

Ku-ring-gai Council

Generic Plan of Management – Sportsgrounds

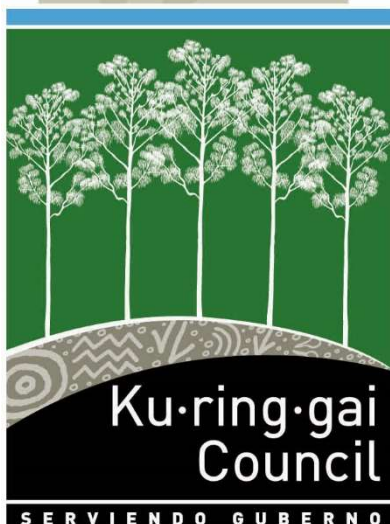
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Community Land and Crown Reserves

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Snapshot of sport in Ku-ring-gai Council

Demographics	
Estimated residential population	126,046
Forecast population	154,550 by 2036
Sport facilities	
Area of open space	300 hectares
Area of sportsgrounds	184 hectares
Area of sportsground per person	15sqm
Playing field locations	55
Athletics tracks and field facilities	2
Synthetic Cricket wickets	31
Turf Cricket wickets	8
Baseball diamonds	
Tennis courts	71 at 21 locations
Netball courts	29
Basketball courts	6 half courts
Multi-sport courts	9
Golf courses	2
Bowling clubs	4
Croquet greens	2
Facility use	
Organised sporting clubs	44
Organised sporting participants (<i>North District Sports Facility Information Pack 2019</i>) Office of Sport	22326

1. Introduction

1.1 Background

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

Council prepared the first Generic Plan of Management for its sports facilities as a requirement of the Local Government Act 1993 in 2010 and which was updated in December 2015. Since that time, the Crown Land Management Act 2016 came into force with new requirements for management of Crown land. In addition, new sports facilities, have been developed and are available to the community.

Sport - The Australian Sports Commission defines a sport as: *a human activity capable of achieving a result requiring physical exertion and/or physical skill which by its nature and organisation is competitive and generally accepted as being a sport.* (www.sportaus.gov.au)

Sporting use can be defined as:

Organised group and individual activity associated with a sport or pursuit that uses specific facilities, formal spaces, or structures. The organisation of these activities can be formal and coordinated by a club or association; social – coordinated by a group of friends or; undertaken by an individual. It can include formal competition, training, or general recreation.

Sports facilities may be defined as an area or built facility providing for structured or unstructured active recreation within sportsgrounds.

Community and Crown land that is held under the category “Sportsground” is intended to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.

Much of the open space categorised as Sportsground ranges from large regional facilities that support a range of activities to smaller sports facilities that have a more local appeal.

Council’s sports facilities generally include bowling greens, croquet courts, tennis courts, basketball/netball courts, and sports fields and ovals. These can contain specialised facilities, for example cricket wickets, cricket training nets, and baseball diamonds; and ancillary facilities such as amenities and change rooms. They can be used by permanent or casual users and are also used on an informal basis by our community.

This Plan of Management applies to sports facilities located on public land in the Ku-ring-gai local government area. Such facilities and land include:

- Community land owned by Ku-ring-gai Council that is categorised as Sportsground
- Crown Reserves for which Council is the Crown Land Manager that is categorised as Sportsground
- Land owned by Sydney Water and the National Parks and Wildlife Service.

Regardless of ownership, these sports facilities are included in this generic Plan of Management to provide a consistent management approach by Council for the community.

This generic Plan of Management applies to a number of sportsground locations in Ku-ring-gai as at the date of adoption, so it is a broad management framework only. Other sports facilities may be included in this plan in the future.

This Plan of Management does not include:

- Park and Reserves that require a site-specific Plan of Management which has been or will be prepared due to their unique and complex characteristics
- School sports land and facilities
- Private sports facilities, such as a tennis court at a home, or private golf course

1.2 Purpose of the Plan of Management

A Plan of Management provides (PoM) the framework for and guides the management of public land that is owned or managed by a Council. It identifies issues affecting public land and sets out how that land is intended to be used, managed, maintained and enhanced in the future.

A Plan of Management is required to be prepared for public land which is owned by a Council and classified as community land under the Local Government Act 1993.

Plans of Management are also prepared for Crown land under the Crown Land Management Act 2016, with Section 3.23(6) of the Act stating that Plans of Management for Crown land are to be prepared and adopted in accordance with the provisions of the Local Government Act 1993.

The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the *Local Government Act 1993*.

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 C of this document

1.3 Process of preparing the plan of management

Community and stakeholder engagement	Tasks	Outputs
<p>Inception meeting with Council staff Council staff workshop</p>	<p>Review background information</p> <p>Site inspections</p>	<p>Inventory Maps</p>
<p>Online surveys: community, sporting groups, schools Workshop with sporting groups 6 Nov 2019</p>	<p>Community engagement</p>	
<p>Initial categorisation of Crown land sent to the Minister for approval Referral of Draft to Native Title Manager for review and written advice Draft sent to Crown lands prior to being placed on public exhibition Councillor briefing</p>	<p>Prepare Draft Plan of Management</p>	<p>Consent of Minister for Draft Sportsground Plan of Management Report to Council</p>
<p>Public notification of Draft PoM on Council's website, at libraries, customer service areas, notices placed in sports facilities, Draft PoM on exhibition on Council's website, at libraries and customer service areas Written submissions received online at Have My Say Ku-ring-gai, email, mail</p>	<p>Public exhibition of Draft Plan of Management in accordance with Local Government Act, Crown Land Management Act, Ku-ring-gai Community Engagement Strategy – minimum 28 days Receipt of submissions - minimum 14 days Public hearing (if required)</p>	<p>Public submissions</p>
<p>Review and advice from Native Title Manager and notification to NTSCorp</p>	<p>Consider public submissions</p>	
	<p>Prepare final Plan of Management</p>	<p>Final Sports Facilities Plan of Management</p>
<p>Resolution by Council Adoption by the Minister required only if significant changes made to draft regarding Crown land</p>	<p>Adoption</p>	<p>Report to Council</p>
	<p>Implementation</p>	

Figure 1 Process of preparing this 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 Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

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

Implementation will require ongoing consultation with stakeholders and regular reviews to ensure the recommended actions continue to meet the community's changing needs.

Council is committed to a consultative implementation process that ensures a smooth transition between current and future provision models.

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

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

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 Have My Say Ku-ring-gai. Copies of the Draft Plan of Management will be made available at:

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

A public hearing / information session will be held under Sections 40(a) and 47(G) of the *Local Government Act 1993* because community and Crown 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 will 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 covers only Council owned land and Crown Land categorised as Sportsground:

- 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 sports land and facilities are not included
- Private sports facilities, such as a tennis court at a home, or private golf course are not included

Other sporting precincts have also identified site specific Plans of Management including:

- Canoon Road Recreation Area
- Bicentennial Park

2.1 Owner of the land

The majority of sportsgrounds included in this Plan of Management are owned and 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, and Sydney Water. A full list of ownership is located in Appendix A.

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 sportsgrounds regardless of ownership in accordance with this Plan to provide consistency with the

management objectives of all facilities within Ku-ring-gai. Private land is not included in this Plan of Management.

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

• Access roads	• Mobile food vendors
• Advertising and sponsorship signage	• Multi-use path networks
• Alternate energy technology	• Maintenance
• Art and cultural classes and events	• Natural areas (parks and bushland)
• Canteens	• Passive recreation
• Casual playing of games or informal sporting activities	• Personal training
• Car parking in approved areas	• Outdoor film screening
• Clubhouse and amenities Commercial activities	• Playing of a musical instrument, or singing, for fee or reward
• Community events (fundraising/charity events, special events, fireworks)	• Organised sport training
• Community notice signs and temporary signs	• Organised sports competitions
• Dog training and exercise	• Private events (i.e.. weddings, birthdays)
• Drainage and irrigation	• Public performance or education
• Drones	• Public utility infrastructure
• Emergency use	• Remediation works
• Environmental events	• School sport and recreation
• Equestrian events and training	• School vacation activities
• Events for seniors, young people, women, fun runs, Park run markets etc	• Shade structures
• Filming and photography (commercial and amateur)	• Sportsground maintenance
• Fitness and wellbeing programs	• Storage facilities
• Flying model aircraft	• Telecommunication facilities
• Gaming (poker machines) in registered bowling clubs only	• Temporary structures (i.e.: marquees, tents, stages)
• Helicopter landings	• Visitor facilities
• Hot air ballooning	• Water reuse and recycling
• Landscaping	• Youth programs and events

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<ul style="list-style-type: none"> Licensed bar and bistro 	<ul style="list-style-type: none"> Cycling
<ul style="list-style-type: none"> Maintenance buildings 	

Table 1 Land Use Covered under this plan of management

3 Legislative framework

This section describes the wider legislative and policy framework which applies to sportsgrounds 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 C.

	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
NSW	NSW Premier's Priorities			
	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 and Recreation Land and Facilities Policy	Climate Change Policy Urban Forest Policy – Draft Ku-ring-gai Water Sensitive City Policy	Public Art Policy Heritage Conservation plans etc
		Generic: Sportsground Plan of Management Natural Areas Generic Plan of Management Parks 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

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.



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*.

Sportsgrounds 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 sportsgrounds 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 also manage Crown land in accordance with the provisions of the Native Title Act 1993 and Part 8 of the *Crown Land Management Act 2016* in relation 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 Commonwealth *Native Title Act 1993*.

On Crown land, Native title rights and interests must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

The *Crown Land Management Act* includes provisions to facilitate Councils to comply with the Commonwealth *Native Title Act 1993*, and clarifies their responsibilities where native title has not been extinguished or determined.

Preparation of this Plan of Management requires Council to obtain the written advice of a qualified Native Title Manager approved by the Minister to oversee proposed dealings and actions for the land and ensure compliance with native title obligations. Under Section 8.8 of the *Crown Land Management Act 2016*, Council has given notice via resolution to the Minister for Planning and Public Spaces that Lands Advisory Services Pty Ltd has been engaged as Native Title Manager for the Ku-ring-gai Sports Facilities Plan of Management.

The Act requires that Native Title Manager advice must be provided at the time of submission of the Plan of Management, addressing the effect that adopting the Plan of Management would have on Native title. To not do so may leave a council at risk of not meeting the requirements of the Native Title Act 1993.

On *relevant land*, prior to Council approval the Native Title Manager must give written advice the following complies with the applicable provisions of the native title legislation:

- any Plan of Management covers Crown land
- leases, licences, permits and any other dealings and land tenures (such as easements, mortgages, covenants and other restrictions on use) which may affect native title are valid under native title legislation.

This requirement does not apply to 'excluded land', which includes:

- land subject to a determination under the *Native Title Act 1993 (Cth)* that native title rights and interests have been extinguished or do not exist
- land where the native title rights and interests have been compulsorily acquired or surrendered under and indigenous land use agreement.
- Land in which protection under Section 24FA of the *Native Title Act 1993 (Cth)* applies.

Council Crown Land Managers must obtain Native Title Manager advice prior to carrying out certain activities. Classification or initial categorisation does not require native title manager advice. However, categorisation will inform any subsequent Plan of Management, which does require native title manager advice prior to its adoption. Management functions must be

consistent with the reserve purpose and may be important to the validation of any future acts under native title legislation.

Therefore, it is important that Council Crown Land Managers assign a categorisation that most closely relates to the reserve purpose. Certain management functions exercised for the land by a CCLM after it is classified or categorised (as enabled by a Plan of Management) for example, the issuing of a lease or licence, will also require native title manager advice.

When proposing any act that may affect native title on Crown land or Crown reserves, the act must be authorised through Part 2 Division 3 of the Native Title Act 1993.

4 Basis of management

The basis for management will guide management of Council's sports facility 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 sportsgrounds. In addition, management will be guided by the following key Council documents and subsequent updates, revisions, or replacements of these:

- Ku-ring-gai Community Strategic Plan (2038)
- Management of Community and Recreation Facilities (2018)
- Sport in Ku-ring-gai Strategy (2006)
- People, Park and Bushland – Open Space Strategy for Ku-ring-gai (2005)
- Recreational Facilities Asset Management Plan, Ku-ring-gai Council (2011)
- Local Strategic Planning Statement – March 2020
- Delivery Program & Operational Plan – 2021 - 2022
- Ku-ring-gai Local Environment Plan 2015
- 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 B.

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

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- ensure that such activities are managed having regard to any adverse impact on nearby residences

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 sportsgrounds 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 sportsgrounds in Ku-ring-gai.
Encourage public use and enjoyment of appropriate Crown land.	Recommendations in the Plan encourage public use and enjoyment of sportsgrounds for a wide range of sporting, active recreational, community and cultural activities.
Encourage multiple use of Crown land, where appropriate.	Recommendations in the Plan would continue multiple uses of sportsgrounds, 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 sportsgrounds.
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 land owners, managers, lessees and licensees deal with the sportsgrounds in the best interests of the State.

Table 3 Crown Land Management Principles

4.4 Council's strategic objective 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 sportsground PoMs

Ku-ring-gai Community Strategic Plan

Ku-ring-gai Council takes a values-based approach to the planning, use and management of its sportsgrounds. 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 sportsgrounds in Ku-ring-gai.

The community engagement undertaken for the preparation of this plan indicated the community values sports 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 sports 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 Sportsground, 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

Sportsgrounds throughout Ku-ring-gai will continue to provide a resource that encourages, promotes and facilitates organised sport, active recreation and community use. This use is supported by appropriate ancillary facilities that provide for the sustainable operation of sporting groups and delivers amenity for the users.

Ancillary facilities can include development to facilitate access, specific sport related infrastructure, meeting spaces, toilets and change rooms. Development can also include elements to encourage multiple use, community (informal) use and the support of sporting or community events.

Permissible uses and development in sports facilities in Ku-ring-gai will be consistent with:

- The values, roles and objectives for the land set out in this document

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- The guidelines and core objectives for the sportsground 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 sportsgrounds, such as top- dressing playing surfaces, 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, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

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

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

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

5.3.1 Leases and licences authorised by the plan of management

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

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

- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General)regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

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

5.3.2 Short-term licences

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

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions

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

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

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

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

6 Management of land

6.1 Guidelines and core objectives

Sportsgrounds are defined in clause 103 of the LG (General) Regulation as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for sportsgrounds, as outlined in Section 36F of the LG Act, are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

6.2 Key Issues

6.2.1 General Community Issues

The majority of issues and management considerations raised through consultation with our community, user groups and facility managers of sports facilities, can be allocated to six key areas:

Population and demand

Population increases and demographic changes including shifting participation trends in community sports. 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 be barriers to participating in community sports.

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. In addition, there may be a greater demand for emergency uses of Council's sports facilities due to external events such as extreme weather events.

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

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

Changes in population density and demand impact on the distribution of facilities across the community. An equitable distribution of local, district and regional facilities would be the option, in many cases, this is not possible due to topographical and environmental constraints, availability of suitable land, and future acquisitions and the development costs. Where there is an identified under provision within a catchment, and land is available without constraints, its change of use to accommodate additional facilities may be warranted.

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.

Administration

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 sporting facilities. Decision and any appeal processes should be transparent.

Council manages leases, licences, permanent and casual facilities hire and the bookings of a wide range of facilities and spaces. Council also administers fees and charges, unbooked and unpaid usage, operating hours of sites and any disruption of use.

Infrastructure

The sports facilities covered by this Plan of Management contain a significant amount of infrastructure. 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 sports facilities are fit for purpose and appropriate to community needs. In some cases, this will mean the conversion of existing facilities to new sport or recreation uses when the existing use is no longer required.

Heritage

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

Plaques/Memorial

It is Council's general position that no plaques/memorial naming (excluding war memorials) will be allowed on any park infrastructure in any park, reserve or open space. Existing

memorials or plaques cannot be taken as precedents for future approvals. Council does not encourage the installation of personal tribute plaques in Parks and Public Open Space, however Council will consider requests for the installation of a personal tribute plaque on park infrastructure, subject to adherence with specific guidelines.

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

Service Standards and Maintenance

The community expects that sporting 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.

Sports 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, playing surface conditions and risk and safety management.

Usage Impacts

Managing use of sports facilities needs to balance the ability of the facility to withstand levels of use and the context of the facility with regard to impacts on adjacent land uses (such as residential areas). In some cases, the level of demand and shortage of supply may mean that the most efficient approach is to increase the intensity of use at a particular facility by upgrading the capacity of the infrastructure. In other cases, it may mean that use will need to be limited to the capacity of the site or the acceptable level of impact on the surrounding area.

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.

Finance

The provision of sporting facilities is an investment in the health and welfare of Ku-ring-gai's communities, and it is important that this investment is managed to ensure a strong return on this investment. Establishing user contributions helps to manage this investment and provides a mechanism to ensure that user groups are reasonable in forward bookings. However, it is important that the use of fees and charges does not create access barriers by charging unreasonable fees or promote inequity or provide advantage to one group over another.

The proportion of the cost of provision that is recovered through fees and charges is governed by the council's budget constraints and access to other (external) funding opportunities. Sponsorship, donations, state program funding and other sources of capital funding can provide alternatives to fees and charges revenue.

6.2.2 Regional Considerations

Key issues regarding sportsgrounds in the region identified by the Northern Sydney Regional Organisation of Councils (NSROC) are:

- A shortage of sportsgrounds results in overuse of grounds in winter and poor condition of playing surfaces. The current shortage of grounds will be exacerbated in future as population grows and land availability for new facilities declines.
- Demand for established sports (soccer, cricket, netball, rugby union, rugby league, hockey) exceeds supply of facilities on which to play. Participation growth in these sports, especially women's teams, means that new approaches to managing access to and supply of, sportsgrounds will be needed across the region.
- Non-club organised 'pay, play and away' sports such as touch football and other social competition modes, along with growing participation in fitness programs/personal training, adds further to the demand for access to sportsgrounds.

The ability of NSROC councils to address current and future gaps in supply is limited by:

- Limited funds for maintenance to required standards
- Minimal land available for development of new sportsgrounds
- High demand for open space by non-competitive social and physical recreation activities such as casual ball games and dog walking
- High property prices meaning higher costs for development of new sportsgrounds.
- Community expectation regarding alternate sports field surface technology

Joint use/shared agreements: there has been a precedence established for the co-use of facilities with schools and joint funding programs to address some of the gaps identified above.

6.2.3 Local Considerations

Community and stakeholder engagement for the previous Plan of Management and consultation undertaken for the preparation of this plan has raised various concerns and areas of interest. Council's response to these concerns are included below.

Impacts on local residents from clubhouse use, functions and events:

- Concern regarding use beyond 10 pm or the frequency of "special events" allowed to go to midnight
- Impact on residents from noise and traffic generated by night use
- Unlawful and unruly behaviour during or after closure at night-time.

* Limited functions, times and any additional changes to be approved by council on a case-by-case basis.

Hours of use and intensity of use:

- Strong desire to see reasonable limits on how early organised activity can start and how late facilities can be used.
- Traffic and parking impacts from peak use hours.
- Impact of sports lighting on adjacent residents and concern around extending hours
- Concern regarding damage to playing surfaces from overuse.

* Effective booking system, time restrictions and maintenance/asset management schedules. Any additional change to be approved by delegated council officers on a case-by-case basis.

Managing multiple use and equity of access:

- Ensuring that all users can access facilities
- Concerns regarding off-leash dog uses and health risks on playing fields
- Conflicting demands on individual grounds
- Protection of local access for recreation and concern about recreation being displaced by formal sport bookings.

Effective booking system, time restrictions and maintenance/asset management schedules. Any additional change to be approved by delegated council officers on a case-by-case basis.

Environmental concerns:

- Need to protect habitat areas within open space surrounding sporting grounds
- Protection of mature trees
- Use of irrigation and maintaining fields
- Potential impacts on waterways from run-off

* Asset management and maintenance schedules reviewed annually. Environmental considerations addressed in future upgrades by council on a case-by-case basis.

Communication with residents:

- Lack of engagement with residents when master planning or planning upgrades or improvements to sport facilities
- Mechanisms needed for local clubs and local residents to communicate around use issues
- Lack of emergency or out of hours contacts for residents to report unlawful use, bad behaviour, or other site issues.

* Asset management and maintenance schedules reviewed annually. Council communication and engagement plans established for each master planning exercise.

6.2.4 User Group Considerations

A workshop held with sporting users and the online survey identified the following issues and suggestions.

Improving existing facilities to increase shared and multiple use:

- The clubs see an opportunity to modify existing grounds to support different formats (including junior games) at existing sites, such as Lofberg Oval. They want Council to look at more minor changes instead of waiting for larger capital projects.
- There is strong support for multi-marked fields and for use of smaller fields for junior and smaller footprint sports.
- Lack of provision of male/female changerooms
- Across most sites there is a lack of separated storage. Either one club has the lease or there is a lack of storage overall.
- Clubs or associations who want existing facilities line marked for different sized games should communicate that to Council.
- Replicate, where suitable, the active recreation opportunities that are available at Koola Park/ Oval.

- Develop more sporting fields with playgrounds. The groups were interested in creating venues that catered for multi-generational families and families with different aged children.

Managing club and community use:

- There is overall concern that, particularly for tennis courts and dog off leash areas that the general community are not following the rules. Especially when there is a closure of a field for resting or maintenance.
- Water restrictions across the entire city are creating maintenance issues. Currently 12 sites have water storage in place to capture water, however not all sites are suitable for this approach. In some cases, low usage does not warrant water storage investment
- There are several concerns over security across the LGA, with some clubs indicating that Council have not allowed CCTV to be installed on clubhouse and suggesting that this would help.

Communication and overall management:

- Overall, there is a positive relationship with Council
- The clubs were responsive to establishing an advisory board/ group/ committee to report to council on a more regular basis
- Recommendation that the Plan of Management should be reviewed more frequently
- Council should provide more clarity on the standard of provision and maintenance for different sites.

Infrastructure issues:

- Maintenance of some courts is considered inadequate due to leaf litter and frequency of maintenance activity
- Concerns exist that some sites may not be able to sustain level of planned use or proposed upgrades
- Council should recognise how some sites (e.g., South Turrumurra/ Kissing Point) become central community hubs more than just sporting sites. Planning and management should acknowledge this
- Drainage at some sites is very poor and a longer-term improvement plan could be considered for the worst sites
- Lighting upgrades are needed at several sites.

6.3 Management frameworks for reserves categorised as Sportsgrounds

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 sporting facilities which address the changing participation, health and activity needs of our community.</i>
Leadership and Governance	<i>Manage sporting facilities to ensure access is provided in a fair and equitable manner.</i> <i>Ensure that management of sports facilities complies with all relevant legislation.</i>
Places, Spaces and Infrastructure	<i>Improve our sports facilities infrastructure through strategic investment that improves capacity and encourages multiple use.</i> <i>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 sporting 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 sports facilities is an investment in our community's health.</i> <i>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 sporting facilities which address the changing participation, health and activity needs of our community.

Actions

- Council's sports facilities meet the demands of an increasing and changing population
- Access to a variety of active lifestyle choices available for all Ku-ring-gai residents
- Sports facilities meet club training, competition, and social needs
- Optimal capacity of existing facilities is achieved
- Opportunities to expand Council's existing sports facility network are investigated
- Facilities are allocated to minimise uneven usage and to ensure greater resilience at all facilities
- Compatible multi-use is encouraged, provided the impacts on users are minimal
- Sports facilities are evenly distributed throughout Ku-ring-gai
- Facilities are equitably allocated between user groups
- Pedestrian access to sportsgrounds for users, including those with disabilities and/or limited mobility is improved
- Private vehicle access is regulated at sports facilities
- Emergency and service vehicle access is provided at all sports facilities

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- Access within seasonal changeover periods reduced to ameliorate safety risks to users during prescribed maintenance operations
- Council's sports facilities are made available for emergency uses.

Population increases and demographic changes and shifting participation trends are the major drivers affecting the use and demand of sports facilities. Coupled to this is a need for Council to provide enabling infrastructure to respond to broader societal increase in obesity and sedentary lifestyles. In light of this, this Plan must take into consideration future supply and demand of our sites through providing an inclusive range of highly accessible facilities that continually meet the changing needs of our communities.

Leadership and Governance

Objective

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

Ensure that management of sports facilities complies with all relevant legislation.

Actions

- Administer the usage of Council's sporting facilities in a fair and equitable manner
- Bookings administration is delivered in an efficient and effective manner
- The administration of facility hire is nonbiased and transparent
- Fees and charges will be administered fairly and equitably
- Unbooked unpaid usage will be minimised
- Disruption of use will be minimised
- Sport facilities and related activities will be promoted
- 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 sports 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 sports 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

- Adequate shelter for both players and spectators provided at sports facilities
- A long-term quality irrigation program at all sportsgrounds to be progressively implemented
- Playing surfaces are provided to enable safe and enjoyable play and competition
- Lighting is provided at prioritised sites to provide for improved capacity of sports facilities

- Equipment is provided to enable safe and enjoyable play at sports facilities
- Ancillary infrastructure is provided and maintained where appropriate
- Storage provided where appropriate and managed to improve the use of facilities by organised users
- 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 sports facilities is crucial in providing a safe and enjoyable destination for all users of Council's sports facilities whether they are players, spectators, or casual users. Council's sports facilities are one of a number of important and valuable assets owned or managed by Council. With changes in demand, ongoing use and depreciation of these assets, sportsgrounds and associated facilities require capital improvements.

Service Standards and Maintenance

Objective

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

Actions

- To provide a safe environment for users of, and visitors to, Council's sports facilities
- Appropriate waste and recycling facilities provided at sports facilities
- Sports grounds with minimal littering problems
- Sporting organisations take a positive role in waste management
- 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 sports facilities
- Play surface conditions are maintained to an agreed standard.

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

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

Natural Environment and Usage Impacts

Objective

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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.

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 sports facilities
- Traffic and parking are managed to mitigate adverse impacts on sports facilities and adjoining land uses
- Inappropriate use of sports facilities is actively discouraged and prevented where possible
- All activities on sports grounds have minimal impact on natural areas and bushland adjoining
- Sustainable management inefficiencies identified and acted on promptly
- Responsible alcohol consumption is promoted
- Food serving and preparation is undertaken at sports facilities in accordance with all relevant legislation and policy
- Dogs on sports facilities are managed within identified areas
- Management of sports facilities adapts to changes in climate

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

Local Economy and Financial Management

Objective

Recognise that recurrent and capital expenditure on sports 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 sports field 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 sports facilities
- Opportunities for advertising within council sports facilities are provided where appropriate subject to Council's Development Control Plan
- Sponsorship, partnerships, and donations are encouraged for Council's sports facilities

Managing and maintaining Council's sports 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 sports users (permanent and casual hirers) and the wider community. This is appropriate as there is significant unorganised use of sports facilities as non-specific general open space usage by the wider community.

The development of high-quality sports facilities requires allocation of significant financial resources. Whilst Council levies contributions on development and applies for grant funding when available, the level of funding available is less than what is required to meet the expectations of the sporting community. Sponsorship, donations and other sources of capital funding can provide alternative sources of funding to maintain our sports 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 Sportsground 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
- The scale and anticipated use of the sportsground
- Proximity of neighbours and noise- and parking-sensitive land uses
- Permissible times of use.

6.4.2 Approval for permissible activities

6.4.2.1 General Requirements

While a Plan of Management expressly authorises and enables certain functions such as the issuing of leases and licences at sportsgrounds, any development in these areas would still require the relevant planning approvals to be undertaken. Any capital projects undertaken by Council within sportsgrounds would require community engagement to be undertaken as part of the delivery of that project.

Planning controls established in the *Environmental Planning and Assessment Act 1979* and the *Ku-ring-gai Local Environmental Plan 2015* set the framework for approving permissible activities in sportsgrounds in Ku-ring-gai.

In addition, Section 3.39 of the *Crown Land Management Act 2016* requires that Council approval of activities on dedicated or reserved Crown land under Part 1 of Chapter 7 of the *Local Government Act 1993* must comply with the plan of management for the land.

Section 68 of the *Local Government Act 1993* specifies activities which may be carried out on community land with prior approval of the Council, except when the regulations or a local policy adopted under Part 3 allows the activity to be carried out without approval. Those activities are:

- Engage in a trade or business
- Direct or procure a theatrical, musical, or other entertainment for the public
- Construct a temporary enclosure for the purpose of entertainment

- For fee or reward, play a musical instrument or sing
- Set up, operate, or use a loudspeaker or sound amplifying device
- Deliver a public address or hold a religious service or public meeting.

Sections 69 to 74 of the *Local Government Act 1993* deal with approvals required for activities on Crown land.

6.4.2.2 Public Works

In the case of delivery plans for Crown land that involve the issue of tenures or a public work, it is a requirement of the *Crown Land Management Act 2016* that the Ku-ring-gai's Native Title Manager notify NTSCorp, the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales, and provide them with the opportunity to comment.

The *Native Title Act 1993* defines a public work as:

- (a) Any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
 - I. A building, or any other structure (including a memorial), that is a fixture; or
 - II. A road, railway, or bridge; or

(ii) where the expression is used in or for the purposes of Division 2 or 2A of Part 2-a stock-route; or

- I. A well, or bore, for obtaining water; or
- II. Any major earthworks; or
- III. A building that is constructed with the authority of the Crown, other than on a lease.

On Crown land where it is proposed to construct or establish a public work:

which has not been specifically detailed, and is on reserved or dedicated land, where native title is not extinguished,

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 or lease as required under the *Native Title Act 1993*.

Where a proposed update of a Park Masterplan or any other plan the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed, including the notification and opportunity to comment noted above.

6.4.3 Prohibited uses and developments

The activities which are prohibited on sportsgrounds are listed on regulatory signs at those sportsgrounds. A person who fails to comply with the terms of the sign is guilty of an offence for which penalties apply under Section 6.3.2 of the *Local Government Act 1993*.

Prohibited uses also include any land uses that are not permitted with or without development consent in the Ku-ring-gai Local Environmental Plan 2015.

Prohibited uses also include those that are contrary to the provisions of Native Title legislation where such legislation applies to any specific parcel of land, or proposals that are inconsistent with any agreements or approvals established.

Shipping Containers

In the past, shipping containers were used as a temporary storage option for construction sites but more recently the trend of installing shipping containers on land for a more permanent storage solution instead of actual constructed sheds have risen.

The use of shipping containers as a permanent storage solution is prohibited on all lands under the care and control of Council.

6.4.4 Scale and intensity of uses

Use	Scale (Limited to the physical constraints of the facility and/or to the requirements of the activity)	Intensity (Subject to any facility specific operating hours or hours approved in a specific event. Use outside of these times is subject to Council approval and will be reviewed on a case by case basis).
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Advertising and sponsor signage	Limited by requirements of Council policies and planning controls	24 hours a day, 7 days a week
Alternate energy technology	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, 8.00am – sunset Or up to 10.00pm at floodlit venues Subject to any facility specific operating hours or hours approved in a specific event. Extension beyond 10.00pm can be approved by delegated council officers on the specific requirement of the event.
Biodiversity enhancement	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Canteens	Limited to the hours the facility is booked. Agreement via lease, license or approval from Council	Monday - Friday 8.00am - 10.00pm Saturday 8.00am - 6.00pm Sunday 9.00am - 6.00pm
Casual playing of games or informal sporting activities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week Subject to any facility specific operating hours
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Clubhouse and amenities	Limited to the hours the facility is booked. Agreement via lease, license or approval from Council, subject to the hours and terms of use set out in any site specific lease, license or other approval from Council, such as an Operational Management Plan. Lindfield Oval Clubhouse Operational Management Plan limits the number of midnight functions. Warrimoo Oval Licence to St Ives Football Club limits the number of midnight functions. Clubs and associations are required to give at least seven days' notice in writing to all residents in adjacent streets on any occasion that a club function is to be held at its clubhouse and is expected to extend past 10.00pm. This notification is to include a contact phone number for a responsible person who will be present at the event. It is also to include the contact number for Council's security service.	Monday – Thursday 8.00am - 10.00pm. Friday – Saturday 8.00am – 10.00pm plus time for ground setup, except Council-approved "to midnight" functions and club committee meetings, and subject to Council approval, in accordance with any site specific lease. Sunday 9.00 am - 6.00pm, plus time for ground setup. The number of late-night events (beyond 10 pm) at any one clubhouse should not exceed 6 in any calendar year.
Commercial activity	Limited to the physical constraints of the facility and/or to the requirements of the activity. Any commercial activity should be related to the conduct of sporting and community based activity.	7 days a week, 6.00am – sunset Or up to 10.00pm at floodlit venues Subject to any facility specific operating hours or hours approved in a specific event.

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Community events (fundraising/charity events, special events)	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, 6.00am – sunset Or up to 10.00pm at venues Subject to any facility specific operating hours or hours approved in a specific event Development Application conditions.
Community notice signs and temporary signs	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Dog training and exercise	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Drainage and irrigation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Equestrian events and training	Limited to the physical constraints of the facility and/or to the requirements of the activity. Only permitted on those sites designated for equestrian activity.	7 days a week, sunrise – sunset Or up to 10.00pm at floodlit venues Subject to any facility specific operating hours or hours approved in a specific event Development Application conditions.
Filming and photography (commercial and amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week. Subject to Council's approval and issue of permits for any film and photography activity with a commercial purpose.
Gaming (poker machines)	Limited to establishments with a gaming license (i.e. Bowling Clubs)	Available as per the operating hours of the establishment and licencing restrictions applicable.
Landscaping	Limited to the physical constraints of the facility and the operational needs of council, site managers or user groups.	12 hours a day, 7 days a week. Work is not to start before 5 am weekdays and 7 am weekends unless part of regular maintenance or preparation for a sporting event.
Licensed bar and bistro	Limited to establishments with a liquor license (i.e. Bowling Clubs)	Available as per the operating hours of the establishment.
Maintenance buildings	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Mobile food vendors	Can be utilised with approval from Council as per the Ku-ring-gai Council Mobile Food Van Code	Can be used with approval from Council as per the Ku-ring-gai Council Mobile Food Van Code
Multi-use path networks	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Natural areas	Refer to relevant Ku-ring-Gai Generic or site specific PoM	Refer to relevant Ku-ring-Gai Generic or site specific PoM
Organised sports competitions	Limited to the physical constraints of the facility and/or to the requirements of the activity.	Floodlit sportsground Saturday 8.00am –8.30pm (with lights permitted until 9.00pm for pack up) Sundays 9.00am-6.00pm for up to 15 Sundays per season No more than two weekday evenings until 9.00pm (with lights permitted until 9.30 pm for pack up)* Subject to any facility specific operating hours or usage caps.

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		<p>Or subject to hours approved in a specific event or facility individual Development Application conditions.</p> <p>Non floodlit sportsground Saturday 8.00am –sunset Sunday 9.00am – sunset Monday – Friday – school use permitted between 9.00am and 4.00pm no more than two days per working week. Club competition for daytime and afternoon use 8.00am to Sunset with an hours grace for pack up. Competition held between 4.00pm and 8.00pm weekdays not to exceed two days in any working week. Subject to any facility specific operating hours or usage caps.</p> <p>Or subject to hours approved in a specific event or facility individual Development Application conditions.</p>
Organised sports competitions continued	Limited to the physical constraints of the facility and/or to the requirements of the activity.	<p>At each sports ground facility the competition structure will allow the maximum weekends use in line with permitted intensity above, and up to two weeknights for organised sports competition.</p> <p>Daytime school competition use or use for social competition not to exceed two days per week.</p> <p>Lofberg Road Netball Courts can be used from 8am to 10pm for up to four weekday evenings per week</p>
Organised sports training	Limited to the physical constraints of the facility and/or to the requirements of the activity	<p>7 days a week, 8.00am – 6.00pm or 9.30pm if floodlit.</p> <p>All sportsgrounds will have a minimum one rest night per week. For weekend use only one of the weekend days may be used all day throughout a season and a maximum of 15 days per season on the other day.</p> <p>Floodlit grounds can only be used for a maximum 15 Sundays per sports season - subject to any facility specific operating hours or restriction. Or subject to any approved conditions in a specific facility Development Application.</p>
Outdoor film screening	Limited to the physical constraints of the facility	Subject to Council’s approval and for sporting or community related events only.
Passive recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	<p>24 hours a day, 7 days a week Or up to 10.00pm at a floodlit venue Subject to any facility specific operating hours</p>
Personal training, Fitness and wellbeing programs	<p>Non-exclusive use of a sportsground/park up to 15 people Exclusive hire for groups 15 and over. Bookings prior to 8.00am daily need to be conducted a minimum of 100 metres from the nearest resident</p>	<p>Monday – Sunday sunrise – 10.00pm (Lights cannot be used on weekends and public holidays) Any Seasonal Hirer has priority. Subject to any facility specific operating hours</p>

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	Maximum number of personal trainers and/or programs at any one facility to be determined based on intensity of use and existing bookings	
Private events (i.e. weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity. Subject to Council approval and permits related to any exclusive use or event requirements such as liquor licences.	7 days a week, 8.00am – sunset Or up to 9.30pm at grounds or 10:00pm courts at floodlight venues Subject to any facility specific operating hours or restriction. Subject to permit or development Application conditions
Public performance or education	Limited to the physical constraints of the facility and/or to the requirements of the activity Or subject to hours approved in a specific facility Development application.	7 days a week, 8.00am – sunset Or up to 9.30pm at floodlit grounds or 10:00pm at floodlight courts. Performances utilising outdoor amplification restricted to individual approval by council. For clubhouses and function facilities subject to the operating constraints for those facilities. Subject to any facility specific operating hours or restriction Or subject to hours approved in a specific facility Development Application Conditions
Public utility infrastructure	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Remediation works	Subject to noise and occupation health and safety and relevant legislation.	24 hours a day, 7 days a week
School athletic carnivals	Limited to the physical constraints of the facility and/or to the requirements of the activity	Weekdays 7.00am – 4:00pm
School sport and recreation	Limited to the physical constraints of the facility and/or limited to the number of places available for each class	Subject to competition and training restrictions stated in the sections above. Monday – Friday 7.00am – 9.30pm (floodlights) – subject to individual sportsground DA. Lights cannot be used on weekends and public holidays Monday – Friday 8.00am – sunset (non-floodlit) Saturday 8.00am – 6.00pm Sunday 9.00am – 6.00pm (maximum of 15 Sundays per season)
School vacation activities	Limited to the physical constraints of the facility and/or limited to the number of places available for each class	Public school holidays only- 8 am to 6 pm
Shade structures	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Special events	Floodlight usage related to filming and special events	Subject to Council's approval
Sportsground maintenance	Subject to noise and occupation health and safety and relevant legislation.	24 hours a day, 7 days a week. Machinery and other noise generating activities restricted to 6am- 6 pm weekdays and 7am – 4 pm weekends
Storage facilities	Agreement via lease, license or approval from Council	Allocated on a seasonal basis

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Telecommunication facilities	Subject to relevant Legislation and approvals	24 hours a day, 7 days a week
Temporary structures (i.e. marquees, tents, stages)	Can be used at the discretion of Council for bookings at sportsgrounds/parks. Available for commercial/corporate use or community groups, family events, registered charities per day or part thereof	Temporary structures can be categorised as; Temporary structure – jumping castle (no pegs, weighted only) Temporary structure – small marquee (up to 5 metres x 5 metres), medium marquee (up to 10 metres x 10 metres) and large marquee (over 10 metres x 10 metres) – no pegs, weighted only Maximum duration of structures to be 2 days unless specifically approved by council.
Tennis and multicourt facilities	Limited to the physical constraints of the facility and/or the requirement of a specific activity. Council will regularly monitor tennis court bookings and manage any issues as they arise at particular locations All bookings are subject to Council approval.	7am – 10pm seven days a week on floodlit courts. 7am – sunset seven days a week on non-floodlit courts. Up to 10pm unless subject to individual sportsground Development Application 7am – 9.30pm seven days a week on floodlit courts at Roseville Park. 7am – 8pm seven days a week on floodlit courts at The Glade The Glade Reserve (Dual Courts) – Lights up to five (5) nights per week (Monday to Friday) during the winter sport season between 5.00pm – 8.00pm North Turramurra recreation Area Netball Court – Lights up to five (5) nights per week (Monday to Friday) during the winter sport season up until 9.30pm Golden Jubilee (Front Field) – Lights until 10.30pm only on Friday nights during the summer sport season Hamilton Park tennis courts and Turramurra Memorial Park tennis courts, bookings may not commence until 8.00am seven days. Killara Park, bookings may not commence until 8.00am on Sundays. However, some sites are locked after dark to reduce vandalism. Water reuse and recycling in operation all day 365 days a year All bookings are subject to council approval
Visitor amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, 8.00am – sunset
Water reuse and recycling	Available at those sporting facilities that have had water reuse/recycling systems set up on site	7 days a week, 8.00am – sunset

Table 5 Scale and intensity of Uses

6.5 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Sportsground, and the forms of development generally associated with those uses, are set out in Table 6 below. The facilities on community land may change over time, reflecting the needs of the community.

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

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

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of 'active recreation' enjoyed by the community. References such as 'field', or 'court', are not intended to exclude other sporting surfaces.

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> ● Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities ● Organised and unstructured recreation activities ● Community events and gatherings ● Commercial uses associated with sports facilities 	<ul style="list-style-type: none"> ● Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> ○ Sports field (cricket, football, track and field athletics, baseball, softball) ○ Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.) ○ Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities) ● Professional rooms for hire ● Change room/locker areas ● Shower/toilet facilities ● Kiosk/café uses ● Car parking and loading areas ● Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) ● Shade structures ● Storage ancillary to recreational uses, community events or gatherings, and public meetings ● Facilities for sports training, e.g. batting cages, tennis walls ● Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas ● Café/kiosk facilities ● Heritage and cultural interpretation, e.g. signs ● Equipment sales/hire areas ● Meeting rooms/staff areas ● Compatible, small scale commercial uses, e.g. sports tuition ● 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

	<ul style="list-style-type: none"> ○ 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
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Table 6 Permissible use and development of community land categorised as Sportsground, by council or the community

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

In general, Council will balance current community needs with the anticipated use of sports 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 Sportsground 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.

Specific leases, licences and other estates are authorised at sports facilities in Ku-ring-gai as set out in the Table below.

Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:
Playing of sport, and ancillary functions	Land categorised as Sportsground, Park and General Community Use	Provision, maintenance and operation of sport facilities, such as golf, tennis, lawn bowls, croquet, futsal and similar court-based sports. This includes buildings such as clubhouses that support the proposed use.
Commercial uses	Land categorised as Sportsground and General Community Use	Small-scale commercial uses which support the use of sports facilities for sport, informal recreation, and social/community activities, such as fitness training and mobile food/beverage vans.
Catering	Land categorised as Sportsground and General Community Use	Food and beverage facilities may serve prepared snacks, packaged and prepared foods, with non-alcoholic beverages to take away. The food and beverage facilities are to be supportive of the function of sports facilities.
Advertising	Land categorised as Sportsground and General Community Use	Internal site advertising, where it is supportive of the desired use of the land and not visible from outside the sports facility. Placing advertising material around the ground and buildings providing it is consistent with State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). New signage would be subject to assessment under the provisions of SEPP 64, Ku-ring-gai Local Environment Plan 2015.

Table 7 Authorised Leases, Licences, and other Estates

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as Sportsground, 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
- 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.

Table 9 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management.

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"> • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	<ul style="list-style-type: none"> • 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 8 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground

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6.6.1 Use agreements 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 9 Leases and licences over dedicated or reserved Crown Land

6.6.2 Short Term casual use and occupation

Licences for short-term casual use or occupation of sports facilities in Ku-ring-gai for a range of uses may be granted in accordance with Section 46(1)(b)(ii) for the purposes specified in Section 116 of the *Local Government (General)regulation 2021*.

Authorisation is granted for short-term casual use or occupation of sports facilities in Ku-ring-gai for the following uses and occupations provided the use or occupation does not involve the erection of any permanent building or structure

Proposed use	Land to which authorisation applies	Express authorisation of lease, licence or other estate for:
Sporting events	Land categorised as Sportsground, Park and General Community Use	Seasonal sporting competitions and training. School sports carnivals
Social/ community events	Land categorised as Sportsground, Park and General Community Use	One-off or occasional community events such as school fetes, fairs, fund raisers, fun runs. One-off or occasional cultural, musical or entertainment events such as 'cinema in the park', Christmas carols.
Other short-term uses of community land	Land categorised as Sportsground, Park and General Community Use	Short term/temporary uses set out in the <i>Local Government Act 1993</i> and the <i>Local Government (General)regulation 2021</i> including: <ul style="list-style-type: none"> • playing of a musical instrument or singing for fee or reward • engaging in a trade or business • playing of a lawful game or sport • delivery of a public address • commercial photographic sessions • picnics and private celebrations such as weddings and family gatherings • filming sessions • markets and / or temporary stalls including food stalls. • corporate functions • other special events/ promotions provided they are on a scale appropriate to the use of a local/regional recreation ground and to the benefit and enjoyment of the local community. • emergency purposes, including training, when the need arises.

Table 10 Authorised uses for short term casual use or occupation

All short-term casual uses, and occupation would be subject to Council's standard conditions for hire, approval processes, and booking fees. A temporary licence would be issued by Council as part of the approval process prior to the community land being used for these activities. Organisers of the activity are subject to conditions of hire.

Fees for short term, casual bookings will be in accordance with the fees and charges as published in Ku-ring-gai Council's annual Operating Plan and Budget. Short term temporary occupation of Crown land is subject to native title manager advice.

Applications for use of sports facilities may be required for particular organised activities which have a commercial nature, are part of a paid activity, or are likely to have a significant impact on other users through requiring sole use of a space or facility. These activities could include but not limited to personal trainers, paid dog walkers, organised social and community events over 20 people, commercial filming and photography as well as functions and small events requiring exclusive use of an area.

Major events at sports facilities will require the organiser to complete a Major Event application and submit the necessary information so that Council can assess its suitability to the proposed location. Hire events conducted by Council, individuals, community, or sporting groups will be assessed and approved through the issuing of a permit.

6.6.3 Future Development

This Plan of Management authorises, within the requirements of relevant legislation and Council policy, the future development of Council's sports 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 sporting and 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 sporting 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 and varied nature of the respective sportsgrounds 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 12 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Sportsground.

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 formal sporting facilities to 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 	O
		<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 and sporting organisations to assess present and future needs 	<ul style="list-style-type: none"> Satisfactory outcomes for sporting and community organisations 	O
Community, People & Culture	<ul style="list-style-type: none"> To equitably distribute a range of sporting 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 	O
		<ul style="list-style-type: none"> Allocate use of facilities to community sporting 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 sportsgrounds as per draft hierarchical structure 	<ul style="list-style-type: none"> Completed of sportsground hierarchical structure 	MT
Community, People & Culture	<ul style="list-style-type: none"> Ensure a sound mix of year-round facility types to meet functional requirements of local organisations 	<ul style="list-style-type: none"> Audit provision of facilities to access the satisfactory or otherwise delivery of facility types 	<ul style="list-style-type: none"> Year round functioning of facilities with high users 	LT
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 sportsgrounds, 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	Football Codes <ul style="list-style-type: none"> Apply satisfactory standards for playing fields across the LGA suitable for the training and competition of major football codes 	<ul style="list-style-type: none"> Meet or exceed minimum standards in the design and construction of playing fields for competition football 	<ul style="list-style-type: none"> Design and planning criteria established for football fields User Satisfaction 	MT
		<ul style="list-style-type: none"> Select and provide resilient groundcovers suitable for the playing surfaces, appropriate to the season 	<ul style="list-style-type: none"> High standard of playing surfaces provided Operational maintenance requirement stable 	LT
Spaces, Place & Infrastructure	Cricket <ul style="list-style-type: none"> Apply satisfactory standards for the provision of cricket facilities across the LGA suitable for the practice and competition of cricket 	<ul style="list-style-type: none"> Meet or exceed minimum standards in the design and construction of cricket facilities 	<ul style="list-style-type: none"> Design and planning criteria established for cricket User satisfaction 	MT
		<ul style="list-style-type: none"> Select and provide resilient materials, appropriate to the ground, suitable for competition cricket 	<ul style="list-style-type: none"> High standard of playing surfaces provided Operational maintenance requirements stable 	LT
Spaces, Place & Infrastructure	Amenities Buildings <ul style="list-style-type: none"> To Provide well designed and easily maintained amenities to support a range of sport activities at a group competition level 	<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
		<ul style="list-style-type: none"> Plan, design and construct suitable amenities building to meet gender neutral guidelines and accessible to all participants 	<ul style="list-style-type: none"> Amenities buildings provided 	LT
Spaces, Place & Infrastructure	Spectator Seating <ul style="list-style-type: none"> To provide suitable spectator seating area at all grounds and centres for comfort and viewing of sport 	<ul style="list-style-type: none"> Design appropriate seating areas at all grounds. 	<ul style="list-style-type: none"> Satisfactory seating provided 	OT
		<ul style="list-style-type: none"> Use materials that achieve a high quality sustainable asset that is cost effective for long term asset management 		O
Spaces, Place & Infrastructure	Field Lighting <ul style="list-style-type: none"> Designed to reduce impact on any adjoining properties, business and residents 	<ul style="list-style-type: none"> Design and construct field lighting systems to comply with Australian Standards, with minimal environmental impact on neighbouring properties 	<ul style="list-style-type: none"> Field lighting provided 	O

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		<ul style="list-style-type: none"> Design and construct field lighting systems that achieve, reduce environmental impacts of spill lighting, energy consumption and sustainability at identified locations 		O
Spaces, Place & Infrastructure	<p>Complementary facilities</p> <ul style="list-style-type: none"> Additional non-sports development that is complimentary to its major function as a sporting and active recreation space, in accordance with the sportsground category, and the 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 non-sports facilities and infrastructure as appropriate within Australian Standard and Council guidelines 	<ul style="list-style-type: none"> Community satisfaction with recreation facilities 	O
Spaces, Place & Infrastructure	<p>Irrigation Systems</p> <ul style="list-style-type: none"> Irrigation systems assist in the maintenance of playing field surfaces. Irrigation systems should consider the environmental impact of water use and where available recycled water should be considered 	<ul style="list-style-type: none"> Design field irrigation systems to use water in an energy efficient and environmentally responsible manner 	<ul style="list-style-type: none"> Efficient irrigation systems employed 	O
		<ul style="list-style-type: none"> Provide effective drainage and filter outflows from the playing field to Australian Standards 	<ul style="list-style-type: none"> Effective field drainage provided 	O
Spaces, Place & Infrastructure	<p>Landscape</p> <ul style="list-style-type: none"> The development of appropriate landscape strategies integrating well 	<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 	ST

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	designed planting schemes with the key functional elements of the ground assisting developing a strong identity and aesthetic quality	<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 	MT
Natural Environment & Usage Impacts	<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 	ST
Natural Environment & Usage Impacts	<p>Biodiversity</p> <ul style="list-style-type: none"> Balance the management and development of the sportsgrounds and their uses for active recreation such that biodiversity is maintained and enhanced 	<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 sportsgrounds biodiversity functions 	ST
Service Standards & Maintenance	<ul style="list-style-type: none"> The management of turfed playing surfaces to ensure optimum performance and user satisfaction 	<ul style="list-style-type: none"> Manage weed, pest and disease of turf using environmentally sound practices 	<ul style="list-style-type: none"> Pests, weeds and diseases managed 	O
		<ul style="list-style-type: none"> Maintain acceptable turf cover on playing fields and grassed courts 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
		<ul style="list-style-type: none"> Maintain turf at an acceptable standard through regular maintenance cycles 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
		<ul style="list-style-type: none"> Monitor correct irrigation practice to avoid water logging or drying out of turf 	<ul style="list-style-type: none"> Service Level/,User accessibility and satisfaction 	O
		<ul style="list-style-type: none"> Develop guidelines and policies for landscape best practice 	<ul style="list-style-type: none"> Service Level/,User accessibility and satisfaction 	
Service Standards & Maintenance	<ul style="list-style-type: none"> The management of hard and artificial playing surfaces for safety, reliability and user satisfaction 	<ul style="list-style-type: none"> Regularly audit hard and artificial playing surfaces for condition 	<ul style="list-style-type: none"> Audit system in place 	O
		<ul style="list-style-type: none"> Maintain safe surfaces 	<ul style="list-style-type: none"> User satisfaction 	O

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	<ul style="list-style-type: none"> To ensure safety and reliability of sporting infrastructure across all facility types through regular monitoring and reporting 	<ul style="list-style-type: none"> Repair or replace damaged surfaces 	<ul style="list-style-type: none"> User accessibility and satisfaction 	O
		<ul style="list-style-type: none"> Regularly monitor condition of infrastructure provided at sporting and recreational facilities for safety and reliability 	<ul style="list-style-type: none"> Program implemented 	O
		<ul style="list-style-type: none"> Repair or replace damaged, faulty or unsafe infrastructure 	<ul style="list-style-type: none"> Service Level/User satisfaction 	O
Service Standards & Maintenance	<ul style="list-style-type: none"> To ensure maintenance of the aesthetic quality, and enjoyment of the sportsground, 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 changing rooms 	<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 fields 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 sportsgrounds, 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
		<ul style="list-style-type: none"> Approvals for other uses need to consider ground allocations to sporting clubs. 		O

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Leadership & Governance Community, People & Culture	<ul style="list-style-type: none"> Sportsgrounds can attract large crowds and generate significant vehicle movements and noise at particular times. In the planning and design stage of facility provision the needs of residents are to be considered 	<ul style="list-style-type: none"> Provide suitable off street vehicle parking 	<ul style="list-style-type: none"> Off street parking provided 	MT
		<ul style="list-style-type: none"> Site facilities in such a way as to minimize potential noise, lighting or other impacts from adjoining properties 	<ul style="list-style-type: none"> Negative impacts on neighbourhood reduced 	LT
Leadership & Governance	<ul style="list-style-type: none"> Empower user groups of sportsgrounds with responsibility and accountability of ongoing use 		<ul style="list-style-type: none"> Ensure user groups comply with requirements of Council 	ST
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 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"> Adherence to lease etc. terms and conditions Timely payment based on terms and conditions 	O
		<ul style="list-style-type: none"> Monitor lease (etc) terms and conditions 		O
Leadership & Governance	<ul style="list-style-type: none"> Commercial recreation use of sportsgrounds for community 	<ul style="list-style-type: none"> Commercial recreation use of Sportsgrounds for community benefit is 	<ul style="list-style-type: none"> Adherence to lease etc. terms and conditions 	O

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Local Economy & Financial Management	benefit is permitted by this Plan of Management, providing that this is compatible with carrying capacity of the park and meets the requirements of the legislation, community, and Council	permitted under this Plan of Management, including but not limited to cafes, kiosks, coffee carts, personal trainers:		
		<ul style="list-style-type: none"> to supplement maintenance expenditure Fund improvements to open space 		O
		<ul style="list-style-type: none"> Establish separate commercial and community group hire charges. 		O
		<ul style="list-style-type: none"> Ensure any hire/use or lease arrangement is consistent with the 		O
		<ul style="list-style-type: none"> The appropriate approvals from Council will be required, ie. Development Application 		O
		<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 		O
Leadership & Governance Local Economy & Financial Management	<ul style="list-style-type: none"> This Plan expressly authorises the issue of licences, or temporary permits for any Crown Land, which is subject of this Plan, provided such licence or other estate is consistent with the reserve purpose. 	<ul style="list-style-type: none"> Leases etc are granted in accordance with the Crown Lands Management Act 2016, this Plan of Management and Council guidelines 	<ul style="list-style-type: none"> Adherence to lease etc. terms and conditions 	O

Table 11 Sportsground Action Plan

7 Reference

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

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Otium Planning Group (2017) NSROC Regional Plan for Synthetic Sportsfields

Smart Connection Consultancy (2019) The Smart Guide to Synthetic Sport Surfaces.

Sport Australia (2018) Sport 2030 – National Sport Plan

Sport Australia (2019) Drivers to Sport Participation

8 Appendix A – Parks & Reserves included in the plan of Management

Map No	Reserve Site	Alternative Name		Category					Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
				Park	Sportsground	General Community Use	Natural Areas	Cultural Significance						
4	Acron Oval		1 Acron Road, St. Ives		x	x	x		Lot 483 DP 752031, Lot 567 DP 752031, Lot 7011 DP 1058598, Lot 815 DP 752031, Lot 7072 DP 1060396	88492	Acron Oval	Public Recreation	Crown	Council
21	North Pymble Park (Bannockburn Oval)	Bannockburn Oval	cnr. Selwyn St & Bannockburn Rd Pymble		x	x	x		Lot B DP 348624, Lot 67 DP 17108, Lot 1 DP 976475, Lot 1 DP 1132468				Council	Council
23	Barra Brui Oval		Burraneer Ave. St. Ives		x	x	x		Lot 7318 DP 1158573	88493	Barra Brui Oval	Public Recreation	Crown	Council
28	Bicentennial Park	Lofberg Oval Norman Griffiths Oval West Pymble Swimming Centre	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
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)	Canoon Recreation Area	59 Canoon Road, South Turramurra	x	x	x	x		Lot 3 DP 1193230, Lot 2 DP 1193230, Lot 356 DP 14590, Lot 357 DP 14590, Lot 358 DP 14590, Lot 359 DP 14590, Lot 360 DP 14590, Lot 361 DP 14590, Lot 362 DP 14590, Lot 363 DP 14590, Lot 364 DP 14590, Lot 365 DP 14590, Lot 366 DP 14590, Lot 367 DP 14590, Lot 379 DP 14590, Lot 380 DP 14590, Lot 381 DP 14590, Lot 382 DP 14590, Lot 383 DP 14590, Lot 384 DP 14590, Lot 385 DP 14590				Council	Council
41	George Christie Sportsground (part of Bradley Park)		end of Yanilla Ave, off the Broadway, Wahroonga	x	x	x	x						Council	Council
41	Morona Avenue Reserve (part of Bradley Park)		20 Morona Avenue, Wahroonga	x	x	x	x						Council	Council
46	Browns Field		Campbell Drive, Wahroonga		x		x		Lot 96 DP 222612				Council	Council
48	Bryce Reserve (Oval, Bush)		End of Bryce Ave, St. Ives		x		x		Lot 818 DP 752031, Lot 27 DP 215821	87271	Bryce Oval	Public Recreation	Council/Crown	Council
53	Bushranger Reserve/Koola Park	Koola Park	Koola Avenue opposite Churchill Road, East Killara		x	x	x		Lot 480 DP 752031, Lot 477 DP 752031, Lot 7312 DP 1153922,	63623	Koola Park	Public Recreation	Crown	Council
60	Carrington Park		cnr. Coonabarra & Carrington Roads, Wahroonga		x				Lot 1 Sec 6 DP 3219, Lot 8 DP 263708, Lot 15 Sec 6 DP 3219, Lot 9 DP 263708				Dept of Planning	Council
61	Charles Bean Sportsfield		4 Shout Ridge, Lindfield		x	x			Lot 7 DP 270770, Lot 8 DP 270770				Council	Council
66	Claude Cameron Grove		Cnr. Westbrook Ave & Kintore Street, Wahroonga		x				Lot 2 DP 401080, Lot 3 DP 401080				Council	Council
70	Comenarra Sportsground		Nimbrin Street, South Turramurra		x		x		Lot 47 DP 232372, Lot 82 DP 28082				Council	Council
162	East Lindfield Park		cnr Wellington & Caryle Rd East Lindfield		x	x			Lot 3 DP 366262				Council	Council

Map No	Reserve Site	Alternative Name		Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
165	Sir Phillip Game Reserve North	Edenborough Park	off Bent Street, Lindfield		x		x	Lot 1 DP 433161, Lot 1 DP 434087, Lot 15 DP 16246, Lot 23 DP 16246, Lot 12 DP 16246, Lot 16 DP 16246, Lot 1 DP 178684, Lot 7 DP 13408, Lot 7 DP 16246, Lot 8 DP 16246, Lot 9 DP 16246, Lot 10 DP 16246, Lot 11 DP 16246, Lot 17 DP 16246, Lot 18 DP 16246, Lot 19 DP 16246, Lot 20 DP 16246, Lot 21 DP 16246, Lot 22 DP 16246, Lot 14 DP 16246, Lot 13 DP 16246, Lot 1 DP 132781, Lot 2 DP 132781, Lot 3 DP 132781, Lot 4 DP 132781, Lot 5 DP 132781, Lot 6 DP 132781, Lot 7 DP 132781, Lot 8 DP 132781, Lot 9 DP 132781, Lot 7300 DP 1147913				Council/Crown	Council
171	Fiddens Wharf Road Sportsground (provincial)		South end of Fiddens Wharf Road, Lindfield		x			Lot 2856 DP 119528				National Parks	Council
177	Friar's Field		Ganmain Road, Pymble		x			Lot 68 DP 255536				Council	Council
185	Golden Jubilee Oval		Esk Street, North Wahroonga		x	x	x	Lot 478 DP 752031, Lot 7312 DP 1158394	91141	Wahroonga Recreation	Public Recreation	Crown	Council
189	Gordon Golf Course		cnr Lynn Ridge Avenue and St Johns Avenue		x	x	x	Lot 11 DP 825411, Lot 12 DP 825411, Lot 1 1115867, Lot 1 DP 132855, Lot 1 DP 120933				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
194	Governor Phillip Reserve - East Gordon Park	Darnley Oval	91 Eastern Arterial Road, St Ives		x		x	Lot 7015 DP 93820, Lot 7065 DP 94233, Lot 386 DP 752031, Lot 31 Section 22 DP 758058, Lot 7015 DP 1059446	40655	East Gordon Park	Public Recreation	Crown	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	Hassell Park	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
239	Kent Playing Field		off Spurwood Road, Turramurra		x	x		Lot 1 DP 210762, Lot 2 DP 210763, Lot LANE DP 11414, Lot PATHW DP 11414				Council	Council
241	Killara Park		72A Springdale Ave, Killara	x	x	x	x	Lot 236 DP 752031	15419	Killara Park	Public Recreation	Crown	Council
251	Warrimoo Avenue Sportsground		Warrimoo Ave opp Gould Ave, St Ives Chase		x	x	x	Lot 2 DP 505480				Council	Council
268	Lindfield Soldiers Memorial Park		Tryon Road, East Lindfield	x	x		x	Lot 7061 DP 93836, Lot 7039 DP 93845, Lots 154-156, 200, 215-217, 234-235 DP 752031, Lot 7316 DP 1157421 Part: Lot 199 DP 752031	41399	Linfield Soldiers Memorial Park	Public Recreation	Crown	Council
279	Loyal Henry Park		67A, Shirley Road, Roseville		x	x	x	Lot 2 DP 217493				Council	Council
307	North Turramurra Recreation Area		off Bobbin Head rd, North Turramurra		x	x	x	Lot A DP 357662, Lot 2 DP 434369, Lot 2 DP 1027585, Lot 4 DP 434369, Lot 5 DP 434369, Lot 8 DP 434369, Lot 9 DP 434369, Lot 313 DP 752031, Lot 321 DP 752031, Lot 319 DP 752031, Lot B DP 365594, Lot 1 DP 1269439, Lot 327 DP 752031, Lot 344 DP 752031				Council	Council
310	Allan Small Park		18C Saiala Road, East Killara		x		x	Lot 9 231797, Lot 8 978755, Lot 1 514750				Council	Council
323	Princes Park		76A Highfield Road LINDFIELD NSW 2070		x	x	x	Lot 3 DP 226203, Lot 4 DP 226203				Council	Council
329	Queen Elizabeth Reserve		19-43 Bradfield Road, Lindfield		x			Lot 2 DP 558081				Council	Council

Map No	Reserve Site	Alternative Name		Category				Title Reference	Crown Reserve No:	Crown Reserve Name	Crown Reserve Purpose	Owner	Management
335	Regimental Park		Cnr Pacific Hwy & Lorne Ave, Killara		x			Lot 1 DP 781659				Sydney Water	Council
336	Richmond Park		Rosedale Road, Gordon		x	x	x	Lot 8 DP 17020, Lot 12 DP 17166, Lot 1 DP 518650, Lot 2 DP 518650, Lot 1 DP 723220, Lot 14 DP 17166, Lot 19 DP 3666, Lot X DP 362390, Lot Z DP 3632390, Lot 1 DP 173251, Lot 1 DP 784617				Council	Council
338	Robert Pymble Park		1 Park Cres, Pymble	x	x		x	Lot 1 DP 455673, Lot 2 DP 455673				Council	Council
339	Rofe Park		40 Mimosa Rd South Turramurra		x	x	x	Lot 32 DP 752031				Council	Council
343	Roseville Chase Oval		5 Cardigan Road, Roseville		x		x	Lot 7318 DP 1163995	90898	Reserve	Public Recreation	Crown	Council
344	Roseville Golf Reserve (Leased to club)		3A Cardigan Road, Roseville		x		x	Lot 112 DP 752031, Lot 121 DP 752031, Lot 7318 DP 1163995, Lot 111 DP 752031, Lot 115 DP 1153781	90898	Reserve	Public Recreation	Crown	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
362	Sir David Martin Reserve	Auluba Oval	235 Kissing Point Road	x	x	x	x	Lot 13 DP 214390, Lot 2 DP 222070, Lot 3 DP 222070, Lot 7 DP 4870, Lot 8 DP 455666, Lot 9 DP 4870, Lot 20 DP 538546				Council	Council
376	St Ives Village Green		Memorial Ave, St Ives	x	x	x		Lot 3 DP 219418, Lot 1 DP 219418				Council	Council
381	Surgeon White Reserve		Avondale Pony Club		x		x	Lot 7012 DP 1058598,	79206	Surgeon White Reserve	Children Playground	Crown	Council
387	The Glade		5 Koora Ave, Wahroonga		x		x	Lot 1 DP 511683, Lot 6 DP 210909, Lot A DP 101944, Lot A DP 101945, Lot 1 DP 101946, Lot A DP 377017, Lot 1 DP 101943, Lot A DP 379992, Lot 12 DP 17961, Lot 11 DP 17961, Lot 1 DP 101947, Lot B DP 375263, Lot B DP 374647, Lot B DP 372393, Lot 1 DP 1133751, Lot 1 DP 1133859, Lot 1 DP 1133930, Lot B DP 372924, Lot 1 DP 1134005				Council	Council
392	Toolang Playing Field		Toolang Road, St Ives		x			Lot 1 DP 220383				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
406	Twin Creek Reserve		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
415	Wahroonga Recreation	Cliff Oval	End of Cliff Avenue off Boundary Road, North Wahroonga		x	x	x	Lot 545 DP 752031, Lot 546 DP 752031, Lot 547 DP 752031, Lot 548 DP 752031, Lot 549 DP 752031, Lot 1 DP 509676, Lot 540 DP 752031	500217	Golden Jubilee Field	Public Recreation	Council	Council

9 Appendix B – Leases and Licences

Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
Kissing Point Sports Club Incorporated	Sir David Martin Clubhouse Playing Facility 10b Auluba Road, South Turramurra, NSW 2074	Aluba Oval	Licence	CommSprtG	15/08/2016	14/08/2021		
St Ives Rugby Club Incorporated	352 Mona Vale Road between Mawson and Palm Streets	Hassell Park Oval + Club House	Licence	CommSprtG	26/04/2005	25/04/2025	28761	Hassell Park
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		
Wahroonga Rugby Club Incorporated	28 Cliff Avenue Wahroonga, NSW 2076	Cliff Oval Clubhouse	Licence	CommSprtG	1/08/2014	31/07/2024	500217	Golden Jubilee Field
West Lindfield Sport & Recreation Club Co-Operative Limited	76A Highfield Road, Lindfield NSW 2070	West Lindfield Bowling Club	Licence	CommSprtG	1/07/2012	30/06/2033		
West Pymble Bicentennial Club Ltd	2 Prince of Wales Drive, West Pymble	West Pymble Bowling Club	Lease	CommSprtG	1/07/2019	30/06/2040		
Christian Brothers Old Boys Rugby Union Football Club Inc	Roseville Chase Oval Clubhouse, Off Ormonde Road, Roseville Chase	Roseville Chase Oval	Licence	CommSprtG	1/07/2003	30/06/2008	90898	Roseville Chase
Gordon District Cricket Club Incorporated	Bert Oldfield Oval, Clubhouse, Killara Park off Koola Avenue, Killara NSW	Bert Oldfield Oval	Licence	CommSprtG	1/07/2003	30/06/2008	15419	Killara Park
Gordon Golf Club Ltd	2 Lynn Ridge Avenue Gordon NSW 2072	Gordon Golf Club	Lease	CommSprtG	1/12/2003	30/11/2013		

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Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
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		
Killara Croquet Club Inc.	2-4 Lorne Avenue, Killara NSW 2071	Croquet Lawns + Clubhouse Regimental Park	Informal Agreement	CommSprtG				
Ku-ring-gai Amateur Swimming Club Inc	Ku-ring-gai Fitness & Aquatic Centre, Prince of Wales Drive, West Pymble NSW 2073	Club Room at KFAC	Licence	CommSprtG	21/10/2015	20/10/2016		
Ku-ring-gai Cubs Rugby League Club Inc	Turramurra Memorial Park, Eastern Road, Turramurra	Turramurra Memorial Park	Licence	CommSprtG	1/08/2021	31/07/2026		
Ku-ring-gai Netball Association	59 Canoon Road, South Turramurra, NSW 2074 - Canoon Road Clubhouse/Amenity Block	Canoon Road	Informal Agreement	CommSprtG	future			
Ku-ring-gai Stealers Baseball and Softball Club	Golden Jubilee Sportsground, 7 Esk Street, Wahroonga NSW 2076	Golden Jubilee	Informal Agreement	CommSprtG	future		91141	Wahroonga Recreation
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

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Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
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
Macquarie Model Soaring Club Inc	29 Yanilla Avenue Wahroonga NSW 2076	George Christie Sportsground Oval Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
North Shore District Softball Club	St Ives Village Green Amenities Building	William Cowan Oval - Changerooms	Licence	CommSprtG	1/04/2021	31/03/2026		
North Turramurra Football Club	310B Bobbin Head Road, Samuel King Oval, North Turramurra NSW 2074	Samuel King Oval	Storage Agreement	CommSprtG	13/05/2019	12/05/2020		
Old Barker Rugby Club Inc.	Turramurra Memorial Park, Eastern Road, Turramurra	Turramurra Memorial Park	Licence	CommSprtG	1/08/2021	31/07/2026		
Roseville District Cricket Club	5 Cardigan Road Roseville Chase, NSW 2069	Roseville Chase Oval	Licence	CommSprtG	1/07/2003	30/06/2008	90898	Roseville Chase
Roseville Junior Rugby Club	5 Cardigan Road Roseville Chase, NSW 2069	Roseville Chase Oval	Informal Agreement	CommSprtG			90898	Roseville Chase
Roseville Park Tennis Club	60B Clanville Road, Roseville	Roseville Park	Licence	CommSprtG	1/08/2021	31/07/2026		
St Ives Football Club Incorporated	Warrimoo Oval Clubhouse, Warrimoo Oval, 161 Warrimoo Avenue, St Ives NSW 2075	Warrimoo Oval	Licence	CommSprtG	1/01/2014	31/12/2018		
St Ives Junior AFL Club Incorporated	Acron Oval, Acron Road, St Ives NSW 2075	Acron Oval Clubhouse	Licence	CommSprtG	23/11/2004	22/11/2009	88492	Acron Oval

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Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
St John Ambulance Ku-ring-gai Division	Carrington Oval, Coonanbarra Road, Wahroonga NSW 2076	Locked Storage Area, within Amenity Block	Storage Agreement	CommSprtG	2/09/2019	1/09/2020		
Sydney Pacific Athletic Club Inc	Turramurra Memorial Park, Eastern Road, Turramurra NSW 2074	Turramurra 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		
Gordon Soccer Club	Darnley Oval Facilities Building, Gordon NSW 2072	Locked centre Storage Room	Storage Agreement	CommSprtG	16/07/2020	15/07/2021	40655	East Gordon Park
Killara-West Pymble Rugby Union Club Incorporated	Lofberg Oval Clubhouse, located on the corner of Lofberg & Yanko Roads, West Pymble NSW 2073	Lofberg Oval Clubhouse	Licence	CommSprtG	1/04/2019	31/03/2024		
St Ives Junior AFL Club	St Ives Village Green Amenities Building, 6 Memorial Avenue, St Ives NSW 2075	William Cowan Oval Amenities Building	Storage Agreement	CommSprtG	1/04/2021	31/03/2023		
Northern Suburbs Football Association	5 Kent Road, Turramurra NSW 2074	Park Kent Oval Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Northern Suburbs Football Association	20 Lorne Avenue, Killara NSW 2071	Regimental Park	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Northern Suburbs Football Association	39A Howson Avenue, Turramurra NSW 2074	Howson Oval Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Northern Suburbs Football Association	1 Dunstan Grove / Eton Road, Lindfield NSW 2070	Part of the Charles Bean Sportsfield Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		

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Name (Lessee /Licencee)	Site (address)	Building/location (description)	Type (lease or Licence)	Type (community sportsground/ community St Ives Precinct / commercial)	Lease Start	Lease Expiry	Crown Land No	Crown Land Name
Northern Suburbs Football Association	40 Mimosa Road, Turrumurra NSW 2074	Mimosa Oval Amenities Building	Storage Agreement	CommSprtG	1/07/2021	30/06/2026		
Axicom Pty Limited - Formally Crown Castle International	North Turrumurra Recreation Area - 361a Bobbin Head Road, North Turrumurra, NSW 2074	Axicom - North Turrumurra Recreation Area	Access Deed	Commercial	24/12/2011	23/12/2026		
Telstra Corporation Pty Ltd	Site 224321 - Warrimoo Oval	Telstra Site 224321 - Warrimoo Oval	Lease	Commercial	8/08/2012	7/08/2023		
Optus Mobile Pty Ltd	Warrimoo Oval Telecommunication Site S0565	Optus site S0565	Lease	Commercial				
JB Macdonald T/A Elite Golf NSW	North Turrumurra Golf Course Proshop - 384 Bobbin Head Road, North Turrumurra	North Turrumurra Golf Course Proshop	Lease	Commercial	1/11/2019	31/10/2023		

Table 12 Existing Leases and Licences

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 Sites

11 Appendix D – 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.

11.1 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)).

11.2 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.

11.3 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.

11.4 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).

11.5 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

11.6 Other state and Commonwealth legislation

11.6.1 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.

11.6.2 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.

11.7 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.

11.8 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

12 Appendix E – Native Title Review