstances in which a developer's obligations may be modified which may include material changes to the planning controls applying to the land, material changes to the development consent applying to the land, the lapsing of a development consent, the revocation or modification of a relevant development consent by the Minister, or other material changes affecting the operation of the planning agreement;
- the circumstances in which a developer's obligations shall be considered to be discharged;
- the procedure for modifying a planning agreement;

² Clause 25C(2) permits a planning agreement to specify that the planning agreement does not come into effect until the happening of certain particular events.

- clauses related to the specific nature of the land dedication, monetary contributions, recurrent funding, material public benefits or works of the types listed in Part 6 of this Policy; and
- any other clauses as may be required in the circumstances of the negotiation.

3.3 Other inclusions

The *Environmental Planning and Assessment Act* does not preclude a planning agreement from including other provisions that may be necessary or desirable in the circumstances of the cases with the exception of the specified exclusions cited in 3.4 and 3.5 below. Planning agreements have the potential to be used in a wide variety of planning circumstances and achieve a variety of planning outcomes. Accordingly, it is not appropriate for Ku-ring-gai Council to seek to limit the potential scope of a planning agreement in this context.

More detail on the types of considerations which would be incorporated in planning agreements for different purposes are listed in Part 6 of this Policy. A generic planning agreement template can be found at Attachment A.

3.4 Exclusions – No Fetter

Section 93F(9) precludes a planning agreement from imposing an obligation on a planning authority to grant development consent or to exercise a function under the *Environmental Planning and Assessment Act* in relation to a change to an environmental planning instrument.

3.5 Exclusions – Breach of the Act

Section 93F(10) provides that a planning agreement is void to the extent, if any, to which it authorises anything to be done in breach of the Act or any environmental planning instrument or development consent applying to the land to which the agreement applies.

4 PLANNING AGREEMENTS AND OTHER PLANNING PROCESSES

4.1 Public Notice of Planning Agreements

Section 93G(1) of the Act precludes a planning agreement from being entered into, amended or revoked unless public notice is given of the proposed agreement, amendment or revocation. The accompanying exhibition must include the draft planning agreement and an explanatory note.

Clause 25D of the *Environmental Planning and Assessment Regulation* makes provision for public notice to be given of a proposal to enter into an agreement, amend or revoke a planning agreement. The practical application of this clause means that a draft planning agreement should be negotiated prior to the submission of a development application to allow for concurrent exhibition of the draft planning agreement and the development application.

The statutory exhibition period for a draft planning agreement is 28 days.

4.2 Planning Agreements and Development Assessment

Section 79C(1)(a) of the Act requires a consent authority to take into consideration any planning agreement entered into, or draft planning agreement proposed to be entered into, by a developer together with any submissions made in response to the exhibition of the planning agreement or draft planning agreement.

Section 93I(2) of the Act precludes a consent authority from refusing to grant consent on the grounds that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into a planning agreement.

4.3 Planning Agreements and Consent conditions

Section 93I(3) of the Act authorises a consent authority to require a planning agreement to be entered into as a condition of a development consent. However, a consent condition can only require a planning agreement if it is in the terms of an offer made by the developer as part of making the development application.

The practical import of this requirement means that the draft planning agreement must be exhibited concurrently with the public notification of the development application. The draft planning agreement must be ready for execution at the time of development consent in order to enable a condition of consent referring to the draft planning agreement to be part of that development consent.

The importance of incorporating the planning agreement within the development consent arises from the need to address potential GST liability otherwise attached to the planning agreement. In view of the complexity of the legislation, specific GST issues will be considered afresh with each and every planning agreement proposed to be negotiated.

4.4 Planning Agreements and Contributions Plans

Following the execution of a planning agreement, that planning agreement will then take precedence over any reference in a Contributions Plan, including a subsequent Contributions Plan, adopted by Ku-ring-gai Council, its heirs or successors.

5 ADMINISTRATION

5.1 Registration of Planning Agreements (Caveats)

Section 93H(1) and (4) of the Act permit a planning agreement (or any amendment or revocation of a planning agreement) to be registered on the title of the land to which the planning agreement relates if each person with an interest in the land agrees to its registration. If a planning agreement has been so registered, it is binding on, and enforceable against, the owner of the land as if that owner had entered into the planning agreement.

It is the policy of Ku-ring-gai Council to have all planning agreements registered on the title of the land until the responsibilities listed therein have been discharged. The cost of the registration shall be borne by the developer.

Council may also make notation under s149(5) of the Act about a planning agreement on any certificate issued under s149(2) of the Act relating to the land which is the subject of a planning agreement whether or not the planning agreement has been registered on the title of the land.

5.2 Land and Environment Court

Section 93J(1) of the Act expressly precludes a person from appealing to the Land and Environment Court against the terms of a planning agreement or against the failure of a planning authority to enter into an agreement. There is a core principle is that a planning agreement must be made voluntarily on both sides therefore, once voluntarily entered into, there are no appeal rights. This does not affect the jurisdiction of the Land and Environment Court under section 123 of the Act to remedy or restrain a breach of the Act.

5.3 Amendment and Revocation of Planning Agreements

Clause 25C(3) of the *Environmental Planning and Assessment Regulation* provides that a planning agreement can be amended or revoked by a further agreement or, with the agreement of all parties, by the advertising of an intent to revoke and the execution of a revocation.

5.4 Planning Agreement Register

Council is required to keep a register of planning agreements applying to land within the local government area, whether or not the Council is a party to the agreement. The register must record the date an agreement was entered into and a short description of the agreement, including any subsequent amendments.

Ku-ring-gai Council will make available for public inspection during ordinary office hours:

- the planning agreement register;
- copies of all planning agreements (and any amendments) that apply within the Ku-ring-gai Local Government Area; and
- copies of explanatory notes relating to those agreements (including any amendments).

6 PLANNING AGREEMENTS

6.1 Ku-ring-gai Council's Objectives for Planning Agreements

Ku-ring-gai Council's objectives with respect to the role of planning agreements include:

- a) to provide an innovative and flexible approach to the provision of infrastructure in compliance with the legislation in an open and transparent manner;
- b) to facilitate the payment of contributions in kind;
- c) to provide clarity in the process and delivery of works in kind or material public benefits;
- d) to give all stakeholders in the development involvement in determining the nature, standard and location of public facilities and public benefits;
- e) to allow the community, through the public exhibition process, to gain an understanding of the process of negotiating the provision of public benefits in kind; and

- f) to provide certainty for the community, developers and the council in respect to the provision of infrastructure and development outcomes.

6.2 Fundamental principles of Planning Agreements

Planning agreements provide a means for planning authorities and developers to negotiate the provision of public benefits in connection with a development application or application for a rezoning. There are fundamental principles relating to probity and best practice in the negotiation of planning agreements. These include, but are not limited to:

- the underlying principle that the public interest is paramount in the negotiation of a planning agreement;
- planning agreements must be voluntary on both sides;
- planning decisions cannot be bought or sold and therefore there can be no fetter on a local government authority in the exercise of their planning functions;
- for the reasons cited above, benefits that have no relationship to the development are not encouraged;
- the type of benefits that generally could be included in a planning agreement are works of the type that appear in the works schedules of Council's adopted Contributions Plans, public domain works in the Town Centres Development Control Plan, affordable housing, recurrent funding for a public purpose and bushland regeneration;
- that benefits offered by a developer will not render an otherwise unacceptable development in planning terms, anything other than unacceptable unless the purpose of the benefits is to directly mitigate an unacceptable impact e.g. traffic generation, emissions, etc;
- the recognition of the need for transparency including the opportunity for public comment on a draft planning agreement;
- planning authorities should not use planning agreements to engage in revenue raising or overcome particular spending limitations;
- planning authorities should not allow the interests of individuals or an interest group to outweigh the public interest when considering planning agreements;
- planning authorities should not improperly rely on their statutory position to exact unreasonable public benefits; and
- where Council has a commercial stake in land or the development the subject of an agreement, it will take all reasonable steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interests in the development or land. In this respect Council shall have regard to its *Statement of Business Ethics* and the publication from the Independent Commission Against Corruption (ICAC) entitled: *Direct Negotiations – Guidelines for managing risks in direct negotiations*.

6.3 When is a planning agreement required?

The circumstances in which Ku-ring-gai Council would consider negotiating a planning agreement with a developer include:

- a) meeting the demands created by the development for new public infrastructure, amenities and services;

- b) compensating for the loss of or change to a public facility, amenity or service, resource or asset;
- c) securing planning benefits for the wider community so that the development delivers a nett benefit to the community;
- d) achieving benefits of a type that cannot be sought through formal contributions plans such as recurrent funding, affordable housing, or regeneration or rehabilitation of bushland or the like;
- e) achieving works which were excluded from contributions plans for the purpose of achieving a reasonable contribution rate;
- f) clarifying the relationship between development contributions under an adopted contributions plan and the works to be provided on any given development site; and
- g) specifying the standards to be met in the provision of works in kind or the provision of a material public benefit;

Note: Ku-ring-gai Council intends to request a developer to commence negotiation of a planning agreement where there is any proposal to dedicate land and/or carry out works-in-kind included in a Development Contributions Plan and/or provide a material public benefit whether or not it is of the kind identified in a Development Control Plan.

Clause 25D(1) of the *Regulations* requires a draft Planning Agreement to be exhibited concurrent with a Development Application or an application to modify an Environmental Planning Instrument. In order to satisfy these criteria, a prospective applicant needs to notify the Council of their intent to negotiate a planning agreement prior to the lodgement of any Development Application or concurrent with any application to modify an Environmental Planning Instrument.

6.4 Land Dedication and Planning Agreements

A planning agreement may make provision for the dedication of land. In the case of land identified within a Contributions Plan, the estimated value of land that is identified in that Contributions Plan will be given due consideration. This consideration is essential as the initial estimated value contributed to determining the contribution rates. However, there are other matters that may impact on the agreed value of land.

In all cases, the agreed value of the particular parcel of land will be negotiated as part of the planning agreement. Council will employ a registered valuer and will instruct that person to take into account the unique characteristics of the property and the circumstances of the dedication which may include:

- the extent, if any, to which any development potential attaching to that part of the land to be dedicated can be incorporated elsewhere within the development;
- whether the land proposed to be dedicated has been identified by Ku-ring-gai Council in any Development Control Plan, Development Contributions Plan or other policy of the Council;
- the location, configuration, size, accessibility, topography and existing use of the land proposed to be dedicated;
- whether the land is located in or adjacent to a riparian corridor or bushfire prone land;
- whether the land adjoins an existing area of open space and can be consolidated into that area;

- whether the land will create or improve accessibility within the area whether by pedestrians, cyclists, private vehicles, public transport or any combination of these;
- whether the land supports the habitat of threatened or endangered species of fauna or endangered ecological communities of flora;
- any factors which may affect the usability of the land such soil condition, flood liability, potential site contamination, public accessibility and safety, proximity to existing uses, the current use of the land, the cost of embellishment or construction of any proposed facility on the land;
- the potential to carry out works within a reasonable time and, as a consequence, any measures required to secure or maintain the land in the event that works cannot be carried out for some time;
- in the case of a material public benefit not anticipated by a Contributions Plan and proposed to be offset against monetary contributions, the impact on the achievement of works identified within any adopted Contributions Plan of the Council;
- the on-going costs to the Council of care, control and management both prior to and after any improvement works are carried out on the land; and
- any other relevant matter in the circumstances of the case.

Where a planning agreement relates to the acquisition, transfer or disposal of land valued in accordance with the criteria above, the planning agreement will include:

- particulars to identify the land to be dedicated or a plan of subdivision;
- the dimensions, location and characteristics of the land to be dedicated;
- either the agreed value of the dedication or the conditions and/or requirements that will be deemed to be satisfied by the dedication; and
- the date at which the transfer of ownership will take place or the threshold which will trigger the requirement to transfer ownership of the land.

Following execution of a Planning Agreement the agreed value will be as per the planning agreement regardless of any subsequent change in land value including a change in value between the execution of the planning agreement and the transfer of land ownership. If a planning agreement provides that a specified land dedication satisfies a required contribution or consent condition without specifying a land value that agreement will stand regardless of whether relative changes in land value or contribution rates alter the value of that agreement to either party unless the planning agreement is formally amended by mutual agreement.

6.5 Capital Works and Planning Agreements

A planning agreement may make provision for a developer to carry out work on land to be dedicated and/or in the public domain. Council will instruct a qualified quantity surveyor to verify all cost estimates submitted by the developer as part of the negotiation process. The planning agreement will specify the particulars of the work and the procedure for satisfying any requirements in carrying out of the work taking into account the unique characteristics of the property and the circumstances of the work which may include:

- requirements and specifications for detailed design plans for future approval or specific references to endorsed plans;
- public liability insurance during construction and during the defects liability period;

- requirements for inspections by council prior to and during the course of construction including the notice to be given in order to arrange such an inspection;
- requirements for the commencement of handover proceedings;
- details of the defects liability period;
- security such as bonds or bank guarantees to be held during the course of construction and during the defects liability period;
- access for council officers during the course of construction to ascertain progress or to assess asset value; and
- any other matter relevant to the securing the public interest in the achievement of a quality public benefit.

6.6 Monetary Contributions and Planning Agreements

A planning agreement may make provision for monetary contributions other than contributions required under an adopted and in force Section 94 or Sections 94A Development Contributions Plan. In such circumstances the planning agreement will include:

- the amount of the monetary contribution;
- the purpose and extent of the monetary contribution;
- when such contributions are to be paid;
- in the case of staged payments, the nature of the staging or the dates or thresholds at which times payments are to be made;
- any mechanisms for the inflation of the monetary contribution over time;
- details of any security that is to be provided in lieu of the monetary contribution until such time as it becomes due and payable;
- circumstances in which contribution would be renegotiated or revoked;
- the obligations of council to expend the monetary contributions;
- in the case of contributions that require additional funding from council and/or other sources in order to achieve the ultimate objective, the process for managing and accounting for the contributions until such time as they can be expended including the investment of the contributions and the treatment of interest; and
- any other matter relevant to the securing the public interest in the management and expenditure of additional monetary contributions.

Monetary contributions required by a standard condition of consent in accordance with an adopted contributions plan will not normally be specifically referenced in a planning agreement except to the extent that the planning agreement must clarify the relationship of the planning agreement to any contributions which may be required as a consequence of granting a consent on land to which a planning agreement will apply.

6.7 Recurrent Costs and Planning Agreements

A planning agreement may make provision for the funding of recurrent costs associated with a public benefit. In such circumstances the planning agreement will include:

- the specific purpose of the recurrent funding;
- the nature and extent of the recurrent funding;
- the time period over which the funding shall be provided;
- any mechanisms for the inflation of the recurrent funding;
- the heads of consideration for any endowment fund or trust that may be required to be established to manage the recurrent funding;
- circumstances in which funding would be renegotiated or revoked; and
- any other matter relevant to the securing the public interest in the achievement of an on-going public benefit.

6.8 Affordable Housing and Planning Agreements

A planning agreement may make provision for the development and future management of affordable housing. In such circumstances the planning agreement will include:

- a definition of affordable housing for the purposes of the planning agreement;
- if not in perpetuity or the life of the construction then the time period over which such housing is to meet the definition of affordable housing;
- provisions for the future management of the affordable housing; and
- criteria for assessment of future tenants or reference to another policy of the Council which specifies such criteria;
- the mechanism for ensuring the housing remains available as affordable housing;
- any other matter relevant to the securing the public interest in the achievement of affordable housing.

6.9 Other Matters for Planning Agreements – Bushland

A planning agreement may make provision the rehabilitation, restoration, regeneration and/or conservation of any natural area. In such circumstances the planning agreement will include:

- a description of the site including location, configuration, size, accessibility, topography and existing land use;
- the nature and extent of the works to be carried out;
- a map of the site identifying the area where the works are to be carried out;
- an assessment of the ecological value of the site in the context of the proposed works;

- reference to a plan of management for the proposed works (initial and on-going);
- reference to a Species Impact Statement if necessary in the circumstances of the matter;
- the mechanism by which the land will be protected in the future; and
- any other matter relevant to the securing the public interest in the achievement of natural area management.

6.10 Costs

A Planning Agreement will make provision for the legal and administrative costs of preparing that Planning Agreement. In the event of particularly complex matters requiring Council to employ external experts, Council may require formal agreement concerning the distributions of costs prior to the commencement of negotiations.

A planning agreement will specify that other costs related to the core purposes of the planning agreement such as detailed landscape and architectural designs will be borne by the developer. A planning agreement may make provision in respect of any other costs. A planning agreement may also make provision for Council's cost for the monitoring and enforcing of the planning agreement to be borne by the developer.

6.11 Goods and Services Tax (GST)

In view of the complexity of the legislation, specific GST issues will be considered afresh with each and every planning agreement proposed to be negotiated.

7 PROCEDURES

7.1 Process for Planning Agreements

In the case of a development application, a developer must approach Ku-ring-gai Council *before* lodging a development application. Council and the developer must consider whether there are other parties that should be involved. Such parties would normally include the owner of the land if the developer is not the owner. The planning agreement is then negotiated in accordance with the matters for consideration in this Policy.

The draft planning agreement will be documented and the parties will agree on the terms of the accompanying explanatory note required by the *Environmental Planning and Assessment Regulation*. The developer will then lodge an application with the council or other relevant authority accompanied by the draft planning agreement and explanatory note. The application must clearly record the offer to enter into a planning agreement. Assessment will follow the standard procedures of council including consultation with other public authorities.

The draft planning agreement and explanatory note will be advertised concurrent with the application in accordance with the Act and Regulation. Any person may make submissions and Council is bound to consider them.

The application will be determined and, as far as relevant, the draft planning agreement and any submissions in respect of the draft planning agreement will be given consideration during that process. If the application is a development consent, a condition may be included requiring the planning agreement to be entered into but only in the terms of the offer by the developer in the draft planning agreement. The Council, or other planning authority, would resolve to execute the planning agreement at the time approval of the application is also resolved.

The executed planning agreement would then be registered on the title of the land the subject of the planning agreement binding all heirs and successors until the discharge of the developer's obligations under the planning agreement. Note that the planning agreement may contain a clause indicating specific circumstances in which it would become active.

7.2 Negotiation Procedures

Ku-ring-gai Council will delegate the appropriate authority to a council officer, or group of officers, to negotiate a planning agreement on behalf of the Council. Councillors will not be involved in face to face negotiation of a planning agreement.

If Council has a commercial interest in the subject matter or site of a planning agreement as a landowner, developer or financier, the Council will ensure that the Council officer who assesses the application to which the planning agreement relates is not the same person, or a subordinate of the person, who negotiated the planning agreement on behalf of Council.

Council may, at its absolute discretion, involve an independent third party to facilitate or participate in the negotiations particularly in the following circumstances:

- where council has a commercial interest in the property the subject of a planning agreement;
- where the size or complexity of the project or the number of stakeholders is such that the negotiation would benefit from the presence of an independent facilitator;
- where sensitive financial or confidential information must be verified or established in the course of negotiations;
- for probity reasons; or
- as part of a dispute resolution;

A planning agreement may make provision for the costs of the independent party to be borne by the developer.

7.3 Probity Test

Ku-ring-gai Council will apply the following probity tests to all planning agreements:

Is the proposed planning agreement directed towards a proper or legitimate planning purpose ordinarily ascertainable from the statutory planning controls and other adopted planning policy applying to development and the circumstances of the case?

Does the proposed planning agreement provide for public benefits that bear a relationship with the development?

Will the proposed planning agreement produce outcomes that meet the general values and expectation of the public and protect the overall public interest?

Does the proposed planning agreement conform to the fundamental principles governing Council's use of planning agreements as expressed in this policy?

Are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

If Council has a commercial interest in the land the subject of a planning agreement, was the process of negotiating the planning agreement undertaken in a separate Department to the Department responsible for the assessment of the development application or the amendment to the relevant environmental planning instrument?

8 GENERAL MATTERS

8.1 Council Contact

Persons making enquires regarding this Policy are advised to contact Ku-ring-gai Council's Customer Service Centre on 9424 0888.

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APPENDICES

Appendix A: Sample Draft Planning Agreement Template

Appendix B: Sample Explanatory Note

Appendix C: Sites with an identified opportunity for a planning agreement

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Appendix A: Sample Draft Planning Agreement Template

Planning Agreement

Parties to the Agreement

1. **KU-RING-GAI COUNCIL** of 818 Pacific Highway, Gordon, New South Wales, 2072 (Council); and
2. **[INSERT THE NAME AND THE ADDRESS OF THE DEVELOPER]** (Developer)
3. **[INSERT NAME AND ADDRESS OF ANY THIRD PARTY TO THE AGREEMENT E.G. THE MINISTER OR DELETE AS APPLICABLE]** (Identify a short title for use in this agreement)

Background

[DEVELOPMENT APPLICATIONS/DELETE FOR A CHANGE TO AN EPI]

- A. On [INSERT DATE] the Developer [MADE/AUTHORISED TO BE LODGED] a Development Application [TO/WITH] the Council to carry out the Development on the Land.
- B. That Development Application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities identified in this agreement if that Development Consent was granted.
- C. The Developer is the owner of the Land / has entered into a Contract for Sale of Land dated [INSERT DATE] for the purchase of the land / has an option to purchase the land the subject of this agreement dated [INSERT DATE]. [DELETE AS APPLICABLE]

[CHANGES TO AN ENVIRONMENTAL PLANNING INSTRUMENT/DELETE FOR A DA]

- A. On [INSERT DATE] the Developer made an application to the Council for the Instrument Change specified in this Agreement for the purposes of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. That Instrument Change application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities identified in this agreement if that Development Consent was granted.
- C. The Instrument Change was published in the NSW Government Gazette No. [INSERT NUMBER] on [INSERT DATE] and took effect on [INSERT DATE].
- D. On [INSERT DATE] the Developer [MADE/AUTHORISED TO BE LODGED] a Development Application [TO/WITH] the Council to carry out the Development on the Land.
- E. The Developer is the owner of the Land / has entered into a Contract for Sale of Land dated [INSERT DATE] for the purchase of the land / has an option to purchase the land the subject of this agreement dated [INSERT DATE]. [DELETE AS APPLICABLE]

Operative Provisions

1 Planning Agreement Under The Act

The parties agree that this Agreement is a Planning Agreement governed by subdivision 2 of Division 6 of Part 4 of the Act.

2 Application of this Agreement

This Agreement binds the parties and applies to the Land [SPECIFY THE LAND TO WHICH THE PLANNING AGREEMENT RELATES] and [SPECIFY THE DEVELOPMENT TO WHICH THE PLANNING AGREEMENT RELATES].

3 Operation of this Agreement

This Agreement takes effect ON EXECUTION OF THIS AGREEMENT / ON THE OCCURRING OF A SPECIFIC EVENT [TO BE SPECIFIED EG THE GRANTING OF CONSENT]

4 Definitions and Interpretation

4.1 Definitions

In this Agreement, the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended).

Completion means the stage in the construction of the works the subject of this agreement when, in the opinion of Council, the works are substantially complete except for minor omissions and minor defects which do not preclude the works from being reasonably capable of being used for their intended purpose(s).

Construction Certificate has the same meaning as in the Act.

Construction Costs means the construction cost of the works the subject of this Planning Agreement determined by the Council.

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Dedicated Land means the land specified this Planning Agreement [INSERT REFERENCE] to be dedicated to the Council free of cost in accordance with this Agreement.

Defects Liability Period means the period 12 months from the date on which the works the subject of this agreement reach Completion.

Development means [SPECIFY THE NATURE OF THE DEVELOPMENT ASSOCIATED WITH THIS PLANNING AGREEMENT]

Development Application means the development application identified in this Planning Agreement including all modifications made under section 96 of the Act and includes all plans, reports, models, and other supplementary information submitted to the consent authority and pertaining to the determination of that Development Application.

Development Consent means the consent granted by the Council to the Development Application for the Development identified in this Planning Agreement including all modifications made under section 96 of the Act.

Development Contribution means the sum of the Monetary Contribution, Dedicated Land or other Public Benefits (including, without limitation, the works the subject of this Agreement) including any combination of the above.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* and any other Act or regulation relating to the imposition or administration of the GST.

Guarantee means an unconditional bank guarantee, unlimited in time, issued by a bank licensed to carry on business in Australia that:

- (a) is in favour of the Council;
- (b) for the Guarantee Amount; and
- (c) on such other terms and conditions the Council may approve from time to time.

Guarantee Amount means the amount specified in this Planning Agreement as varied from time to time in accordance with this Agreement.

Instrument Change means [INSERT REFERENCE TO THE SPECIFIC CHANGE WHICH RELATES TO THIS PLANNING AGREEMENT]

Land means the land identified in this Planning Agreement by reference to Lot and DP, given address and any other identifying particulars being the land the subject of this Planning Agreement.

Monetary Contribution means the amount set out in this Planning Agreement [INSERT REFERENCE] (indexed in accordance with [INSERT REFERENCE TO THE CLAUSE IN THIS AGREEMENT]) to be paid by the Developer to the Council in accordance with this Agreement.

Occupation Certificate has the same meaning as in the Act.

Party means a party to this agreement, and includes their successors and assigns.

Public Benefits means the public benefits identified in this Planning Agreement [INSERT REFERENCE] which are to be provided as a result of this Planning Agreement.

Quantity Surveyor means a duly qualified quantity surveyor of at least five (5) year's experience in the assessment of building material and construction costs.

Quantity Surveyor Assessment means an assessment by an independent Quantity Surveyor of the Construction Cost to the reasonable satisfaction of the Council.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Works means the works identified in the sections 8, 9 and 10 of this agreement and any attachments referred to therein.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other gender.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.
- (o) Unless otherwise specified in this Planning Agreement, a word defined in the Act has the same meaning in this Agreement.

5 Development Contributions to be made under this Agreement

5.1 Payment of Monetary Development Contributions

- (a) The Developer agrees to pay to the Council [SPECIFY PAYMENT OPTIONS E.G. CASH, BANK CHEQUE] the monetary contribution under specified IN THIS AGREEMENT / THE CONSENT CONDITION SPECIFIED IN THE DEVELOPMENT CONSENT [DELETE AS APPLICABLE] prior to release of the first Construction Certificate issued in respect of the Development Consent.
- (b) The amount payable is to be indexed in accordance with the methodology stated IN THIS AGREEMENT / THE CONSENT CONDITION SPECIFIED IN THE DEVELOPMENT CONSENT [DELETE AS APPLICABLE].

6 Application of Development Contributions

6.1 Application of Development Contributions under Section 94 of the Act

The contributions are to be applied to the works specified in the relevant Development Contributions Plan(s) consistent with the priorities and estimated staging stated in that Development Contributions Plan(s).

6.2 Applications of Development Contributions under this agreement

[SPECIFY HOW AND WHEN MONETARY CONTRIBUTIONS ARISING AS A RESULT OF THIS AGREEMENT WILL BE EXPENDED BY THE COUNCIL]

7 Application of s94 and s94A of the Act to Development

- 7.1 [SPECIFY THE RELATIONSHIP BETWEEN THIS AGREEMENT AND SECTION 94 CONTRIBUTIONS DUE AND PAYABLE UNDER THIS CONSENT. I.E. IS THERE AN OFFSET? AGAINST HOW MANY CATEGORIES? OR DOES SECTION 94 APPLY UNCHANGED?]

8 Dedication of Land [DELETE IF NOT APPLICABLE]

- 8.1 [INSERT CLAUSES RELATING TO THE DEDICATION OF LAND GENERALLY GUIDED BY THE HEADS OF CONSIDERATION DOCUMENTED IN SECTION 6.4 OF THE PLANNING AGREEMENT POLICY]

9 Capital Works [DELETE IF NOT APPLICABLE]

- 9.1 [INSERT CLAUSES RELATING TO THE CARRYING OUT OF CAPITAL WORKS GENERALLY GUIDED BY THE HEADS OF CONSIDERATION DOCUMENTED IN SECTION 6.5 OF THE PLANNING AGREEMENT POLICY]

10 Other Contributions [DELETE IF NOT APPLICABLE]

- 10.1 [INSERT CLAUSES RELATING TO OTHER TYPES OF CONTRIBUTIONS GENERALLY GUIDED BY THE HEADS OF CONSIDERATION DOCUMENTED IN SECTIONS 6.6-69 OF THE PLANNING AGREEMENT POLICY]

11 Registration of this Agreement

11.1 [SPECIFY THAT THE AGREEMENT IS TO BE REGISTERED ON THE TITLE OF THE LAND]

12 Review of this Agreement

12.1 [SPECIFY WHETHER AND IN WHAT CIRCUMSTANCES THE AGREEMENT CAN OR WILL BE REVIEWED AND THE PROCESS AND IMPLEMENTATION OF THE REVIEW THAT IS TO OCCUR]

13 Dispute Resolution

13.1 [SPECIFY AN APPROPRIATE DISPUTE RESOLUTION PROCESS]

14 Enforcement

14.1 [SPECIFY THE MEANS OF ENFORCING THE AGREEMENT E.G. BANK GUARANTEE POLICY]

15 Notices

15.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- a) delivered or posted to that Party at its address set out below;
- b) faxed to that Party at its fax number set out below;
- c) sent by document exchange to the DX number set out below;
- d) e-mailed to that Party at its email address set out below.

Ku-ring-gai Council

Attention: [INSERT NAME OF CONTACT]

Address: 818 Pacific Highway, Gordon, NSW 2072

Locked Bag 1056, Pymble, NSW, 2073

Fax Number: 02 9424 0880

DX number: 8703, Gordon

Email: _____@kmc.nsw.gov.au [COMPLETE EMAIL ADDRESS]

Developer

Attention: [INSERT DETAILS]

Address: [INSERT DETAILS]

Fax Number: [INSERT DETAILS]

DX number: [INSERT DETAILS]

Email: [INSERT DETAILS]

- 15.2 If a Party gives the other Party three business days notice of a change of its address or other details, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 15.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- a) If it is delivered, when it is left at the relevant address;
 - b) If it is sent by post, two business days after it is posted;
 - c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number;
 - d) If it is sent by DX, one business day after it is dispatched.
- 15.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

16 Approvals and consent

- 16.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

17 Assignment and Dealings

- 17.1 [SPECIFY ANY RESTRICTIONS ON THE DEVELOPER'S DEALINGS IN THE LAND TO WHICH THE AGREEMENT APPLIES AND THE PERIOD DURING WHICH THOSE RESTRICTIONS APPLY]

18 Costs

- 18.1 [SPECIFY HOW THE COSTS OF NEGOTIATING, PREPARING, EXECUTING, STAMPING AND REGISTERING THE AGREEMENT ARE TO BE BORNE BETWEEN THE PARTIES]

19 Entire agreement

- 19.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

20 Further acts

- 20.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

21 Governing law and jurisdiction

- 21.1 This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal. The parties will not object to the exercise of jurisdiction by those courts on any basis.

22 Joint and individual liability and benefits

- 22.1 Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

23 No fetter

- 23.1 Nothing in this Agreement will be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

24 Representations and warranties

- 24.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

25 Severability

- 25.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

26 Modification

- 26.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

27 Waiver

- 27.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

28 GST

- 28.1 If any part reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then a recipient of the supply must pay an additional amount equal to the GST on that supply.

EXECUTED as an Agreement:

PARTY

KU-RING-GAI COUNCIL by [INSERT NAME] in the presence of [INSERT NAME]:

Delegate:

Witness:

PARTY

[INSERT DEVELOPER & ACN] in accordance with section 127 of Corporations Law:

PARTY

[INSERT DETAILS OF ANY THIRD PARTY OR DELETE AS APPLICABLE]

Appendix B: Sample Explanatory Note

Environmental Planning and Assessment Regulation 2000

Clause 25E

Explanatory Note

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1. Parties
Ku-ring-gai Council
[INSERT NAME OF DEVELOPER]
2. Description of the Subject Land
3. Description of Proposed Change to Environmental Planning Instrument / Description of the Development [DELETE AS APPLICABLE]
4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement
5. Assessment of the Merits of the Draft Planning Agreement
The Planning Purposes Served by the Draft Planning Agreement
How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979
How the Draft Planning Agreement Promotes the Public Interest
How the Draft Planning Agreement Promotes the Elements of Council's Charter
Whether the Draft Planning Agreement Conforms with the Council's Capital Works Programme
The Impact of the Draft Planning Agreement on the Public or Any Section of the public
Other Matters
6. Signed and Dated by all Parties

Appendix C: Sites with an identified opportunity for a planning agreement

The following table lists sites which are known to be likely to give rise to the need for the negotiation of a planning agreement. This may be because they are targeted by the *Town Centres Development Control Plan* for the dedication of land and/or the provision of works, or are sites which are wholly or partly Council-owned and have the capacity for a joint venture with Council, or both.

This list is not intended to be exhaustive and there may be other sites which would benefit from the negotiation of a planning agreement with reference to this policy. The table lists the types of works which would be included as part of any negotiation.

Gordon

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
G9	G 4.7.11 Precinct Q	28-38 McIntyre & 35-43 Dumaresq	New Road.
G11	G 4.7.11 Precinct R	29-35 Moree Street and 24-34 Dumaresq Street	New Road.
G12	G 4.7.7 Precinct H	2-12 Moree & 21-29 St Johns Ave	New Road.

Lindfield

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
L5	L 4.8.4 Precinct E	2,10 Bent Street	New Road. Land swap (old road), reduced setback, site consolidation.
L6	L 4.8.5 Precinct D	Bent and Balfour	New Road. Land swap (old road), reduced setback, site consolidation.
L8	L 4.8.3 Precinct B	Cnr Pacific Highway and Tryon Place	New lane.
L48	L 4.8.6 Precinct H	10-14 Milray Street	Pathway. Accommodate FSR within existing setback
L49	L 4.8.16 Precinct F	Drovers Way between Gladstone and Beaconsfield	Pathway, park, riparian corridor.

Pymble

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
P3	P 4.7.2 Precinct A	85-107 Grandview St, 2-4 Park Cres	New Street.
P4	P 4.7.6 Precinct D	10-14 Park Crescent	Extend existing lane, thru-block link.
P28	P 4.7.6 Precinct D	5-7 Telegraph Road	Pedestrian pathway.
P29	P 4.7.2 Precinct A	85-95 Grandview Street and 1-4 Park Crescent	Pedestrian pathway.

Roseville

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
R3	R4.8.5 Precinct E	Between Shirley Road and Larkin Lane	New Laneway.
R5	R4.8.4 Precinct D	Between Roseville Lane and Lord Street	Laneway Extension.
R8	R4.8.4 Precinct D	Between Bancroft Ave and Lord Street	New Laneway.
R29	R4.8.6 Precinct H	4 Roseville Ave and 5 Oliver Rd	Pedestrian pathway.

St Ives

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
S7	S4.7.4 Precinct C	Stanley Lane	New laneway.
S39	S4.7.2 Precinct A	St Ives Shopping Village	Town Square.

Turramurra

Ku-ring-gai Town Centres S94 CP Reference	Ku-ring-gai Town Centres DCP Reference	Location	Heads of Consideration
T7	T 4.7.2 Precinct B	1293-1333 Pacific Hwy	Highway widening.
T5	T 4.7.6 Precinct G	15-19 Gilroy Rd 12-14 Turramurra Ave	New Street.
T6	T 4.7.3 Precinct C	1364-1396 Pacific Hwy 1A,1-3 Kissing Point Rd	New Street.
T9	T 4.7.2 Precinct A	1301-1333 Pacific Hwy and 1 Ray Street.	Lane widening by 12 metre setback.
T42	T 4.7.8 Precinct L	1340, 1334 Pacific Hwy	New pedestrian/cycleway. County Road Reservation.
T45	T 4.7.6 Precinct G	2-8 Gilroy Rd	New pedestrian way.
T46	T 4.7.6 Precinct G	37-39 Gilroy Rd, 30-32 Turramurra Ave	New pedestrian way.

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP - MINUTES OF MEETING HELD 15 OCTOBER 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 15 October 2007.

BACKGROUND:

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS:

At the meeting of 15 October 2007, seven items were presented as general business as well as two items discussed from the Minutes of the 20 August 2007 meeting.

RECOMMENDATION:

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting held on Monday, 15 October 2007 and attachments be received and noted.

PURPOSE OF REPORT

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 15 October 2007.

BACKGROUND

The role of the Bushland, Catchments and Natural Areas Reference Group is to provide resident and industry expert advice and feedback to Council on matters relevant to bushland, catchments and natural areas.

COMMENTS

There were nine items for general business listed on the agenda for discussion in the meeting of Monday, 15 October. Seven of these were discussed as below:

1. Sewer fix program - a presentation was conducted by representatives from Sydney Water (attachment 2) in relation to the SewerFix program. The program is being undertaken by Sydney Water and various partners to reduce dry weather sewer overflows.
2. Vegetation assessment mapping - an update on the proposed method for mapping Endangered Ecological Communities (EEC's) was discussed. This included details of where the mapping process had evolved and its relationship to other vegetation mapping tools.
3. Community activities and bushland - this included a discussion on various activities being undertaken in Council bushland and the relationship of these activities to the adopted Bushland Plan of Management.
4. EEC training - a brief overview was provided on the training being undertaken to staff and Councillors on the awareness and management of endangered ecological communities and species.
5. Ecological burns - materials were provided on the "Hot Spots" project undertaken by Willoughby Council. This outlined the research completed by Willoughby and the Nature Conservation Council as to the best methods and outcomes for promoting regeneration using fire.
6. Relocation of Flying Foxes - the Botanic Gardens are proposing to relocate their colony of Flying Foxes to other parts of Sydney that may include the colony at Gordon. This item was raised briefly as part of discussion on the potential impact on the Gordon Flying Fox colony and surrounds.
7. Dogs in bushland - a research paper was circulated on the impact to fauna from dogs in bushland.

The climate change item and the issue of weeds throughout the local government area (LGA) were deferred to a future meeting.

There were two items raised from Minutes of meeting of Monday, 20 August:

1. UTS development application progress and UTS community reference panel meeting.
2. 102 Rosedale Road, St Ives development application and purchase update.

CONSULTATION

The Reference Group is itself a consultative forum, representing the interests of residents, user groups and industry experts.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not occurred in the development of this report.

SUMMARY

The Reference Group considered seven items of general business at its meeting held on Monday, 15 October 2007 as well as two items from Minutes of meeting on 20 August 2007. Presentations and significant discussions focused on the SewerFix program, mapping of Endangered Ecological Communities and community activities in bushland.

RECOMMENDATION

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 15 October 2007 and attachments be received and noted.

Peter Davies
Acting Director Strategy

Attachments:

- 1. Minutes of Meeting of Monday, 15 October 2007 - 719441**
- 2. Sydney Water presentation - SewerFix - 856776**

BUSHLAND CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Monday 15 October 2007
Level 3 Ante Room 7.00pm – 9.00 pm

Attendees:

Members	Councillors	Staff
Nancy Pallin Chris McIntosh Margery Street Margaret Booth Alla Kamaralli Ian Wright Janet Harwood Michelle Leishman Stephanie Vaughan Stephen Shortis	Clr. E. Malicki – Chair Clr. A. Andrew – Deputy Chair	Steven Head – Director Strategy Peter Davies – Manager Corporate Planning & Sustainability Jenny Scott – Sustainability Program Leader

Apologies:

Members	Councillors	Staff
Colin Manton	Clr. N Ebbeck (Mayor) Clr. L Bennett	

Meeting open 7.10pm.

Declaration of Pecuniary Interests:

No pecuniary interests declared.

Confirmation of Minutes:

No matters raised, moved by Margaret Booth and seconded by Councillor Andrew.

Business arising from the previous meeting

Councillor Andrew asked if the “off label” subcommittee had met. Nancy Pallin responded no meetings have occurred but would on receipt of details on weed information from Jane Guy.

Business Arising from the Minutes:

BC&NARG 47 – UTS site

Councillor Andrew mentioned that the second meeting of the UTS community reference panel would be late November. As part of general discussion, Director Strategy commented that this site will be the first application assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* within the LGA. Chris McIntosh asked if the matter had been referred to Department of Environment and Climate Change (DECC) / National Parks & Wildlife Service (NPWS). Director Strategy responded that he was unaware of any referral or comment by the Department.

In the context of this discussion on planning Councillor Malicki commented that the Minister for Planning had recently asked Council to show cause as to why a planning panel should not be in place in Ku-ring-gai. Director Strategy added that Council and staff will be responding to this letter.

BC&NARG 48– 102 Rosedale Road, St Ives

Michelle Leishman asked for an update on the development application and progress of the purchase of 102 Rosedale Road St Ives. Director Strategy commented the development application has been rejected by Council and the applicant has listed it for appeal with the Land and Environment Court.

General Business**BC&NARG 52 – SewerFix**

A presentation was given by Rachel Fox from Manadis Roberts and Chris Koonan from Sydney Water Corporation on the SewerFix wet weather overflow abatement program. The Lane Cove River catchment is one of the priority catchments identified across Sydney for this project based on known overflows, limited capacity of the current sewerage system and impact to recreational users. A copy of the power point presentation forms attachment 1 of the minutes

As part of the ongoing consultation for this project it is anticipated that a public meeting will be held on the evening of 29th November. Contributing to the information expected to be gathered at the meeting, Councillor Malicki noted the Environmentally Sensitive Lands study undertaken by Council in 2000.

Nancy Pallin asked the basis for future design capacity arising from any retrofits. Chris Koonan responded that upgrade of infrastructure design was based on the population projections for the region over the next 20 years and also the 30 year expected life of the infrastructure.

Chris McIntosh asked if this program would be extended to other catchments to which Chris Koonan responded that this may be a future program based on priority and needs.

BC&NARG 53 – Mapping of Endangered Ecological Communities (EEC's)

Manager Corporate Planning & Sustainability gave a brief overview of the development of the mapping process to-date including consultation with a number of external parties and relationship of the proposed mapping to the past vegetation mapping across Sydney including the Cumberland Plain that incorporated Blue Gum High Forest within Ku-ring-gai and the recently completed vegetation mapping of the Sydney Harbour Foreshore undertaken by the Royal Botanic Gardens and others. As part of the background to this item Director Strategy commented that the process for the mapping has yet to be finalised and that it would be brought back to this reference group for further discussion. In summary the draft mapping process proposes three stages:

1. Stage one involves aerial photo imagery to identify approximate locations of EEC primarily based on canopy vegetation. This would be mapped using existing aerial photography layers and laser survey data to a 1:2000 scale. As part of the preparation of this phase mapping would be undertaken at 1:700 scale to increase accuracy;
2. Phase 2 would entail ground truthing and collection of other physical and site attributes; and
3. Phase 3 would be data interpretation.

Councillor Malicki asked for comment on the process particularly the use of aerial photography. Stephanie Vaughan advised digital maps with expert interpretation and then ground truthing is a well accepted method. Michelle Leishman commented that the application and costs associated with the purchase of aerial photography were appropriate and reasonable, providing broader benefits to Council and should be regularly updated. Similarly Michelle Leishman noted the use of the laser survey would have great benefit for hydraulic studies. Director Strategy confirmed this and stressed the importance of updating the aerial data set regularly.

Discussion as to the sensitivity of aerial photography to differentiate between (Sydney Turpentine Ironbark Forest) STIF and (Blue Gum High Forest) BGHF and skills in interpretation followed. Michelle Leishman commented that aerial photography would unlikely differentiate between the two EEC vegetation communities though the proposed ground truthing should be sufficient for this purpose. Stephanie Vaughan asked of the skills required to which Director Strategy and Manager Corporate Planning & Sustainability responded that this will be an area of skill development with current staff and for future positions that are currently being advertised. Recognising this issue, assistance and if necessary consultant advice will be sought to build skill levels in the organisation. Chris McIntosh stated that it would be valuable for Ku-ring-gai to develop these skills in-house given the importance of the EEC's and future pressures to Ku-ring-gai. This was supported by Nancy Pallin citing the demands and costs of engaging the small number of experts currently operating in this field. Stephanie Vaughan noted there may be delays in training and skill acquisition that would need to be weighed up against the timetable for the completion of the project.

Stephanie Vaughan also asked if the process developed by Council to date had been reviewed by experts? Manager Corporate Planning & Sustainability outlined the historical development of the tool, the various experts that had been consulted along the way, the issues they raised and how these were being addressed. The endangered ecological value is the most important factor in the determination.

Responding to questions by Janet Harwood and Councillor Malicki as to the timing and budget, Director Strategy stated the final date of the finalisation of the LEP process was March 2011 and that the mapping would need to be completed well in advance of that. In terms of costs, drawing from the experience of the Bushfire Prone Land Mapping, this involved two staff employed full-time for 18 months to map a smaller and significantly more accessible area to that of potential EEC's. By using similar levels of ground truthing this could cost approximately \$2 million if all sites were mapped at a similarly high level. In terms of the information required to assist in the preparation of the Land Capability Study that will be used as a basis for the LEP, the level of data collection proposed would be more than adequate.

Other questions relating to budget allocation for aerial satellite mapping were also raised by Janet Harwood and Councillor Malicki. Director Strategy responded that the allocation in the Environmental Levy has been identified for aerial photography images to be purchased every two years and that this information would not only assist future iterations of the EEC mapping proposed but also most other areas of Council, particularly given the rate of change in development.

BC&NARG 54 – Community Activities and their Impact on Bushland Reserves

Councillor Malicki and Janet Harwood raised this matter as an area of concern. Specifically they cited activities such as camping, recreation, camp fires within Sheldon Forest that may be inappropriate given that it contained an endangered ecological community. Under the Bushland Plan of Management (PoM) recreational uses are permitted within bushland reserves including ones containing EEC and it was suggested that the PoM be amended. Nancy Pallin stated that it would be detrimental to suddenly stop these activities and that the PoM should inform user groups and set firm guidelines and conditions as to more appropriate use. Where young people are involved, their enjoyment of the bush should be encouraged as this helps form a connection with the natural environment. This support for access and education was also echoed by Michelle Leishman. Council should take direct responsibility for the parking and drainage areas where these are deemed to have a direct impact.

Chris McIntosh suggested a consultative process with the various user groups and based on experience with the Scouting movement, they would be most likely to participate.

Stephanie Vaughan suggested a system be developed to assess the impacts by current users. This could be responsive to the location, values and then determine appropriate options. Director Strategy supported this option over changes to the PoM.

It was suggested by the group that this matter be referred to the next committee for further discussion.

BC&NARG 55 – Endangered Communities

Councillor Malicki gave an overview of the recent training course for Councillors and Directors on EEC's. It was also noted in the discussion on this item that there were recent installations of signs advising staff and residents of the presence of EEC's in certain areas. Stephanie Vaughan suggested that a phone number for inquiries should be included on the signs for people to check for example, Energy Australia.

BC&NARG 56 – Climate Change

This matter was listed for the next Bushland, Catchments & Natural Areas Reference Group meeting.

BC&NARG 57 – 'Hot Spots' project

Nancy Pallin provided a brief summary of an initiative of Willoughby Council and the Nature Conservation Council on research regarding ecological burns.

BC&NARG 58 – Flying Fox Relocation Project by Botanic Gardens

Nancy Pallin informed the group that the Royal Botanic Gardens were investigating the translocation of a number of Flying Foxes from their reserve to other parts of Sydney. In the discussion on this item it was noted the difficulties that the Melbourne Botanic Gardens had with their translocation. Chris McIntosh and Nancy Pallin both mentioned the long term impact Flying Foxes can have on an area.

BC&NARG 59 – Sleeper weeds

Nancy Pallin raised the issue of ‘sleeper’ weeds throughout the LGA, being those weeds while low in number presently have the potential to have a significant impact if given an opportunity to take hold. Specifically Spanish Moss was mentioned and while listed as an ‘invasive weed’ did not have the same legislation requirements for removal.

BC&NARG 60 – Dogs in Bushland

Nancy Pallin raised the issue of dogs in bushland and a recent research paper where the findings suggest that dogs have a significant impact on local fauna because the fauna does not become habituated to the presence of dogs even though they are on leads. Copies of the paper were circulated prior to the meeting. It was suggested by the group that the research paper will be given the Companion Animal Committee to consider the problem of dogs in bushland areas.

Other business

Stephanie Vaughan asked about the operations of the Ku-ring-gai Nursery and Director Strategy responded that this be addressed at the next Bushland, Catchments & Natural Areas Reference Group meeting.

LEP 212 update

Director Strategy updated the current situation and progress on LEP 212. Director Strategy noted that the report by Theresa James report on the state of vegetation at the site had been sent to Department of Conservation (DEC) for consideration.

Agenda Items for the Next Meeting

- Climate Change report to Council
- Blue Gum High Forest Mapping Program
- North Turrumurra sporting facility catchment protection plan
- Ku-ring-gai Nursery – what is the budget for the nursery, what is the purpose of the nursery and what is it there for?

Next Meeting

Monday 19 November 2007 – Level 3 Ante Room at 7.00pm.

Meeting Closed at 9.55pm

SewerFix Wet Weather Alliance

Presentation to Ku-ring-gai Bushlands, Catchments
and Natural Areas Reference Group.

15 October 2007

Presentation outline

- Overview of the SewerFix Wet Weather Alliance
- Wet weather overflows - causes and solutions
- Next steps

SewerFix Wet Weather Alliance (SWWA)

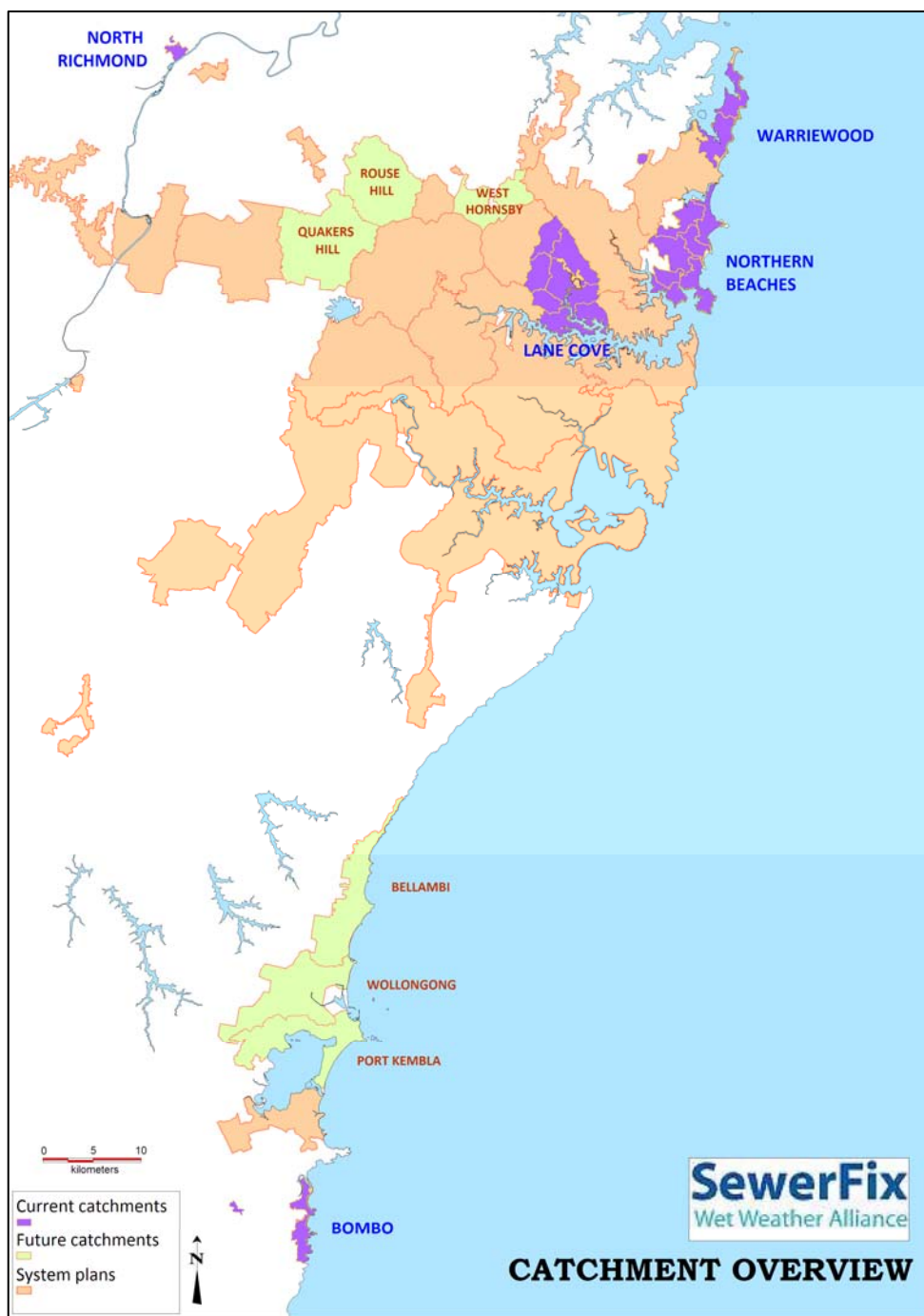


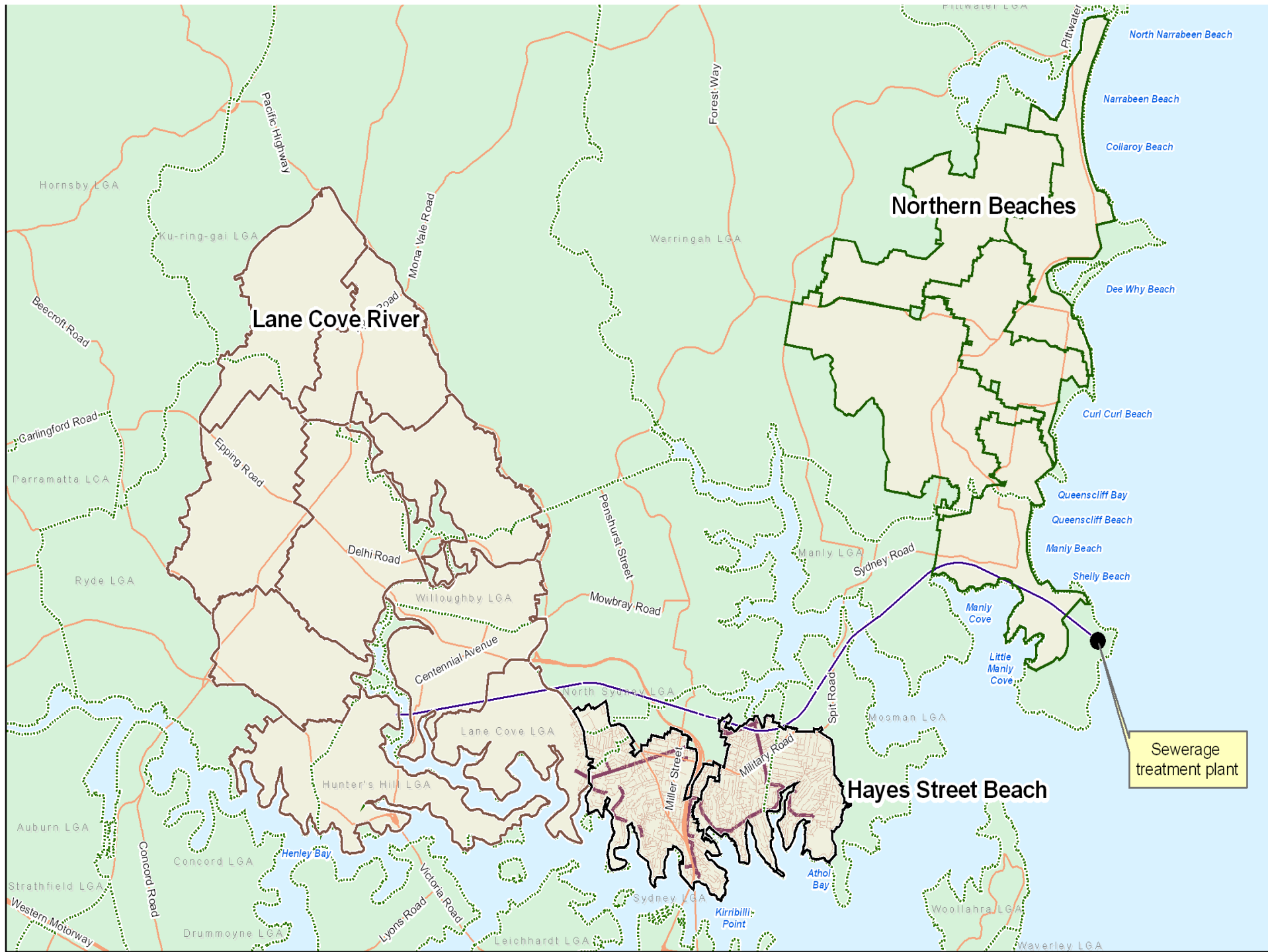
- Comprises Manidis Roberts, PB, MWH, Sydney Water, United Group Infrastructure
- Delivering Sydney Water's wet weather overflow abatement program

SewerFix

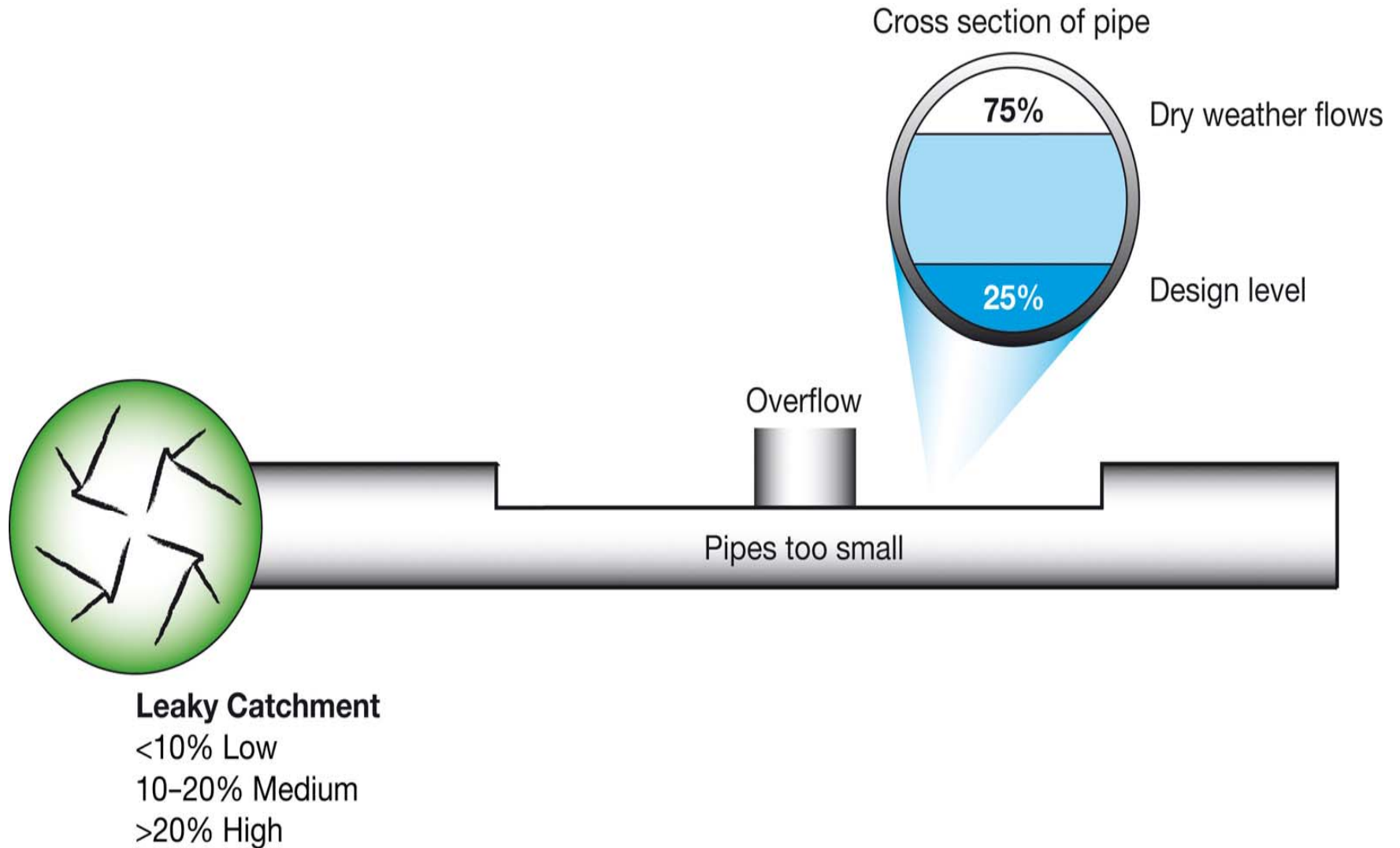


- Dry weather overflow program
- Wet weather overflow abatement program
- Avoid fail

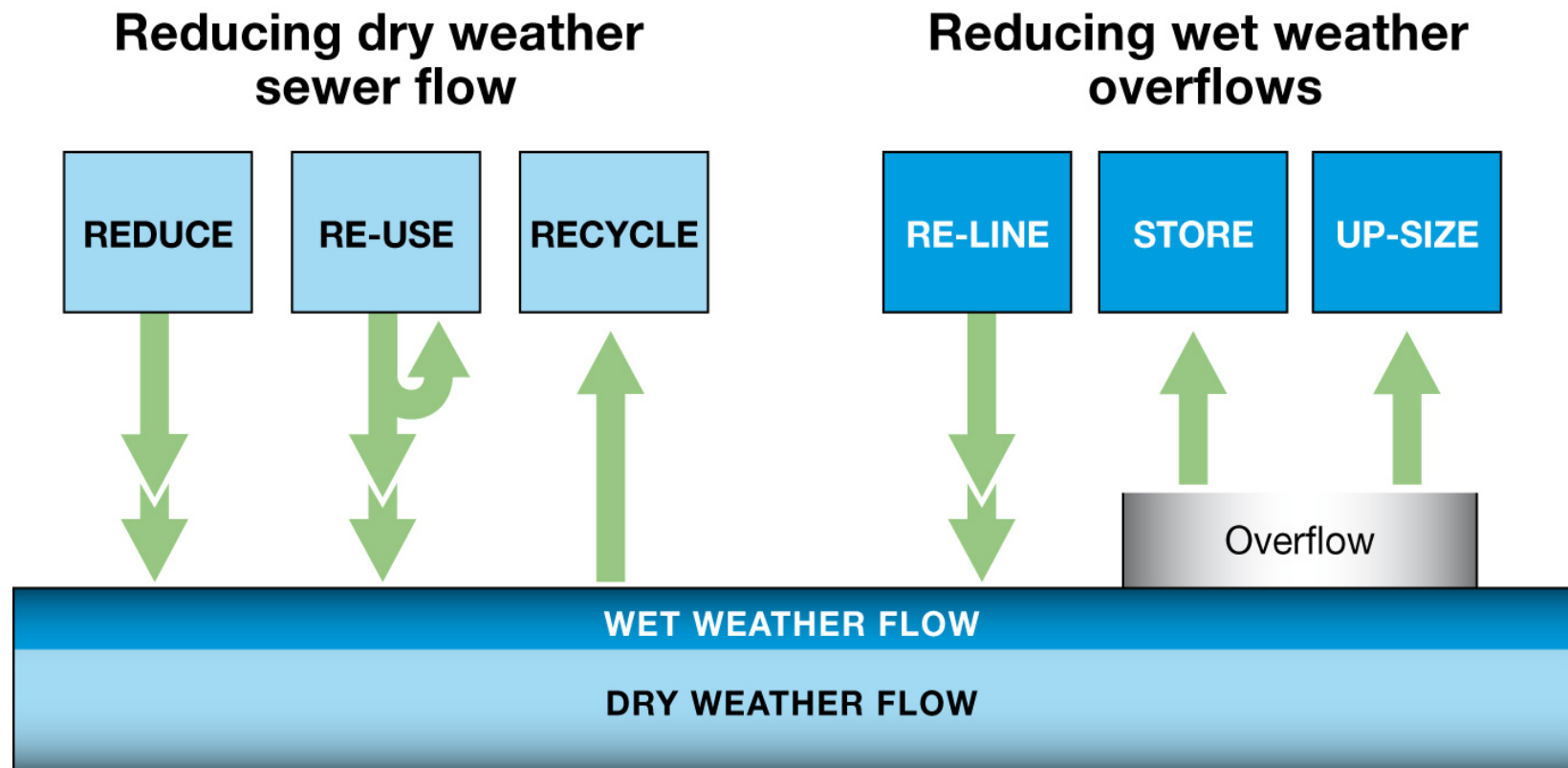




Overflow causes



Generic options



Next steps

- Stage1 - agree the overflow problem
 - Workshop in November 2007
- Stage 2 - develop preferred options
- Stage 3 - refine preferred options
 - Options in Lane Cove may take some years to deliver.

40 STATION STREET, PYMBLE - TO EXTINGUISH A REDUNDANT DRAINAGE EASEMENT

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek approval to extinguish a redundant Council drainage easement at No 40 Station Street, Pymble.

BACKGROUND:

The subject owner submitted a request to Council to extinguish a drainage easement traversing the south eastern corner of the property. The drainage easement burdening the property is no longer in use or functioning to convey stormwater runoff from roads located upstream of the property. Existing road water from Coleridge Street was conveyed to Station Street via existing easements through Nos.32 to 38 Station Street, Pymble.

COMMENTS:

A stormwater system exists to convey stormwater from Coleridge to Station Street through the property from No. 32 to No. 38 Station Street and by-passing No. 40 Station Street. The drainage easement within No. 40 Station Street has become redundant.

RECOMMENDATION:

That Council approves the extinguishment of the drainage easement subject to Conditions A to C noted in recommendations of this report.

PURPOSE OF REPORT

To seek approval to extinguish a redundant Council drainage easement at No 40 Station Street, Pymble.

BACKGROUND

A letter submitted by MCG Lawyers on behalf of Sino Prosperity Pty Ltd and Walter Homes Pty Ltd. Seeks Council's approval to extinguish a redundant drainage easement located on the property. The applicant has paid the application fee and agreed to pay all legal costs and disbursements associated with the extinguishment.

The subject property is part of an old subdivision created in 1903 under Deposited Plan DP4114. According to Council's record LD816, a drainage easement 6 feet wide was created over No. 40 Station Street, Pymble in 1930, benefiting Ku-ring-gai Council. The easement was created for the purpose of conveying and carrying off surface stormwater to Station Street.

According to Council's road construction plan No. 79/042 and field survey data, Council's stormwater system from Coleridge Avenue to Station Street traverses Nos. 32 to 38 Station Street, by-passing No. 40 Station Street, Pymble as shown in **Attachment 1**.

COMMENTS

The subject property is burdened by an existing 6 foot wide easement traversing the site as shown in layout plan for existing stormwater pipeline as **Attachment 1**. Based on available information, the easement is no longer required to convey road water from upstream of the subject property to Station Street.

An existing stormwater system conveys road stormwater from Coleridge Street to Station Street via property No. 32 to No. 38 Station Street, Pymble by-passing No. 40 Station Street. As a consequence, the easement within No. 40 Station Street, Pymble is no longer needed and is considered redundant.

CONSULTATION

The property owner has been advised verbally and by email regarding the requirements and process of getting Council's approval for extinguishment of the drainage easement.

FINANCIAL CONSIDERATIONS

All costs associated with the extinguishment of the easement are to be borne by the property owner.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The property owner of No. 40 Station Street, Pymble seeks Council's approval to extinguish a redundant drainage easement located on the property. The subject property is burdened by an existing easement 6 feet wide traversing the south eastern corner of the property. The easement no longer serves its function to convey road water from upstream of the subject property to Station Street.

An existing stormwater system conveys road stormwater from Coleridge Street to Station Street via property No. 32 to No. 38 Station Street, Pymble by-passing No. 40 Station Street. As a consequence, the easement within No. 40 Station Street, Pymble is no longer needed and is considered redundant.

RECOMMENDATION

- A. That Council approves the extinguishment of the drainage easement traversing No. 40 Station Street, Pymble.
- B. That authority be given to affix the common seal of the Council to the appropriate instrument for the extinguishment of Easement.
- C. That the cost for extinguishment of the drainage easement and Council's legal costs and disbursements be borne by the applicant.

Eng Tan
Drainage Assets Engineer

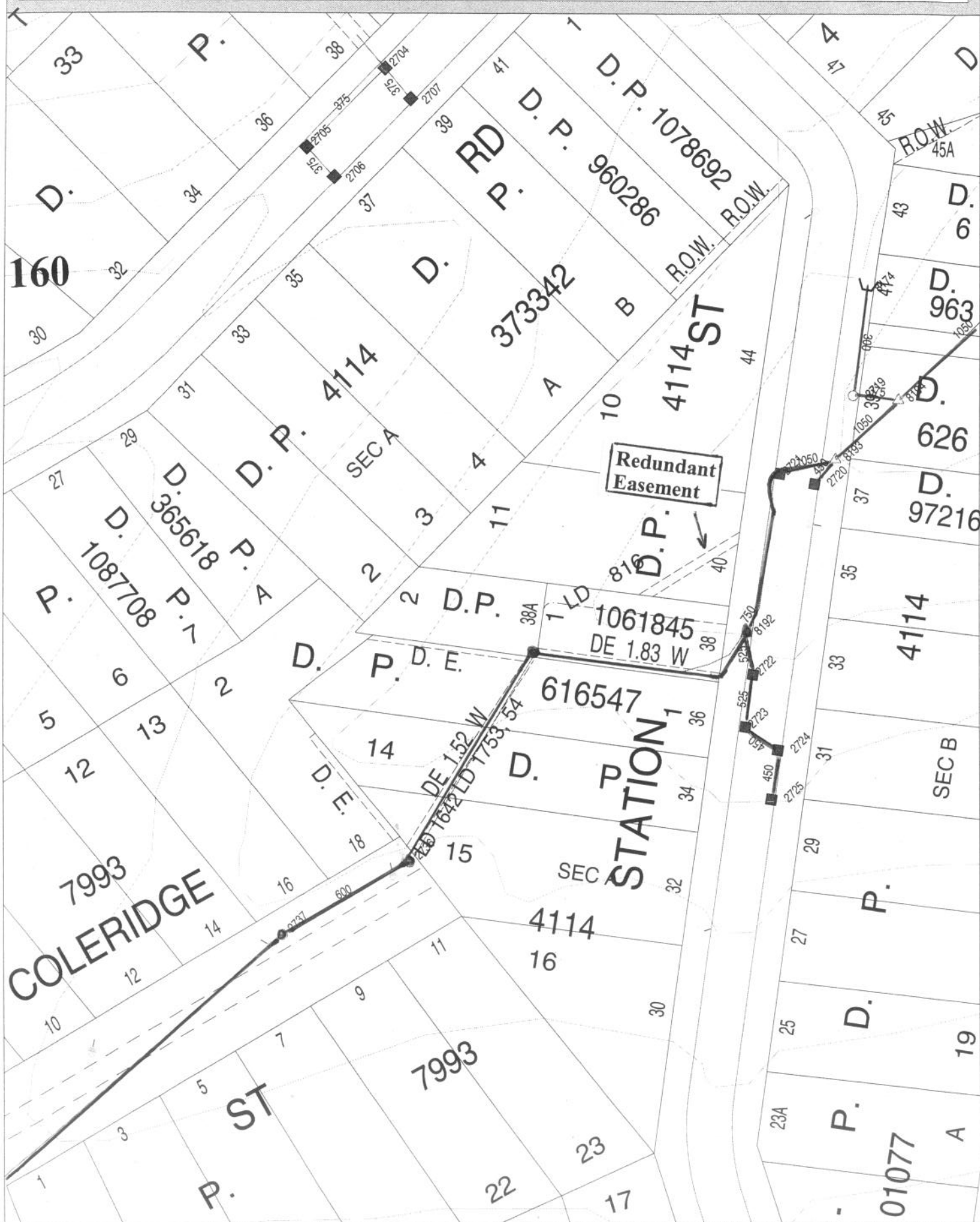
Roger Guerin
Manager Project & Design

Greg Piconi
Director Operations

Attachments: **Location Plan for existing drainage easement and stormwater pipeline - 856680**

No.40 Station Street, Pymble – Extinguish council drainage easement

Attachement 1



SCALE: 1:1000

DATE: 09-11-2007

Location Plan for existing council stormwater system and easement



SUSTAINABILITY REFERENCE GROUP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to constitute the Sustainability Reference Group and appoint its inaugural members.

BACKGROUND:

Council resolved on 25 September 2007 to seek nominations to the new Sustainability Reference Group (SRG). The role of the SRG is to provide residents and industry expert advice and feedback to Council on matters relevant to sustainability.

COMMENTS:

An advertisement was placed in the North Shore Times and on Council's website on 12 October 2007, seeking nomination to the Reference Group. Subsequent advertisements were placed in the North Shore Times on 24 October 2007 and Hornsby Advocate on 25 October 2007. Nineteen (19) nominations were received.

RECOMMENDATION:

That Council endorse the appointment of fifteen (15) nominees for the Sustainability Reference Group.

PURPOSE OF REPORT

For Council to constitute the Sustainability Reference Group and appoint its inaugural members.

BACKGROUND

At the Ordinary Meeting of Council on 25 September 2007, Council resolved:

That Council form a new Committee called the "Sustainability Reference Group" in accordance with the Charter as provided to Councillors and the General Manager.

That Council elect the Chairperson/Deputy Chairperson for the Sustainability Reference Group.

Chairperson: *The Mayor, Councillor Ebbeck*

Deputy Chairperson: *Councillor Malicki*

The Sustainability Reference Group will advise Council across a range of matters including:

- a) future planning and policy development;
- b) development of the Sustainability Plan and Management Plan;
- c) facilitation of partnerships, community participation and volunteer programs;
- d) provide support to specific project working groups established by Council from time to time; and
- e) community engagement.

The role of the Sustainability Reference Group is also to support and assist residents, businesses, Council and others to engage in sustainability.

The Charter of the Sustainability Reference Group sought up to fifteen (15) persons plus Councillors covering a range of expertise that can contribute towards sustainability. As part of the composition, generational representation is to be provided with at least one primary school student and one high school student. This approach was consistent with the method used in the development of the sustainability plan as adopted by Council.

COMMENTS

Nineteen (19) nominations were received. Confidential attachment 2 provides a list of the nomination forms as submitted. A summary of the core areas of expertise and background is given below, though noting that all applicants bring a diverse range of skills and would be able to contribute to the Reference Group across various areas.

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A summary of core area of expertise by applicants is outlined below:

Academic (climate change, physical geography and social science)	3
Legal	1
Primary School	1
High School	1
Education (primary and high school)	2
Engineering	1
Environmental consultant	2
Hospitality and management	1
Urban development	1
Community groups	2
University students (various disciplines)	3
Bushland and natural areas	1

The following persons are recommended for appointment to the Reference Group. Their appointment is based on the core criteria (listed first) and other skills and interest.

1. John Balint – bushland management
2. Cecil Blumenthal – community groups
3. Andrew Daff – hospitality and tourism
4. Jacqueline Harvey - education and indigenous issues
5. Janet Harwood – community groups and environment
6. Steven Holland – education and social ecology
7. Caspar Lewis – high school student
8. Jenny Middleton – environmental and social planning and community consultation
9. Bernadette Pinnell – urban planner
10. Professor Andy Pitman – climate change
11. Professor Ron Rapee – social science and behaviour change
12. Angela Rozali – university student and environmental engineering
13. Elijah Swift – primary school student
14. Giles Tabuteau – legal and urban planning
15. Associate Professor Mark Taylor – environmental science

Four nominees currently sit on existing advisory forums or reference Groups. Dr Andy Pittman and Dr Mark Taylor sit on the Environmental Levy Small Grant advisory Forum. This forum has an advisory role in reviewing small grants less than \$5,000 and making recommendations to Council. John Balint is a member of the Environmental Levy Programs Advisory Forum. This forum has a strategic focus and John is also a member of the Ku-ring-gai Bushcare Association. Janet Harwood is a recent appointment to the Bushland, Catchments and Natural Areas Reference Group. This reference group is mostly concerned with natural environmental issues.

Of the four applicants not recommended to the Reference Group, it is suggested they be invited to contribute to the workings of the Sustainability Reference Group when required. In all situations their skills and experience are duplicated by those persons recommended. However, should Council wish to change the charter of the Advisory Committee to have more than fifteen (15) persons, these nominees could be appointed.

CONSULTATION

The nomination period was open for 4 weeks. A number of methods were employed to notify residents of the new reference group. Residents were asked to complete a nomination form (attachment 1) which was available through Council's web site. An advertisement was placed in the Mayoral column of the North Shore Times and on Council's website on 12 October 2007 with subsequent media releases published in the North Shore Times on 24 October 2007 and the Hornsby Advocate on 25 October 2007.

FINANCIAL CONSIDERATIONS

There are no financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Communication section of Corporate Services co-ordinated advertising in the North Shore Times and Hornsby Advocate. It is also anticipated that the Sustainability Reference Group will work closely with Sustainability Reporting Team which is a cross-departmental team comprising of 25 staff members to drive sustainability at the corporate level.

SUMMARY

On 25 September 2007, Council resolved to form a new Sustainability Reference Group. The draft charter for this group sought up to fifteen (15) members to assist Council plan for and implement a range of sustainability initiatives. A total of 19 nominations were received from which fifteen (15) are recommended based on their skills and interest whilst allowing for generational representation.

RECOMMENDATION

That Council endorse the appointment of the fifteen (15) nominees for the Sustainability Reference Group as outlined below:

1. John Balint
2. Cecil Blumenthal
3. Andrew Daff
4. Jacqueline Harvey
5. Janet Harwood
6. Steven Holland
7. Caspar Lewis
8. Jenny Middleton
9. Bernadette Pinnell
10. Professor Andy Pitman
11. Professor Ron Rapee

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12. Angela Rozali
13. Elijah Swift
14. Giles Tabuteau
15. Associate Professor Mark Taylor

Kirsten Davies
Sustainability Program Leader

Peter Davies
Acting Director Strategy

Attachments:

1. Sustainability Reference Group Nomination Form - 840717.
2. Nomination forms received - Confidential.



NOMINATION FORM

SUSTAINABILITY REFERENCE GROUP 2007

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1056, Pymble NSW 2073

T 02 9424 0888 **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

BACKGROUND INFORMATION

Ku-ring-gai to global sustainability vision plan will be completed in November 2007. Its development has involved 200 residents within 7 age groups between 9 and 99 years contributing towards Ku-ring-gai's future. The involvement of residents has provided a deeper understanding of generational perspectives including the historical knowledge of the elderly through to the future dreams and concerns of young people. The visioning process culminated in two intergenerational forums, held in June 2007, where participants spanning all age groups came together to discuss their collective visions. Themes surrounding human relationships with local ecology were identified and explored through the process of community conversations. Past studies, historical information, climate change predictions and ecological footprint data are currently being complied together with the community visioning data to create the comprehensive report.

KU-RING-GAI'S DEFINITION OF SUSTAINABILITY

Sustainability is conserving a quality of life for present and future generations of Ku-ring-gai. This relies upon having a healthy, diverse community and environment which is supported by local culture, heritage, ethical practices and a stable economy. Being sustainable requires accepting that people are part of interconnected natural systems and begins with individuals, families and friends in their homes, backyards, workplaces, schools and parklands. Sustainability relies upon people adopting innovative solutions and making intelligent decisions particularly regarding the use of non-renewable resources.

THE ROLE OF THE REFERENCE GROUP

The role of this group will be to assist Council in the development of policies and action plans based on the vision report. They will then assist in their implementation and monitoring.

COMPOSITION OF THE REFERENCE GROUP

The group will consist of (approx) 12 community members including 1 member under 12 and 1 member less than 18 years of age.

EXPECTATIONS

The reference group will meet bi-monthly as a minimum at a time and date determined by the group at their first meeting. Member's appointments will extend until the end of the current Council term in September 2008.

SELECTION CRITERIA

In selecting members of the reference group Council will be looking for a mix of skills, knowledge, sector representation, age, gender, ethnicity and demonstrable commitment to sustainability.



NOMINATION FORM

SUSTAINABILITY REFERENCE GROUP 2007

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1056, Pymble NSW 2073

T 02 9424 0888 **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

Close Friday 2 November 2007

Name: _____

Mailing address: _____

Postcode: _____

Phone: (H) _____ (M) _____

Fax: _____ Email: _____

What would be the major issues/priorities for you as a member of the Sustainability Reference Group? *(please refer to background notes overleaf)*

Please outline briefly how your experience, qualifications or background can assist sustainability in Ku-ring-gai *(you are welcome to attach your CV or any other relevant documents)*

Will you be representing a community organisation? ☐ Yes ☐ No

If yes, which organisation? _____

Your signature: _____ Date: _____

Parent/guardian Signature: _____ Date: _____

If you are under 18 years we also require you're a parent or guardian to sign this form

Thankyou very much for your interest and application.

HASELL PARK NIGHT GAME - SPORTSGROUND PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the public exhibition of draft amendments to the Sports Grounds Generic Plan of Management.
BACKGROUND:	Council resolved on 25 September 2007 that draft amendments be made to the Sportsgrounds Plan of Management that facilitate the use of Hassell Park for early evening games on nine Saturdays per year, that draft amendments to the plan of management be reported to Council prior to exhibition and that surrounding residents be informed of this proposal and submissions invited.
COMMENTS:	The proposed amendment to Council's Sports Grounds Generic Plan of Management seeks to facilitate the playing of evening rugby matches at Hassell Park on up to nine Saturdays per season. Floodlights are proposed to be used up to 7.30pm and players and supporters would be required to vacate the facility by 9.00pm.
RECOMMENDATION:	That section 3.18 of the Sports Grounds Generic Plan of Management be amended to allow early evening competition sport to be played at Hassell Park, St Ives on Saturdays from 8.00am to 7.30pm on up to nine Saturdays per season, with all players and supporters to vacate the facility by 9.00pm. The draft amendments are to be publicly exhibited for a period of 42 days and the outcome of the exhibition is to be reported back to Council in February 2008.

PURPOSE OF REPORT

For Council to consider the public exhibition of draft amendments to the Sports Grounds Generic Plan of Management.

BACKGROUND

Council resolved on 25 September 2007 that draft amendments be made to the Sportsgrounds Plan of Management that facilitate the use of Hassell Park for early evening games on nine Saturdays per year. Council also resolved that draft amendments to the plan of management be reported to Council prior to exhibition and that all surrounding residents and neighbours be informed of this proposal by mail within 3 days and submissions invited to be considered in the development of amendments to the draft plan and by Council.

In accordance with the resolution, residents in Palm St, Hassell St, Monterey St, Ashlar St, Mawson St, Edgecombe Rd, Calder Pl, Staddon Cl, Wembury Rd, and Mona Vale Rd were sent letters informing them of the proposal and invited to make submissions. Five submissions were received, four against the proposal and one in support.

Council's Sports Grounds Generic Plan of Management sets out the operating hours for organised activities, sports and games at sports grounds. It does this to balance the use of the facilities whilst minimising the adverse impact to surrounding residents. The Sports Grounds Generic Plan of Management permits sports grounds to be booked for organised activities, sports and games during the following operating hours:

- Monday through to Friday 8.00am to 9.30pm (Development Application conditions dependant)
- Saturday 8.00am to 6.00pm
- Sunday 9.00am to 6.00pm

The Sports Grounds Generic Plan of Management will need to be amended specifically for Hassell Park, St Ives if Saturday evening games are to be permitted.

St Ives Rugby Club also has an approved Development Application for the upgrading of floodlights at Hassell Park with a condition that the lights can only be used between Monday and Friday until 9.30pm, with no use to occur on Saturday, Sunday or public holidays. Therefore a Section 96 application to modify consent will need to be lodged by the Club and approved by Council if Saturday evening games are to be permitted.

COMMENTS

The proposed amendment to Council's Sports Grounds Generic Plan of Management seeks to facilitate the playing of evening competition sport at Hassell Park, St Ives on no more than nine Saturdays per season, with the floodlights to be deactivated by 7.30pm.

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27 November 2007**

The intention of this amendment is to allow St Ives Rugby Club to play it's colts (Under 20's) match at approximately 5.15pm, finishing at approximately 6.45pm. The colts match will be played at the conclusion of the First Grade match, which starts at 3.15pm and finishes at about 4.50pm. This scheduling of matches will enable supporters from the first grade match to stay and watch the colts if they wish, whereas currently there are very few spectators to watch the colts as they are required to commence their matches early on Saturday mornings.

Another benefit of the proposal is that more young men will be able to participate in the sport and more games, as early Saturday morning matches do not suit as many players as the early evening timeslot due to work commitments.

It is not envisaged that all nine Saturday home games will be played at the early evening timeslot as some opposition clubs are unlikely to agree to the early evening game and therefore those games will still have to be played early on Saturday mornings. It is not known at this point how many opposition clubs will agree to the early evening game time, as St Ives rugby Club will have to obtain agreement from opposition clubs during the season prior to each home game.

The Section 96 application to modify DA consent will need to be lodged by St Ives Rugby Club during the exhibition of the draft amendment to the Plan of Management. If it is lodged after the Plan of Management is exhibited and adopted by Council it may not be approved in time for the commencement of the 2008 season.

In accordance with the Local Government Act, the draft amendments are required to be placed on public exhibition for a period of 28 days plus 14 days for comments to be received.

The notification to surrounding residents about the proposal to amend the Sportsgrounds Plan of Management to facilitate the use of Hassell Park for early evening games on up to nine Saturdays per year generated five submissions, four against the proposal and one in support of the proposal. The proposed exhibition of the changes to the Plan of Management would provide additional opportunity for residents and others to comment on the proposal.

Following is a list of issues raised by residents and Council's response to each issue, in consultation with St Ives Rugby Club.

1. After match celebrations

It is claimed that after-match celebrations are currently tempered by that fact that games finish by 5pm and that later finishing Saturday evening games will result in an increase in socialising by club members and supporters. There are also concerns that the main reason for the proposal is that the club wants to increase game day revenue by increasing attendances at post-match functions on Saturday nights. Other questions were raised in submissions including what time the BBQ and bar will close and what time players and supporters will leave the facility.

St Ives Rugby Club has responded to these concerns by stating that there will not be any increase in the time spent at the clubhouse for post-match celebrations and no increase in the number of post-match social functions at Hassell Park. The club has a function licence which permits 26 events a year. As the seniors only play 9 home games the balance are used for the juniors on Friday nights. The specific bar opening times are dependent on match scheduling, but indicatively it is open from 6.00pm to 9.00pm on Friday nights when matches are played and from 12.00 noon to 9.00pm on Saturday home game days. Players and supporters currently stay no later than

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9.00pm on Saturday match days and this situation will not change under the proposal to play the colts game in the early evening.

Under the proposal the club is expecting a slight increase in bar & BBQ trade and while a social calendar for 2008 has not been finalised, no significant increase to the current level of after match social activity is proposed. The BBQ generally closes at the conclusion of the last match and the bar approximately an hour later. It is not expected that there will be any change in total numbers of attendees in players and spectators. The club expects no more than 70-80 attendees and for these people to vacate the facility at around 8.30 pm.

2. Car Parking in Surrounding Streets

It is claimed that car parking is very inconsiderate on both sides of Palm St on Saturdays, with club members or spectators ignoring parking restriction signs, and that this situation will worsen on Saturday nights due to extra spectators. It is also claimed that there are parking issues in Hassell St and Monterey St with driveways difficult to reverse out of.

The proposal does not anticipate any increase in the total numbers of spectators; just a change in playing times. Generally colts players stay all day to watch the senior matches, so parking intensity should not increase.

The club claims that from past experience the parking issue seems mainly limited to visiting parents from junior clubs on Friday nights. The club has stated that it will endeavour to ensure that people park considerately and in accordance with parking restrictions on game days by regularly communicating with its membership requesting their co-operation in minimising any impact on residents.

The club committee has offered to meet with concerned residents at any time to address residents concerns. Council staff are available to facilitate this process when required.

3. Littering in Surrounding Streets

It is claimed that rubbish is left on the ground in neighbouring streets when players and supporters are returning to their cars, and that this situation will deteriorate when people have been drinking for longer periods, which it is claimed is possible under the proposed game times.

The club has given an undertaking to remind players and supporters during after match speeches that the club values its relationship with its neighbours and ask that they don't leave any litter in the street. The club has also offered to put some signage up in the clubhouse to that effect.

CONSULTATION

In accordance with the resolution residents in Palm St, Hassell St, Monterey St, Ashlar St, Mawson St, Edgcombe Rd, Calder Pl, Staddon Cl, Wembury Rd, and Mona Vale Rd were informed of the proposal and invited to make submissions. These same residents will be informed in writing of the public exhibition of the draft amendments to the Plan of Management.

St Ives Rugby Club has also been consulted during the development of the draft amendments. Consultation as part of the exhibition of the Plan of Management will be undertaken in accordance

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with section 38 of the Local Government Act 1993. This will include an advertisement in the local press and a notice on site at Hassell Park, St Ives.

FINANCIAL CONSIDERATIONS

Financial considerations include the cost of advertising the exhibition and amendments to parking restriction signs in streets surrounding Hassell Park.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Development and Regulation have been consulted in the preparation of this report.

SUMMARY

The proposed amendment to Council's Sports Grounds Generic Plan of Management seeks to facilitate the playing of evening competition sport at Hassell Park, St Ives on up to nine Saturdays per season with the floodlights to be deactivated by 7.30pm and players and supporters to vacate the facility by 9.00pm. It is proposed to place the draft amendments to the Plan of Management on public exhibition for six weeks with the results to be reported to Council at the February 2008 meeting. A Section 96 application to modify DA consent to allow the floodlights to be activated on Saturdays will need to be lodged by St Ives Rugby Club.

RECOMMENDATION

- A. That section 3.18 of the Sports Grounds Generic Plan of Management be amended to allow early evening competition sport to be played at Hassell Park, St Ives on Saturdays from 8.00am to 7.30pm on up to nine Saturdays per season, with all players and supporters to vacate the facility by 9.00pm.
- B. That the draft amendments be placed on public exhibition for a period of 42 days.
- C. That the results of the public exhibition be reported back to Council in February 2008 for Council to consider adoption of the amended Sports Grounds Generic Plan of Management.
- D. That, if the draft amendments are adopted, parking restriction signs in surrounding streets be amended to reflect the additional Saturday use of Hassell Park.

Peter Davies
Acting Director Strategy

Roger Faulkner
Sport and Recreation Planner

Attachments: Sports Grounds Generic Plan of Management No. 30 - 859806

Sports Grounds

Generic Plan of Management

No: 30



July 2003

Vision

The vision of the Sports Grounds Plan of Management is: "To sustainably manage a Sports ground network that best meets the needs of organised activities, sports and games, and unorganised wider community use whilst minimising any negative impacts within sports grounds, on surrounding residents and upon adjoining land uses and catchments".

Ku-ring-gai Council, the Ku-ring-gai Sports Advisory Committee, user groups and the wider community will continue to work together to see that Council sports grounds are managed and operated in a sustainable manner.

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About this Plan

This Plan of Management is prepared in accordance with the requirements of the *Local Government Act 1993* (as amended). It provides a strategic framework for future management of Sports Grounds in Ku-ring-gai Local Government Area. Specific details about how works or actions are to be performed or achieved are not included. This approach allows innovation and flexibility in the implementation of the Plan. The Plan has been developed to:

- Meet Council's obligations in respect to Public Land Management under the requirements of the *Local Government Act 1993* (as amended).
- Enable Council to re-negotiate or enter into contracts, leases, licences and hire agreements for Sports Grounds and ancillary facilities and in relation to the provision of services and utilities.
- Minimise the impacts from activities associated with Sports Grounds upon residents and the environment.
- Maximise the active and passive recreational opportunities provided by the Sports Grounds network in Ku-ring-gai.
- Enhance the contribution made by Sports Grounds and surrounds to the visual quality of Ku-ring-gai.
- Maximise opportunities for the management and use of the Sports Grounds within Council.
- Provide a framework for the sustainable management of the Sports Grounds.
- Meet the objectives of Council's Corporate Strategic Plan.

Other Plans of Management which have relevance to this Plan are:

- Generic Plan of Management for Urban Parks.
- Generic Plan of Management for District Parks.
- Plan of Management for Bicentennial Park.
- Plan of Management for St Ives Village Green.
- Land Management Plan for St Ives Showground.
- Generic Plan of Management for Bushland

The Plan comprises three major sections:

- Basis for management (**Chapter 2**).
- Issues and performance targets (**Chapter 3**).
- Action Plan and monitoring (**Chapters 4 and 5**).

1 Introduction

Ku-ring-gai Council's Open Space system comprises some 1400 hectares. Of the 1400 hectares, approximately 1,100 hectares are bushland. The remaining 300 hectares of developed open space contain a wide spectrum of sport, recreation and leisure facilities including Sports Grounds at 42 locations, 148 Urban Parks, 8 Public Gardens, 2 public golf courses, 31 sealed netball courts, 15 designated bushland walking tracks and 3km bitumen recreation cycle ways.

1.1 Grounds Covered in this Plan

Grounds covered in this Plan are listed in **Table 1** and their location is shown in **Figure 1**, and in greater detail in **Appendix A**.

Ku-ring-gai Council's key roles in managing sporting facilities within Ku-ring-gai are policy making, planning, community liaison, facility provision, coordination and information provision. The Ku-ring-gai Sports Advisory Committee plays an important role in working with council to address needs relevant to the Ku-ring-gai sporting community. Sportsgrounds and facilities are valued for the following reasons (and include but are not limited to); opportunity for sport and recreation, accessibility for passive and formalised use, youth development and social benefits related to the use of open space.

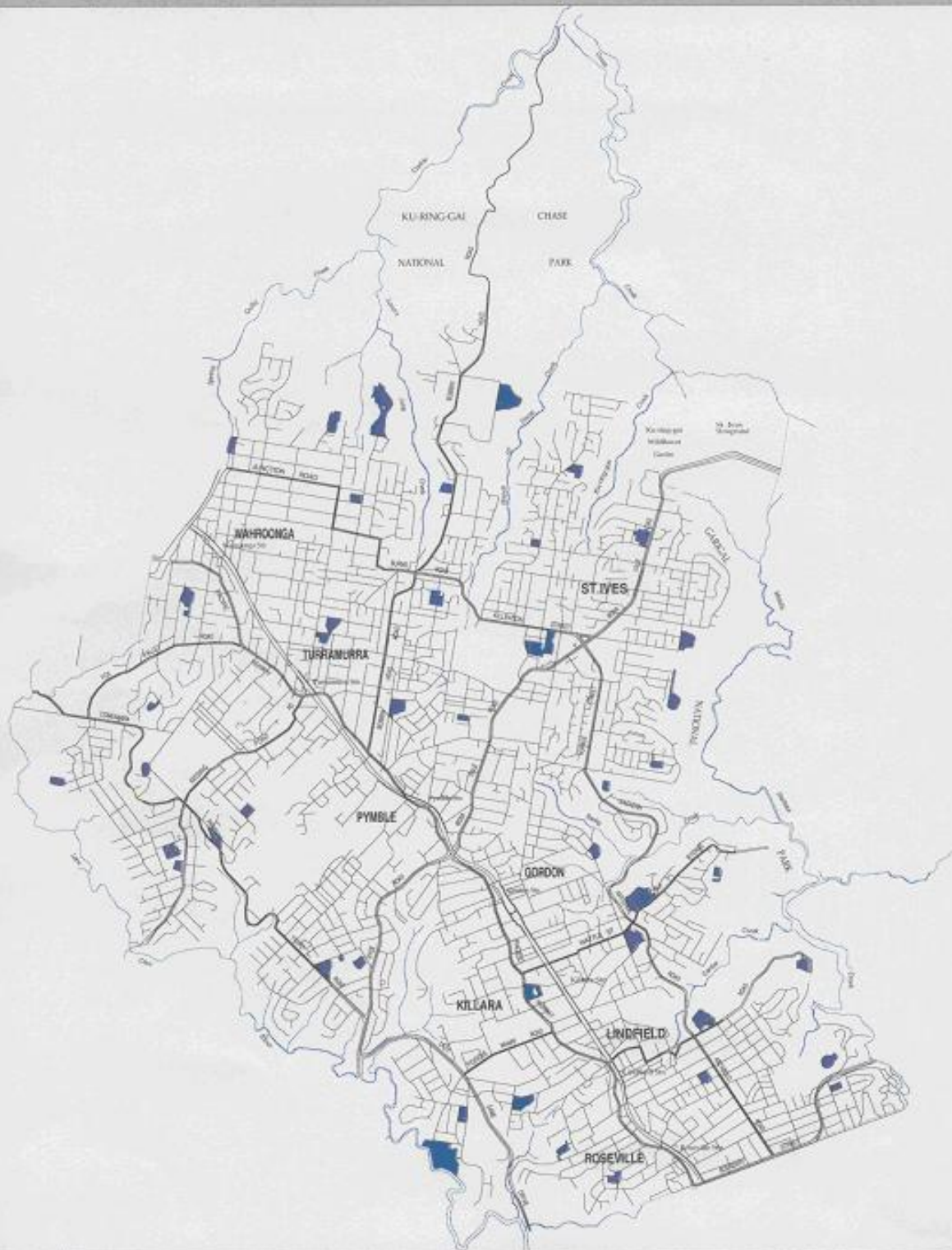
Table 1: Grounds covered in this Plan of Management

No	Name of Sports Ground	Address	Suburb	Ownership	Sports Ground Playing Areas (hectares)	LMU
1	Acron Sports Ground	Acron Road	St Ives	Crown	1.50	94
2	Allan Small Park	Saiala Road	East Killara	Council/ Planning NSW	0.70	157
3	Auluba 1 & 2 Sports Ground Sir David Martin Reserve	Auluba Rd, off Kissing Point Road	South Turramurra	Council	1.60	256
4	Auluba 3 Sportsground Kissing Point Village Green	Vernon Street, off Kissing Point Road	South Turramurra	Council/RTA	0.80	361
5	Bannockburn Road Sportsground	cnr. Selwyn St.	West Pymble	Council	2.00	73
6	Barra Brui Sportsground	Burraneer Ave.	St. Ives	Crown	0.90	134
7	Brown's Field Sportsground	Campbell Drive	Wahroonga	Council	0.55	225
8	Bryce Avenue Sportsground	End of Bryce Ave	St. Ives	Crown/ Council	0.65	118
9	Carrington Road Sportsground	cnr. Coonabarra & Carrington Roads	Wahroonga	DUAP	0.55	73

No	Name of Sports Ground	Address	Suburb	Ownership	Sports Ground Playing Areas (hectares)	LMU
10	Cliff Avenue Sportsground	End of Cliff Avenue off Boundary Road	North Wahroonga	Council	1.60	4
11	Comenarra Sportsground	Nimbrin Street	South Turramurra	Council	1.00	254
12	East Gordon/Darnley Sportsground	Mount Ida Street	Gordon	Crown/Council	0.65	133
13	Edenborough Sportsground	off Bent Street	Lindfield	Crown/Council	0.60	321
14	Fiddens Wharf Road Sportsground	South end of Fiddens Wharf Road	Lindfield	National Parks	0.60	315
15	Friar's Field	Ganmain Road	Pymble	Council	0.40	76
16	George Christie Sportsground	end of Yanilla Ave, off the Broadway	Wahroonga	Council	1.00	242
17	The Glade Sportsground	Koora Ave.	Wahroonga	Council	1.65	211
18	Golden Jubilee Sportsground	Esk Street	North Wahroonga	Crown	3.40	5
19	Hassell Park Sportsground	cnr Mona Vale Road & Mawson Street	St. Ives	Crown	2.15	25
20	Howson Avenue Sportsground	Howson Ave. off Comenarra Parkway	Turramurra	Council	1.40	237
21	Karuah Road Sportsground	Karuah Raod	Turramurra	Council	0.80	43
22	Kent Road Sportsground	off Spurwood Road	Turramurra	Council	0.80	39
23	Koola Park Sportsground	Koola Avenue opposite Churchill Road	East Killara	Crown	4.00	138
24	Lindfield Memorial Park Sportsfield 1	Tryon Road	East Lindfield	Crown	1.30	163
	Lindfield Memorial Park Sportsfield 2	Tryon Road			0.75	163
25	Bicentennial Park 26a Lofberg Sportsfield	cnr Lofberg & Yanko Roads	West Pymble	Council	0.70	283
	Bicentennial Park 26b Lofberg Netball Courts	Lofberg Road	West Pymble	Council	0.30	284
	Bicentennia Park 26c Norman Griffiths Sportsfield	Lofberg Road near Ryde Road	West Pymble	Council	0.85	287
26	Loyal Henry Sportsground	West end of Bromborough Road	Roseville	Council	0.40	333

No	Name of Sports Ground	Address	Suburb	Ownership	Sports Ground Playing Areas (hectares)	LMU
27	Rofe Park Mimosa Road Sportsground	Mimosa Road near Carina Road	Turramurra	Council	1.00	251
28	Princes Park Primula Sportsground	cnr Primula Street & Highfield Road	Lindfield	Council	1.20	339
29	Queen Elizabeth Sportsground	cnr Charles Street & Bradfield Road	Lindfield	Council	0.60	316
30	Regimental Park Sportsground	Cnr Pacific Hwy & Lorne Ave	Killara	Sydney Water	0.75	171
31	Roseville Chase Sportsground	Off Ormonde Ave.	Roseville Chase	Crown	1.25	185
32	Roseville Park Sportsground	Clanville Road	Roseville	Council	1.00	177
33	North Turramurra Park Samuel King Sportsground	Bobbin Head Road	North Turramurra	Council	0.80	6
34	St. Ives Village Green Sportsground	Memorial Avenue	St. Ives	Council	0.70	31
35	William Cowan Sportsground	Cowan Road			2.00	31
36	Surgeon White Reserve	Off Lawson Parade	St Ives	Crown	3.00	103
37	Toolang Road Sportsground	Cnr. Warrimoo Ave & Toolang Road	St Ives Chase	Council	0.50	34
38	Turramurra Park Sportsground	cnr Eastern and Karuah Roads	Turramurra	Council	1.50	42
39	Killara Park WA Bert Oldfield Sportsfield	Koola Ave.	Killara	Crown	1.15	151
40	Warrimoo Ave. Sportsground	Warrimoo Ave, opposite Gould Ave.	St Ives Chase	Council	1.00	19
41	East Lindfield Park Wellington Road Sportsground	cnr Wellington & Carlyle Roads	East Lindfield	Council	1.15	182
42	Claude Cameron Grove Westbrook Sportsfield	Cnr. Westbrook Ave & Kintore Street	Wahroonga	Council	0.80	54

FIGURE 1 - SPORTS GROUNDS IN KU-RING-GAI



SCALE: 1:63000

DATE: 23-07-2002

FOR MORE DETAILED PLANS SEE APPENDIX A



1.2 Zoning

All sports grounds are zoned 6(a) – Open Space. The zoning permits the following purposes for which buildings or works may be erected or carried out without consent:

works for the purpose of landscaping, gardening;

irrigation and drainage; and

bushfire hazard reduction.

The zoning also provides for a range of works or buildings which may be carried out or erected with Council consent.

1.3 Ownership and Management

The majority of the Sports Grounds are owned and managed by Ku-ring-gai Council. There are, however, nine grounds that are on Crown Land and others on land owned by Planning NSW, the NSW National Parks and Wildlife Service and Sydney Water. The management of Sports Grounds on Crown land must take into account the principles of Crown Land Management as set out in the *Crown Lands Act 1989*.

Those grounds owned by other agencies and covered in this generic Plan will also be managed according to the objectives for Sports Grounds owned by Ku-ring-gai Council.

1.4 Leases and Licences

1.4.1 Express Authorisation

In addition to the current lease/licence agreements (listed in Appendix B), Council may by resolution enter into contracts and lease/licence agreements with relevant authorities, organisations, individuals, or companies in relation to the provision of services or utilities in accordance with the objectives of this Plan and legislation requirements.

The grant of a lease, licence, or other estate in respect of so much of the land to which this land applies, for the grounds covered by this Plan of Management, is hereby expressly authorised:

- (a) for any purpose for which the land was being used at the date this Plan was adopted; or
- (b) for any other purpose prescribed by Section 46 of the Local Government Act, 1993, or the Regulation made there under.

The granting of leases licenses and other estates must be consistent with the core objectives of the land's categorisation, namely, "Sports Ground".

All lease and licence agreements with any sporting organisations or other bodies, entered into by Council which allows the organisation to use the sports grounds, should require, as a condition of the agreement that the organisation maintain the grounds in a clean litter free state.

1.4.2 Leases, Licences and Other Estates Prohibited by the Plan

The Plan of Management prohibits leases, licences and other estates being granted at Sports Grounds for the following:

- Activities prohibited by the zoning of the land unless otherwise enabled through the operation of 6IH(1) of the Ku-ring-gai Planning Scheme Ordinance.
- Activities which are not in accordance with the aims and/or objectives of the Sports Grounds Plan of Management.

1.5 Categorisation

In accordance with the requirements of Section 36, Clause 4 of the *Local Government Act 1993* as amended (1998), Plans of Management for community land must categorise land as either:

Sportsground, Park, General Community Use, Area of Cultural Significance, or Natural Area.

This Plan of Management categorises all the locations identified in **Table 1** as Sportsground (except those identified as not owned by Council).

1.6 Aims and Objectives for Sports Grounds

The *Local Government Act 1993* specifies the following core objectives for community land categorised as Sportsground:

- To encourage, promote and facilitate recreational pursuits in the community involving organised activities, sport and games, and wider community use not classified as organised.

For a definition of organised activities, sports and games refer to section 3.13.

- To ensure that such activities are managed having regard to any adverse impact on nearby residences, sportsground users, and long term sustainability and asset management of the facility.
- Maximise the active and passive recreational opportunities provided by sportsgrounds _
Maximise opportunities for management and use of the sportsgrounds.
- Provide a framework for sustainable management across all 42 locations.
- Minimise the impacts from activities associated with sportsgrounds upon surrounding residents and the environment.

As some of the Sports Grounds listed in this Plan are located either fully or partly on Crown Land the principles of Crown Land Management, as set out in the *Crown Lands Act 1989*, have been taken into account in the formulation of this Plan. The principles set out in the *Crown Lands Act 1989* are:

- To observe environmental protection principles in relation to the management and administration of Crown Land.
- To conserve, wherever possible, the natural resources of Crown land (including water, soil, flora, fauna and scenic quality).
- To encourage public use and enjoyment of appropriate Crown land.
- To encourage multiple use of Crown land, where appropriate.
- To use and manage Crown land in such a way that both the land and its resources are sustained in perpetuity, where appropriate.
- To deal with Crown land in the best interests of the State consistent with the above principles.

1.7 Definitions

Sports ground

A sports ground is defined as including the sports field and sports surrounds.

Sports field

A sports field is the defined area marked for activity

Surrounds

Area that falls outside the defined area marked for activity.

This plan divides the types of usage of a sports ground into three categories:

Organised activities, sports and games

Any group of people (more than 5 people, or one that is commercially based) who are using any council owned or managed land on a regular basis (at least once in any eight week period) will be considered a regular and organised group and will therefore be required to comply with Council's Open Space Conditions Of Hire.

Informal activity

Any person or group of people using council owned or managed land for non specific general open space usage in a manner that is not of a coordinated or regular manner.

Non-specific general open space usage

Activities which do not require any sporting infrastructure such as line marking, goal posts (permanent or temporary), cricket wickets, or occur less than once every three months on a spontaneous, cultural and social nature.

2 Basis for Management

The basis for management will guide management of Council's Sports Grounds network over the next 10 to 15 years. It incorporates the core values of the community and regular users which are reflected in the vision for Sports Grounds.

2.1 Why Sports Grounds are Important

A significant proportion of Ku-ring-gai residents are involved in organised sport. In 1993, 31,900 residents were involved in sport with 27,900 of these actually involved as players. This represents about 36.4% of Ku-ring-gai's population (ABS 1993).

Sports Grounds are also heavily used for 'unorganised' recreation, and provide leisure opportunities that are not, in many cases, offered by other elements of Ku-ring-gai's park system. (For a definition of both organised and unorganised activities see Section 3.13)

In 2000 it was estimated that Ku-ring-gai council provided approximately 1.107 hectares of sportsground per 1000 people. Much of the open space land categorised as sportsground ranges from large regional type facilities that support a large range of activities to smaller sportsgrounds that have more local appeal.

As identified in the Ku-ring-gai Open Space and Distribution Needs Study (2000) and the Strategic Plan for Sportsfields/Courts in Ku-ring-gai (1996) the positive contribution to the landscape character of Ku-ring-gai by sportsgrounds includes the following:

- Sporting and Recreational opportunities
- Development of youth
- Multiple use/ multi-purpose
- Community benefit
- Visual amenity
- Quality of life
- Improved health benefits
- Increased economic benefits (local economic benefits from hosting sporting events with direct/indirect employment)
- Increased property values
- Social benefits (enhanced community identity, integration and well-being)
- Provision of Habitat

2.2 Values

Values of Sports Grounds and issues affecting their management were identified through:

- Consultation and two workshops with the Ku-ring-gai Sports Advisory Committee (a Council sub-committee comprising representatives of the majority of sports played in Ku-ring-gai).
- Consultation with Council staff.
- Previous Plan of Management for Sports fields which was subject to community consultation.
- Strategic Plan for Sportsfields/Courts in Ku-ring-gai 1997
- Open Space Needs Analysis 2000
- Leisure Needs Survey 1999
- Council's Management Plan 2002-2007

Values and issues are identified in **Table 2**.

Table 2: Values and management issues relating to Sports Grounds

Values	Management Issues
<p>Organised activities, sports and games, and wider community use not classified as organised including:</p> <p>public health</p> <p>organised activities, sports and games</p> <p>unorganised wider community use</p>	<p>Safety/risk management</p> <p>Amenities/facilities/storage</p> <p>Access</p> <p>Future supply and demand</p> <p>Multi-use</p> <p>Traffic and parking</p> <p>Lighting Operating hours for organised activities, sports and games</p> <p>Utilisation and balance thereof</p>
<p>Social and cultural</p> <p>meeting place</p> <p>community benefit</p>	<p>Impact on residents</p> <p>Spectator facilities</p> <p>Security and Vandalism</p>
<p>Environmental</p> <p>landscape</p> <p>visual</p> <p>bushland corridors and interface</p> <p>Tree canopy</p>	<p>Asset management</p> <p>Drainage and irrigation</p> <p>Waste management/rubbish/recycling</p> <p>Dogs on sportsgrounds</p> <p>Adverse impacts on natural areas</p> <p>Contaminated soils and landfill</p> <p>Maintenance</p>
<p>Economic</p>	<p>Tenure</p> <p>Funding</p> <p>Leases and licences</p> <p>Income/fees and lost potential income through non compliant organised use.</p>

2.3 Role

Ku-ring-gai Council's aim for the open space network is to provide the following:

- A diverse opportunity for resident participation in sporting, recreational and passive activities;
- Promote an appreciation of sustainable urban landscape
- Promote an appreciation of bushland habitats and encourage conservation of the natural areas
- Encourage conservation of heritage attributes of public open space.

More specifically, Council's aim for sports grounds is that they play an important role in both a regional and local context in providing significant active and passive sporting and recreational opportunities with attendant community benefits. Their primary use as areas for organised activities, sports and games, continue and be reinforced. In addition the potential for alternative compatible uses and informal recreational, social and cultural activities be recognised, investigated and promoted to maximise their usage within identified physical and social constraints. Sportsgrounds also have an environmental role by providing natural vegetation and habitats for fauna and a natural setting for non-specific general open space usage, unorganised activities and organised activities, sports and games.

2.4 Vision

The vision of the Sports Grounds is: 'To sustainably manage a Sports ground network that best meets the needs of organised activities, sports and games, and unorganised wider community use whilst minimising any negative impacts within sports grounds, on surrounding residents and upon adjoining land uses and catchments'.

Ku-ring-gai Council, the Ku-ring-gai Sports Advisory Committee, user groups and the wider community will continue to work together to see that Council sports grounds are managed and operated in a sustainable manner.

3 Performance Targets

This section describes the issues pertaining to Sports Grounds and the general performance targets to address these issues within the framework set by the basis for management (**Section 2**).

3.1 Safety/Risk Management

Issues

The issues of safety and risk management relate to providing a safe environment for players, spectators, casual and other users of Sports Grounds, and to the safety of residents whose properties adjoin them.

Positive management of these issues involve:

- Identification of user needs.
- Appropriate design, construction and maintenance programs.
- Identification of possible risks (ie. Liability, landfill and contaminated soils) and development of

Plans to minimise risk **with reference to Australian Standard HB 246-2002 Guidelines for Managing Risk in Sport & Recreation**

- A fully documented inspection and maintenance cycle appropriate to the facility and sufficient available funds to ensure safety on that facility.

Performance targets

A safe environment for users of, and visitors to, Council's Sports Grounds.

Minimal impacts of Sports Grounds on neighbouring residents' amenity.

3.2 Income and Tenure

Issue

This issue involves the amount all users pay to hire Council's sports grounds, and the level of income Council receives versus its expenditure on sports grounds.

Currently, sporting clubs, associations or individuals pay a fee that is appropriate for the organised activity, sport or game.

The cost of providing these facilities is shared between the sports users (permanent and casual hirers) and the wider community. This is appropriate as there is significant unorganised use of Sports Grounds as non-specific general open space usage by the wider community. A review of this has been identified in the Strategic Plan for Sports fields/Courts 1997.

Tenure is also an important issue to clubs and associations using facilities ancillary to sports grounds, particularly those who have, or intend to contribute towards, improvement of facilities or construction of new facilities. Council must ensure it receives favourable return on its facilities taking into account the community's needs, the social contribution of sporting clubs, the clubs' ability to pay and Council's costs in providing and maintaining a facility or facilities in accordance with principles relating to multi-use (as discussed in 3.5 and 3.12).

Performance targets

An equitable pricing structure for all users of Sports Grounds.

Leases and licences over other estates over both community and Crown lands to be in the best interests of the community as a whole, and ensure that such agreements enable, wherever possible, shared use of community land and facilities.

All facility use has been appropriately undertaken by lease or licence.

3.3 Capital Funding

Issue

Capital funding requirements for long term improvements to amenities, facilities, sports ground surfaces, and supporting infrastructure such as lighting, drainage and irrigation. To support Council to achieve these upgrades, Council seeks funding from other sources such as grants under the NSW Department of Sport Recreation and Racing's capital assistance program, sports clubs, sponsorships, Section 94 funding, advertising as well as funding from Council's capital funding reserves.

Local voluntary support should be acknowledged and recognised for the role it plays in supporting Council to undertake service provision of managing and maintaining Sports Grounds.

Performance targets

Capital funding sourced from a range of organisations.

Capital funding allocated annually to implement key priorities in accordance with Council's Sports field Capital Works Prioritisation Model.

3.4 Maintenance

Issues

Council is developing a strategic, innovative and integrated approach to its facilities and asset management. Staffing professionalism, confidence and flexibility in delivering timely and quality service provision should engender strong community confidence in council's operational capability.

- Sports ground management service provision
- Facility maintenance management
- Minor and capital works management

Asset management in the context of sports grounds is the management of the asset within the strategic framework. It includes undertaking a thorough inventory, life-cycle analysis and condition assessment of the assets. Asset management strategies should highlight required maintenance regimes (linked to Park hierarchies and usage profiles), programmed works, asset replacement and renewal strategies and future funding forecasts and requirements. It should also address

forecasted future demand and strategies that resolve gaps in current and desired levels of services in sports grounds.

The issue of maintenance relates to the gap between the expectations of sporting clubs in relation to preparation of playing surfaces, and Council's financial ability to maintain these playing surfaces to these expectations. In addition, there is a difference between the quality of playing surfaces for the standard of sport being played (eg. junior/senior, local/district competition, turf/artificial cricket wicket).

The ability of Council to maintain a satisfactory playing surface often depends on the quality of the basic asset. The poorer the basic asset, the more unlikely the maintenance program will be able to yield a satisfactory playing surface.

Maintenance is carried out on a cyclical basis which currently represents a base level of service and often falls short of user expectations. However, the maintenance cost is not covered by income from these facilities and therefore is heavily subsidised by other facilities and Council's general revenue.

Council's wet weather policy will promote a responsible partnership between Council and hirers in relation to the management of the risk of damage caused by inappropriate use during wet weather

Performance targets

Sports Grounds, including playing surfaces, maintained to a satisfactory and safe playing standard and providing "best value" to Council.

Basic assets, safe and suitable to provide playing surfaces that meets the needs of users within the limitations of Council's allocated recurrent budget programs for sports grounds.

3.5 Amenities/Facilities/Storage

Issues

The provision of appropriate amenities and facilities at Sports Grounds is crucial in providing a safe and enjoyable destination for all users of Sports Grounds whether they be players, spectators or casual users. Amenities and facilities include clubrooms, change rooms/toilets, storage, cricket nets, half basketball courts, **playgrounds**, park furniture and provision of shade via shelters or trees.

The level of facilities provided depends on the type of Sports Ground, its primary use and level of use, and its setting (eg. local sports ground only or part of an Urban Park).

Facilities at most sports grounds either fall short of the demand or are in need of upgrading. Upgrades of facilities/amenities shall be based on potential or actual utilisation of the sports ground and directly linked to the ground capital funding as allocated by Council and weighted according to the Open Space Capital Works Prioritisation Matrix.

The surrounds of many sports grounds lend themselves towards provision of excellent spectator seating in the surrounding embankments (eg. Bannockburn Oval, William Cowan Oval). Other facilities required include adequate toilets, bubblers, shade (refer Council's Sun Protection Policy) and where possible a broad range of recreation/leisure opportunities, **including playground equipment**.

The Ku-ring-gai Sports Advisory Committee has identified the need to provide additional and secure equipment storage facilities at Sports Grounds. The storage of winter and summer equipment, during off seasons, will need to be managed at each sports ground in collaboration with each of the Clubs.

Performance targets

Suitable amenities and facilities for all users of sports grounds, maintained to agreed Council standards.

Provision of storage facilities that meet the needs of regular users of Sports Grounds without impacting on the values of the ground and the overall aesthetics of the facility/ground on a holistic basis.

Enjoyment for spectators maximised through provision of facilities appropriate to the site and level of usage, taking into account potential impacts on amenity for adjoining residents.

3.6 Access – Vehicle/Pedestrian/Emergency/Disabled

Issues

Access to sporting fields and associated amenities is an issue in the following respects:

- Pedestrian/disabled access
- Vehicular access
- Emergency and service access
- Signage

As a general rule, vehicular access onto sports grounds is limited to emergency and service vehicles only.

Performance Targets

The management of service and access routes to sports grounds and associated amenities must take into account the needs for clear access for emergency vehicles and, where possible, their dual use for pedestrians and the disabled. Major projects at sports grounds are cognisant in recognising these issues and addressing them where possible.

Maximum pedestrian and disabled access to, and circulation within, Sports Ground areas and associated amenities.

Provision for emergency access to all sports grounds.

3.7 Promotion of Access – Disabled/Non traditional/Minority

Issue

Disabled access to sports grounds is very limited. *The Disability Discrimination Act 1992* and *Anti Discrimination Act 1977* makes it law for public places, such as parks, to be accessible to persons with disabilities. In response, Council has developed an Access Policy which provides relevant performance targets and strategies.

Building and facility asset management programs identify limitations in access for people with a disability to Council's public buildings.

This Plan recognises the need to ensure equitable accessibility for all emerging, non traditional, minority organised activities, sports and games.

Access to sporting fields and associated amenities is an issue in the following respects:

- Emerging, non traditional and minority organised activities, sports and games
- Access for ethnic and minority groups
- Disabled access
- Signage

Performance targets

Promotion of access for all groups in the community.

The allocation, leasing and licencing policy to address and support where possible all emerging, non traditional and minority organised activities, sports and games.

3.8 Traffic and Parking

Issue

Traffic and, in particular, parking is a major concern at most sports grounds. With few exceptions, parking facilities adequate for current demand were not developed when sports grounds were constructed and the resultant overflow parking to adjacent residential streets has been the subject of consistent concern and comment by residents and frustration for users.

However, the creation of additional parking within most sports ground sites is either physically impossible or would alienate/eliminate valuable recreation/parkland areas adjoining sports grounds.

Those areas where known traffic problems are occurring require further investigation in consultation with the Ku-ring-gai Traffic Committee.

Performance targets

Provision of off street parking opportunities at Council's sports grounds without compromising the landscape or recreational values of lands adjoining sports grounds unless such compromise is in the public interest.

Minimum impacts of sports events upon traffic flows and nearby residents and participation by user groups to assist in the ongoing management of traffic and parking issues.

3.9 Lighting

Issue

Currently nineteen of Council's sports grounds have floodlighting for night training (but not match playing). These grounds are listed in **Appendix C**. Much of the floodlighting is aged, and of poor quality. Advances in technology mean that lighting can be upgraded whilst at the same time minimising impact of lighting overspill on adjoining residents. With funding assistance from the NSW Department of Sport Recreation and Racing, lighting has recently been upgraded at some of the locations and this program must continue until all lighting meets the relevant standards (AS 2560 – Guide to Sports Lighting and AS 4282 - Guide to Obtrusive Lighting).

Equally important is the need to consider floodlighting at additional sports grounds so night training can be more evenly spread. This would reduce the high impact which currently occurs on the nineteen floodlit Grounds which are used up to five nights per week for training during winter in addition to weekend match play.

The impact of current and future lighting at sportsgrounds on neighbours and the community in general need to be considered.

Performance targets

All floodlighting to meet the relevant standards (AS 2560 – Guide to Sports Lighting and AS 4282 - Guide to Obtrusive Lighting).

Floodlighting on sports grounds that ensures acceptable impacts on amenity on neighbouring residents (as per the relevant Standards).

A long term plan for lighting of sportsgrounds that provides for better utilisation of the existing sports ground asset base to be prepared as part of overall asset management.

3.10 Drainage and Irrigation

Issue

Drainage at most sports grounds is inadequate, resulting in playing surfaces which:

- Take longer than necessary to dry out and become unplayable after rainfall.
- Require higher maintenance attention to achieve a satisfactory and healthy turf coverage.
- Cannot withstand high sporting use.

Irrigation is an issue because there are automated systems at only seven Sports Grounds. These are Warrimoo, Hassell, Cliff Oval 1&2, Primula, Roseville Park, Auluba Oval, and Bannockburn.

The remainder require manual intervention (moving sprinklers etc.) which has a high labour cost and dictates that watering is undertaken during the daytime, which is the least productive time (due to highest moisture loss and interference with users).

Automated watering systems provide greater control and can more effectively target application rates and, therefore, minimise over watering.

Performance targets

Progressively implement a long term quality irrigation program at all sports grounds.

Implementation of construction that significantly improves drainage at prioritised sports grounds.

3.11 Waste Management

Issue

Rubbish and recycling has been identified by the Ku-ring-gai Sports Advisory Committee and residents as an issue. Residents are concerned by the amount of litter present after sports activities at some locations.

Recycling facilities are currently limited to Norman Griffiths Oval (2x paper 1x aluminium), Lindfield Oval (1x glass and 1x aluminium), Sir David Martin Oval (Aluluba) (2x paper, 2x aluminium, 2x glass). There are some grounds in which bins are located in the dressing area for limited use by the Sports Clubs only.

The issue of littering is one which can be dealt with through provision of appropriate containers, routine inspection and liaison where problems arise. The Ku-ring-gai Sports Advisory Committee could assist in the management of this issue by monitoring the use of recycling facilities and presence of waste following sporting activities.

In addition, users of sporting facilities must be encouraged to realise their responsibility. Payment of a bond could be one way of ensuring sporting groups effectively address their waste management responsibilities.

Drug and alcohol specific littering is prevalent and creates costly occupational health and safety concerns for the community, grounds users and council staff alike.

Performance targets

Provision of appropriate recycling facilities at Sports Grounds.

Sports Grounds with minimal littering problems.

Sporting organisations to take a positive role in waste management.

3.12 Impact on Residents

Issue

Negative impacts on residents whose properties adjoin or are in the vicinity of sports grounds include traffic and parking; inappropriate uses; noise; light spill from flood lighting; and entry of stray balls into adjoining properties and attendant disturbances.

The type and degree of impact varies from ground to ground and between properties adjoining the same ground due to differences in orientation, topography, setback and perception. Council's policy is to minimise these impacts over time while recognising that living in proximity to sports grounds inevitably brings both positive and negative effects for these residents.

Performance target

Adverse impacts on nearby residents managed to an acceptable level.

3.13 Booking Guidelines

Issue

Users that fall under the definition of Organised activities, sports and games must adhere with Councils Booking Guidelines, Conditions of Hire and Major Events Guidelines and the definitions contained within this Plan.

Performance targets

Compliance with Councils Booking Guidelines, Conditions of Hire and **Special Major Events** Guidelines for all permanent and casual organised users.

Raise the awareness of the existence of these documents amongst the wider community and users.

3.14 Effects of Multiple Use

Issue

The use of a sports ground by one code or group may affect its use by another code or group.

The effect may cross seasons; for example the impact of rugby upon a turf cricket wicket or the impact of having a raised covered artificial cricket wicket in the middle of a soccer field. The impact can be within a season where, for instance, a Sports Ground may be used for more than one winter code and the differing line markings may cause confusion.

It is important that the use of Sports Grounds acknowledges all genders and that use is allocated equitably across the male and female sporting groups. Dual-sex sporting codes and those that promote junior development and emerging sports. The Strategic Plan for Sports fields/Courts in Ku-ring-gai (1996) recommends that the guiding principles for proposed organised activities, sports and games include the investigation of co-location of compatible activities.

Council policy is to optimise use of sports grounds by encouraging compatible multi-use, provided the impacts on users are minimal.

Performance target

Flexible, compatible and equitable multiple and sustainable use of sports grounds.

3.15 Over and Under utilisation of Specific Sites

Issues

The imbalance of utilisation at differing sports grounds is often due to its geographic and infrastructure limitations (location, size, facilities, lighting). This creates under utilisation at some locations and over utilisation at other more accessible higher profile locations.

Future development of grounds whilst addressing the impacts of over utilisation should identify opportunities to increase utilisation and thus spread the impacts of use more sustainably.

Performance Target

Allocation of grounds to minimise imbalance of utilisation to ensure greater resilience and sustainability across all sports grounds.

3.16 Vandalism

Issue

Vandalism is a widespread issue which affects all components of the open space system, including Sports Grounds.

Acts of vandalism in sports grounds include graffiti on and damage to buildings; damage to playgrounds and equipment and other facilities such as furniture; damage to trees and other vegetation; and theft of, or damage to signage.

The annual cost for Council to repair damage caused by acts of vandalism is significant and growing for buildings and services.

Quite apart from the financial cost is a significant reduced or lost value of facilities for recreation until the damage is repaired. While the threat of being caught and prompt repairs to vandalised facilities have been identified as good deterrents they do not solve the problem.

In addition to vandalism, there is inappropriate use of some sports grounds, or facilities within, also resulting in decreasing condition of the assets. Some activities carried out are incompatible with the core use of a ground. An example is golf being played on turf wickets.

While vandalism cannot be eliminated, the following strategies can help to reduce vandalism:

- Maximising user satisfaction.
- Good design and facilities.
- Prompt response to repair damage when vandalism occurs.
- Where necessary, target enforcement to known problem areas.
- Appropriate education and interpretation.
- Increased community involvement in sports ground development and management.

Performance targets

Vandalism and inappropriate use minimised.

Investigation into a joint approach between the community, law enforcement agencies and Council staff to workshop issues and future management.

3.17 Dogs on Playing Fields

Issue

The NSW *Companion Animals Act* 1998 requires Councils to help promote responsible animal ownership. This situation is difficult however to regulate without adequate education, ranger patrols, clear signage and wider community support.

Concern has been expressed by a number of participants about the use of sports grounds for dog training and persons exercising their dogs. The principle concern relates to health risks to other users from the presence of dog faeces and uncontrolled and aggressive dogs.

The Northern Sydney Area Health Services (NSAHS) has advised exposure to Toxocariasis (worm infestation) is the main health problem associated with dog faeces on the playing field (or, for that matter, other recreation areas). A Senior Environmental Health Officer with NSAHS has advised that in his opinion children faced a greater risk from pets in households than from faeces on Sports Grounds.

The Ku-ring-gai Sports Advisory Committee (KSAC), Companion Animals Advisory Committee (KAAC), Ku-ring-gai Urban Parks Advisory Committee (KUPAC) and Council staff wish to investigate the controlled usage of sports grounds as off leash areas for dog walkers and trainers to provide a greater range of those facilities and associated benefits without creating unacceptable impacts on regular users.

Criteria that could be used to determine the suitability of sportsgrounds for shared usage (sports and dogs) include geographical location, turf wickets, roads, fencing, playgrounds, signage, bins, water, passive recreation and disruption to play.

Performance targets

Identify the potential for shared usage on sports grounds and introduce principles.

Progressively improve the suitability of identified sports grounds in accordance with the Off Leash Area Suitability Rating and funding allocation for the development of such off leash areas.

3.18 Operating Hours for Organised Activities, Sports and Games

Issues

Adverse impact on surrounding resident's amenity by unauthorised organised use at hours outside open space booking procedures. Sports grounds can be booked for organised activities, sports and games during the following operating hours:

- Monday through to **Friday** 8am to 9.30pm (Development Application conditions dependant)
- **Saturday 8am to 6pm**
- Sunday 9am to 6pm

Performance target

Ensure appropriate regulatory signage and actions allow control of unauthorised organised use to minimise impact on amenity for surrounding residents.

3.19 Impacts on Natural Areas

Issues

Nutrient enriched run-off from sports grounds makes a significant contribution to the degradation of urban bushland areas and water quality. Reducing this impact will decrease the improved conditions for weed growth and eventually decrease the cost of regeneration and maintenance of healthy bushland. This process can be assisted by:

- Biotechnology and integrated pest management
- Providing a base that allows quality turf (investigate using native turf species for suitable areas) with minimum chemical application (pesticides and fertilisers and follows guidelines insafe operating procedures for safe use of pesticides).
- Soil testing to minimise fertiliser applications to specific needs only.
- Where chemicals are required for operational purposes, use of registered, low impact, non residual, organic rather than chemical fertilisers and those that are low in phosphorus shall be used.
- Collecting and treating of run-off from playing fields before it enters urban bushland areas and catchment and consideration of water recycling opportunities that may arise.
- Use of vegetation lined drainage channels instead of concrete where appropriate to reduce impacts of erosion.
- Placement of appropriate sediment and nutrient control devices on drainage lines into bushland and on grounds when stock piling and applying top dressing to prevent sedimentation moving into bushland and waterways.
- Provide adequate rubbish bins to minimise litter in bushland areas and subsequent collection.
- Vegetation management:
 - Green links (preservation and improvement of existing bushland corridor linkages).
 - Shade and replacement planting program.
 - Weed control programs
 - Use of endemic/local native species rather than introduced species
- Reduced/limit access points into surrounding bushland to minimise physical damage
- Interpretive signage and education about vegetation type and management around sportsgrounds that interface with bushland.

Performance target

To ensure that all activities on sports grounds have minimal impact on natural areas and bushland.

4 Action Plan

Table 3 below outlines the actions that will be implemented to achieve Council's performance targets.

The priority assigned to each action gives an indication of Council's intended timing to implement the strategies as follows:

High – within one year.

Medium – within three years.

Low – within five years.

Ongoing – over time, whilst the Plan of Management is in force.

Table 3: Action Plan

Issue	Performance Target	Strategy	Priority
4.1 Safety/risk management	A safe environment for users of, and visitors to, Council's Sports Grounds.	Formulate and implement a monthly risk management sports ground inspection program to identify and minimise risks on sports grounds & amenities (excl. clubhouses).	High/ Ongoing
	Minimal impacts of Sports Grounds on neighbouring residents' amenity.	Ensure all users are provided with and understand the Open Space Conditions of Hire.	High/ Ongoing
4.2 Income and tenure	An equitable pricing structure for all users of Sports Grounds.	Annual review of fees and charges for seasonal and casual hire of sports grounds as per Council's annual Budget Management Plan.	High/ Ongoing
	Leases and licences and other estates over both community and Crown lands to be in the best interests of the community as a whole, and ensure that such agreements enable, wherever possible, shared use of community land and facilities.	Commercial and non-commercial uses must be ancillary to and supportive of use of the ground, and must be consistent with the aims and objectives of the Plan.	Ongoing
		Leases, licenses and other estates are only permissible in land categorised as sports ground.	Ongoing
4.3 Capital funding	Capital funding sourced from a range of organisations.	Identify all funding opportunities from State and Federal Agencies, including Section 94 contributions, and pursue grants wherever possible.	High
	Capital funding allocated annually to implement key priorities in accordance with the Open Space Capital Works Prioritisation Process.	Seek funding in Council's annual capital works program to implement the capital improvements program for Sports Grounds in accordance with the Open Space Capital Works Prioritisation Process.	High and ongoing
		Seek innovative arrangements in partnership with user groups.	Medium

Issue	Performance Target	Strategy	Priority
4.4 Maintenance	Sports Grounds, including playing surfaces, maintained to a satisfactory and safe playing standard and providing “best value” to Council.	Prepare and identify satisfactory standards for each sports ground location and review maintenance programs for each site annually. Identify long term maintenance management strategies for all sites	High medium
	Basic assets, safe and suitable to provide playing surfaces that meets the needs of users within the limitations of Council's current sportsgrounds and allocated recurrent budget programs.	Audit Sports Grounds monthly to monitor implementation of maintenance plans.	Ongoing
		Review operational provision annually. and administrative procedures and methods of service	Ongoing
		Monitor implementation of the reporting system to provide immediate response for emergency repairs.	Ongoing
		Promote community and sports club involvement in the maintenance of Sports Grounds (eg. line marking and goal post erection).	Ongoing
4.5 Amenities/ facilities/ storage	Suitable amenities and facilities for all users of Sports Grounds, maintained to agreed standards	Identify the desired amenities (eg. toilets) and facilities required at each Sports Ground location.	High
		Develop, prioritise and progressively implement (according to funding) a program to provide identified amenities and facilities.	Medium and ongoing
	Provision of storage facilities that meet the needs of regular users of Sports Grounds without impacting on the values of the Ground and the overall aesthetics of the facility/ground on a holistic basis.	Identify the current and projected future storage needs of regular users, considering all constraints and opportunities and their relative priorities.	Medium
		Progressively increase storage facilities according to priority and funding.	Low
	Enjoyment for spectators maximised through provision of facilities appropriate to the site and level of usage taking into account potential impacts on adjoining residents.	Audit all Sports Grounds and identify constraints and opportunities in relation to providing facilities for spectators (in conjunction with users).	Low
		Develop and implement prioritised spectator facilities improvement program.	Low

Issue	Performance Target	Strategy	Priority
4.6 Access – vehicle/pedestrian/emergency/disabled	The management of service and access routes to sports grounds and associated amenities must take into account the needs for clear access for emergency vehicles and, where possible, their dual use for pedestrians and the disabled.	Provide appropriate barrier systems to regulate vehicular access to Sports Grounds.	High
	Provision of emergency access to all sports grounds.	Provide and maintain regulatory signage to ensure unimpeded access to all sports grounds for emergency vehicles.	Medium
	Maximum pedestrian and disabled access to, and circulation within, Sports Ground areas and associated amenities.	Identify constraints and opportunities to maximising access and circulation and develop a program of pathway installation.	Low
		Progressively implement pathway installation program in accordance with budgetary constraints and Council's Access Policy.	Low
4.7 Promotion of Access - disabled/non traditional/minority	Promotion of access for all groups in the community.	Provide and maintain regulatory signage to prevent unauthorised parking in disabled car spaces.	Medium
		Council to produce a multi-lingual/large print information (fact sheets and signage) outlining location of, and facilities within, sports grounds in Ku-ring-gai for people of non-English-speaking-background	Medium
	The allocation, leasing and licencing policy to address and support where possible all emerging, non traditional and minority organised activities, sports and games.	Adoption and implementation of the allocation leasing and licencing policy.	High
4.8 Traffic and parking	Provision of off street parking opportunities at Council's Sports Grounds without compromising the landscape or recreational values of lands adjoining Sports Grounds unless such compromise is in the public interest.	Investigate constraints to and opportunities for provision of increased off-street parking at Sports Grounds.	Medium
	Minimum impact of sports events upon traffic flows and nearby residents.	Investigate traffic conditions at all Sports Grounds and develop options to minimise the impact of traffic flows upon users and residents.	Medium

Issue	Performance Target	Strategy	Priority
4.9 Lighting	All floodlighting to meet the relevant standard (AS 2560 – Guide to Sports Lighting and AS 4282 – Guide to Obtrusive Lighting).	Audit Sports Grounds to ensure standard is met <u>Audit Sports Grounds currently with lighting to establish which meet AS2560 and AS4282.</u> <u>Determine a plan of action to ensure standards are met at all grounds as soon as possible.</u>	High <u>Ongoing</u>
	Floodlighting on sports grounds that ensures acceptable impacts on amenity on neighbouring residents. A long term plan for lighting of sportsgrounds that provides for better utilisation of the existing sports ground asset base.	Audit all Sports Grounds currently without lighting to determine which are suitable for further consideration. Prioritise those sports grounds considered suitable for floodlighting and, as funds permit.	Medium
4.10 Drainage and irrigation	Progressively implement a long term quality irrigation program at all sports grounds.	Prioritise the drainage and irrigation requirements for Council's Sports Grounds.	High
	Implementation of surface drainage at all sports grounds.	Progressively install drainage and irrigation to Council's Sports Grounds according to funding and identified priorities.	Ongoing
4.11 Waste management	Provision of appropriate recycling facilities at Sports Grounds	Identify Grounds where it is appropriate to have recycling facilities.	Low
		Provide recycling facilities at appropriate Council Sports Grounds and promote their use through the Sports Advisory Committee network and the general community.	Ongoing
	Sports Grounds with minimal littering problems.	Provide adequate litter bins.	High
		Develop a routine inspection program to identify and deal with litter problems at Sports Grounds.	Ongoing
	Sporting organisations to take a positive role in waste management.	Permanent hirers to promote and educate appropriate use of recycling facilities where applicable.	Ongoing
		Ongoing monitoring to ensure litter is appropriately disposed of following sporting activities and general littering issues.	High/ Ongoing

Issue	Performance Target	Strategy	Priority
4.12 Impact on residents	Adverse impacts on nearby residents managed to an acceptable level.	Ensure all users understand and adhere to Open Space Conditions of Hire.	Ongoing
4.13 Booking Guidelines	Compliance with Councils Booking Guidelines, Conditions of Hire and Major Events Guidelines for all permanent and casual organised users.	Ensure all users understand and adhere to Open Space Conditions of Hire.	Ongoing
4.14 Effects of multiple use	Flexible, compatible and equitable multiple use of sports grounds.	Identify those users which are compatible and where possible promote multiple use of the facilities for sporting and other recreational/leisure activities (but not adversely impacting on another Code).	Medium
4.15 Over and Under utilisation of specific sites	Allocation of grounds to minimise imbalance of utilisation where feasible.	Implementation of allocation of Leasing and Licencing Policy	High
4.16 Vandalism	Vandalism and inappropriate use minimised.	Develop and implement a system to provide for immediate response to reported damage or vandalism in parks.	High and Ongoing
		Ensure new facilities in sports grounds are of appropriate design and construction and are well maintained to reduce motivation factors for vandalism.	Ongoing
	Investigation into a joint approach between the community, law enforcement agencies and council staff to workshop issues and future management.	Develop and initiate a "sports ground watch" or "sports ground care" program to promote greater community involvement in the management of vandalism issues.	High
4.17 Dogs on playing fields	Identify the potential for shared usage on sports grounds.	Investigate the controlled usage of sports grounds as off leash areas in consultation with the Ku-ring-gai Sports Advisory Committee, the Companion Animals Advisory Committee, and the Ku-ring-gai Urban Parks Advisory Committee	High
	Progressively improve the suitability of identified sports grounds in accordance with the Off Leash Area Suitability Rating and funding allocation for the development of such off leash areas.	Prioritise identified sites using the Off Leash Area Suitability Rating	High

Issue	Performance Target	Strategy	Priority
4.18 Operating Hours for organised activities, sports and games	Ensure appropriate regulatory signage allows control of unauthorised organised use to minimise impact on amenity for surrounding residents.	Ensure all users understand and adhere to the Open Space Conditions of Hire	High
		Regulatory patrols to investigate breeches of the Open Space Conditions of Hire.	Medium
4.19 Impacts on natural areas	Minimum impact of Sports Grounds on natural areas.	Soil test sports grounds to ensure effective and efficient fertiliser application.	High/Ongoing
		Replacement planting with locally indigenous species	High/Ongoing
		Actively manage the sports ground bushland interface	High/Ongoing
		Where appropriate, preference will be given to the use of fertilisers that are low in phosphorus non residual and of low impact.	Ongoing
		Re-use of site water where appropriate	Ongoing

5 Monitoring Program

The action plan will be reviewed every two years. The review will include:

A report on the progress of the Plan of Management.

Recommendations for alterations (if applicable) to the action plan.

Any other necessary changes due to new usage trends.

The Performance targets will be reviewed every five years. However, if significant changes take place in the intermittent period then this Plan would need to be significantly revised in accordance with those changes as soon as possible.

The core values held by the community are unlikely to change over the 15 year time frame however, the relative importance of each value may increase or decrease. These changes in importance of each value may increase or decrease. These changes in importance of core values needs to be reflected in annual charges in the action plan. However, significant changes in the relative importance of core values will necessitate preparation of a new Plan.

References

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Ku-ring-gai Council (1996) - Sportsfields Generic Plan of Management.

Ku-ring-gai Municipal Council (2000) - Plan of Management for Firs Cottage (Roseville Park)

Manidis Roberts Consultants (1997) – Strategic Plan for Sportsfields/Courts in Ku-ring-gai

Manidis Roberts Consultants (1989) - **Ku-ring-gai Recreation Needs Survey.**

North Sydney Council (1995) - **Sports Reserves Plan of Management**

Recreation Planning Associates (2000) - **Ku-ring-gai Open Space Distribution and Needs Study.**

Ku-ring-gai Council (19XX) – **Ku-ring-gai Council Wet Weather Policy**

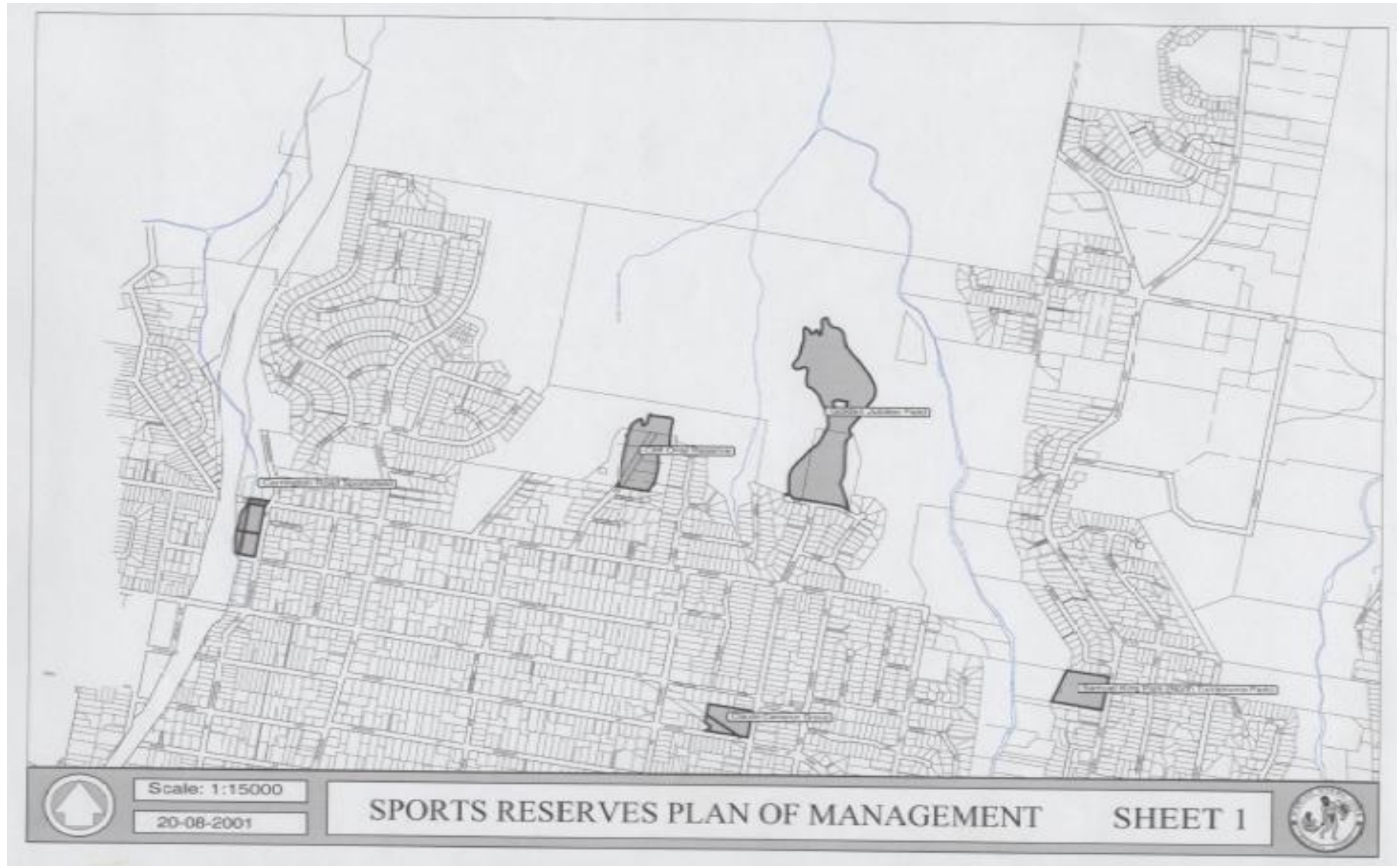
Ku-ring-gai Council (19XX) – **Allocation, Licensing & Leasing Policy**

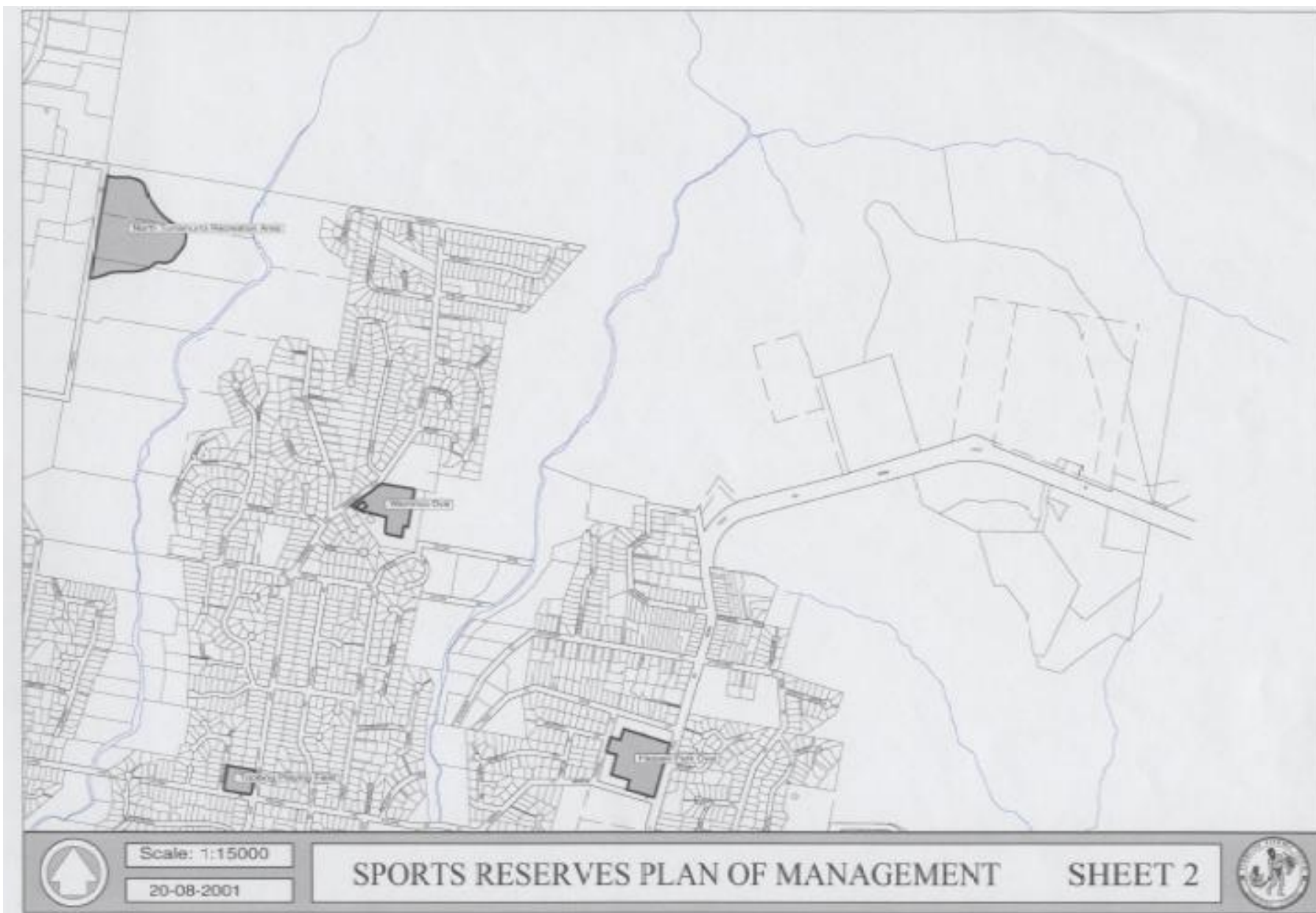
Australian Standards – **HB246-2002 Guidelines for Managing Risk in Sport & Recreation**

Australian Standards – **4282 Control of Obtrusive Effects of Outdoor Lighting**

Australian Standards – **2560 Guide to Sports Lighting**

Appendix A - Maps of the Sports Reserves







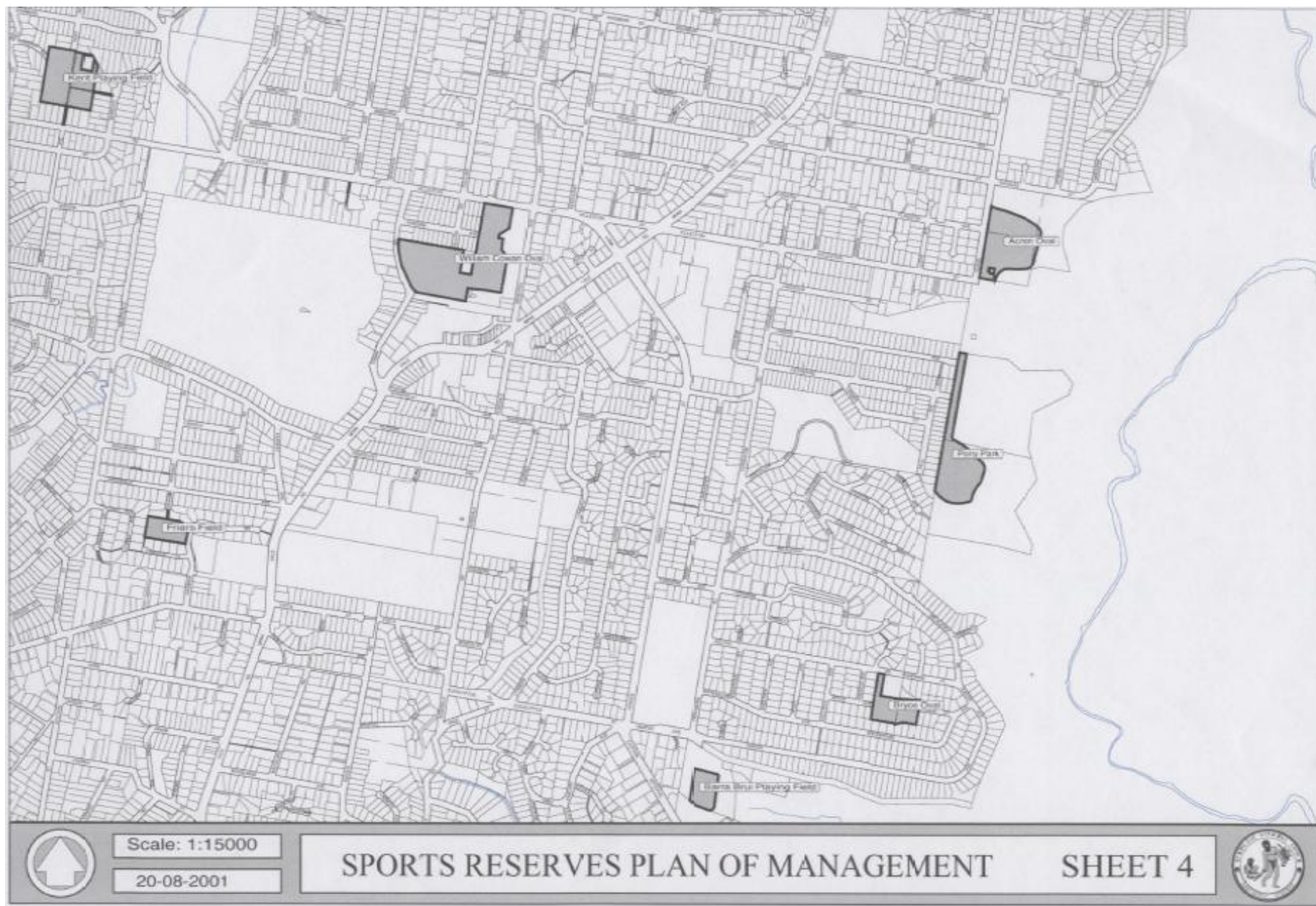
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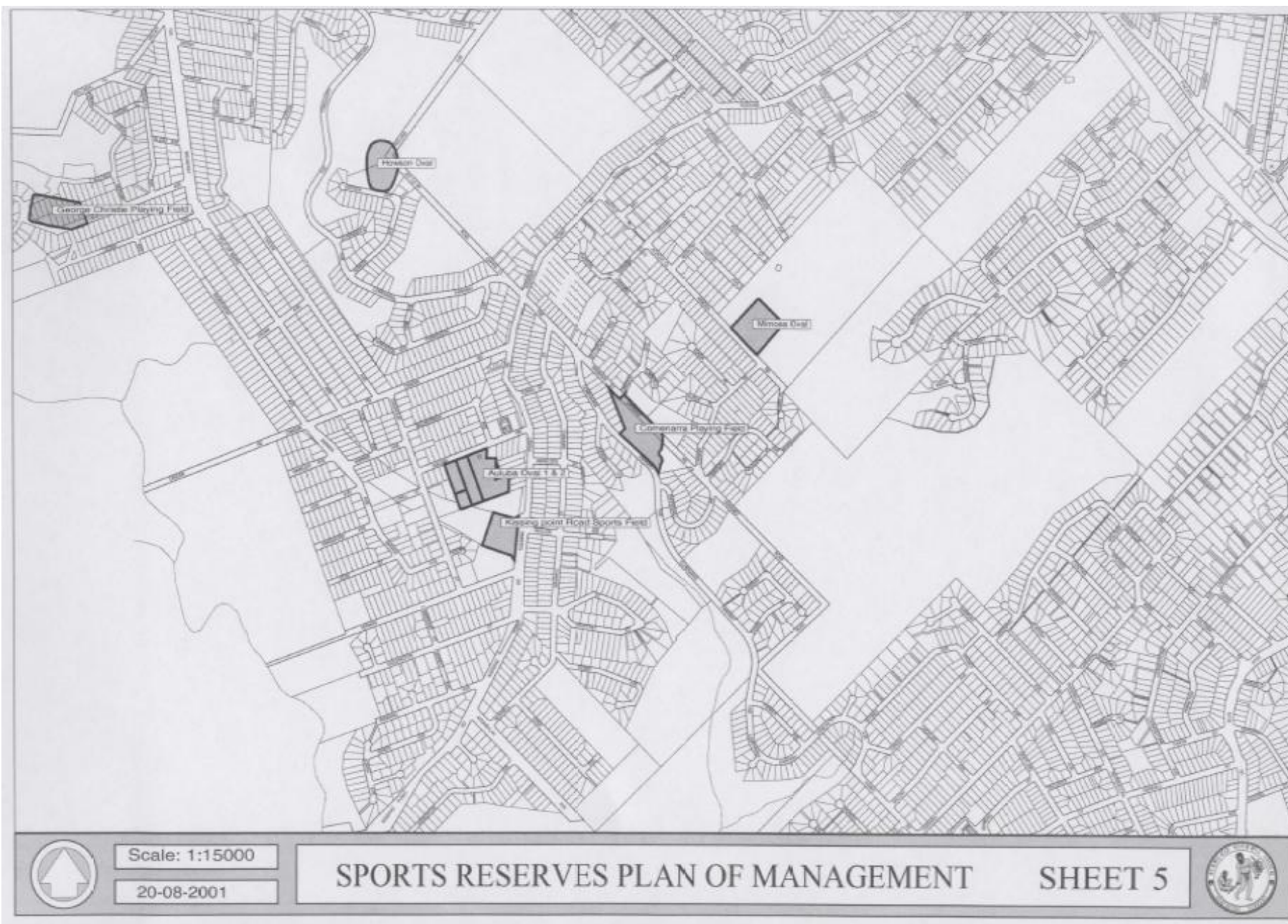
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SPORTS RESERVES PLAN OF MANAGEMENT

SHEET 3









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SPORTS RESERVES PLAN OF MANAGEMENT

SHEET 6





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SPORTS RESERVES PLAN OF MANAGEMENT

SHEET 7





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SPORTS RESERVES PLAN OF MANAGEMENT

SHEET 8





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SPORTS RESERVES PLAN OF MANAGEMENT

SHEET 9



Appendix B - Leases and licenses

Property Leased/Licensed	Lessee/Licensee
Pennant Avenue (off Bushlands Avenue)	Gordon Bowling Club Limited
Mimosa Road, Rofe Park (121)	Scout Association of Australia NSW Branch
Bannockburn Oval (130), Birubi Avenue	Scout Association of Australia NSW Branch
Warrane Road	East Roseville Bowling Club Limited
100 Killeaton Street	St Ives Bowling & Recreation Club Limited
Highfield Road	West Lindfield Bowling Club Co-op Limited
off Catherine Street	Avondale Horse & Pony Club Inc
Soldiers Memorial Pk, Tryon/Arterial Rd	Lindfield Rugby Football Club
Village Green (81), Memorial Avenue	Scout Association of Australia NSW Branch
76B Highfield Road (Princes Park 237)	Scout Association of Australia NSW Branch
Loyal Henry Park (265), Shirley/Bromborough Rds	Scout Association of Australia NSW Branch
Building, Res 81, Village Green, Memorial Ave	Girl Guides Association (NSW)
268, 34C Gladstone Parade	Girl Guides Association (NSW)
19 Mount William Street	Girl Guides Association (NSW)
Cliff Avenue Oval (10), Lister Street	Scout Association of Australia NSW Branch
34C Rosedale Rd (Richmond Park 199)	Scout Association of Australia NSW Branch
86C Wellington Road (East Lindfield Park - 216)	Scout Association of Australia NSW Branch
161 Warrimoo Ave (Warrimoo Playing Fields - 35)	Scout Association of Australia NSW Branch
76B Highfield Road (Princes Park 237)	Scout Association of Australia NSW Branch
Res 216, Carlyle Rd	Girl Guides Association (NSW)
Pavilion Hassell Park, Hassell Street	St Ives Rugby Club Inc
Cliff Avenue Oval (No 10)	Wahroonga Rugby Club
Koola Park (209), Koola Road	The Council of Newington College
Use Roseville Chase Oval Clubhouse, Cardigan Rd	Roseville Rugby Union Club Inc
Use Roseville Chase Oval Clubhouse, Cardigan Rd	Roseville District Cricket Club Inc
Use Roseville Chase Oval Clubhouse, Cardigan Rd	Christian Bros Old Boys Rugby Union Football Club Inc

Appendix C - Lighting

Sports Grounds currently with lighting include:

No	Name of Sports Ground	Address	Suburb	LMU
1	Acron Sportsground	Acron Road	St Ives	94
3	Auluba 1 & 2 Sportsground Sir David Martin Reserve	Auluba Road, off Kissing Point Road	South Turrumurra	256
6	Barra Brui Sportsground	Burraneer Ave	St Ives	134
11	Cliff Avenue Sportsground	End of Cliff Avenue off Boundary Road	North Wahroonga	4
12	Comenarra Sportsground	Nimbrin Street	South Turrumurra	254
20	Hassell Park Sportsground	cnr Mona Vale Road & Mawson Street	St Ives	25
25	Lindfield Memorial Park Sportsfield 1	Tryon Road	East Lindfield	163
29	Princes Park, Primula Sportsground	cnr Primula Street & Highfield Road	Lindfield	339
32	Roseville Chase Sportsground	Off Ormonde Ave.	Roseville Chase	185
34	North Turrumurra Park Samuel King Sportsground	Bobbin Head Road	North Turrumurra	6
35	St Ives Village Green Sportsground	Memorial Avenue	St Ives	31
	William Cowan Sportsground	Cowan Road		31
37	Turrumurra Park Sportsground	cnr Eastern and Karuah Roads	Turrumurra	42
39	Warrimoo Avenue Sportsground	Warrimoo Ave, opposite Gould Avenu	St Ives Chase	19
40	East Lindfield Park Wellington Road Sportsground	cnr Wellington & Carlyle Roads	East Lindfield	182