

Ku-ring-gai Council

Generic Plan of Management – Parks

May 2023

Community Land and Crown Reserves

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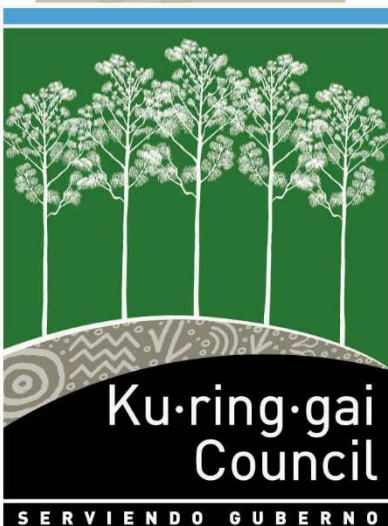


Table of Contents

1	Introduction.....	5
1.1	Background	5
1.2	Purpose of the plan of management.....	5
1.3	Process of preparing the plan of management	6
1.4	Change and review of the plan of management	7
1.5	Community consultation	7
2	Land description	8
2.1	Owner of the land	8
3	Legislative framework.....	9
3.1	Local Government Act 1993	11
3.2	Crown Land Management Act 2016	11
3.3	Native Title.....	12
4	Basis of management.....	13
4.1	Categorisation of the land.....	13
4.2	Guidelines and core objectives for management of community land	13
4.3	Restrictions on management of Crown land	14
4.4	Council’s strategic objectives and priorities	15
5	Development and use	16
5.1	Current use of the land	16
5.2	Permissible uses / future uses.....	16
5.3	Express authorisation of leases and licences and other estates	17
5.3.1	Leased and licences authorised by the plan of management	17
5.3.2	Short-term licences	18
5.3.3	Native Title and Aboriginal land rights considerations in relation to leases, licences, and other estates	18
6	Management of land.....	18
6.1	Guidelines and core objectives.....	18
6.2	Key issues	19
6.2.1	General community issues.....	19
6.3	Management frameworks for reserves categorised as Parks	22
6.4	Development and Use	25
6.4.1	Scale and intensity of permissible uses and developments	25
6.5	Permissible uses / future uses.....	27
6.6	Express authorisation of leases, licences, and other estates – Parks	28
6.6.1	Use agreement over Crown Land	30
6.6.2	Future development	32
6.7	Action Plan	32
7	Reference.....	37
8	Appendix A – Parks and Reserves included in the Plan of Management.....	38
9	Appendix B – Leases and Licences	43
10	Appendix C – Maps of Parks and Reserves.....	45

11	Appendix D – Permitted and prohibited activities on community land.....	46
12	Appendix E – Plan of Management Legislative Framework.....	49
12.1	Local Government Act 1993	49
12.2	Classification of public land	50
12.3	Crown Land Management Act 2016	50
12.4	Native Title Act 1993.....	51
12.5	Council plans and policies relating to this plan of management	52
12.6	Other state and Commonwealth legislation	52
12.6.1	NSW state legislation.....	52
12.6.2	Commonwealth legislation	54
12.6.3	State Environmental Planning Policies	54
12.6.4	Other relevant legislation, policies and plans	55
13	Appendix F – Native Title Statement.....	56
	Table 1 Land Use Covered under this plan of management.....	9
	Table 2 Legislative Framework	10
	Table 3 Crown Land Management Principles	15
	Table 4 Management Directions and Objectives.....	22
	Table 5 Permissible use and development of community land categorised as park by Council.....	28
	Table 6 Leases, Licences and other estates and purposes for which they may be granted for community land categorised as Park	30
	Table 7 Leases and licences over dedicated or reserved Crown Land	31
	Table 8 Parks Action Plan.....	36

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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 use.

Council prepared the first Generic Plan of Management for its Parks as a requirement of the Local Government Act 1993 in 2005. Since that time, the Crown Land Management Act 2016 came into force with new requirements for management of Crown land. In addition, new parks, and open space, have been developed and are available to the community.

All the 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.

Parks 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. Parks includes general non-specific open spaces, open space corridors and play spaces where children play, with or without formal play equipment.

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.

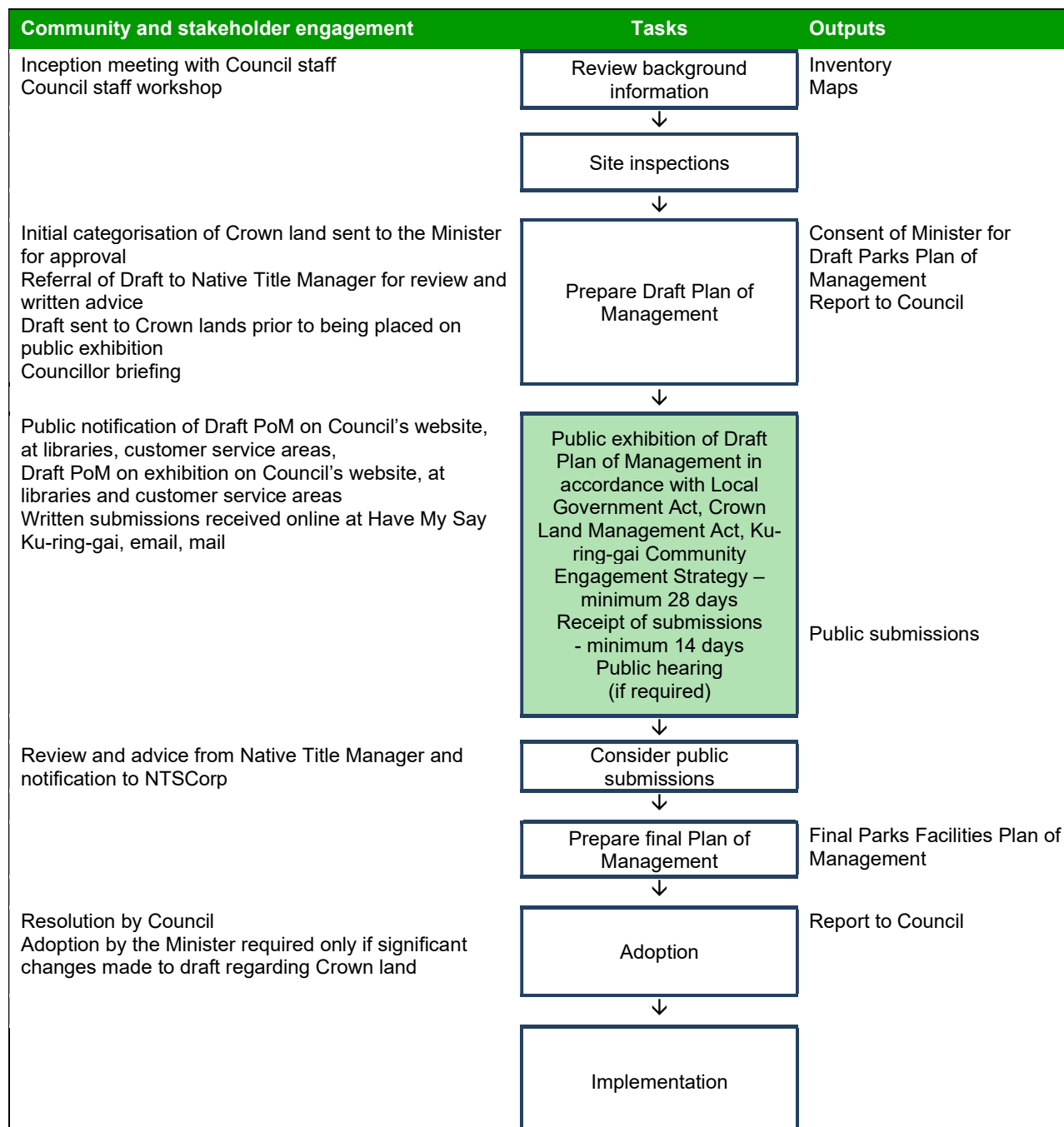
The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on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



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 parks are being managed in accordance with the PoM, are 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 parks facility provision and management practices. Implementing these recommendations aims to deliver best practice outcomes in supporting equitable access to community facilities for passive recreation.

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 parks.

Community engagement has been used to develop and shape the content of this Plan of Management.

The Draft Plan of Management will 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*.

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 the engagement hub. 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.

A public hearing / information session will 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. A public hearing is only required for change in category to Council owned land.

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*

This PoM was placed on public exhibition from 07/11/2022 to 21/12/2022, in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of 10 submissions were received. Council considered these submissions before adopting the PoM

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 only covers Council owned land and Crown Land categorised as Park:

- 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 are not included
- School Open Space land and facilities are not included
- Private facilities, such as a private garden are not included.

2.1 Owner of the land

The majority of parks included in this Plan of Management are owned and or managed by Ku-ring-gai Council. The land includes council-owned land, 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 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 parks 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	• Maintenance buildings
• Advertising and sponsorship signage	• Maintenance
• Alternate energy	• Multi-use path networks
• Art and cultural classes and events	• Mobile food vendors
• Biodiversity enhancement	• Natural areas (parks and bushland)
• Canteens	• Passive recreation
• Casual playing of games or informal sporting activities	• Personal training
• Car parking in approved parking 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)	• Private events (i.e., weddings, birthdays)
• Community notice signs and temporary signs	• Public performance or education
• Dog training and exercise	• Public utility infrastructure
• Drainage and irrigation	• Remediation works
• Drones	• School sport and recreation
• Emergency use	• School vacation activities
• Environmental events	• Shade structures
• Equestrian events and training	• Storage facilities
• Events for seniors, young people, women, fun runs, Park run etc	• Telecommunication facilities
• Filming and photography (commercial and amateur)	• Temporary structures (i.e.: marquees, tents, stages)
• Fitness and wellbeing programs	• Visitor facilities
• Flying model aircraft	• Water reuse and recycling
• Helicopter landings	• Youth programs and events
• Hot air ballooning	• Cycling
• Landscaping	• Markets

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 and www.austlii.edu.au. Ku-ring-gai Council's website is 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
COMMON-WEALTH/ NATIONAL	Native Title Act 1993 Telecommunications Act 1997 PIA Megatrends: Shaping our Future 2016 Smart Cities Plan 2016	Federal government sport planning 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			
NSW	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
SYDNEY	Greater Sydney Region Plan: A Metropolis of Three Cities – Connecting People 2018			
	Greater Sydney Green Grid			
REGIONAL	Our Greater Sydney 2056: North District Plan 2018			
		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		
Local	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			
Strategic / specific need	Ku-ring-gai Local Environmental Plan 2015 Ku-ring-gai Development Control Plan 2018 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 & Recreation Land & Facilities Policy	Climate Change Policy Urban Forest Policy – Draft Ku-ring-gai Water Sensitive City Policy	Public Art Policy Heritage Conservation plans etc
		Generic: Parks Plan of Management Natural Areas Generic Plan of Management Sportsground Plan of Management General Community Use Plan of Management Specific: C St Ives Showground, Flying Fox Plan of Management		
Implementation	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

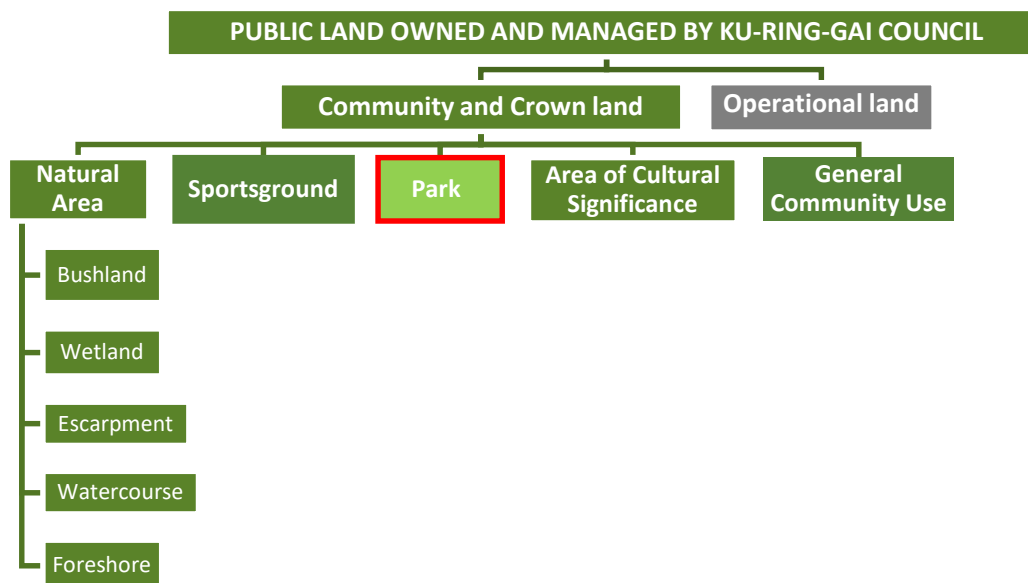
Table 2 Legislative Framework

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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*.

Parks 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 parks 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 parks network over the next five (5) to ten (10) years. It incorporates the core values of the community and regular users in regard to Council's parks. In addition, management will be guided by the following key Council documents and other relevant Council Policy & Plans 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 – 2021 – 2022
- 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 Parks category of community and Crown land are to:

- To encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and
- To provide for passive recreational activities or pastimes and for the casual playing of games, and
- To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management

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 inchoate 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, license, 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 licensees 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 Parks PoMs

Ku-ring-gai Community Strategic Plan

Ku-ring-gai Council takes a values-based approach to the planning, use and management of its parks. In aligning with the current Community Strategic Plan (2018) 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 the Community Strategic 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

A summary of engagement outcomes is contained in a separate council document.

Ku-ring-gai Local Environmental Plan

The objectives of the Ku-ring-gai Local Environmental Plan 2015 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 2015 Local Environment Plan

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.

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 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, 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

Parks throughout Ku-ring-gai will continue to provide a resource that encourages, promotes, and facilitates recreation and community use. This use is supported by appropriate ancillary facilities that provide for community activities and delivery's amenity for the users.

Ancillary facilities can include development to facilitate access, meeting spaces, 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 parks 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 parks 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, turf management, 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(1)(b) 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 Leased 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

Parks are defined in section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

The core objectives for the Parks category of community and Crown land are to:

- To encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and
- To provide for passive recreational activities or pastimes and for the casual playing of games, and
- To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management

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 pursuits. The public health implications such as rising obesity and inactivity rates impact on participation rates. New recreation needs and target groups based on the changing community composition can impact the usage and needs of the community.

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 parks it 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 parks and recreation facilities across the community. An equitable distribution of local, district and regional parks would be the preferred solution. 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 a park area may be warranted.

Development

Parks have varying degrees of development from semi-natural park areas that may be just mown grassed areas, to the more formal developed parks that provide a range of facilities. The types of facilities that would be considered suitable for park 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, drinking fountains 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 or maintenance of the related site.

Equity of Access

Access in parks by the elderly, or by the persons with a disability is an issue that needs to be considered with access going 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 park 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 armrests
- Provision of shade or shelter over picnic facilities
- Fencing as required

Many parks have some or all of these facilities, but others lack these provisions. 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 park users.

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

Park areas are often located adjacent to or near natural areas, sportsgrounds, and other community land. However, the linkages between such areas are not always satisfactory. In recent years there has been a greater emphasis placed on the linkages between open space areas. These open space linkages provide greater movement-oriented recreation as more people are now cycling and walking for pleasure. Cycleways and walkways can be provided on existing public reserves, natural area, drainage reserves, transmission line easements,

road reserve that increase this connectivity. Linkages and cycleways may also be used to connect parks, areas of interest such as heritage items, commercial centres, and schools.

Infrastructure

The park 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 park 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 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 park 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.

Park 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 Parks

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 park facility network are investigated
- Compatible multi-use is encouraged, provided the impacts on users are minimal
- Parks facilities are evenly distributed throughout Ku-ring-gai
- Pedestrian access to parks 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 parks 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 Park facilities in a fair and equitable manner
- Booking 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 Park 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

- Park surfaces are provided to enable safe and enjoyable play and activities
- 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 at parks is crucial in providing a safe and enjoyable destination for all users of Council's Park 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

- To provide a safe environment for users of, and visitors to, Council's parks
- Appropriate waste and recycling facilities provided at parks
- 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 park facilities

The maintenance of park 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, play 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

- Impacts on adjoining land uses are mitigated and prevented where possible
- Users and visitors are protected as smoking is prohibited at all open space areas including park facilities
- Traffic and parking are managed to mitigate adverse impacts on park facilities and adjoining land uses
- 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 park facilities in accordance with all relevant legislation and policy
- Dogs in parks 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 use 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 Park 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 park facilities as non-specific general open space usage by the wider community.

The development of high-quality parks 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 Park is generally dependent on:

- The nature of the approved uses and developments
- The physical constraints of the land
- Carrying capacity of the land
- 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 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. These activities are listed in Appendix B.

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 park.

Special Events or Uses

Council will give due consideration to applications for the use of specific areas of parks for special events or uses. Special uses include activities such as community or commercial classes or carnivals, and 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 park areas. 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 and Alcohol Prohibited 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 includes:

- Signs advising the reserve name and or facilities contained within
- Directional signages
- 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 park users and their needs should be recognised together with the needs of other park users that may believe that dogs detract from their enjoyment of the park. 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 Park 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.

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> • Active and passive recreation including children’s play and cycling • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings • Low-intensity commercial activities (for example recreational equipment hire) • Filming and photographic projects • Busking • Public address (speeches) • Community gardening <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity, and the visual character of the park, for example paths, public art, pergolas • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts • Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas • Café or refreshment areas (kiosks) including external seating • Lighting, seating, toilet facilities, courts, paved areas • Hard and soft landscaped areas • Storage sheds • Car parking and loading areas • Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment • Community gardens • Heritage and cultural interpretation, for example signs • Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • Water-saving initiatives such as stormwater harvesting, rain gardens and swales • Energy-saving initiatives such as solar lights and solar panels • Locational, directional, and regulatory signage

Table 5 Permissible use and development of community land categorised as park by Council

6.6 Express authorisation of leases, licences, and other estates – Parks

In general, Council will balance current community needs with the anticipated use of park 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 Parks 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 Park, listed in Table 6 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
Lease	<ul style="list-style-type: none"> • café/kiosk areas, including seating and tables • management of court facilities • hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> • outdoor café/kiosk seating and tables • management of court or similar facilities • hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> • community events and festivals • playing a musical instrument, or singing for fee or reward • picnics and private celebrations such as weddings and family gatherings • filming, including for cinema/television • conducting a commercial photography session • public performances • engaging in an appropriate trade or business • delivering a public address • community events • fairs, markets, auctions, and similar activities
Other estates	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 Park

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
3.22	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).
8.77	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.
2.20 & 3.17 and Crown Land Regulation 2018 Section 31	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"> • Access through a reserve • Advertising • Camping using a tent, caravan or otherwise • Catering • Community, training, or education • Emergency occupation • Entertainment • Environmental protection, conservation or restoration or environmental studies • Equestrian events • Exhibitions <ul style="list-style-type: none"> • Filming (as defined by the <i>Local Government Act 1993</i>) • Functions • Grazing • Hiring of equipment • Holiday accommodation • Markets • Meetings • Military exercises • Mooring of boats to wharves or other structures • Sales • Shows • Site investigations • Sporting and organised recreational activities • Stabling of horses • Storage.
2.19 & 3.17	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.
2.18	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 parks 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 landscape works, infrastructure improvements or refurbishments required to keep the parks 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

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 parks 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 Parks Action Plan below outlines the management issues and proposed actions for Parks within Ku-ring-gai.

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

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
Community, People & Culture Local Economy & Financial Management	<ul style="list-style-type: none"> Ensure the provision of a wide range of parks facilities to meet present and future demands 	<ul style="list-style-type: none"> Undertake and /or implement recreation or open space planning studies on a LGA basis 	<ul style="list-style-type: none"> Studies undertaken with appropriate recommendation 	S
		<ul style="list-style-type: none"> Link to Section 7.11 planning needs studies 	<ul style="list-style-type: none"> Build into the Section 7.11 planning 	MT
		<ul style="list-style-type: none"> Undertake and/or maintain consultation with the community to assess present and future needs 	<ul style="list-style-type: none"> Satisfactory outcomes for community organisations 	S
Community, People & Culture	<ul style="list-style-type: none"> To equitably distribute a range of park 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 	<ul style="list-style-type: none"> Identify existing facility spread across the LGA and consider any improvement against existing and future demands 	<ul style="list-style-type: none"> Identification study to be undertaken 	S
		<ul style="list-style-type: none"> Allocate use of facilities to community organisations as required and with consideration of changing user trends & demographics 	<ul style="list-style-type: none"> User group satisfaction 	MT
		<ul style="list-style-type: none"> Development of parks as per draft hierarchical structure 	<ul style="list-style-type: none"> Completed of open space hierarchical structure 	MT
Community, People & Culture	<ul style="list-style-type: none"> To provide accessibility to all members of the community regardless of age or physical ability 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Physical access provided 	O
Spaces, Place & Infrastructure	<p>Amenities Buildings</p> <ul style="list-style-type: none"> To Provide well designed and easily maintained amenities to support community use 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Amenities buildings provided 	LT

<p>Spaces, Place & Infrastructure</p>	<p>Complementary facilities</p> <ul style="list-style-type: none"> 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"> Shade structures Skate facilities Play spaces Outdoor exercise equipment Circuit paths 	<ul style="list-style-type: none"> Provide infrastructure as appropriate within Australian Standard and Council guidelines 	<ul style="list-style-type: none"> Community satisfaction with recreation facilities 	<p>O</p>
<p>Spaces, Place & Infrastructure</p>	<p>Landscape</p> <ul style="list-style-type: none"> The development of appropriate landscape strategies integrating well designed planting schemes with the key functional elements of the park assist in developing a strong identity and aesthetic quality 	<ul style="list-style-type: none"> Design landscapes that integrate the sites functions and provide informal park facilities for the benefit of all users 	<ul style="list-style-type: none"> Landscape plans developed and implemented 	<p>ST</p>
		<ul style="list-style-type: none"> Create strong identity through well designed and resilient planting plans, park furniture, signage, and related elements 	<ul style="list-style-type: none"> Landscape character and facilities improved 	<p>MT</p>
<p>Natural Environment & Usage Impacts</p>	<p>Watercourses</p> <ul style="list-style-type: none"> Balance the dual values of watercourses and associated lands such that their recreational and drainage functions are maintained and enhanced 	<ul style="list-style-type: none"> Educate all stakeholders of the competing values of watercourses, and the implication that this may have on their needs 	<ul style="list-style-type: none"> Development does not adversely impact on natural drainage functions 	<p>ST</p>
<p>Natural Environment & Usage Impacts</p>	<p>Biodiversity</p> <ul style="list-style-type: none"> Balance the management and development of the park and their uses for recreation such 	<ul style="list-style-type: none"> Educate all stakeholders of the competing values of biodiversity, and the implication this may have on their needs 	<ul style="list-style-type: none"> Development does not adversely impact on park biodiversity functions 	<p>ST</p>

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	that biodiversity is maintained and enhanced			
Service Standards & Maintenance	<ul style="list-style-type: none"> To ensure maintenance of the aesthetic quality, and enjoyment of the park, through regular maintenance of soft, hard, and constructed elements and surface 	<ul style="list-style-type: none"> Regularly clean and maintain infrastructure 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
		<ul style="list-style-type: none"> Maintain garden, tree planting and other planted elements to ensure vitality, health, and resilience of plant material 	<ul style="list-style-type: none"> Planted elements remain in good health and condition 	O
		<ul style="list-style-type: none"> Maintain built elements including bins, seats, shelters, pathways, and barbeques to ensure user safety, satisfaction, and aesthetic qualities of the ground 	<ul style="list-style-type: none"> Built elements maintained in good condition 	O
Service Standards & Maintenance	<ul style="list-style-type: none"> Maintain amenities buildings in clean, attractive, and safe conditions 	<ul style="list-style-type: none"> Regularly clean amenities buildings, toilets, and other structures 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
		<ul style="list-style-type: none"> Ensure all functions of the amenities building are maintained in a safe and working condition 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
		<ul style="list-style-type: none"> Remove graffiti and repair other acts of vandalism as required 	<ul style="list-style-type: none"> Graffiti removed 	O
Leadership & Governance	<ul style="list-style-type: none"> Manage special events, reserve hire and non-sporting use to prevent conflicts with other users and damage to parks and assets. 	<ul style="list-style-type: none"> Support non-structured (passive) recreational activities that do not adversely affect ground condition, to take place on parks, including community or Council organised special events, festivals or activities. 	<ul style="list-style-type: none"> Community satisfaction with recreation facilities and support for additional purposes 	O
Leadership & Governance Local Economy & Financial Management	<ul style="list-style-type: none"> Leases, licences, and other estates achieve public benefit and are expressly authorised by this Plan of Management 	<ul style="list-style-type: none"> 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"> Minimise perceived public alienation of community land Maintain a fair, equitable and transparent booking system. 	<ul style="list-style-type: none"> 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. Monitor feedback from the community in relation to perceived alienation of community land – no legitimate reports are received. Survey and feedback as appropriate from hirers indicating satisfaction in relation to the fair allocation of facilities, fees, and charges. 	O
		<ul style="list-style-type: none"> Maintain a fees and charges structure that is appropriate in relation to the facilities 	<ul style="list-style-type: none"> Adherence to lease etc. terms and conditions 	O

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		and services and with consideration to the market and Council's cost recovery. Review fees and charges on a regular basis	<ul style="list-style-type: none"> Timely payment based on terms and conditions 	
		<ul style="list-style-type: none"> Monitor lease (etc) terms and conditions 		O

Table 8 Parks Action Plan

7 Reference

www.legislation.gov.au

www.austlii.edu.au

www.kmc.nsw.gov.au

<https://www.ausport.gov.au/information/ausplay>

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Government Architect NSW (2017) Greener Places (Draft)

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

Map No	Park Site	Alt Name	Location	Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
2	Abbotsholme Glen		1 Lynwood Ave, Killara	x					Lot A DP 362949				Council	Council
3	Abingdon Road Reserve		107 Abingdon Road, Roseville	x					Lot 4 DP 1047529				Council	Council
6	Airman's Park		140 Bradfield Rd, Lindfield	x		x	x		Lot 2 DP 216379				Council	Council
10	Allan Park		35 Blaxland Road, Killara	x					Lot RD DP 641				Council	Council
11	Annie Forsyth Wyatt Garden		Henry Street, Gordon	x					Road Reserve				Council	Council
12	Applegum Way		12A Jugiong Street, West Pymble	x					Lot 88 DP 26062				Council	Council
13	Archbold Corner		1 Archbold Road, Roseville	x					Lot 20 DP 236053				Transport for NSW	Council
14	Archdale Park		5 Neringah Ave, South Wahroonga	x					Lot B DP 369438				Council	Council
16	Babbage Island		Babbage Road, Roseville Chase	x					Lot 6 DP 247990				Council	Council
17	Balcombe Park		12 Woonana Ave, Wahroonga	x					Lot 2 DP 529626				Council	Council
18	Balmaringa Reserve		1A Balmaringa Ave, South Turramurra	x					Lot 21 DP 29437				Council	Council
19	Bancroft Park		3 Recreation Ave, Roseville	x		x			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
20	Bandalong Reserve		28 Bolwarra Ave, West Pymble	x					Lot 263 DP 27290				Council	Council
24	Barra Wood		16A Lancaster Ave, St Ives	x			x		Lot 56 DP 29999				Council	Council
25	Bedes Forest		29 College Cres, St Ives	x					Lot 18 DP 230508				Council	Council
28	Bicentennial Park		2 Lofberg Road, West Pymble	x	x	x	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
30	Blackburn Park		58 Acron Rd, St Ives	x					Lot 19 DP 225006				Council	Council
33	Blackbutt Reserve	St Andrew Forest	124a St Johns Ave, Gordon	x		x	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
37	Boronga Avenue Reserve		4A Boronga Ave, West Pymble	x					Lot 63 DP 28353				Council	Council
38	Bowes Thistlethwayte Park		25 Mona Vale Rd, Pymble	x					Lot 1 DP 228739				Council	Council
39	Boyds Orchard Park		23-25 Allan Ave, Turramurra	x	x				Lot 6 DP 666510, Lot 1 DP 171584, Lot 1 DP 168042, Lot 2 DP 168042				Council	Council
41	Bradley Park (Canoon Recreation Area)		59 Canoon Road, South Turramurra	x	x				Lot 2 DP 1193230				Council	Council
41	Morona Avenue Reserve (part of Bradley Park)		20 Morona Avenue, Wahroonga	x	x	x	x		Lot 3 DP 1193230				Council	Council
43	Brookfield Place Reserve		20 Banool Ave, St Ives	x					Lot 1 DP 220727				Council	Council
50	Burruga Place Park		34 Cocupara Ave, Lindfield	x					Lot 17 DP 259402				Council	Council
52	Burrrows Grove		8A Grayling Rd, West Pymble	x					Lot 191 DP 15639				Council	Council
54	Calga Street Reserve		21 Calga St, Rozelle	x					Lot 88 DP 15224				Council	Council
57	Cameron Park		5 - 7 Eastern Rd, Turramurra	x		x			Lot 20 DP 6494				Council	Council

Map No	Park Site	Alt Name	Location	Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
63	Cherrywood Reserve		9A Bunyana Ave, Wahroonga	x				Lot 1 DP 229459, Lot 24 DP 31985, Lot 7 DP 306607, Lot 15 DP 234944, Lot 6 DP 234944				Council	Council
64	City View Park East		15A Geoffrey Street	x				Lot 38 DP 26823				Council	Council
65	Claire Taylor Park		19 Camira St, West Pymble	x				Lot 206 DP 28879				Council	Council
110	Cresswell O'Reilly Lookout		1042 Pacific Highway, Pymble	x				Lot 1 DP 181035, Lot B DP 184987, Lot 1 DP 564742, Lot 2 DP 564742, Lot 27 DP 656246, Lot A DP 362538, Lot 3 DP 615420				Council	Council
114	Cunliffe Laneway		Barrie Street	x				Road Reserve				Council	Council
115	Curtilage Park		1536 Pacific Highway, Wahroonga	x				Lot 7 DP 1253216				Council	Council
116	Dairymans Reserve		24 Apps Ave, North Turramurra	x				Lot 49 DP 27598				Council	Council
119	Delaney's Island		228 Burns Rd, North Turramurra	x				Lot 2 DP 534338				Council	Council
122	Dobell Place Reserve		9 Dobell Pl, St Ives	x				Lot 5 DP 259441				Council	Council
159	Dukes Green		11 Wellington Lane, East Lindfield	x				Lot 22 DP 28233, Lot 19 DP 28233				Council	Council
160	Dunroon Corner		71 Dunroon Ave, Roseville	x				Lot 4 DP 228607				Council	Council
164	Echo Point Park		101 Babbage Rd, Roseville Chase	x	x	x	x	Lot A DP 122738, Lot B DP 361885, Lot C DP 361885, Lot DP 13450, Lot 139 DP 13450, Lot 95 DP 13450, Lot 94 DP 13450, Lot 96 DP 13450, Lot 7035 DP 1058600, Lot 97 DP 13450, Lot 98 DP 13450				Council	council
166	Eldinhope Green		5 Morris Ave, Wahroonga	x				Lot 6 DP 209721, Lot 1 DP 209721				Council	Council
167	Elvenholme Wood		32 Alvona Ave, St Ives	x				Lot 19 DP 211094, Lot 25 DP 217449				Council	Council
170	Farthing Park		63A Hastings Rd, Warrawee	x				Lot 4 DP 595216				Council	Council
173	Follies Park		15 Canberra Cres, East Lindfield	x		x		Lot 659, DP 752031, Lot 658, DP 752031, Lot 657 DP 752031	90898	Roseville Chase	Public Recreation	Crown	Council
178	Frogmore Park		33 Wyomee Ave, West Pymble	x				Lot 69 DP 27450, Lot 18 DP 27450, Lot 28 DP 27450, Lot 68 DP 27450				Council	Council
179	Garrick Road Reserve		27 Garrick Rd, St Ives	x				Lot 43 P 30335				Council	Council
181	Geoffrey Street Reserve		27A Geoffrey St, South Turramurra	x				Lot 45 DP 26823				Council	Council
184	Glengarry Annexe		26 Milton Road, North Turramurra	x		x		Lot 1 DP 178980, Lot 34 DP 206882				Council	Council
184	Guides Park (part of Glengarry Annexe)		34 Glengarry Ave, North Turramurra	x				Lot 34 DP 206882				Council	Council
188	Gordon Glen		57 Dumaresq St, Gordon	x		x		Lot 4 DP 303309, Lot 3 DP 303309				Council	Council
192	Gordon Recreation Ground		Werona Avenue, Gordon	x	x			Lot 3 Sec 4 DP 3267, Lot 2 DP 308363, Lot 1 DP 1094404, Lot 6 Sec 4 DP 3267				Council	Council
197	Grayling Street Reserve		34A Grayling Rd, West Pymble	x				Lot 1 DP 1114632				Council	Council
198	Green Toad Tea Garden		50 Alvona Ave, St Ives	x				Lot 17 DP 217449, Lot 1 246138				Council	Council
199	Greengate Park		27 Bruce Ave, Killara	x				Lot A DP 380714, Lot B DP 380714, Lot C DP 380714,				Council	Council
202	Gwyder Avenue Reserve		2 Gwyder Ave, North Turramurra	x				Lot 3 DP 557349				Council	Council
204	Halfpenny Park		15A Cherry St, Warrawee	x				Lot 1 DP 434208				Council	Council
206	Hamilton Park		1 Barellan Avenue, Turramurra	x	x	x		Lot 34 DP 12795				Council	Council
210	Hassall Park		Mona Vale Rd & Mawson Street, St. Ives	x	x	x	x	Lot 7010 DP 93761	28761	Hassall Park	Public Recreation	Crown	Council
214	Heritage Square		20A St Johns Ave, Gordon	x				Lot 1 DP 354472, Lot 2 DP 327957				Council	Council
215	Hicks Avenue Reserve		25 Parkinson Ave, South Turramurra	x				Lot 139 DP 223317				Council	Council
216	Highfield Drain		125A Highfield Rd, Lindfield	x				Lot 143 DP 17129, Lot 2 DP 180773				Council	Council
218	Honeysuckle Creek Reserve		221 Bowes Ave, Killara	x				Lot 1 DP 239198				Council	Council
221	Hyndes Park		Road Reserve	x								Council	Council
222	Ibbitson Park		1 Wolseley Rd, Lindfield	x				Lot 65A DP 6608				Council	Council
224	Irish Town Grove		91 Bannockburn Rd, Turramurra	x		x		Lot 29 DP 353369, Lot 73 DP 35369, Lot 74 DP 35369				Council	Council
226	Jacana Reserve		8 Jacana Close, Wahroonga	x				Lot 9 700720, Lot 16 700720				Council	Council

Map No	Park Site	Alt Name	Location	Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
227	Jane MacGillivray Park		3A Fairbairn Ave, East Killara	x				Lot 1 Sec 47 DP 758372	85610	Reserve	Childrens Playground	Crown	Council
230	Jinkers Green		10 Montreal Ave, Killara	x				Lot 178 DP 16187, Lot 102 DP 16187				Council	Council
233	Kalang Reserve		10 Illaroy Ave, Killara	x				Lot 104 DP 17647				Council	Council
234	Karoo Avenue Walk		13 Allambie Ave, East Lindfield	x				Part Lot 127 DP 1150075, Lot 782 DP 752031	76229, 85662	Karoo Ave Walk, Upper Moores Creek	Public Recreation	Crown	Council
235	Karuah Park		Karuah Road, Turramurra	x	x			Lot 12 DP 3422, Lot 11 DP 3422, Lot 111 DP 131230, Lot 1 DP 131118, Lot 46 DP 6494, Lot 44 DP 6494, Lot 45 DP 6494, Lot 5 DP 917304				Council	Council
238	Kendall Village Green		Kendall Street, West Pymble	x	x			Lot 192 DP 15639, Lot 10 DP 15639, Lot 1 DP 434855, Lot 1 DP 435013, Lot 1 DP 450078				Council	Council
240	Kerelas End		7A Wongalee Ave, Wahroonga	x				Lot 487 DP 14590, Lot 478 DP 14590				Council	Council
241	Killara Park		72A Springdale Ave, Killara	x	x	x	x	Lot 236 DP 752031	15419	Killara Park	Public Recreation	Crown	Council
243	Kims Park		9 Kimberley St, East Killara	x				Lot 16 Sec 89 DP 241746	89047	Reserve	Access, Children playground	Crown	Devolved to Council
245	Kinkell Brae		19 Allard Ave, Roseville Chase	x				Lot 15 DP 13450, Lot 16 DP 13450, Lot 17 DP 13450				Council	Council
247	Kirby Park		44 Highlands Ave, Gordon	x				Lot 1 DP 179488				Council	Council
249	Kissing Point Village Green		Kissing Point Road	x				Lot 11 DP 214390, Lot 20 DP 538546, Lot 13 DP 214390, Lot 21 DP 538546, Lot 8 DP 455666, Lot 7 DP 4870, Lot 2 DP 222070				Council	Council
257	Lapwing Reserve		14-18 Caroola Rd, St Ives	x				Lot 22 Lot 14488, Lot 23 DP 14488, Lot 24 DP14488				Council	Council
261	Lee Place Reserve		3 Lee Pl, St Ives Chase	x				Lot 12 DP 231168				Council	Council
267	Lindfield Rotary Park		Pacific Highway, Lindfield	x				Lot 1 DP 1131000				Railways	Council
268	Lindfield Soldiers Memorial Park		Tryon Road, East Lindfield	x	x		x	Lot 154 DP 752031, Lot 155 DP 752031, Lot 156 DP 752031	41399	Linfield Soldiers Memorial Park	Public Recreation	Crown	Council
272	Little Digger Park	Amarna Reserve	89A Roseville Ave, Roseville	x			x	Lot PARK DP 12083				Council	Council
274	Lorraine Taylor Reserve		35 Hayle Street, St Ives	x				Lot 17 DP 238533	87489		Public Recreation	Crown	Devolved to Council
275	Lovers Jump Reserve (Eric Evans Park)		Lister St, Wahroonga	x				Lot 7316 DP 115394				Council	Council
281	Macks Place		2A Slade Ave, Lindfield	x				Lot 1 DP 11777				Council	Council
282	Maddison Reserve - Merrivale Bush		85A Merrivale Rd, Pymble	x			x	Lot 13 DP 25070, Lot 5 Sec5 DP 26429, Lot 15 DP 26429				Council	Council
283	Malga Avenue West		75 Griffith Ave, Roseville Chase	x				Lot 7319 DP 1163995	90898	Roseville Chase	Public Recreation	Crown	Council
287	Maunder Avenue Reserve		12 Maunder Ave, St Ives	x				Lot 1 DP 231868, Lot 103 DP 870458				Council	Council
289	McKenzie Park		21 Millewa Ave, Wahroonga	x				Lot A DP 323778				Council	Council
290	McMahon Park		70A Curtin Ave, North Wahroonga	x				Lot 6 DP 249307	89534	Reserve	Public Recreation	Crown	Devolved to Council
291	Melaleuca Drive Park		43 Melaleuca Drive, St Ives	x				Lot 29 DP 250329				Council	Council
292	Memorial Avenue Reserve		59-61 Memorial Ave, St Ives	x				Lot 68 DP 30576, Lot 18 DP 29791, Lot 2 DP 539881				Council	Council
296	Millwood Park		1 Burleigh St, Lindfield	x				Lot B DP 317170				Council	Council
300	Moores Creek Reserve	Carlyle Road Reserve	Davison Parade, Wahroonga	x			x	Lot 146 DP 752031, Lot 147 DP 752301	15420	Roseville Chase Park	Public Recreation	Crown	Council
303	Myall Avenue Park		7A Myall Ave, Wahroonga	x				Lot 2 DP 223670, Lot PATH DP 223670, Lot DGE DP 3089, Lot PATH DP 810712				Council	Council
305	Nar-Rang Park		70 Ridge St, Gordon	x				Lot 101 DP 523588				Council	Council
312	Orange Green		16 Allara Ave, North Turramurra	x				Lot 44 DP 203163, Lot 45 DP 203163				Council	Council

313	Paddy Pallin Reserve		42 Provinciall Rd, Lindfield	x					Lot 1 DP 262224, Lot 12 DP 262224, Lot 21 Sec 1 DP 15846, Lot 11 DP 262224				Council	Council
316	Peewee Park		37 Kiparra St, West Pymble	x					Lot 262 DP 27290				Council	Council
318	Philip Lane Park		27 Philip Lane, West Pymble	x					Lot 7 DP 236346, Lot 1 DP 653615, Lot 8 DP 236364				Council	Council
321	Pleasant Avenue Reserve		1A Pleasant Ave, East Lindfield	x					Lot 21 DP 28233				Council	Council
Map No	Park Site	Alt Name	Location	Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management	
324	Putarri Avenue Reserve		30 Putarri Ave, St Ives	x					Lot 85 DP 16780				Council	Council
326	Pymble Soldiers Memorial Park		105 Mona Vale Rd, Pymble	x					Lot 3 DP 34134				Council	Council
330	Queens Park - The Lookout		1328 Pacific Highway, Turrumurra	x					Lot 1 DP 64313	500101	Turrumurra Lookout	Public Park	Crown	Council
331	Ramsay Avenue Reserve		5A Ramsay Ave, West Pymble	x					Lot 74 DP 222236				Council	Council
334	Redfield Reserve		25A Saiala Rd, East Killara	x					Lot 21 DP 29188				Council	Council
338	Robert Pymble Park		1 Park Cres, Pymble	x	x		x		Lot 1 DP 455673, Lot 2 DP 455673				Council	Council
340	Roland Reserve		40B Roland Ave, Wahroonga	x					Lot ROAD, DP 510610				Council	Council
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
348	Rushall Street Reserve		57A Station St, Pymble	x					Lot 66 DP 17108, Lot 16 DP 16885				Council	Council
350	Sainty Reserve		22 Raymond Ave, Wahroonga	x					Lot 23 DP 14753				Council	Council
351	Sandakan Memorial Park		14 Du Faur St, North Turrumurra	x					Lot 34 DP 710498				Council	Council
354	Selkirk Park		2A Marian St, Killara	x					Lot A DP 312594, Lot C DP 335377				Council	Council
355	Selwyn Reserve		47A Bannockburn Rd, Pymble	x					Lot A DP 348624				Council	Council
356	Sequoia Close Park		4 Sequois Close, West Pymble	x					Lot 43 DP 252348				Council	Council
357	Seven Little Australians Park		62C Tryon Rd, Lindfield	x					Lot 200 DP 752031, Lot 7061 DP 93836, Lot 199 DP 752031, Lot 154 DP 752031, Lot 215 DP 752031, Lot 4 DP 449586, Lot 2 DP 399827, Lot 1 DP 611692, Lot 216 DP 752031, Lot 217 DP 752031				Dept of Planning	Council
362	Sir David Martin Reserve		235 Kissing Point Road	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
363	Sir John Northcott Garden (Wahroonga War Memorial)		Millewa Ave, Wahroonga	x					Road Reserve				Council	Council
366	Sir Robert Menzies Park		1A Jordan Rd, Wahroonga	x					Lot 362 DP 235338				Council	Council
369	St Columbans Reserve		22 St Green Ave, North Turrumurra	x					Lot 102 DP 1134640, Lot 101 DP 1134640				Council	Council
370	St Crispins Green		18-20 Albert Dr, Killara	x					Lot 62 DP 31533				Council	Council
372	St Ives Memorial Park		203 Mona Vale Rd, St Ives	x					Lot 45 DP 665607				Council	Council
374	St Ives Rotary Park		204A Mona Vale Rd, St Ives	x					Lot 2 DP 113931, Lot 1 DP 17413				Council	Council
376	St Ives Village Green		Memorial Ave, St Ives	x	x		x		Lot 3 DP 219418, Lot 1 DP 219418				Council	Council
380	Sulman Park (Coonanbarra Road Reserve)		78 Coonanbarra Rd, Wahroonga	x					Lot 76 DP 2666				Council	Council
382	Swain Gardens		77 Stanhope Rd, Killara	x				x	Lot 12 DP 601545, Lot A DP 386850				Council	Council
384	Sylvan Avenue Walk		19A Karoo Ave, East Lindfield	x					Lot 7320 DP 1162594				Council	Council
385	Terrum-bine Reserve - Illeroy Forest (Atholbrose Glen)		57A Mcintosh St, Killara	x				x	Lot 5 DP 16005, Lot 36 DP 16006				Council	Council
388	The Mall Reserve		158 Warrimoo Ave, St Ives Chase	x					Lot 2 DP 212696, Lot 3 DP 212696				Council	Council
389	Thinway		The Broadway, Wahroonga	x					Lot 479 DP 14590				Council	Council

391	Ticket of Leave Park		Coronga Cres, Killara	x					Lot 79 DP 11443				Council	Council
393	Torokina Island		Road Reserve, St Ives	x					Lot 18 DP 238226				Council	Council
394	Torokina Reserve		41 Torokina Ave, St Ives	x					Lot 2 DP 577946				Council	Council
396	Transmission Park		25A Yarralumla Ave, St Ives Chase	x					Lot 36 DP 236026, Lot 59 DP 224918, Lot 60 DP 224918				Council	Council
405	Turramurra Memorial Park		55 Eastern Road, Turramurra	x	x	x	x		Lot 1 DP 985043 , Lot 1 DP 169926 , Lot 1 DP 172323 , Lot 1 DP 1170660,				Council	Council
Map No	Park Site	Alt Name	Location	Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management	
406	Twin Creek Reserve	Howson Ave Playground	Howson Ave, off Comenarra Parkway South Turramurra	x	x		x	Lot 46 DP 221650, Lot 212 DP 223610, Lot 364 DP 235338, Lot A DP 391589, Lot 17 DP 1005730, Lot 4 DP 231727, Lot 7 DP 259858, Lot 16 DP 31336, Lot 15 DP 31336				Council	Council	
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	
417	Warawee Park		2A Borambi St, Warrawee	x		x	x	Lot 1 DP 182009				Council	Council	
422	West Pymble Village Green		80 Kendall St, West Pymble	x				Lot 3 DP 216305				Council	Council	
423	William Lewis Park		84 Fox Valley Rd, Wahroonga	x				Lot C DP 372320				Council	Council	
424	Willis Avenue Reserve		14 Willis Ave, St Ives	x				Lot Y DP 29334, Lot 8 DP 223373				Council	Council	
426	Wongalee Corner		Eurong St, Wahroonga	x				Lot 480 DP 14590				Council	Council	
427	Yarrabung Reserve		59B Yarrabung Rd, St Ives	x				Lot 13 DP 31747, Lot 14 DP 31747				Council	Council	
429	Yarrowonga Reserve		3 Yarrowonga Close	x				Lot 17 DP 226981				Council	Council	
430	Yeramba Street Reserve		1 Acacia Close, Turramurra	x				Lot 33 DP 28025, Lot 32 DP 28025				Council	Council	
442	Green Valley Reserve		20 Greenvalley Ave, St Ives	x				Lot 16 DP 222390, Lot 19 DP239605	68222	Reserve	Public Recreation	Council/Crown	Devolved to Council	

*Note: Council undertakes the management of Devolved Lands. These reserves can't be categorised, and do not require a PoM

9 Appendix B – Leases and Licences

Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type community	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
St Ives Bowling and Recreation Club Ltd	100 Killeaton Street, St Ives NSW 2075	St Ives Bowling Club	Licence	CommSprtG	1/07/2010	30/06/2031		
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
KU Children's Services	Killara Park, Koola Avenue, Killara	Building	Lease	Commercial			15419	Killara Park
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 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 Netball Association	59 Canoon Road, South Turramurra , NSW 2074 - Canoon Road Clubhouse/Amenity Block	Canoon Road	Informal Agreement	CommSprtG	future			
Lindfield Cricket Club	Soldiers Memorial Clubhouse, Soldiers Memorial Park, Tryon Road, East Lindfield NSW 2070	Lindfield Soldiers Memorial Park	Informal Agreement	CommSprtG	future		41399	Lindfield Soldiers Memorial Park
Lindfield Juniors Rugby Club	Soldiers Memorial Clubhouse, Soldiers Memorial Park, Tryon Road, East Lindfield NSW 2070	Lindfield Soldiers Memorial Park	Informal Agreement	CommSprtG	future		41399	Lindfield Soldiers Memorial Park
Lindfield Senior Rugby Club	Soldiers Memorial Clubhouse, Soldiers Memorial Park, Tryon Road, East Lindfield NSW 2070	Lindfield Soldiers Memorial Park	Lease	CommSprtG	1/07/1982	1/07/2002	41399	Lindfield Soldiers Memorial Park
Old Barker Rugby Club Inc.	Turramurra Memorial Park, Eastern Road, Turramurra	Turramurra Memorial Park	Licence	CommSprtG	1/08/2021	31/07/2026		

Sous Le Soleil Pty Ltd	Roseville Park, Clanville Road, Roseville	Building	Lease	Commercial				
St John Ambulance Ku-ring-gai Division	Carrington Oval, Coonabarra Road, Wahroonga NSW 2076	Locked Storage Area, within Amenity Block	Storage Agreement	CommSprtG	2/09/2019	1/09/2020		
Sydney Pacific Athletic Club Inc	Turrumurra Memorial Park, Eastern Road, Turrumurra NSW 2074	Turrumurra Memorial Pavilion	Licence	CommSprtG	1/09/2021	31/08/2026		
West Pymble Soccer Club Inc	Norman Griffith Oval Clubhouse, off Lofberg Road, West Pymble	Norman Griffiths Oval	Licence	CommSprtG	9/11/2003	8/11/2008		
Killara-West Pymble Rugby Union Club Incorporated	Lofberg Oval Clubhouse, located on the corner of Lofberg & Yanko Roads, West Pymble NSW 2073	Lofberg Oval Clunhouse	Licence	CommSprtG	1/04/2019	31/03/2024		
Ravenswood School for Girls	Annie Forsyth Wyatt Garden, Henry Street Gordon	Park	Lease	Commercial	1/01/2018	31/12/2022		
Lifestart Cooperative Limited	Cameron Park, 5-7 Eastern Road, Turrumurra	Building/	Lease	Commercial	1/01/2005	31/12/2007		
Residential Lease	Swain Gardens, 77 Stanhope Road, Killara	Residency	Lease	Commercial	26/10/2015	25/10/2016		
Girls Guides NSW	Two Turner Reserve, 24B Gladstone Parade, Lindfield	Building	Lease	Commercial	15/05/1964	14/05/1969		

Note: Council is currently working on updating and undertaking a review of all outstanding and existing leases and licences to ensure compliance with the LG Act & Crown Lands Act.

10 Appendix C – Maps of Parks and Reserves

To be included as a separate Document

11 Appendix D – Permitted and prohibited activities on community land

Activities Permitted – Not Requiring Approval	Sportsground	Parks	General community Use
Activities arrange under the auspice of bodies appointed by Council to manage sportsgrounds or community facilities	✓	✓	✓
Barbecues within constructed barbecues 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	✓	✓	✓
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)	✓	✓	✓
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.

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, licensed 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 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 Statement

To be included as a separate Document