

Appendices

Appendix A – Voluntary Conservation Agreement

CONSERVATION AGREEMENT

Between

TIMOTHY JOHN MOORE

Minister for the Environment

And

THE COUNCIL OF THE MUNICIPALITY OF
KU-RING-GAI

The Owner

of Ku-ring-gai Flying Fox Reserve

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

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

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



TOWN CLERK

Director

NSW National Parks
and Wildlife Service

43 Bridge Street

HURSTVILLE NSW

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

1. INTERPRETATION

In this Agreement unless the contrary intention appears:-

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

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

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

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

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

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

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

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

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

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

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

3. USE OF THE SUBJECT LAND

The Owner covenants with the Minister as follows:-

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

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

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

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

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

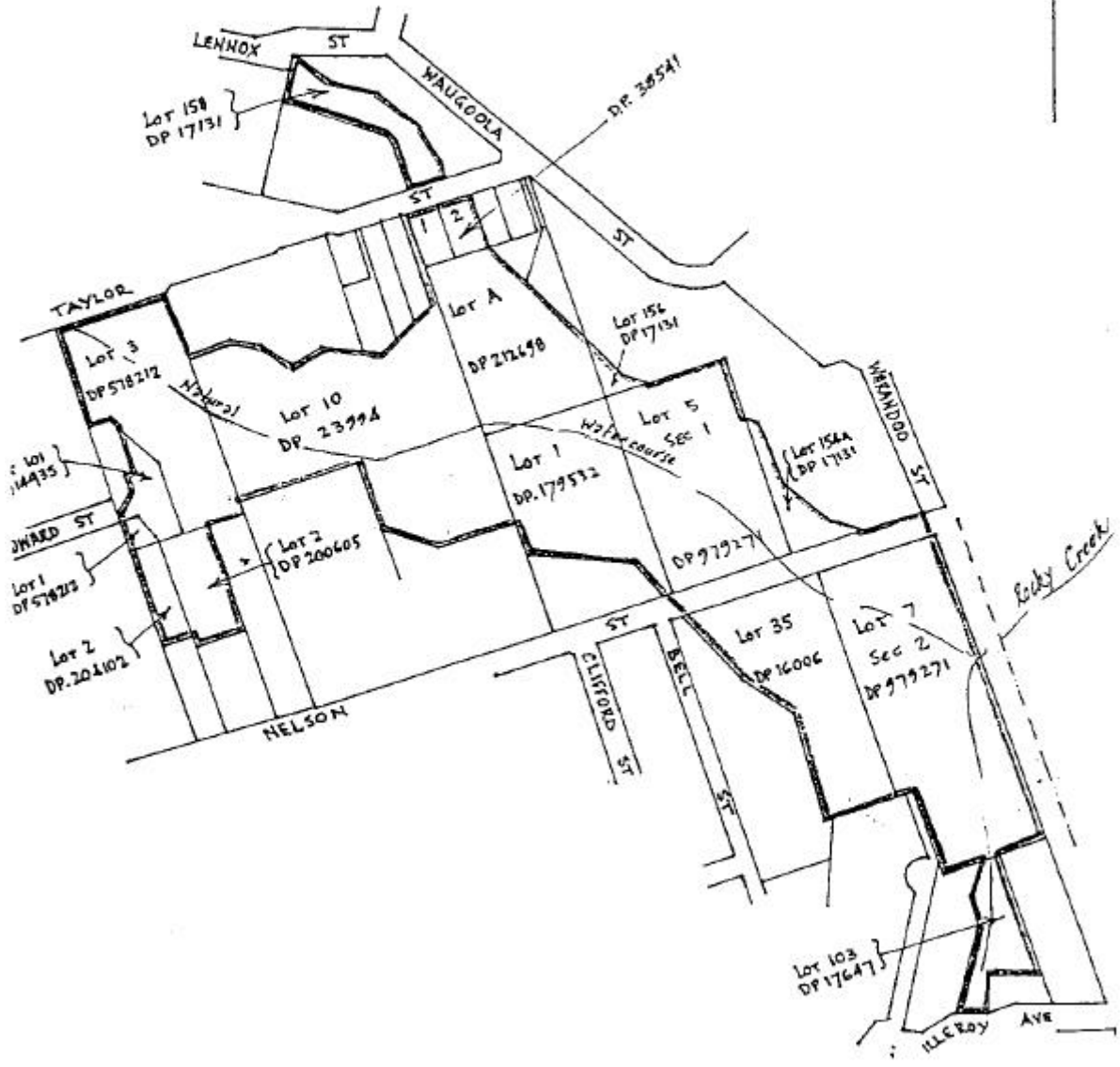
3.6 The Owner shall not construct or permit any recreation facilities on any part of the land or formalise access other than those required for the provision of education opportunities and interpretation for the public regarding the Grey-headed Flying-fox colony.

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

4. RIGHT TO INSPECT

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

DIAGRAM
 PART LANDS OWNED BY KU-RING-GAI MUNICIPAL COUNCIL
 AT GORDON
 PARISH OF GORDON: COUNTY OF CUMBERLAND



5. OBLIGATIONS TO THE MINISTER

The Minister covenants with the Owner as follows:-

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

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