

Ku-ring-gai Council

# Generic Draft Plan of Management – General Community Use

March 2024

Community Land and Crown Reserves

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# 1 Introduction

## 1.1 Background

Ku-ring-gai Council covers an area of 85 square kilometres and is located 16 kilometres north of the centre of Sydney. Council manages over 300 hectares of land identified as open space for community used

Council prepared the first Generic Plan of Management for its General Community Use as a requirement of the Local Government Act 1993 in 2009. Since that time, the Crown Land Management Act 2016 came into force with new requirements for management of Crown land. In addition, new, general community use, parks, and open space, have been developed and are available to the community.

All Council owned open space will be initially addressed through these plans of management. Subsequently, individual plans will be developed where the nature and use of community land is anticipated to change, or where large-scale development suggests a more specific management approach is necessary.

This PoM is a generic document covering general community use land within the Ku-ring-gai local government area (LGA). Four main categorisations are park, sportsground, general community use and natural area. 'Natural area' community land is further categorised into bushland, wetland, escarpment, watercourse and foreshore. General Community Use has been defined for the purpose of this plan of management as an area where unstructured recreation activities occur with no one dominant use or characteristic. General Community Use includes general non-specific open spaces, open space corridors, carparks, community spaces, play spaces where children play, with or without formal play equipment, drainage corridors and access ways.

## 1.2 Purpose of the plan of management

The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this generic PoM is to:

- Contribute to the council's broader strategic goals and vision as set out in Local Strategic Planning Statement 2020
- Ensure compliance with the Local Government Act 1993 and the Crown Land Management Act 2016.
- Provide clarity in the future development, use and management of the community land
- Ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix E of this document.

### 1.3 Process of preparing the plan of management

Figure 1 illustrates the process followed by council in preparing this PoM.

<b>Step 1</b>	<b>Drafting the PoM</b> <ul style="list-style-type: none"><li>➤ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.</li><li>➤ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.</li><li>➤ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.</li></ul>
<b>Step 2</b>	<b>Notifying the landowner and seeking Minister's consent to adopt</b> <ul style="list-style-type: none"><li>➤ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act.</li><li>➤ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM.</li><li>➤ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.</li></ul>
<b>Step 3</b>	<b>Community consultation</b> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"><li>➤ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).</li></ul>
<b>Step 4</b>	<b>Adopting a PoM</b> <ul style="list-style-type: none"><li>➤ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM.</li><li>➤ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.</li><li>➤ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (<a href="mailto:council.clm@crowland.nsw.gov.au">council.clm@crowland.nsw.gov.au</a>) for record purposes.</li></ul>

Figure 1: process for preparing a Plan of Management for council-managed Crown Reserves.

## 1.4 Change and review of the plan of management

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 5 years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

Implementation will require ongoing consultation with stakeholders and regular reviews to ensure the recommended actions continue to meet the community's changing needs. Council is committed to a consultative implementation process that ensures a smooth transition between current and future provision models.

This Plan identifies a series of recommendations that will result in changed open space facility provision and management practices. Implementing these recommendations aims to deliver best practice outcomes in supporting equitable access to community facilities.

The actions listed within this Plan will be recorded within Council's management planning tracking and reporting system – an electronic database listing all Council-wide actions which are directly attributable to a staff position within the organisation. This is reported on quarterly to Council with a summary of activities included in the Annual Report. Through using Council's management planning tracking system to record and monitor the actions within this Plan, full transparency and accountability can be assigned for each action.

## 1.5 Community consultation

Community engagement is an important part of the process of preparing a Plan of Management. It is essential to ensure that Plans of Management address the recreation needs of the local community and to communicate Council's aims for management of general community use land.

Community engagement will be used to develop and shape the content of this Plan of Management.

The Draft Plan of Management is to be placed on public exhibition for at least 28 days, with a further 14 days during which submissions were received from the community as required under the *Local Government Act 1993*, as well as the requirements for community engagement under the *Crown Land Management Act 2016*. A public hearing is only required for a change to Council owned land.

Council will publicise the public exhibition and any required public hearing in accordance with the Ku-ring-gai Community Engagement Strategy on Council's website and Have My Say Ku-ring-gai.

Copies of the Draft Plan of Management will be made available at:

- Customer Service Centre, 818 Pacific Highway, Gordon
- Ku-ring-gai Libraries (during branch hours)
- Online at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au).

A public hearing is only required for a change in category to Council owned land.

A public hearing / information session may be held under Sections 40(a) and 47(G) of the *Local Government Act 1993* because community land in this Plan requires to be either categorised or re-categorised.

Council will also provide the opportunity to comment in accordance with Sections 24JB(6) and 24KA(7) of the *Native Title Act 1993*. As a requirement of the *Crown Land Management Act 2016*, advice from Council’s Native Title Manager will be provided at the time of preparation of the Draft Plan of Management and finalisation of the Plan of Management. The advice is to address the effect that adopting the Plan of Management would have on native title over the land included in this Plan. Advice from the Native Title Manager helps to ensure that Council has complied with the requirements of the *Crown Land Management Act 2016*.

Crown reserves in the care and control of Councils are now exempt from public hearings under section 40A of the LG Act (the *CLM Amendment Regulation*, which commenced in June 2021, as amended the *CLM Regulation 2018*).

## 2 Land description

Lands covered by this Plan are provided at Appendix A which provides an inventory and site maps detailing each site, location and the reserves covered by this Plan of Management.

This Plan of Management covers Council owned land and Crown Land classified as General Community Use:

- Site specific lands such as St Ives Showground and Precinct Lands for which a site-specific Plan of Management has been prepared due to their unique and complex characteristics
- School Open Space land and facilities
- Private facilities, such as a private garden

### 2.1 Owner of the land

The majority of open space included in this Plan of Management is owned and or managed by Ku-ring-gai Council. The land includes council-owned land, owned by the Crown which is managed by the council as Crown land manager under the *Crown Land Management Act 2016*, NSW Department of Planning, Industry and Environment, or Sydney Water. A full list of ownership is located in Appendix A.

Although land not owned by Council does not require a Plan of Management under the *Local Government Act 1993*, Council will undertake the management of all open space regardless of ownership in accordance with this Plan to provide consistency with the management objectives of all facilities within Ku-ring-gai. Private land is not included in this Plan of Management.

The land covered by this Plan is currently used for and is permitted for recreational and other community purposes (subject to site-specific approval by Council) including:

● Access roads	● Mobile food vendors
● Advertising and sponsorship signage	● Multi-use path networks
● Alternative Energy technology	● Markets
● Art and cultural classes and events	● Natural areas (parks and bushland)
● Canteens	● Passive recreation
● Casual playing of games or informal sporting activities	● Personal training

• Car parking in approved areas	• Outdoor film screening
• Clubhouse and amenities Commercial activities	• Playing of a musical instrument, or singing, for fee or reward
• Community events (fundraising/charity events, special events, fireworks)	• Organised sport training
• Community notice signs and temporary signs	• Organised sports competitions
• Dog training and exercise	• Private events (i.e., weddings, birthdays)
• Drainage and irrigation	• Public performance or education
• Drones	• Public utility infrastructure
• Emergency use	• Remediation works
• Environmental events	• School sport and recreation
• Equestrian events and training	• School vacation activities
• Events for seniors, young people, women, fun runs, Park runs	• Shade structures
• Filming and photography (commercial and amateur)	• Storage facilities
• Fitness and wellbeing programs	• Telecommunication facilities
• Flying model aircraft	• Temporary structures (i.e.: marquees, tents, stages)
• Helicopter landings	• Visitor facilities
• Hot air ballooning	• Water reuse and recycling
• Landscaping	• Youth programs and events
• Licenced bar and bistro	• Cycling
• Maintenance	• Maintenance buildings

Table 1 Land Use Covered under this plan of management

### 3 Legislative framework

This section describes the wider legislative and policy framework which applies to parks in Ku-ring-gai local government area.

Full versions of the legislation referred to below are on-line at [www.legislation.gov.au](http://www.legislation.gov.au) and [www.austlii.edu.au](http://www.austlii.edu.au). Ku-ring-gai Council's website is [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au).

The relevant provisions of the *Local Government Act 1993*, *Crown Land Management Act 2016* and *Native Title Act 1993* are described below. Other relevant legislation, plans and policies at the Commonwealth, NSW, Sydney, regional and Ku-ring-gai levels are outlined in Appendix E.



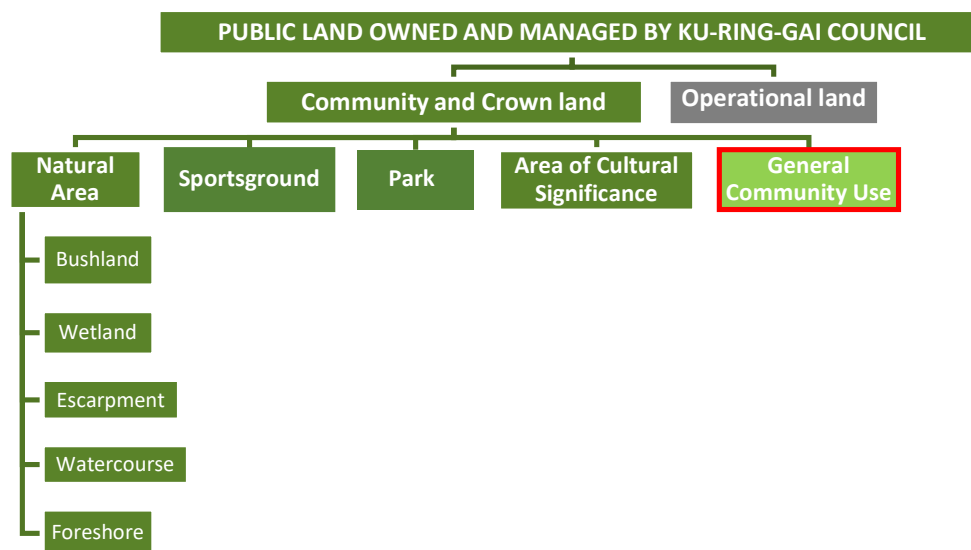
	LAND USE	SPORT/RECREATION/OPEN SPACE	ENVIRONMENT	ACCESS/HEALTH/SAFETY
<b>COMMON-WEALTH/NATIONAL</b>	Native Title Act 1993 Telecommunications Act 1997  PIA Megatrends: Shaping our Future 2016 Smart Cities Plan 2016	<b>Federal government sport planning</b> Sport 2030 – National Sport Plan The Future of Sport in Australia (Crawford Report) Australian Sport: The Pathway to Success  National sport development plans AusPlay National physical activity participation data	Environmental Protection and Biodiversity Conservation Act	Disability Discrimination Act 1992 Work Health and Safety Act 2011 Australian Standards 1. Risk Management 2. Lighting 3. Building Code of Australia 4. Access
	NSW Premier's Priorities			
<b>NSW</b>	Local Government Act 1993 Local Government (General) Regulation 2021 Crown Land Management Act 2016 Crown Land Management Regulation 2018 Leasing of Crown Land Policy Licensing of Crown Land Policy/Guidelines Environmental Planning & Assessment Act 1979 State Environmental Planning Policy (Infrastructure) 2007 Dividing Fences Act 1991 Roads Act 1993	Greener Places (Draft) 2017 Draft NSW Open Space for Recreation Guidelines Women in Sport – Her Sport, Her Way 2019-2023 NSW Department of Education Joint Use Projects Policy Future Sports Plans Delivering Sport and Active Recreation in NSW NSW peak sporting body strategic and development plans AusPlay NSW physical activity participation data Facility grants programs incl. Local Sport Grant Program Companion Animals Act 1998 and Regulation	Biodiversity Conservation Act 2016 Biosecurity Act 2015 Protection of the Environment Operations Act 1997 National Parks and Wildlife Act 1974 Contaminated Land Management Act 1997 Pesticides Act 1999 and Pesticides Regulation 2017 Water Management Act 2000 SEPP 19: Bushland in Urban Areas	Anti-Discrimination Act 1977 Disability Inclusion Act 2014 Tobacco Legislation Amendment Bill 2012 Smoke-free Environment Act 2000 and Regulation 2016
<b>SYDNEY</b>	Greater Sydney Region Plan: A Metropolis of Three Cities – Connecting People 2018			
	Greater Sydney Green Grid			
	Our Greater Sydney 2056: North District Plan 2018			
<b>REGIONAL</b>		North District Plan 2018 Sports Facilities Plan (Office of Sport) NSROC Regional Sportsground Strategy Review 2017 NSROC Regional Plan for Synthetic Sports fields North District – Sport Facility Plan Information Pack		
<b>Local</b>	Ku-ring-gai Community Strategic Plan 2038 incl. Delivery Program (4 years), Operational Plan and Budget (1 yr), Resourcing Strategy Ku-ring-gai Local Strategic Planning Statement			
<b>Strategic / specific need</b>	Ku-ring-gai Local Environmental Plan 2015 Ku-ring-gai Contributions Plan 2010	People, Parks and Bushland – Open Space Strategy for Ku-ring-gai 2005 Sport in Ku-ring-gai Strategy 2006 Recreational Facilities Asset Management Plan 2011 Management of Community and Recreation Land and Facilities Policy	Climate Change Policy Urban Forest Policy – Draft Ku-ring-gai Water Sensitive City Policy	Public Art Policy Heritage Conservation plans etc
		<b>Generic: General Community Use Plan of Management</b> Natural Areas Generic Plan of Management Generic Parks Plan of Management Generic Sportsground Plan of Management <i>Specific: C St Ives Showground, Flying Fox Plan of Management</i>		
<b>Implementation</b>	Delivery Program (4 years), Operational Plan and Budget (1 year)	Sports facility improvement plans, Landscape Masterplans Terms and conditions for sports facilities and casual hire, seasonal allocation		Maintenance programs

Table 2 Legislative Framework

### 3.1 Local Government Act 1993

The NSW *Local Government Act 1993* provides the legislative framework for Council’s Day to day operations. The Act identifies a Council’s responsibility to actively manage public land and to involve the community in developing a strategy for its management.

The framework for classification and categorisation of community and Crown land is shown in Figure 3.



Community land is defined as land which must be kept for the general use of the community. Council has no power to sell, exchange or otherwise dispose of community land, except for the purpose of enabling that land to become, or be added to, a Crown Reserve or land reserved or dedicated under the *National Parks and Wildlife Act 1974*.

Open space located on land owned by Ku-ring-gai Council and Crown land are subject to the *Local Government Act 1993*. Council owned and Crown land which is classified as ‘community’ land under the Act must be managed and used according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

### 3.2 Crown Land Management Act 2016

As some of the open space included in this Plan are located either fully or partially on Crown land, the requirements of the *Crown Land Management Act 2016* which governs the management of Crown land in NSW have been considered in preparing this Plan.

Councils are Crown land managers for Crown reserves. The Act authorises local Councils that are appointed to manage their dedicated or reserved Crown land as if it were public land under the provisions of the *Local Government Act 1993*. Such Crown reserves will be managed in the same way that Council-owned community land is managed.

Council undertakes the management of Devolved Lands. These reserves can't be categorised, and do not require a PoM, Council is unable to issue tenure and is limited in activities that can be undertaken on the reserve, including the basic maintenance e.g.; lawn mowing, weeding tree management for safety.

### 3.3 Native Title

Council must manage Crown land in accordance with the provisions of the Commonwealth Native Title Act 1993 and Part 8 of the Crown Land Management Act 2016 (which relates to native title).

Plans of Management are a critical tool to ensure that any authorisation or restriction on the use of a reserve is consistent with the Native Title Act 1993.

On Crown land the impact of any act on Native title rights and interests must be considered unless the land is excluded land for the purposes of the Crown Land Management Act 2016.

Some examples of acts which may impact native title on Crown land or Crown reserves managed by Council include:

- The construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues,
- The construction of extensions to existing buildings,
- The construction of new roads or tracks,
- Installation of infrastructure such as powerlines, sewerage pipes, etc.,
- The creation of an easement
- The issue of a lease or licence,
- The undertaking of major earthworks.

When proposing any act that may impact native title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the Native Title Act 1993 (Cwlth)

Where it is proposed to construct or establish a public work on reserved or dedicated Crown land (which is not excluded land), prior to approval Council will notify and give an opportunity to comment any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation as required under the Native Title Act 1993.

Any leases, licences, easements and other estates on crown land (a use agreement) on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the Native Title Act 1993 and in accordance with Part 8 of the Crown Land Management Act 2016 unless native title is extinguished.

Council has received written advice from its native title manager that this Plan of Management complies with the appropriate native title legislation, as required under Section 8.7(1)(d) of the Crown Land Management Act 2016

## 4 Basis of management

The basis for management will guide management of Council's General Community Use Land network over the next five (5) to ten (10) years. It incorporates the core values of the community and regular users regarding Council's open spaces. In addition, management will be guided by the following key Council documents and subsequent updates, revisions, or replacements of these:

- Ku-ring-gai Community Strategic Plan (2038)
- Management of Community and Recreation Facilities (2018)
- Sport in Ku-ring-gai Strategy (2006)
- People, Park and Bushland – Open Space Strategy for Ku-ring-gai (2005)
- Recreational Facilities Asset Management Plan, Ku-ring-gai Council (2011)
- Local Strategic Planning Statement – March 2020
- Delivery Program & Operational Plan – 2022 – 2023
- Public Art Policy
- Conservation Management Plans
- Site Specific Plans of Management and Masterplans

### 4.1 Categorisation of the land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- Park – for areas primarily used for passive recreation.
- Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse, and wetland categories.

The categorisation of the land is identified in Appendix A, as well as shown by maps in Appendix C.

## 4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see Categorisation of the land). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park, Sportsground, **General Community Use** and Natural Area categories are set out in the relevant category sections of this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Kur-ring-gai Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Ku-ring-gai Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Ku-ring-gai Council intends to permit and encourage a broad range of appropriate activities.

The core objectives for the General Community Use category of community and Crown land are to:

- Promote, encourage and provide for the use of the land
- Provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
  - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
  - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

## 4.3 Restrictions on management of Crown land

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- Be consistent with the purpose for which the land was dedicated or reserved
- Consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993
- Consider the emergent interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- Consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016
- Consider any interests held on title

The principles for Crown Land management in Section 1.4 of the *Crown Land Management Act 2016*, and how this Plan is consistent with those principles, are outlined below.

Principle of Crown land management	How this Plan of Management is consistent with the principles
Observe environmental protection principles in relation to the management and administration of Crown land.	This plan is supportive of protecting the physical and environmental setting of parks in Ku-ring-gai.
Conserve the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) wherever possible.	This PoM is supportive of protecting the physical and environmental setting of parks in Ku-ring-gai.
Encourage public use and enjoyment of appropriate Crown land.	Recommendations in the Plan encourage public use and enjoyment of parks for a wide range of active recreational, community and cultural activities.
Encourage multiple use of Crown land, where appropriate.	Recommendations in the Plan would continue multiple uses of parks, while recognising there may be conflicts between activities.
Use and manage Crown land in such a way that both the land and its resources are sustained in perpetuity, where appropriate.	The Plan contains proposed actions which would help sustain the land and resources, such as managing the type and extent of activities in and developments on parks.
Occupy, use, sell, lease, licence, or otherwise deal with Crown land in the best interests of the State, consistent with the above principles.	This Plan contains prescriptions that would ensure that landowners, managers, lessees, and licencees deal with the parks in the best interests of the State.

Table 3 Crown Land Management Principles

#### 4.4 Council’s strategic objectives and priorities

##### **Ku-ring-gai Local Strategic Plan**

Ku-ring-gai Council, in consultation with the community, has developed the Ku-ring-gai Local Strategic Planning Statement to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by the General Community Use PoMs

##### **Ku-ring-gai Community Strategic Plan**

Ku-ring-gai Council takes a values-based approach to the planning, use and management of its general community use land. In aligning with the current Community Strategic Plan, council believes the new development of facilities and service must make a positive contribution to the “liveability of the area while protecting the natural environment and physical character.” Values may be described as what is important or special about a place. This Plan of Management aims to protect and enhance the values of the parks in Ku-ring-gai.

The community engagement undertaken for the preparation of this plan indicated the community values park facilities highly. Key aspects valued were:

- Access to nature
- Proximity to home or work
- Multiple use
- Access to play and activity
- Quality of the grounds or facilities

## Ku-ring-gai Local Environmental Plan

The objectives of the Ku-ring-gai Local Environmental Plan 2015 (KLEP) for the RE1 Public Recreation zone are to:

- Enable land to be used for public open space or recreational purposes
- Provide a range of recreational settings and activities and compatible land uses
- Protect and enhance the natural environment for recreational purposes
- Protect, manage, and restore areas of high ecological, scientific, cultural, or aesthetic values

This Plan of Management is consistent with the objectives of the land use zones that apply to parks facilities in Ku-ring-gai. Land zoned as RE1 public recreation under the KLEP 2015.

The park facilities covered by this PoM contain a number of heritage buildings and sites that are currently used for community purposes, as part of the management of these the heritage issues will be addressed through the either the site operational plan or specific Conservation Management Plans, as per the NSW Heritage Act 1977

## 5 Development and use

### 5.1 Current use of the land

Each section of this plan of management contains information about the existing use of the land, including condition of the land and structures, use of the land and structures, and current leases, licences, and estates on the land.

### 5.2 Permissible uses / future uses

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Ku-ring-gai Council area.

Ku-ring-gai Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Ku-ring-gai Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this plan of management

General Community Use land throughout Ku-ring-gai will continue to provide a resource that encourages, promotes, and facilitates active recreation and community use. This use is supported by appropriate ancillary facilities that provide for the sustainable operation and delivery's amenity for the users.

Ancillary facilities can include development to facilitate access, meeting spaces, and recreation activities. Development can also include elements to encourage multiple use, community (informal) use and the support of community events.

Permissible uses and development in general community use facilities in Ku-ring-gai will be consistent with:

- The values, roles and objectives for the land set out in this document
- The guidelines and core objectives for the General Community Use category in the Local Government Act 1993, and any other additional objectives council proposes to place on that category in this plan
- Uses listed in the Local Government (General) Regulation 2021
- The requirements of the Crown Land Management Act 2016
- The Native Title Act 1993 in the case of Crown Land
- Uses permitted on community and Crown land without consent under the State Environmental Planning Policy (SEPP) Infrastructure 2007
- The objectives for and permissible uses listed under the relevant land zoning in the Ku-ring-gai Local Environmental Plan 2015, including schedule 5 heritage listed properties
- Authorised leases, licences, permits or easements
- Relevant Council Policies Regulations or Local Laws
- Commercial uses may require a Development Application. Minor changes to parks, such as top-dressing surfaces, mulching and annual displays are authorised to be carried out as set out in the relevant Asset Management Plan in place at the time.

### 5.3 Express authorisation of leases and licences and other estates

Under section 46, 46A, 47, 47A, 47AA, 47C and 47D of the LG Act, leases, licences, and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations, and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

#### 5.3.1 Leases and licences authorised by the plan of management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021



- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables in the relevant category sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences, and other estates.

### 5.3.2 Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) The playing of a musical instrument, or singing, for fee or reward
- (b) Engaging in a trade or business
- (c) The playing of a lawful game or sport
- (d) The delivery of a public address
- (e) Commercial photographic sessions
- (f) Picnics and private celebrations such as weddings and family gatherings
- (g) Filming sessions

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

### 5.3.3 Native Title and Aboriginal land rights considerations in relation to leases, licences, and other estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix C for more information).

## 6 Management of land

### 6.1 Guidelines and core objectives

General community use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
  - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
  - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The land covered under General Community Use can be separated into three areas as determined by their function: Community Halls & Buildings, Carpark and miscellaneous lands.

### 6.2 Key issues

#### 6.2.1 General community issues

The majority of issues and management considerations raised through consultation with our community and user groups, can be allocated to the following key areas:

#### **Population and Demand**

Population increases and demographic changes including the shift in non-organised recreation pursuit impacts on the demand for facility provision.

This Plan must take into consideration the need to balance supply with changing needs and to maintain access for a range of uses including new and emerging activities. Flexibility of use and retaining the ability to manage user access is critical.

Equity in Access, with an aging population consideration needs to be undertaken to provide parks the provide accessibility for all users

#### **Distribution**

Ku-ring-gai Council's aim in the planning for the development of community spaces to ensure that they are strategically located to ensure that recreation facilities are accessible to the whole community, regardless of age, ability, or gender.

Changes in population density and demand impact on the distribution of facilities across the community. An equitable distribution of local, district and regional facilities would be the option, in many cases, this is not possible due to topographical and environmental constraints, availability of suitable land, and future acquisitions and the development costs. Where there is an identified under

provision within a catchment, and land is available without constraints, its change of use to accommodate additional facilities may be warranted.

### **Development**

General Community Use land has varying degrees of development from semi-natural areas that may be just mown grassed areas, to the more formal developed areas that provide a range of facilities. The types of facilities that would be considered suitable for general community use areas may include some or all of the facilities including:

- Community Facilities (senior citizens, childcare, youth, neighbourhood, community centres, scout, guide halls etc)
- Amenity Buildings (toilets, kiosk, shelters, restaurants, outdoor dining)
- Car parking area and access roads (associated with the use of the site)
- Community gardens
- Cycle paths (mountain bike tracks or circuits)
- Drainage structures (water quality, and stormwater management etc)
- Fencing, bollards gates
- Grassed open area for informal ball games
- Interpretation features
- Park entrance features, water features, monuments, sculptures
- Pathways, trails, boardwalks, bridges, steps & handrails viewing platforms, lookouts
- Picnic & barbecue facilities, seats, tables, shade structures, bins, lighting, etc
- Playgrounds, adventure, natural, exercise stations
- Signage (interpretative, security, regulatory, park names advertising, temporary)
- Skate Facilities
- Stage performance areas, amphitheatre, rotundas
- Temporary sheds or shipping containers for the purpose of construction of the related site.

### **Equity of Access**

Access to community spaces by persons with limited mobility is an issue that needs to be addressed. Access goes beyond the installation of accessible toilet facilities. It involves a range of measures that when considered in combination make access to parks manageable.

Some of the items to be considered in future design include:

- Designated parking close to the park which can also provide access for minibus parking
- Pathways leading into parks to appropriate seating and amenities
- Ramps where possible to replace steps
- Handrails where appropriate
- Accessible interpretative signage (braille)
- Accessible amenities (unisex accessible) close to other facilities and parking
- Picnic tables to accommodate wheelchairs
- Park benches to have armrest
- Provision of shade or shelter over picnic facilities
- Fencing as required

Many community spaces have some or all of these facilities, but others lack in the provisions of these elements. By providing wheeled access, Council also provides access for the community who

push strollers as a carer or parent. The combination of these two user groups comprises a significant percentage of the total users.

### **Linkages to other land (e.g., parks, natural areas, sportsgrounds, and other community land)**

General Community Land are often located adjacent to or near natural areas, sportsground, parks and other community land. However, the linkage between such areas is not always satisfactory. In recent years there has been a greater emphasis placed on the linkages between areas. These open space linkages provide greater movement-oriented recreation as more people are now cycling and walking for pleasure. Cycleway and walkways can be provided on existing public reserves, natural area, drainage reserves, transmission line easements, road reserve that increase this connectivity. Linkages and cycleway may also be uses to connect parks, areas of interest such as heritage items, commercial centres, and schools.

### **Infrastructure**

The General Community Land facilities covered by this Plan of Management contain a significant amount of built elements. Council should ensure that infrastructure is maintained effectively, and that utilisation of the resources is managed to maximise community benefit in an environmentally and financially sustainable manner.

Council has a responsibility to ensure General Community Land facilities are fit for purpose and appropriate to community needs. In some cases, this will mean the conversion of existing facilities to alternative recreation spaces when the existing use is no longer required.

### **Heritage**

The General Community Land facilities covered by this PoM contain a number of heritage buildings and sites that are currently used for community purposes, as part of the management of these the impacts. Heritage issues will be addressed through the either the site operational plan or specific Conservation Management Plans, as per the NSW Heritage Act 1977.

### **Plaques/Memorial**

It is Council's general position that no plaques/memorial naming (excluding war memorials) will be allowed on any park infrastructure in any park, reserve or open space. Existing memorials or plaques cannot be taken as precedents for future approvals. Council does not encourage the installation of personal tribute plaques in Parks and Public Open Space, however Council will consider requests for the installation of a personal tribute plaque on park infrastructure, subject to adherence with specific guidelines.

The guidelines are set out on Council's website [Memorial benches Ku-ring-gai \(nsw.gov.au\)](https://www.ku-ring-gai.nsw.gov.au/memorial-benches)

### **Service Standards and Maintenance**

The community expects that General Community Land facilities will be maintained to an appropriate standard that reflects both the level of use and the agreed level of resourcing. Constraints to the development or use of a facility due to limited resources or physical site constraints, should be acknowledged in the setting of service levels.

General Community Land facilities require an agreed level of maintenance standards to ensure they can be safely and appropriately used by the community. Issues which need to be addressed as part of maintenance of facilities include drainage, irrigation, waste management, drought and water restrictions, security, and vandalism, after hours service, lighting, play space conditions, risk, and safety management.

Managing use levels and the impact on an individual site or locale can be challenging and should consider issues including traffic and parking, natural areas, flora and fauna, catchment impacts, greenhouse emissions, noise, dogs, energy, and water consumption. In addition, Council’s Wet Weather Policy applies to ensure the safety of users.

### 6.3 Management frameworks for reserves categorised as General Community Uses

The majority of following the management directions have been adapted from the Community Strategic Plan. The management objectives have been formulated to address the issues raised by the Ku-ring-gai community, facility managers and user groups:

Management Directions	Objectives
Community, People and Culture	<i>Provide recreation facilities which address the changing participation, health and activity needs of our community.</i>
Leadership and Governance	<i>Manage recreation facilities to ensure access is provided in a fair and equitable manner. Ensure that management of recreation facilities complies with all relevant legislation.</i>
Places, Spaces, and Infrastructure	<i>Improve our recreation facilities infrastructure through strategic investment that improves capacity and encourages multiple use. Undertake forward planning for key sites to allow for staged development and use of emerging funding opportunities.</i>
Service Standards and Maintenance	<i>Develop appropriate service standards to ensure facilities are maintained to an acceptable level for recreation and community use.</i>
Natural Environment and Usage Impacts	<i>Manage use of facilities to minimise unacceptable levels of impact on local residents and the environment while balancing the need to meet demand for sport and active recreation facilities including light spill, noise and excessive stormwater impacts.</i>
Local Economy and Financial Management	<i>Recognise that recurrent and capital expenditure on parks facilities is an investment in our community’s health. Ensure that development and operation of facilities is financially sustainable, and that fees and charges encourage equitable access and sustainable use.</i>

Table 4 Management Directions and Objectives

#### Community, People and Culture

##### Objective

*Provide recreation facilities which address the changing participation, health and activity needs of our community*

##### Actions

- Council’s Park facilities meet the demand of an increasing and changing population

- Access to a variety of active lifestyle choices available for all Ku-ring-gai residents
- Optimal capacity of existing facilities is achieved
- Opportunities to expand Council’s existing facility network are investigated
- Compatible multi-use is encouraged, provided the impacts on users are minimal
- Facilities are evenly distributed throughout Ku-ring-gai
- Pedestrian access for users, including those with disabilities and/or limited mobility is improved
- Private vehicle access is regulated at all parks
- Emergency and service vehicle access is provided at all parks
- Council’s facilities are made available for emergency use

### **Leadership and Governance**

#### Objective

*Manage recreation facilities to ensure access is provided in a fair and equitable manner.*

*Ensure that management of recreation facilities complies with all relevant legislation.*

#### Actions

- Administer the usage of Council’s facilities in a fair and equitable manner
- Bookings administration is delivered in an efficient and effective manner
- The administration of facility hire is nonbiased and transparent
- Fees and charges will be administered fairly and equitably
- Unbooked unpaid usage will be minimised
- Disruption of use will be minimised
- Council is committed to build a more accessible, more inclusive Ku-ring-gai that embraces the rights and values of all people, and
- Introduction of technology to help understand usage and maintenance data.

The administration of Council’s General Community Use facilities involves management of leases, licences, permanent, seasonal, and casual hire of facilities. Council also establishes and administers fees and charges, unbooked and unpaid usage, operating hours of sites and any disruption of use.

Administration of access and booking systems needs to be fair and provide for equity of access to a range of activities and groups. It should recognise the community and volunteer basis of most user groups and allow for the multiple benefits that accrue from provision of recreational pursuits.

### **Spaces, Places, and Infrastructure**

#### Objective

*Improve our recreation facilities infrastructure through strategic investment that improves capacity and encourages multiple use.*

*Undertake forward planning for key sites to allow for staged development and use of emerging funding opportunities.*

#### Actions

- Lighting is provided at prioritised sites to provide for improved safety
- Equipment provided to enable safe and enjoyable play
- Ancillary infrastructure is provided and maintained where appropriate

- Activities requiring temporary structures are accommodated where site damage can be avoided
- User groups and adjacent properties notified of any proposed telecommunications infrastructure installation
- Capacity and potential of sites maximised through a prioritised program of capital improvement
- Development approval for capital improvements is assessed under relevant legislation including associated community consultation.

The provision of appropriate amenities and facilities is crucial in providing a safe and enjoyable destination for all users of Council's facilities. With changes in demand, ongoing use and depreciation of these assets, facilities require capital improvements.

### **Service Standards and Maintenance**

#### Objective

*Develop appropriate service standards to ensure facilities are maintained to an acceptable level for recreation and community use.*

#### Actions

- Provide a safe environment for users of, and visitors to, Council's facilities
- Provide appropriate waste and recycling services at Council's facilities
- Ensure facilities are clean and consistently well maintained
- Vandalism and inappropriate use identified and responded to in a timely manner
- Service standards are identified and adhered to
- Water restrictions are adhered to, and alternate water sources identified
- An effective after-hours service is provided at Council's General Community Use facilities

The maintenance of facilities is a core business of Council. Maintenance is carried out to a standard that reflects the nature and use of the facility, budgets and the safety of users. Standards are set by the operational sections of Council in cooperation with the Strategic and Community areas. These are referred to as service level agreements within which maintenance arrangements may be developed with key users or groups.

Issues which need to be addressed as part of maintenance of facilities include drainage, irrigation, waste management, drought and water restrictions, security and vandalism, contaminated land, after hours service, lighting, surface conditions, risk, and safety management.

### **Natural Environment and Usage Impacts**

#### Objective

*Manage use of facilities to minimise unacceptable levels of impact on local residents and the environment while balancing the need to meet demand for recreation facilities.*

#### Actions

- Mitigate unacceptable Impacts on adjoining land uses and prevented where possible
- Users and visitors are protected as smoking is prohibited at all Council's built facilities
- Manage traffic and parking to mitigate adverse impacts on facilities and adjoining land uses

- Discourage inappropriate use of parks is actively discouraged and prevented where possible
- Sustainable management inefficiencies identified and acted on promptly
- Responsible alcohol consumption is promoted
- Food serving and preparation is undertaken at Council’s facilities in accordance with all relevant legislation and policy
- Dogs are managed within identified areas and sign posted accordingly

The use of parks and related infrastructure is influenced by both global and local trends. As facility utilisation continues to evolve, so too does the impact on asset management.

### **Local Economy and Financial Management**

#### Objective

*Recognise that recurrent and capital expenditure on park facilities is an investment in our community’s health.*

*Ensure that development and operation of facilities is financially sustainable, and that fees and charges encourage equitable access and sustainable use.*

#### Actions

- Capital funding is sourced from a range of sources
- Capital funding allocated annually to implement key priorities in accordance with Council’s capital works prioritisation model
- An appropriate maintenance budget is allocated commensurate to the maintenance of any additional capital infrastructure
- An equitable pricing structure is implemented for all users of park facilities
- Opportunities for advertising within council park facilities are provided where appropriate subject to Council’s Development Control Plan

Managing and maintaining Council’s facilities is a costly exercise. A balance needs to be met to ameliorate this financial impact on Council, without reducing community access through the impact of fees and charges. The cost of providing facilities is shared between the users (permanent and casual hirers) and the wider community. This is appropriate as there is significant unorganised use of facilities as non-specific general open space usage by the wider community.

The development of high-quality facilities requires allocation of significant financial resources. Whilst Council levies contributions on development and applies for grant funding when available, the level of funding available is less than what is required to meet the expectations of the community. Sponsorship, donations, and other sources of capital funding can provide alternative sources of funding to maintain our park facilities to an agreed standard, where appropriate

## 6.4 Development and Use

### 6.4.1 Scale and intensity of permissible uses and developments

The scale and intensity of development and activities on community land categorised as General Community Land is generally dependent on:

- The nature of the approved uses and developments
- The physical constraints of the site
- Carrying capacity of the site



- Relevant legislation, plans and policies
- Approved development applications, council resolutions, and any conditions imposed by council
- An approved masterplan, and or Conservation Management Plan
- Proximity of neighbours and noise- and parking-sensitive land uses
- Permissible times of use.

In addition, the following factors need to be considered:

### **Infrastructure and Facilities**

Subject to budgetary constraints, Council may construct or approve construction by others of a variety of facilities on this land. The purposes of any facilities provided shall be to support activities and such that are consistent with the core objectives for this land category.

### **Permitted and Prohibited Activities**

For this land category, this Plan identifies activities that are permitted without approval, activities that may be permitted with approval, and activities that are prohibited on this land.

Individuals and organisations wishing to undertake activities that require approval must obtain Written Consent approval before commencing that activity. Some approvals/refusals will be straightforward. However other activities, such as exhibitions, concerts, circuses, markets, car boot sales, will require an application, which forms the event management plan, insurances, and depending on the size require a Traffic Management Plan and Development Approval.

### **Specific Use Areas**

There are many known conflicts in recreation activities. These conflicts can be resolved by designated specific recreation areas for certain recreational pursuits. Other activities that may not be compatible in these areas would be prohibited. Council may resolve to designate any area for a specific use in order to protect the users and or the facility.

### **Special Events or Uses**

Council will give due consideration to applications for the use of specific facilities for special events or uses. Special uses include activities such as community or commercial classes or carnivals, fetes. Any approvals will be accompanied by conditions, as well as a fee or bond may apply to ensure any necessary restoration works are undertaken.

### **Sale of Alcohol**

The sale of alcohol is not encouraged within Council facilities. However, there may be special events in which the sale of alcohol may be considered for the duration of the event.

The sale of alcohol requires the approval of the Office of Liquor and Gaming in addition to approvals of the NSW Police Department. When making application for the use of an area where the sale of alcohol is intended, a licence must be produced for Council in each instance. Applications are required to comply with any conditions of the licensing board and Council.

### **Alcohol Free Zones**

Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely, or between certain hours. This is usually the result of a history of the subject area being used inappropriately, to the detriment of the public use of the area. Under Section 62 of the LG Act, Council is authorised to erect signs prohibiting certain activities.

### **Signage**

Under Section 632 of the LG Act, signs may be erected by Council to regulate various activities. Permissible signage's includes:

- Signs advising the reserve name and or facilities contained within
- Directional signage's
- Interpretative signage
- Traffic signs
- Permissible activities

Any other signage requires Council approval. This plan allows the erection of temporary signs directly relating to the recreation use of the reserves that are in place just prior to a special event. Any signs are to be erected wholly within the reserve; they must not restrict pedestrian access or restrict vehicle sight distance around corners or along streets.

### **Dogs**

Walking a dog is a recognised recreational pastime for many people. However, it is important that this recreational activity does not impinge on the quality of the recreation experience for other users. Dog owners comprise a large group of users and their needs should be recognised together with the needs of other users that may believe that dogs detract from their enjoyment of the facility. Some known problems attributed to dogs include defecation, aggression to people and other animals, barking other nuisance behaviour and non-compliance with leash laws. Public parks are a recreation resources and an appropriate balance needs to be established between these user groups.

In most parks, 'on leash' dog exercise is permitted. Dogs are not permitted to be walked 'off a leash' unless they are within one of Council's many designated dog exercise areas. In some areas, Council prohibits all dogs. These are usually areas of significant fauna habitat or where a conflict exists between other recreation uses, e.g., bird watching. Signs are installed at various locations describing the permitted usage of the area.

Dog clubs are required to seek Council permission to conduct dog obedience and training activities on Community Land, and they are responsible for the removal of all dog excrement. Council will enforce the Companion Animals Act 1998. This act in particular states that the owner of a dog that is on a prohibited place is guilty of an offence.

Generally, a "prohibited place" is:

- Within 10 metres of any playing apparatus,
- Within 10 metres of cooking or eating facilities, or

## 6.5 Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in Table 5 below. The facilities on community land may change over time, reflecting the needs of the community.

Any proposed use and future development at a listed heritage site must be in accordance with the Conservation Management Plan or Heritage Assessment documents and be approved by Councils Heritage Officers.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> <li>• Casual or informal recreation</li> <li>• Meetings (including for social, recreational, educational or cultural purposes)</li> <li>• Functions</li> <li>• Concerts, including all musical genres</li> <li>• Performances (including film and stage)</li> <li>• Exhibitions</li> <li>• Fairs and parades</li> <li>• Workshops</li> <li>• Leisure or training classes</li> <li>• Childcare (for example, before and after school care, vacation care)</li> <li>• Designated group use (e.g. scout and girl guide use)</li> <li>• Educational centres, including libraries, information and resource centres</li> <li>• Entertainment facilities</li> </ul> <p>Note: Some of the uses listed above require a permit from the council.</p>	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> <li>• provision of buildings or other amenity areas to facilitate use and enjoyment by the community</li> <li>• development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage)</li> <li>• landscaping and finishes, improving access, amenity and the visual character of the general community area</li> <li>• water-saving initiatives such as rain gardens</li> <li>• energy-saving initiatives such as solar lights and solar panels</li> <li>• car parking and loading areas</li> <li>• advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>○ relate to approved uses/activities</li> <li>○ are discreet and temporary</li> <li>○ are approved by the council</li> </ul> </li> <li>• locational, directional and regulatory signage.</li> </ul>

Table 5 Permissible use and development of community land categorised as General Community Use by Council

## 6.6 Express authorisation of leases, licences, and other estates – General Community Use

In general, Council will balance current community needs with the anticipated use of facilities in the immediate future in granting leases, licences, and other estates. Granting of leases, licences, permits, other estates and easements for the use or occupation of land covered by this Plan of Management are expressly authorised under Section 46 of the *Local Government Act 1993*.

Uses must be compatible with the guidelines and core objectives for the General Community Use category outlined in the *Local Government Act 1993*. Uses must also be consistent with the Reserve Purpose for Crown land.

On Crown land, subject to the *Native Title Act 1993*, any secondary interest or short-term licences may be considered, subject to the provisions described in Division 2.5 and 3.3 of the *Crown Land Management Act 2016*.

Regard must also be given to the relevant zone in the applicable environmental planning instruments, and any development consent if applicable.

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 7 provided that:

- The purpose is consistent with the purpose for which the land was dedicated or reserved
- The purpose is consistent with the core objectives for the category of the land
- The lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- The issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the Native Title Act 1993 (Cth)
- Where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- The lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

The Act requires that any long-term lease or licence of Community Land must be authorised by a PoM. The lease or licence must be for purposes consistent with the categorisation and zoning of the land and the requirements of Section 47 of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the Act and Clause 119 of the Local Government (General) Regulation 2021.

Type of tenure arrangement	Purpose for which tenure may be granted
<b>Lease</b>	<ul style="list-style-type: none"> <li>• Childcare or vacation care</li> <li>• Health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)</li> <li>• Educational purposes, including libraries, education classes, workshops</li> <li>• Cultural purposes, including concerts, dramatic productions and galleries</li> <li>• Recreational purposes, including fitness classes, dance classes and games</li> <li>• Sporting uses developed/operated by a private operator</li> <li>• Kiosk, café and refreshment purposes</li> <li>• Commercial retail uses associated with the facility (e.g. sale or hire of sports goods)</li> </ul>
<b>Licence</b>	<ul style="list-style-type: none"> <li>• Social purposes (including childcare, vacation care)</li> <li>• Educational purposes, including libraries, education classes, workshops</li> <li>• Recreational purposes, including fitness classes, dance classes</li> <li>• Café/kiosk areas</li> <li>• Sale of goods or services that are ancillary to community land use and reserve purpose</li> </ul>
<b>Short-term licence</b>	<ul style="list-style-type: none"> <li>• Public speeches, meetings, seminars and presentations, including educational programs</li> <li>• Functions (including commemorative functions, book launches, film releases, balls, and similar activities)</li> <li>• Displays, exhibitions, fairs, fashion parades and shows</li> <li>• Events (including weddings, corporate functions, and community gatherings)</li> <li>• Concerts and other performances, including both live performances and film (cinema and TV)</li> <li>• Broadcasts associated with any event, concert, or public speech</li> <li>• Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities</li> </ul>
<b>Other estates</b>	This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act

Table 6 Leases, Licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

### 6.6.1 Use agreement over Crown Land

The Crown Land Management Act sets out requirements for granting leases, licences, permits, easements or right of way including secondary interests on dedicated or reserved Crown land. On Crown Land where Council is Crown Land Manager, Council is empowered to grant leases, licences, and other permits on Crown Land, once the transitional period has passed and an operative plan of management has been endorsed by the Minister.

The *Crown Land Management Act 2016* has additional requirements for leases and licences over dedicated or reserved Crown land as follows:

Section	Description	Lease and licence requirements	
<b>3.22</b>	Function of Council as Crown Land Manager	As Crown Land Manager, Council must manage the land as if it were community land under the <i>Local Government Act 1993</i> , and can exercise all the functions that a local council has under that Act in relation to community land (including in relation to leasing and licensing of community land).	
<b>8.77</b>	Advice of Native Title manager required to grant interests	Where Council is Crown Land Manager, prior to granting a lease, licence or other permit, a native title report must be prepared in accordance with Native Title legislation. This requirement also extends to capital works on Crown reserves.	
<b>2.20 &amp; 3.17 and Crown Land Regulation 2018 Section 31</b>	Short term licences over dedicated or reserved Crown land	<p>The Minister or Council may, regardless of dedication and reserve purpose, issue short term licences for a maximum term of one year for:</p> <ul style="list-style-type: none"> <li>• Access through a reserve</li> <li>• Advertising</li> <li>• Camping using a tent, caravan or otherwise</li> <li>• Catering</li> <li>• Community, training, or education</li> <li>• Emergency occupation</li> <li>• Entertainment</li> <li>• Environmental protection, conservation or restoration or environmental studies</li> <li>• Equestrian events</li> <li>• Exhibitions</li> </ul>	<ul style="list-style-type: none"> <li>• Filming (as defined by the <i>Local Government Act 1993</i>)</li> <li>• Functions</li> <li>• Grazing</li> <li>• Hiring of equipment</li> <li>• Holiday accommodation</li> <li>• Markets</li> <li>• Meetings</li> <li>• Military exercises</li> <li>• Mooring of boats to wharves or other structures</li> <li>• Sales</li> <li>• Shows</li> <li>• Site investigations</li> <li>• Sporting and organised recreational activities</li> <li>• Stabling of horses</li> <li>• Storage.</li> </ul>
<b>2.19 &amp; 3.17</b>	Secondary interests over dedicated or reserved Crown land	The Minister or Council may issue a secondary interest where they are satisfied it is in the public interest and would not be likely to materially harm its use for the purposes for which it is dedicated or reserved.	
<b>2.18</b>	Special provisions relating to Minister's powers over dedicated or reserved Crown land	<p>The Minister may grant a lease, licence, permit, easement or right of way over dedicated or reserved Crown land for a facility or infrastructure, or any other purpose the Minister thinks fit.</p> <p>Before doing so, the Minister must consult the Crown land manager or the relevant government agency if the land is used, occupied, or administered by an agency or the Minister to whom that agency is responsible.</p> <p>If the land is to be used or occupied under the relevant interest for any purpose except a purpose for which it is currently dedicated or reserved, a notice is to be published specifying the purposes for which the land is to be used or occupied under the relevant interest and be satisfied that it is in the public interest to grant the relevant interest.</p>	

Table 7 Leases and licences over dedicated or reserved Crown Land

### 6.6.2 Future development

This Plan of Management authorises, within the requirements of relevant legislation and Council policy, the future development of Council's facilities as listed within this Plan for the following purposes and uses:

- Alterations and additions to the existing land and infrastructure to provide improved facilities for the uses permitted by this Plan of Management

- Construction of new facilities consistent with the community uses of the land
- Improvements to the landscape and aesthetic elements of the land.
- Any works, infrastructure improvements or refurbishments required to keep the facilities in good working condition and able to support regular use.
- Any works, improvements, or refurbishments to improve sustainable operation and use of the site including those that reduce consumption of electricity, improve water efficiency, and reduce impacts on adjacent land uses.

Any future development of the land will need to comply with relevant legislation and plans governing use and development of the land, which include:

- Environmental Planning and Assessment Act 1979
- SEPP (Infrastructure) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- Ku-ring-gai Local Environmental Plan 2015
- Ku-ring-gai Development Control Plan 2018
- NSW Heritage Act 1977

## 6.7 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- Objectives and performance targets for the land
- The means by which the council proposes to achieve these objectives and performance targets
- The manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Because of the wide, varied and nature of the general community use lands within this classification and the need to manage this within a generic performance framework, measurable indicators have been designed to allow for variation within and more accurately reflect broader management measures. Individual performance indicators are reflected in a range of further operational documented including site specific masterplans and action plans

Table 8 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use.

Codes used to define priorities in the table are:

- ST – Short Term
- MT – Medium Term
- LT – Long Term
- O – Ongoing for the life of this plan of management

## Action Plan

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance	Priority
<b>Community, People &amp; Culture</b>	<ul style="list-style-type: none"> <li>Ensure the provision of a wide range of formal facilities to present and future demands</li> </ul>	<ul style="list-style-type: none"> <li>Undertake and /or implement recreation or open space planning studies on a LGA basis</li> </ul>	<ul style="list-style-type: none"> <li>Studies undertaken with appropriate recommendation</li> </ul>	O
		<ul style="list-style-type: none"> <li>Link to Section 7.11 planning needs studies</li> </ul>	<ul style="list-style-type: none"> <li>Build into the Section 7.11 planning</li> </ul>	MT
		<ul style="list-style-type: none"> <li>Undertake and/or maintain consultation with the community to assess present and future needs</li> </ul>	<ul style="list-style-type: none"> <li>Satisfactory outcomes for community organisations</li> </ul>	O
<b>Local Economy &amp; Financial Management</b>	<ul style="list-style-type: none"> <li>To equitably distribute a range of facilities throughout the Ku-ring-gai area to meet the needs of existing and future residents in response to facility demand in a planned, cost effective and resourceful managed</li> </ul>	<ul style="list-style-type: none"> <li>Identify existing facility spread across the LGA and consider any improvement against existing and future demands</li> </ul>	<ul style="list-style-type: none"> <li>Identification study to be undertaken</li> </ul>	O
		<ul style="list-style-type: none"> <li>Allocate use of facilities to community organisations as required and with consideration of changing user trends &amp; demographics</li> </ul>	<ul style="list-style-type: none"> <li>User group satisfaction</li> </ul>	MT
		<ul style="list-style-type: none"> <li>Development of community facilities</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	O
<b>Community, People &amp; Culture</b>	<ul style="list-style-type: none"> <li>To provide accessibility to all members of the community regardless of age or physical ability</li> </ul>	<ul style="list-style-type: none"> <li>Provide where demand exists on existing sites, and on new parks, physical access to facilities through considered design of pathways, parking facilities, and associated facilities</li> </ul>	<ul style="list-style-type: none"> <li>Physical access provided</li> </ul>	O
<b>Spaces, Place &amp; Infrastructure</b>	<p>Amenities Buildings</p> <ul style="list-style-type: none"> <li>To Provide well designed and easily maintained amenities to support community use</li> </ul>	<ul style="list-style-type: none"> <li>Upgrade existing, plan, design, and construct suitable amenities buildings to meet the needs of the user groups at all facilities, appropriate to the planned functions</li> </ul>	<ul style="list-style-type: none"> <li>Amenities buildings provided</li> </ul>	LT



Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance	Priority
<b>Spaces, Place &amp; Infrastructure</b>	<p>Complementary facilities</p> <ul style="list-style-type: none"> <li>To provide for community and user enjoyment of the land as a public park for public recreation. This can include, but not limited to: <ul style="list-style-type: none"> <li>Shade structures</li> <li>Skate facilities</li> <li>Play spaces</li> <li>Outdoor exercise equipment</li> <li>Circuit paths</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Provide infrastructure as appropriate within Australian Standard and Council guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Community satisfaction with recreation facilities</li> </ul>	O
<b>Spaces, Place &amp; Infrastructure</b>	<p>Landscape</p> <ul style="list-style-type: none"> <li>The development of appropriate landscape strategies integrating well designed planting schemes with the key functional elements to assist in developing a strong identity and aesthetic quality</li> </ul>	<ul style="list-style-type: none"> <li>Design landscapes that integrate the sites functions and provide informal facilities for the benefit of all users</li> </ul>	<ul style="list-style-type: none"> <li>Landscape plans developed and implemented</li> </ul>	ST
		<ul style="list-style-type: none"> <li>Create strong identity through well designed and resilient planting plans, park furniture, signage, and related elements</li> </ul>	<ul style="list-style-type: none"> <li>Landscape character and facilities improved</li> </ul>	MT
<b>Natural Environment &amp; Usage Impacts</b>	<p>Watercourses</p> <ul style="list-style-type: none"> <li>Balance the dual values of watercourses and associated lands such that their recreational and drainage functions are maintained and enhanced</li> </ul>	<ul style="list-style-type: none"> <li>Educate all stakeholders of the competing values of watercourses, and the implication that this may have on their needs</li> </ul>	<ul style="list-style-type: none"> <li>Development does not adversely impact on natural drainage functions</li> </ul>	ST

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance	Priority
<b>Natural Environment &amp; Usage Impacts</b>	<p>Biodiversity</p> <ul style="list-style-type: none"> <li>Balance the management and development of the site and their uses for recreation such that biodiversity is maintained and enhanced</li> </ul>	<ul style="list-style-type: none"> <li>Educate all stakeholders of the competing values of biodiversity, and the implication this may have on their needs</li> </ul>	<ul style="list-style-type: none"> <li>Development does not adversely impact on sportsgrounds biodiversity functions</li> </ul>	ST
<b>Service Standards &amp; Maintenance</b>	<ul style="list-style-type: none"> <li>To ensure maintenance of the aesthetic quality, and enjoyment of the facility, through regular maintenance of soft, hard, and constructed elements and surface</li> </ul>	<ul style="list-style-type: none"> <li>Regularly clean and maintain infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Service Level/User satisfaction</li> </ul>	O
		<ul style="list-style-type: none"> <li>Maintain garden, tree planting and other planted elements to ensure vitality, health, and resilience of plant material</li> </ul>	<ul style="list-style-type: none"> <li>Planted elements remain in good health and condition</li> </ul>	O
		<ul style="list-style-type: none"> <li>Maintain built elements including bins, seats, shelters, pathways, and barbeques to ensure user safety, satisfaction, and aesthetic qualities of the ground</li> </ul>	<ul style="list-style-type: none"> <li>Built elements maintained in good condition</li> </ul>	O
<b>Service Standards &amp; Maintenance</b>	<ul style="list-style-type: none"> <li>Maintain amenities buildings in clean, attractive, and safe conditions</li> </ul>	<ul style="list-style-type: none"> <li>Regularly clean amenities buildings, toilets, and other structures</li> </ul>	<ul style="list-style-type: none"> <li>Service Level/User satisfaction</li> </ul>	O
		<ul style="list-style-type: none"> <li>Ensure all functions of the amenities building are maintained in a safe and working condition</li> </ul>	<ul style="list-style-type: none"> <li>Service Level/User satisfaction</li> </ul>	O
		<ul style="list-style-type: none"> <li>Remove graffiti and repair other acts of vandalism as required</li> </ul>	<ul style="list-style-type: none"> <li>Graffiti removed</li> </ul>	O
<b>Leadership &amp; Governance</b>	<ul style="list-style-type: none"> <li>Manage special events, reserve hire and non-sporting use to prevent conflicts with other users and damage to community assets.</li> </ul>	<ul style="list-style-type: none"> <li>Support non-structured (passive) recreational activities that do not adversely affect ground condition, to take place on the site, including community or Council organised special events, festivals or activities.</li> </ul>	<ul style="list-style-type: none"> <li>Community satisfaction with recreation facilities and support for additional purposes</li> </ul>	O

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance	Priority
<b>Leadership &amp; Governance</b>  <b>Local Economy &amp; Financial Management</b>	<ul style="list-style-type: none"> <li>Leases, licences, and other estates achieve public benefit and are expressly authorised by this Plan of Management</li> </ul>	<ul style="list-style-type: none"> <li>Permit leases, licences, and other estates in accordance with the Local Government Act 1993 (as amended 1999) as outlined in section 6 of this Plan of Management for all of the Parks listed in the appendix with consideration to:               <ul style="list-style-type: none"> <li>Minimise perceived public alienation of community land</li> <li>Maintain a fair, equitable and transparent booking system.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Leases etc are granted in accordance with the Local Government Act 1993, this Plan of Management and Council guidelines for consideration of leases as appropriate.</li> <li>Monitor feedback from the community in relation to perceived alienation of community land – no legitimate reports are received.</li> <li>Survey and feedback as appropriate from hirers indicating satisfaction in relation to the fair allocation of facilities, fees, and charges.</li> </ul>	O
		<ul style="list-style-type: none"> <li>Maintain a fees and charges structure that is appropriate in relation to the facilities and services and with consideration to the market and Council's cost recovery. Review fees and charges on a regular basis</li> </ul>	<ul style="list-style-type: none"> <li>Adherence to lease etc. terms and conditions</li> <li>Timely payment based on terms and conditions</li> </ul>	O
		<ul style="list-style-type: none"> <li>Monitor lease (etc) terms and conditions</li> </ul>		O

Table 8 Parks Action Plan

## 7 Reference

[www.legislation.gov.au](http://www.legislation.gov.au)

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Greater Sydney Commission (2018) Greater Sydney Region Plan: A Metropolis of Three Cities – Connecting People

Greater Sydney Commission (2018) Our Greater Sydney 2056: North District Plan

NSW Department of Education Joint Use Projects Policy

## 8 Appendix A – Parks and Reserves included in the Plan of Management

### 8.1 Parks & Reserves

Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
4	Acron Oval		1 Acron Road, St. Ives		x	<b>x</b>	x		Part Lot 483 DP 752031, Part Lot 567 DP 752031	88492	Acron Oval	Public Recreation	Crown	Council
6	Airman's Park		140 Bradfield Rd, Lindfield	x		<b>x</b>	x		Lot 2 DP 216379				Council	Council
19	Bancroft Park		3 Recreation Ave, Roseville	x		<b>x</b>			Lot 3 DP 133073, Lot 4 DP 133073, Lot 5 DP 133073, Lot 6 DP 133073, Lot 7 DP 133073, Lot 8 DP 133073, Lot 9 DP 133073, Lot 10 DP 133073, Lot 1 DP 420954, Lot 1 DP 133073, Lot 2 DP 133073				Council	Council
21	North Pymble Park	Bannockburn Oval	cnr. Selwyn St & Bannockburn Rd Pymble		x	<b>x</b>	x		Lot B DP 348624, Lot 67 DP 17108, Lot 1 DP 976475, Lot 1 DP 1132468				Council	Council
28	Bicentennial Park	Loftburg Oval, Norman Griffith Oval, West Pymble Swimming Centre	2 Lofberg Road, West Pymble	x	x	<b>x</b>	x		Lot 1 DP 521870, Lot 6 DP 564939, Lot 8 DP 230332, Lot 3 DP 554781, Lot 7 DP 230332, Lot 9 DP 230332, Lot 10 DP 230332, Lot 11 DP 230332, Lot 1 DP 214246, Lot 4 DP 218537, Lot 6 DP 221409, Lot 5 DP 564939				Council	Council
33	Blackbutt Reserve	St Andrew Forest	124a St Johns Ave, Gordon	x		<b>x</b>	x		Lot 4 DP 17791, Lot B DP 434024, Lot 263 DP 585205, Lot 1 DP 33934, Lot 260 DP 27290, Lot 16 DP 239314, Lot 13 DP 24333, Lot 5 DP 242522, Lot 35 DP 239198, Lot 25 DP 12853				Council	Council

Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
53	Koola Park/Bushranger Reserve		Koola Avenue opposite Churchill Road, East Killara		x	<b>x</b>	x		Part Lot 7312 DP 1153922, Part Lot 477 DP 752031	63623	Koola Park	Public Recreation	Crown	Council
53	Koola Park/Bushranger Reserve		Koola Avenue opposite Churchill Road, East Killara		x	<b>x</b>	x		Lot 1 DP 716705, Lot 7313 DP 1153922	64650	Koola Park	Public Recreation	Crown	Devolved to Council
57	Cameron Park		5 - 7 Eastern Rd, Turramurra	x		<b>x</b>			Lot 20 DP 6494				Council	Council
59	Carlotta Reserve (R.H. Patterson Park)		17 Carlotta Reserve			<b>x</b>			Lot 3 DP 218590, Lot 7 DP 455958				Council	Council
157	Du Faur Reserve		28 Du Faur Street, North Turramurra			<b>x</b>	x		Lot 27 DP 710498				Council	Council
162	East Lindfield Park		Cnr Wellington & Carlyle Rd East Lindfield		x	<b>x</b>			Lot 3 DP 366262				Council	Council
185	Golden Jubilee Oval		Esk Street, North Wahroonga		x	<b>x</b>	x		Part Lot 478 DP 752031, Part Lot 7312 DP 1158394	91141	Wahroonga Recreation	Public Recreation	Crown	Council
185	Golden Jubilee Oval		Esk Street, North Wahroonga		x	<b>x</b>	x		Part Lot 478 DP 752031, Part Lot 7312 DP 1158394	91141	Wahroonga Recreation	s121a of State Emergency Services	Crown	Council

Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
189	Gordon Golf Course		cnr Lynn Ridge Avenue and St Johns Avenue		x	<b>x</b>	x		Lot 11 DP 825411, Lot 12 DP 825411, Lot 1 1115867, Lot 1 DP 132855, Lot 1 DP 120933				Council	Council
196	Grannys Springs		22A Duff Street, Turramurra			<b>x</b>	x		Lot 11 DP 738462, Lot 10 DP 538564, Lot 9 DP 538564, Lot 2 DP 215790, Lot 102 DP 714988, Lot 2 DP 550866, Lot 1 DP 807766				Council	Council
205	Halls Reserve		37-41 Barwon Ave, South Turramurra			<b>x</b>	x		Lot 27 DP 1178913				Council	Council
206	Hamilton Park		1 Barellan Avenue, Turramurra	x	x	<b>x</b>			Lot 34 DP 12795				Council	Council
210	Hassall Park		Mona Vale Rd & Mawson Street, St. Ives	x	x	<b>x</b>	x		Part Lot 7010 DP 93761	28761	Hassall Park	Public Recreation	Crown	Council
224	Irish Town Grove		91 Bannockburn Rd, Turramurra	x		<b>x</b>			Lot 29 DP 353369, Lot 73 DP 35369, Lot 74 DP 35369				Council	Council
237	Yarrarra Walk (Shoppers Rest) Kendell Village		4A Binalong St, West Pymble			<b>x</b>			Lot 10 DP 1216984				Council	Council
239	Kent Playing Field		off Spurwood Road, Turramurra		x	<b>x</b>			Lot 1 DP 210762, Lot 2 DP 210763, Lot LANE DP 11414 , Lot PATHW DP 11414				Council	Council
241	Killara Park		72A Springdale Ave, Killara	x	x	<b>x</b>	x		Part Lot 236 DP 752031	15419	Killara Park	Public Recreation	Crown	Council
251	Warrimoo Ave Sportsground		Warrimoo Ave opp Gould Ave, St Ives Chase		x	<b>x</b>	x		Lot 2 DP 505480				Council	Council
267	Lindfield		Pacific Highway, Lindfield			<b>x</b>	x		Lot 1 DP 1131000				Railways	Council

Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
275	Lovers Jump Creek Reserve	Golden Jubilee Field	next 158 Burns Rd north to end Clissold Rd west to cnr.Boundary Rd and Lister Street		x	<b>x</b>	x		Part Lot 478 DP 752031, Part Lot 7312 DP 1158394	91141	Wahroonga Recreation	Public Recreation	Crown	Council
279	Loyal Henry Park		67A, Shirley Road, Roseville		x	<b>x</b>	x		Lot 2 DP 217493				Council	Council
307	North Turramurra Recreation Area		off Bobbin Head Rd, North Turramurra		x	<b>x</b>	x		Lot A DP 357662, Lot 2 DP 434369, Lot 2 DP 1027585, Lot 4 DP 434369, Lot 5 DP 434369, Lot 8 DP 434369, Lot 9 DP434369, Lot 313 DP 752031, Lot 321 DP 752031, Lot 319 DP 752031, Lot B DP 365594, Lot 1 DP1269439, Lot 327 DP 752031, Lot 344 DP 752031				Council	Council
314	Park Avenue Playground		4-12 Babbage Rd, Roseville			<b>x</b>			Lot 21 DP 9852, Lot 20 DP 9852, Lot 19 DP 9852				Council	Council
323	Princes Park		76A Highfield Road LINDFIELD NSW 2070		x	<b>x</b>	x		Lot 3 DP 226203, Lot 4 DP 226203				Council	Council
336	Richmond Park		Rosedale Road, Gordon		x	<b>x</b>	x		Lot 8 DP 17020, Lot 12 DP 17166, Lot 1 DP 518650, Lot 2 DP 518650, Lot 1 DP 723220, Lot 14 DP 17166, Lot 19 DP 3666, Lot X DP 362390, Lot Z DP 3632390, Lot 1 DP 173251, Lot 1 DP 784617				Council	Council
339	Rofe Park		40 Mimosa rd south Turramurra		x	<b>x</b>	x		Lot 32 DP 752031				Council	Council



Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
346	Roseville Park		Clanville Road, Roseville	x	x	x			Lot 1 DP 9475, Lot 2 DP 9475, Lot 3 DP 9475, Lot 4 DP 9475, Lot 8 DP 10038, Lot 9 DP 10038, Lot 2 DP 132908, Lot 5 DP 9475, Lot 6 DP 667676, Lot 7 DP 9475, Lot 8 DP 9475, Lot 9 DP 9475, Lot 10 DP 9475, Lot 11 DP 9475, Lot 10 DP 10038, Lot 11 DP 10038, Lot 12 DP 10038, Lot 13 DP 10038, Lot 14 DP 10038, Lot 25 DP 10038, Lot 26 DP 10038, Lot 27 DP 10038, Lot 28 DP 10038, Lot 29 DP 10038, Lot 30 DP 10038, Lot 31 DP 10038, Lot 43 DP 10038, Lot 44 DP 10038, Lot 45 DP 10038, Lot 46 DP 10038, Lot 47 DP 10038, Lot 48 DP 10038, Lot 49 DP 10038, Lot 1 DP 166600				Council	Council
347	Rudder Creek Reserve		2A Yanko Rd, West Pymble			x	x		Lot 227 DP 220751, Lot DP 220751				Council	Council
356	Sequoia Close Park		4 Sequois Close, West Pymble				x		Lot 43 DP 252348				Council	Council
362	Sir David Martin Reserve		235 Kissing Point Road	x	x	x	x		Lot 13 DP 214390, Lot 2 DP 222070, Lot 3 DP 222070, Lot 7 DP 4870, Lot 8 DP 455666, Lot 9 DP 4870, Lot 20 DP 538546				Council	Council
376	St Ives Village Green		Memorial Ave, St Ives	x	x	x			Lot 3 DP 219418, Lot 1 DP 219418				Council	Council
379	Sugarbag Creek Reserve		12A Abingdon Rd, Roseville			x	x		Lot 119 DP 13028, Lot B DP 356743, Lot Access DP 13028, Lot Path DP 258167				Council	Council
405	Turrumurra Memorial Park		55 Eastern Road, Turrumurra	x	x	x	x		Lot 1 DP 985043, Lot 1 DP 169926, Lot 1 DP 172323, Lot 1 DP 1170660,				Council	Council

Map No	Reserve Site	Alternative Names	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
407	Two Turners Reserve		24B Gladstone Parade, Lindfield	x		x			Lot 1 DP 191528				Council	Council
413	Wahroonga Park		51Coonanbarra Rd, Wahroonga	x		x			Lot 10 DP 976471, Lot 1 Sec 2 DP 6297, Lot 2 Sec 2 DP 6297, Lot 3 Sec 2 DP 6297, Lot 4 Sec 2 DP 6297, Lot 5 Sec 2 DP 6297, Lot 6 Sec 2 DP 6297, Lot 7 Sec 2 DP 6297, Lot 8 Sec 2 DP 6297, Lot 9 Sec 2 DP 6297, Lot 10 Sec 2 DP 6297, Lot 11 Sec 2 DP 6297, Lot 12 Sec 2 DP 6297, Lot 13 Sec 2 DP 6297, Lot 1 DP 660899, Lot 1 DP 170208, Lot 8 DP 976471, Lot 9 DP 976471, Lot 11 DP 976471, Lot 21 DP 976471, Lot 22 DP 976471, Lot 23 DP 976471, Lot 1 Sec 3 DP 6297, Lot 2 Sec 3 DP 6297, Lot 3 Sec 3 DP 6297, Lot 4 Sec 3 DP 6297, Lot 5 Sec 3 DP 6297, Lot 6 Sec 3 DP 6297, DP 976471, Lot 1 Sec 2 DP 6297, Lot 10 DP 976471, Lot 7 Sec 3 DP 6297				Council	Council
415	Wahroonga Recreation	Cliff Oval Reserve	End of Cliff Avenue off Boundary Road, North Wahroonga		x	x	x		Part Lot 7311 DP 1158394	500217	Golden Jubilee Field	Public Recreation	Crown	Council
417	Warawee Park		2A Borambi St, Warawee	x		x	x		Lot 1 DP 182009				Council	Council

## 8.2 Community Spaces

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
4	Community - St Ives Children's Resource Centre	1 Acron Road, St Ives			X			Lot 872 DP 728427	100206	Acron Oval Community Hall	Community Purpose	Crown	Council
23	Community - Barra Brui Kindergarten	2A Burraneer Ave, St Ives			X			Part Lot 825 DP 752031, Lot 7318 DP 1158573	86634	Barra Brui Community Centre	Community Centre	Crown	Council
34	Community - Blair Wark Centre	1 Dunston Crove, Lindfield			x			Lot 8 DP 270770				Council	Council
57	Community - Turramurra Lifestart	5-7 Eastern Rd, Turramurra			x			Lot 19 DP 6494				Council	Council
71	Community - Centre, East Lindfield	9 Wellington Rd, East Lindfield			x			Lot x DP 414251				Council	Council
72	Community - Centre, East Roseville	4-12 Babbage Rd, Roseville			x			Lot 24 DP 1079890, Lot 23 DP 7517, Lot 19 DP 9852				Council	Council
73	Community - Centre, West Lindfield	2-10 Bradfield Rd, Lindfield			x			Lot 7048 DP 1110705	500362	West Lindfield Community Centre	Community Purpose	Crown	Council
74	Community - Centre, Ku-ring-gai St Ives & Precinct	207 Mona Vale Rd, St Ives			x			Lot 1 DP 816806				Council	Council
161	Community - Early Childhood Centre - St Ives	11-21 Cowan Rd St Ives			x			Lot 201 DP 1164994				Council	Council
185	Wahroonga Bush Fire Brigade	Esk Street, North Wahroonga		x	x	x		Lot 7314 DP 1158394	91267	Wahroonga Bush Fire Brigade	s121a of State Emergency Services	Crown	Council

190	Community - Gordon Library & Precinct	799 Pacific Highway, Gordon			X			Lot 5 DP 825602, Lot 4 DP 825602, Lot 3 DP 825602				Council	Council
191	Community - Kindergarten - Gordon Preschool	4 Park Ave, Gordon			X			Lot 11 DP 852087, Lot 12 DP 852087				Council	Council
200	Groups Centre Historic Classrooms - St Ives	207 Mona Vale Rd, St Ives			X			Lot 1 DP 816806				Council	Council
201	Guides - Lease LD3323	19 Mount William St, Gordon			X			Lot 1 DP 218590				Council/Guides	Council
241	Community – Killara Park Kindergarten	72A Springdale Ave, Killara	x	x	X	x		Part Lot 236 DP 752031	R100073	Killara Park Kindergarten	Kindergarten	Crown	Council
266	Lindfield Hub	8 Tryon Rd, Lindfield			X			Lot 12 DP 804448				Council	Council
269	Lindfield Village Green	8 Tryon Rd, Lindfield			X			Lot 2 DP 1275759				Council	Council
285	Community - Marian Street Theatre	2 Marian St, Killara			X			Lot A DP 329637				Council	Council
317	Community - Town Hall Pymble & Precinct	1186 Pacific Highway, Pymble			X			Lot 1 DP 86583				Council	Council
325	Community - Pymble Playgroup	57 Merrivale Rd, Pymble			X			Lot 2 DP 252197				Council	Council
368	South Turramurra Kindergarten	10A Auluba Rd, South Turramurra			X			Lot 1 DP 222070				Council	Council
371	Community - St Ives Library	11-21 Cowan Rd St Ives			X			Lot 201 DP 1164994				Council	Council
373	Community - St Ives Occasional Child Care Centre	261 Mona Vale Rd, St Ives			X			Lot 31 DP 719052				Council	Council
390	Community - Thomas Carlyle Children's Centre	2C Carlyle Rd, East Lindfield			X			Lot 1 DP 91986	100170		Community Purposes	Crown	Council
402	Community - Tulkian, Gordon	707 Pacific Highway, Gordon			X			Lot 3 Sec 1 DP 3267				Council	Council
414	Community - Wahroonga Preschool	60 Coonanbarra Rd, Wahroonga			X			Lot 1 Sec 1 DP 6297, Lot 2 Sec 1 DP 6297, Lot 3 Sec 1 DP 6297, Lot 4 Sec 1 DP 6297, Lot 5 Sec 1 DP 6297, Lot 6 Sec 1 DP 6297, Lot 7 Sec 1 DP 6297, Lot 1 Sec 1 DP 726135				Council	Council

Note: Map 74 is inclusive of Reference Numbers 74, 200, 212, 431

### 8.3 Carparks

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
89	Carpark - Rowe Street	1 Rowe St, Roseville Chase			x			Lot 1 DP 503909				Council	Council
90	Carpark - Wade Lane	1 Wade Ln, Gordon			x			Lot OS 0 , Lot 1 DP 233688				Council	Council
91	Carpark - Pearson Avenue	4 Park Ave, Gordon			x			Lot 11 DP 852087				Council	Council
92	Carpark - St Ives Shopping Centre	11-21 Cowan Rd St Ives			x			Lot A DP 321567, Lot 1 DP 504794, Lot B DP 336206, Lot A DP 321567, Lot 200 DP 1164994, Lot 201 DP 1164994, Lot C DP 322331, Lot B DP 322331				Council	Council
93	Carpark - Grandview Lane	1 Alma St, Pymble			x			Lot 19 DP 5528, Lot 4 DP 307623, Lot 1 DP 236137, Lot 1 DP 510597, Lot 4 DP 521871				Council	Council
94	Carpark - Eastern Road	93A Eastern Rd, Turramurra			x			Lot 2 DP 519375				Council	Council
95	Carpark - Gilroy Lane	2-8 Turramurra Ave, Turramurra			x			Lot 2 DP 840070				Council	Council
96	Carpark - Kissing Point Road	3 Kissing Point Rd, Turramurra			x			Lot B DP 435272, Lot A DP 391538, Lot 2 DP 500077, Lot 2 DP 500761, Lot 2 DP 502388				Council	Council
97	Carpark - Auluba Road	219D Kissing Point Rd, South Turramurra			x			Lot 66 DP 29436				Council	Council
98	Carpark - Coonanbarra Road	9 Coonanbarra Rd, Wahroonga			x			Lot 2 DP 502616, Lot 1B DP 434624, Lot 1A DP 434624, Lot 2B DP 434624, Lot 2A DP 434624, Lot 1 DP 781568, Lot 1 DP 781569				Council	Council

99	Carpark - Larkin Lane	1 Larkin Ln, Roseville			x		Lot 1 DP 505371, Lot 1 DP 507809, Lot 1 DP 500045, Lot 2 DP 504082, Lot 2 DP 507593, Lot 2 DP 505005, Lot 1 DP 502277, Lot 2 DP 511182, Lot 1 DP 502277, Lot 2 DP 511183, Lot 1 DP 502277				Council	Council
100	Carpark - Fox Valley Road	170D The Comenarra Parkway, Wahroonga			x		Lot 5 DP 603603				Council	Council
101	Carpark - Koola Avenue	1 Reading Ave, East Killara			x		Lot 2 DP 588630				Council	Council
102	Carpark - Alma Street	2 Alma St, Pymble			x		Lot A DP 302332				Council	Council
103	Carpark - Mona Vale Road	176 Mona Vale Rd, St Ives			x		Lot 103 DP 627012				Council	Council
104	Carpark - Bradfield Road	11 Bradfield Rd, Lindfield			x		Lot 97 DP 17129				Council	Council
105	Carpark - Valley Park Crescent	6 Valley Park Cres, North Turramurra			x		Lot 6 DP 260372				Council	Council
106	Carpark - Porters Lane	207 Mona Vale Rd, St Ives			x		Lot 1 DP 816806				Council	Council
107	Carpark - Mona Vale Road	208 Mona Vale Rd, St Ives			x		Lot 11 DP 29167, Lot 12 29167				Council	Council
108	Carpark - Lord Street	2 Lord St, Roseville			x		Lot 4 DP 225030				Council	Council

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
109	Carpark - Culworth Avenue	20-26 Culworth Ave, Killara			x			Lot 1 DP 119937, Lot 1 DP 169841, Lot 2 DP 119937, Lot 3 DP 119937, Lot 2 DP 932235, Lot 164 DP 1196189, Lot 163 DP 1196189				Council	Council
237	Carpark - Binalong Street	4A Binalong St, West Pymble			x			Lot 10 DP 1216984				Council	Council
237	Carpark - Kendall Street	2 Binalong St, West Pymble			x			Lot 3 DP 28292				Council	Council
301	Carpark - Moree St	2 - 4 Moree St, Gordon			x			Lot 4 DP 3965, Lot 5 DP 3965				Council	Council

## 8.4 Miscellaneous Lands

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
1	Council Land - 136A Junction Lane	136A Junction Ln, Wahroonga			x			Lot A DP 410082, Lot 3 DP 547626				Council	Council
9	Pathway - Alice Lane	Tennysen Ave, Turramurra			x			Lot DP 205209				Council	Council
26	Pathway - Bell's Path	1A Bell St, Killara			x			Lot A DP 17648				Council	Council
27	Pathway - Biara Path	Biara Pl, Turramurra			x			Lot DP 36328				Council	Council
42	Pathway - Brandon Path	Brandon Pl, St Ives			x			Lot 21 DP 229753				Council	Council
49	Pathway - Burdekin Crescent North	Barcoo Pl, St Ives			x			Lot DP 758058				Council	Council
51	Pathway - Burraneer Ave	Burraneer Ave, St Ives			x			Lot DP 758058				Council	Council
62	Pathway - Chatham Path	Chatham Pl, North Turramurra			x			Lot DP 203164				Council	Council
68	Council Land - Ashburton Path	Ashburton Ave, South Turramurra			x			Lot 15 DP 217009, Lot 2 DP 555765				Council	Council
75	Council Land - Babbage Road	2A Babbage Rd, Roseville			x			Lot 1 DP 1124070				Council	Council
76	Council Land - Bradfield	77A Bradfield Rd. Lindfield			x			Lot 53 DP 261073				Council	Council
77	Pathway - Coree Place	Coree Pl, St Ives			x			Lot DP 246138				Council	Council
78	Council Land - Denley Lane	188A Mona Vale Rd, St Ives			x			Lot 2 DP 418510				Council	Council



Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
79	Drainage Reserve - Waugoola Street	17A Waugoola St, Gordon			x			Lot 162 DP 17131				Council	Council
80	Council Land - Dumaresq Street	7 -15 Dumaresq St, Gordon			x			Lot A DP 355615, Lot D DP 386283, Lot C DP 386283				Council	Council
81	Council Land - Electricity Easement - Windsor Walk	18 Kamlaroy Rd, West Pymble			x			Lot 1 DP 590277, Lot 2 DP 590277, Lot 48 DP 31114				Council	Council
82	Council Land - Gillan End	Wallalong Cres, West Pymble			x			Lot 3 DP 533035				Council	Council
83	Council Land - Grandview Street	Rear of 103 Grandview St, Pymble (post office Lane)			x			Lot 2 DP 582963				Council	Council
86	Council Land - Walkway	Cornwall Ave, Turramurra			x			Lot 3 DP 505818, Lot 5 DP 512700				Council	Council
87	Pathway - Clanville Road	49A Clanvill Road, Roseville			x			Lot 2 DP 176845				Council	Council
117	Pathway - Damour Path	Damour Ave, East Lindfield			x			Lot DP 253074				Council	Council
123	Pathway - Dorman Crescent Walk	Highfield Rd, Lindfield			x			Lot 144 DP 127129				Council	Council
124	Drainage Reserve - Eastern Arterial Road	32A Eastern Arterial Rd, Killara			x			Lot 1 DP 1002698				Council	Council
126	Drainage Reserve - Mona Vale Road	Mona Vale Rd, Pymble			x			Lot 2 DP 435076				Council	Council
127	Drainage Reserve - Park Avenue	31A Park Av, Roseville			x			Lot A DP 327896, Lot 65 DP 6341				Council	Council
128	Drainage Reserve - Bareena Walk North	15A Bareena Ave Wahroonga			x			Lot 1 DP 726104, Lot 10 DP 16489				Council	Council
129	Drainage Reserve - Bareena Walk South	Burns Rd, Wahroonga			x			Lot DP 3219				Council	Council
130	Drainage Reserve - Boundary Street	149A Boundary St, Roseville			x			Lot 2 DP 114081				Council	Council

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
131	Drainage Reserve - Boundary Street	103A Boundary St, Roseville			x			Lot 14 DP 667455				Council	Council
132	Drainage Reserve - Calga Street	29 Calga St, Roseville Chase			x			Lot 4 DP 239649, Lot 5 DP 239649				Council	Council
133	Drainage Reserve - Calvert Ave	Calvert Ave, Killara			x			Lot 106 DP 6050				Council	Council
134	Drainage Reserve - Duntroon Avenue	4A Duntroon Ave, Roseville			x			Lot 63 DP 6341				Council	Council
135	Drainage Reserve - Fitzroy Street	Fitzroy St, Killara			x			Lot 107 DP 6050				Council	Council
136	Drainage Reserve - Gladstone Avenue	14A Cherry St, Warrawee			x			Lot 1 DP 1224058, Lot 2 DP 1224058				Council	Council
137	Drainage Reserve - Glen Road	30B Glen Rd, Roseville			x			Lot 14 DP 17798				Council	Council
138	Drainage Reserve - Highlands Walk	44A Mount William St, Gordon			x			Lot 33 DP 7889				Council	Council
139	Drainage Reserve - Kulgoa Road	15A Macquarie Rd Pymble			x			Lot 29 DP 6474, Lot 30 DP 6474, Lot 31 DP 6474				Council	Council
140	Drainage Reserve - Laurence Avenue	24 Laurance Ave, Turramurra			x			Lot 102 DP 533073				Council	Council
141	Drainage Reserve - Loorana Street	5A Loorana St, Roseville Chase			x			Lot 38 DP 13814, Lot 98 DP 15524				Council	Council
142	Drainage Reserve - Merrivale Lane	Charlton Ave, Turramurra			x			Lot 54 DP 8242				Council	Council
143	Drainage Reserve - Milray Street	Milray St, Lindfield			x			Lot 1 DP 132916, Lot 2 DP 132916, Lot 3 DP 132916				Council	Council
144	Drainage Reserve - Norfolk Street	Norfolk St, Killara			x			Lot 9 DP 16323				Council	Council
145	Drainage Reserve - Ortona Road	Ortona Rd, Lindfield			x			Lot 1 DP 950350				Council	Council

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
146	Drainage Reserve - Park Grove Lane	Cudgee St, Turramurra			x			Lot DP 9965				Council	Council
148	Drainage Reserve - Quebec Avenue	13 Terrace Rd, Killara			x			Lot 180 DP 16187				Council	Council
149	Drainage Reserve - Rowe Street	22A Rowe St, Roseville Chase			x			Lot B DP 379595				Council	Council
150	Drainage Reserve - Stanhope Road	98A Stanhope Rd, Killara			x			Lot 3 DP 501076, Lot 1 DP 501076, Lot 2 DP 501076				Council	Council
151	Drainage Reserve - Sutherland Ave	Sutherland Ave, Wahroonga			x			Lot 8 DP 17097				Council	Council
153	Drainage Reserve - Warragal Road	Terrigal Ave, Turramurra			x			Lot 45 DP 9205				Council	Council
155	Drainage Reserve - Griffith Path	30A Calga St, Roseville Chase			x			Lot 99 DP 15524				Council	Council
156	Drainage Reserve - Terrigal Avenue	Terrigal Ave, Turramurra			x			Lot 46 DP 9205				Council	Council
168	Pathway - Eppleston Walk	10 Eppleston Pl, West Pymble			x			Lot 6 DP 217147				Council	Council
169	Council Land - Eric's End	9 Eric St, Wahroonga			x			Lot 1 DP 662194				Council	Council
174	Drainage Reserve - Forsyth End	Arthur St, Killara			x			Lot 32 DP 16006				Council	Council
182	Pathway - Gibran Path	Gibran Pl, St Ives			x			Lot DP 263900				Council	Council
195	Pathway - Governors Walk	Macquarie Rd, Pymble			x			Lot DP 18946				Council	Council
219	Pathway - Hunter Path	Hunter Ave, St Ives			x			Lot DP 215971				Council	Council
223	Pathway - Illoura Path	21A Burns Rd, Wahroonga			x			Lot 1 DP 1144441				Council	Council
228	Pathway - Jersey Path	Jersey St, Turramurra			x			Lot DP 450428				Council	Council

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
229	Drainage Reserve - Jinkers Drain	18A Charles St, Killara			x			Lot 179 DP 16187, Lot 12 DP 26612				Council	Council
231	Pathway - Johore Path	Robinson St, East Lindfield			x			Lot DP 758373				Council	Council
232	Pathway - Junction Road	Lochville St, Wahroonga			x			Lot 7 8 DP 3219, Lot 24 8 DP 3219				Council	Council
236	Pathway - Kelvin Path	Kelvin Rd, St Ives			x			Lot DP 203425				Council	Council
237	Council Land - Kendall Verge	45A Yanko Rd, West Pymble			x			Lot 78 DP 27929, Lot 82 DP 27929				Council	Council
237	Pathway - Yarrara Walk	4A Binalong St, West Pymble			x			Lot 10 DP 1216984				Council	Council
237	Yarrara Walk (Shoppers Rest) Kendell Village	4A Binalong St, West Pymble			x			Lot 10 DP 1216984				Council	Council
240	Drainage Reserve - Kerelas End	9A The Broadway, Wahroonga			x			Lot 478 DP 14590, Lot 487 DP 14590				Council	Council
244	Pathway - King Path	King St, Turramurra			x			Lot RD 0				Council	Council
246	Pathway - Kiparra Street	Kiparra St, Pymble			x			Lot 91 DP 12830				Council	Council
262	Pathway - Lennox Path	31 Lennox St, Gordon			x			Lot 165 DP 17131				Council	Council
265	Pathway - Lightcliff Path	Lightcliff Ave, Lindfield			x			Lot 36 DP 668077				Council	Council
284	Pathway - Margaret Path	Boundary St, Roseville			x			Lot 2 DP 432366				Council	Council
315	Council Land - Passage Lane	Bridge Passage, Roseville Chase			x			Lot 5 DP 244254, Lot 6 DP 244254, Lot 4 DP 244254, Lot 3 DP 244254, Lot 2 DP 244254, Lot 1 DP 244254				Council	Council
319	Pathway - Phillip Walk	Northcote Ave, Killara			x			Lot DP 330124				Council	Council

Map No	Reserve Site	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
			Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
320	Pathway - Pibrac Path	Warrawee Ave, Warrawee			x			Lot RD 0				Council	Council
337	Pathway - Ridge Street	Ridge St, Gordon			x			Lot DP 557078				Council	Council
356	Council Land - Warrabi - Tristania Place	Warrabri Pl, West Pymble			x			Lot DP 252348				Council	Council
364	Council Land - Primula Street	96A Highfield Rd, Lindfield			x			Lot 18 DP 22014				Council	Council
377	Pathway - St Johns Walk	61A St Johns Ave, Gordon			x			Lot 27 DP 6395, Lot 7 DP 6395				Council	Council
384	Sylvan Avenue Walk	19A Karoo Ave, East Lindfield			x			Lot 7320 DP 1162594				Council	Council
400	Pathway - Tryon Path	Damour Ave, East Lindfield			x			Lot DP 243074				Council	Council
418	Pathway - Warrawee Walk	Warrawee Ave, Warrawee			x			Lot DP 11717				Council	Council
421	Drainage Reserve - Werona Avenue	Werona Ave, Killara			x			Lot 1 DP 499517				Council	Council
432	Council Land - Boundary Road	Boundary Rd, Wahroonga			x			Lot DP 253642				Council	Council
435	Council Land - Salerno Place	15 Salerno Pl, St Ives Chase			x			Lot PATH DP 734697				Council	Council
439	Council Land - Valley View Close	12 Abingdon Rd, Roseville			x			Lot Path DP 258167				Council	Council
440	Council Land - Woodville Close	Woodvale Cl, St Ives			x			Lot DP 253499				Council	Council
441	Pathway - Monterey Access	22 Monterey St, St Ives			x			Lot 34 DP 226462				Council	Council

## 9 Appendix B – Leases and Licences

Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
Kissing Point Sports Club Incorporated	Sir David Martin Clubhouse Playing Facility 10b Auluba Road, South Turramurra, NSW 2074	Aluba Oval	Licence	CommSprtG	15/08/2016	14/08/2021		
St Ives Rugby Club Incorporated	352 Mona Vale Road between Mawson and Palm Streets	Hassell Park Oval + Club House	Licence	CommSprtG	26/04/2005	25/04/2025	28761	Hassall Park
Wahroonga Rugby Club Incorporated	28 Cliff Avenue Wahroonga, NSW 2076	Cliff Oval Clubhouse	Licence	CommSprtG	1/08/2014	31/07/2024	500217	Golden Jubilee Field
Gordon District Cricket Club Incorporated	Bert Oldfield Oval, Clubhouse, Killara Park off Koola Avenue, Killara NSW	Bert Oldfield Oval	Licence	CommSprtG	1/07/2003	30/06/2008	15419	Killara Park
Gordon Golf Club Ltd	2 Lynn Ridge Avenue Gordon NSW 2072	Gordon Golf Club	Lease	CommSprtG	1/12/2003	30/11/2013		
Hornsby Ku-ring-gai & Hills District Cricket Association	55 Eastern Road, Turramurra NSW 2074	Turramurra Memorial Park	Informal Agreement	CommSprtG	23/01/2016	22/01/2017		
Ku-ring-gai Amateur Swimming Club Inc	Ku-ring-gai Fitness & Aquatic Centre, Prince of Wales Drive, West Pymble NSW 2073	Club Room at KFAC	Licence	CommSprtG	21/10/2015	20/10/2016		
Ku-ring-gai Cubs Rugby League Club Inc	Turramurra Memorial Park, Eastern Road, Turramurra	Turramurra Memorial Park	Licence	CommSprtG	1/08/2021	31/07/2026		
Ku-ring-gai Stealers Baseball and Softball Club	Golden Jubilee Sportsground, 7 Esk Street, Wahroonga NSW 2076	Golden Jubilee	Informal Agreement	CommSprtG	future		91141	Wahroonga Recreation

Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
Old Barker Rugby Club Inc.	Turrumurra Memorial Park, Eastern Road, Turrumurra	Turrumurra Memorial Park	Licence	CommSprtG	1/08/2021	31/07/2026		
St Ives Football Club Incorporated	Warrimoo Oval Clubhouse, Warrimoo Oval, 161 Warrimoo Avenue, St Ives NSW 2075	Warrimoo Oval	Licence	CommSprtG	1/01/2014	31/12/2018		
St Ives Junior AFL Club Incorporated	Acron Oval, Acron Road, St Ives NSW 2075	Acron Oval Clubhouse	Licence	CommSprtG	23/11/2004	22/11/2009	88492	Acron Oval
St John Ambulance Ku-ring-gai Division	Carrington Oval, Coonanbarra Road, Wahroonga NSW 2076	Locked Storage Area, within Amenity Block	Storage Agreement	CommSprtG	2/09/2019	1/09/2020		
Northern Suburbs Football Association	5 Kent Road, Turrumurra NSW 2074	Park Kent Oval Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Northern Suburbs Football Association	1 Dunstan Grove / Eton Road, Lindfield NSW 2070	Part of the Charles Bean Sportsfield Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Axicom Pty Limited - Formally Crown Castle International	North Turrumurra Recreation Area - 361a Bobbin Head Road, North Turrumurra, NSW 2074	Axicom - North Turrumurra Recreation Area	Access Deed	Commercial	24/12/2011	23/12/2026		
Telstra Corporation Pty Ltd	Site 224321 - Warrimoo Oval	Telstra Site 224321 - Warrimoo Oval	Lease	Commercial	8/08/2012	7/08/2023		
Optus Mobile Pty Ltd	Warrimoo Oval Telecommunication Site S0565	Optus site S0565	Lease	Commercial				
JB Macdonald T/A Elite Golf NSW	North Turrumurra Golf Course Proshop - 384 Bobbin Head Road, North Turrumurra	North Turrumurra Golf Course Proshop	Lease	Commercial	1/11/2019	31/10/2023		

Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
KU Children's Services	Community – Barra Brui Kindergarten	Barra Brui	Lease	Commercial		31/12/2023	86634	Barr Brui Community Centre
KU Children's Services	Community – Killara Park Kindergarten	Killara Park	Lease	Commercial		31/12/2023	100073	Killara Park Kindergarten
Lifestart Co-operative Limited	Community – Turramurra Lifestart 5-7 Eastern Rd, Turramurra	Community Building	Lease	Commercial		31/12/007		
Computer Pals for Seniors (Ku-ring-gai) Incorporated	Community – Centre, East Lindfield 9 Wellington Rd, East Lindfield	Community Building	Lease	Commercial		31/11/2008		
The Cavalcade of History and Fashion Incorporated	Community Centre, Ease Roseville 4-12 Babbage Rd, Roseville	Community Building	Lease	Commercial		20/02/2019		
Roseville P&C Kids Care Association Inc.	Community Centre, Ease Roseville 4-12 Babbage Rd, Roseville	Community Building	Lease	Commercial		31/10/2020		
Lady Game Community Kindergarten Inc.	Community Centre – West Lindfield 2-10 Bradfield Rd, Lindfield	Community Building	Lease	Commercial		30/09/2008		
Lorna Hodgkinson Sunshine Home	Community Centre – Ku-ring-gai St Ives & Precinct	Community Building	Lease	Commercial		31/01/2008		
Young Men's Christian Association of Sydney	Community Centre – Ku-ring-gai St Ives & Precinct	Community Building	Lease	Commercial		31/12/2020		
Action for People with Disability Inc.	Community Centre – Ku-ring-gai St Ives & Precinct	Community Building	Lease	Commercial		31/1/2008		
Ku-ring-gai Neighbourhood Centre Inc.	Community Centre – Early Childhood Centre, St Ives	Community Building	Lease	Commercial		30/06/2019		



Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
Northern Sydney Local Health District	Community – Gordon Library & Precinct	Community Building	Lease	Commercial	01/07/2022	30/06/2027		
Gordon Community Preschool	Community Centre – Kindergarten 4 Park Ave, Gordon	Community Building	Lease	Commercial		31/01/2021		
Lifeline Harbour to Hawkesbury Inc.	Community – Marion Street Theatre 2 Marian St, Killara	Community Building	Lease	Commercial		31/01/2021		
Playgroup NSW Inc.	Community – Pymble Playgroup 57 Merrivale Rd, Pymble	Community Building	Lease	Commercial		31/12/2021		
Ku-ring-gai Neighbourhood Centre Inc.	Community – St Ives Library 11-21 Cowan Rd, St Ives	Community Building	Lease	Commercial		30/06/2019		
Wao Pty Ltd Trading as Kelvin Kindergarten Link Rd	Community – Child Care 261 Mona Vale Rd, St Ives	Community Building	Lease	Commercial		31/10/2028		
KU Children’s Services	Community – Wahroonga Preschool 60 Connanbarra Rd, Wahroonga	Community Building	Lease	Commercial		31/12/2023		

**Note: Council is currently undertaking a review of all outstanding and existing leases and licences to ensure compliance with the LG Act.**

10 Appendix C – Maps of Parks and Reserves

## 11 Appendix D – Permitted and prohibited activities on community land

Activities Permitted – Not Requiring Approval	Sportsground	Parks	General community Use
Activities arranged under the auspice of bodies appointed by Council to manage sportsgrounds or community facilities	✓	✓	✓
Barbecues within constructed barbecue structures	✓	✓	✓
Casual games (e.g., a small group kicking a ball) provided the activity is not contrary to a sign	✓	✓	✓
Children's Play	✓	✓	✓
Cycling, rollerblading (on designated cycle paths)	✓	✓	✓
Dogs – walking a dog on a leash, unless prohibited by a sign	✓	✓	✓
Dogs – exercising a dog off leash in a designated dog exercise area in accordance with a sign	✓	✓	✓
Fire hazard reduction works by an authorised body, or by Council	✓	✓	✓
Helicopter landing by emergency services	✓	✓	✓
Horse riding on designated equestrian trails or equestrian grounds in accordance with a sign	✓	✓	✓
Kite Flying	✓	✓	✓
Skateboarding/roller blading on designated Council facilities, or on hard courts, provided not contrary to a sign	✓	✓	✓
Picnics by small groups – site not booked	✓	✓	✓
Registered vehicles, under the supervision of officials in association with an event	✓	✓	✓

Activities Permitted – Requiring Council Approval	Sportsground	Parks	General community Use
Camping, (directly related to providing security for an event)	✓	✓	✓
Camping, by an approved community group (e.g., scouts, guides)	✓	✓	✓
Ceremonies – weddings, naming's, funerals	✓	✓	✓
Commercial classes, (e.g., exercise classes, boot camps, dog obedience, etc) in accordance with a sign	✓	✓	✓

Commercial photography, filming	✓	✓	✓
Concerts, movie screenings, cultural events	✓	✓	✓
Exhibitions, demonstrations	✓	✓	✓
Festivals, feted, carnivals, circuses	✓	✓	✓
Helicopter landings as part of an approved filming project, Council operations, special events subject to zoning and legislative requirements	✓	✓	✓
Landcare activities (bridges, boardwalks, viewing platforms, tracks, steps, seating plantings in parks	✓	✓	✓
Large scale gatherings	✓	✓	✓
Markets and car boot sales	✓	✓	✓
Private group activities on a booked sites (e.g., family reunions, parties)	✓	✓	✓
Professional fireworks display (subject to Council approval & Dangerous goods permits)	✓	✓	✓
Skate/rollerblade competitions	✓	✓	✓

Activities Prohibited	Sportsground	Parks	General community Use
Amateur fireworks display	✓	✓	✓
Any activity that may be considered by an authorised Council officer to be dangerous to other users, or that would compromise the core objectives for the land category	✓	✓	✓
Any activity undertaken contrary to a notice on the land	✓	✓	✓
Fires, unless specifically approved by Council	✓	✓	✓
Golf and practice golf	✓	✓	✓
Placing fill on the land, unless specifically approved by Council (usually will require development approval)	✓	✓	✓
Removal of bush rock or endemic plant or animal species	✓	✓	✓
Sale of a motor vehicle	✓	✓	✓
Trail, trike, or quad biker, or unregistered vehicle use on the land	✓	✓	✓

## 12 Appendix E – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### 12.1 Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland

- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

## 12.2 Classification of public land

The LG Act requires classification of public land into either ‘community’ or ‘operational’ land (Section 26). The classification is generally made for council-owned public land by the council’s Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council’s ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

## 12.3 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

### ***Principles of Crown land management***

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

### ***Crown land management compliance***

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

## 12.4 Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council’s dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

## 12.5 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Ku-ring-gai Municipal Council (2005) Strategy for Ku-ring-gai
- Ku-ring-gai Municipal Council (2006) Sport in Ku-ring-gai Strategy
- Ku-ring-gai Municipal Council (2010) Contributions Plan: People, Parks and Bushland – Open Space
- Ku-ring-gai Municipal Council (2011) Recreational Facilities Asset Management Plan
- Ku-ring-gai Municipal Council (2016) Water Sensitive City Policy
- Ku-ring-gai Municipal Council (2018) Management of Community and Recreation Land and Facilities Policy Climate Change Policy
- Ku-ring-gai Municipal Council (2018) Community Strategic Plan 2038 incl. Delivery Program (4 years), Operational Plan and Budget (1 yr), Resourcing Strategy
- Ku-ring-gai Municipal Council (2019) Ku-ring-gai Local Strategic Planning Statement – Draft
- Ku-ring-gai Municipal Council (2020) Urban Forest Policy.
- Ku-ring-gai Municipal Council Specific Plans of Management: Bicentennial Park, Canoon Road Recreation Area, Gordon Golf Course, St Ives Showground
- Ku-ring-gai Municipal Council Delivery Program (4 years), Operational Plan and Budget (1 year) Sports facility improvement plans
- Ku-ring-gai Municipal Council Terms and conditions for sports facilities and casual hire, seasonal allocation

## 12.6 Other state and Commonwealth legislation

### 12.6.1 NSW state legislation

#### Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).



### ***Aboriginal Land Rights Act 1983***

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

### ***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

### ***Biodiversity Conservation Act 2016***

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

### ***Fisheries Management Act 1994***

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

### ***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

#### ***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

#### 12.6.2 Commonwealth legislation

##### ***Environmental Protection and Biodiversity Conservation Management Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

##### ***Telecommunications Act 1997***

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

#### 12.6.3 State Environmental Planning Policies

##### **State Environmental Planning Policy no. 19 – Bushland in urban areas**

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area – Bushland.

##### **State Environmental Planning Policy (Infrastructure) 2007**

This planning policy lists development allowed with consent or without consent on community land.

##### **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

##### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

#### 12.6.4 Other relevant legislation, policies and plans

##### ***Biosecurity Act 2015***

*Catchment Management Authorities Act 2003*  
*Companion Animals Act 1998*  
*Disability Discrimination Act 1992*  
*Local Land Services Act 2013*  
*Operations Act 1997*  
*Pesticides Act 1999*  
*Protection of the Environment Operations Act 1997*  
*Retail Leases Act 1994*  
*Rural Fires Act 1997*  
*Soil Conservation Act 1938*  
NSW Invasive Species Plan 2008-2015  
National Local Government Biodiversity Strategy  
NSW Biodiversity Strategy  
A Vegetation Management Plan for the Sydney Region (Green Web Sydney)  
Australian Natural Heritage Charter

## 13 Appendix F – Native Title Requirements