



PLANNING PROPOSAL

**Reclassification of Council land from
Community land to Operational land**

261 Mona Vale Road, St Ives

Prepared by BBC Consulting Planners
January 2023 (22-167)

(Post-Gateway V6)

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INTRODUCTION

OVERVIEW

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 ("the LEP"). The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") and the relevant Department of Planning and Environment guidelines and practice notes, including *Local Environmental Plan Making Guideline* and *Local Planning Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan*.

This Planning Proposal seeks an amendment to the LEP to reclassify a Council-owned site from Community land to Operational land. The site is located at 261 Mona Vale Road, St Ives ("the site").

At the Ordinary Meeting of Council on 16 March 2021, a confidential report on Council's land holdings strategy was considered. Council resolved to prepare and progress the planning proposal to reclassify land from Community to Operational at:

- 261 Mona Vale Road St Ives (lot 31 DP 719052).

Council is currently relying on the divestment of its existing surplus land holdings to bridge the substantial funding gap required to manage its existing infrastructure and the community expectations for new and improved public infrastructure programs.

A number of residual parcels of Council land have been identified as surplus to Council requirements, or not in accordance with Council's direction and provision of community facilities/open space that meet the multiple requirements of re-use. The potential of these land parcels can be realised through re-purposing or divestment, both of which require the land to be reclassified from Community land to Operational land.

BBC Consulting Planners have been engaged by Ku-ring-gai Council to prepare a planning proposal in relation to the above resolutions.

In accordance with Section 3.33 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. This Planning Proposal addresses matters that are intended to be included in the Ku-ring-gai Local Environmental Plan 2015, and that are the result of previous Council resolutions.

DEFINITIONS

Department of Planning and Environment Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan contains some definitions of terms used in this planning proposal.

Public land is defined in the LG Act as any land (including a public reserve) vested in, or under council control. Exceptions include a public road, land to which the Crown Lands Act 1989 applies, a common, land subject to the Trustees of Schools of Arts Enabling Act 1902 or a regional park under the National Parks and Wildlife Act 1974.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve. Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel

Community land is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Land classified as community land means that Council cannot sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

Land classified as operational land means that Council can sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

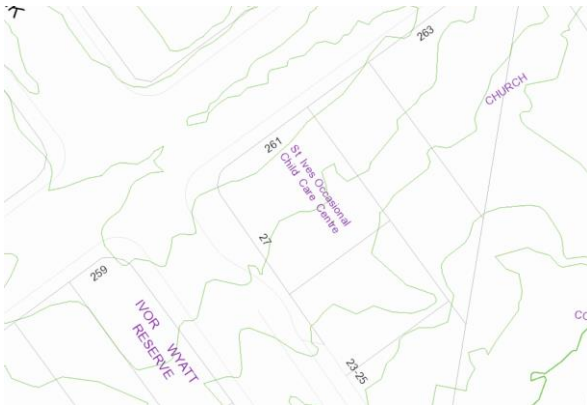
LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

This Planning Proposal applies to:

261 Mona Vale Road, St Ives (Lot 31 in DP 719052)

The key characteristics of the site are outlined below.

261 Mona Vale Road, St Ives

Address	261 Mona Vale Road, St Ives (Figure 1)
Context	The site is located at the busy intersection of Mona Vale Road and Link Road St Ives. The site is adjoined to the east and south by educational establishments and a child care centre beyond which is high rise residential development (Figure 1).
Title	Lot 31 in DP 719052 (Appendix A).
Easements, restrictions	<p>Title subject to two covenants (Appendix A):</p> <ul style="list-style-type: none"> F240464 preventing the use of the land for growing camellias or azaleas; F1658897 preventing the erection of fences. <p>These covenants are obsolete and are to be discharged.</p>
Area and dimensions	1,371m ² with a frontage of approximately 39 metres to Link Road and 33 metres to Mona Vale Road (Refer to DP in Appendix A).
Topography	<p>The site is generally flat.</p> 
Access	<p>Via a driveway from a slip lane to Link Road at the southern boundary of the site and an access from Mona Vale Road near the eastern boundary.</p> <p>A number of bus services are available along Mona Vale Road and Link Road including 194 (St Ives to City), 196/7 (Belrose St Ives Gordon loop), 196 (Mona Vale to Gordon), 197 (Mona Vale to Macquarie University) and 582 (St Ives to Gordon).</p>
Facilities	Former residence converted for use as a child care centre with on-site parking.
Classification Status	Community Land

Proposed Classification	Operational land
Owner	Ku-ring-gai Council
Current Use	Childcare.
Previous Use	Occasional Child Care Centre leased to a private operator.
Current or proposed lease agreements	Nil – A 2011 lease included on the title was extended on a monthly basis until the building was vacated and the use ceased in 2020.
Current or proposed business dealings (e.g., agreement for the sale or lease)	<p>Following a tender process in 2022, Council secured a tenant that will undertake some refurbishment works in addition to those by Council for the accommodation of up to 25 children up to the age of 5. However, to increase capacity or extend the hours of operation, the building would require substantial upgrade works to make the premises compliant with new standards.</p> <p>The use of the site for childcare is no longer feasible given the adjacent competing businesses able to provide modern and up-to-standard facilities. Coupled with this, the significant increase in traffic on Mona Vale Road and Link Road have introduced noise and pollution impacts that were not there in 1969.</p>
Is the land a public reserve	No
Date of Acquisition	1969
How was the land acquired	General revenue
Reasons why council acquired an interest	For community purposes
Plan of Management	Childrens' Services Plan of Management

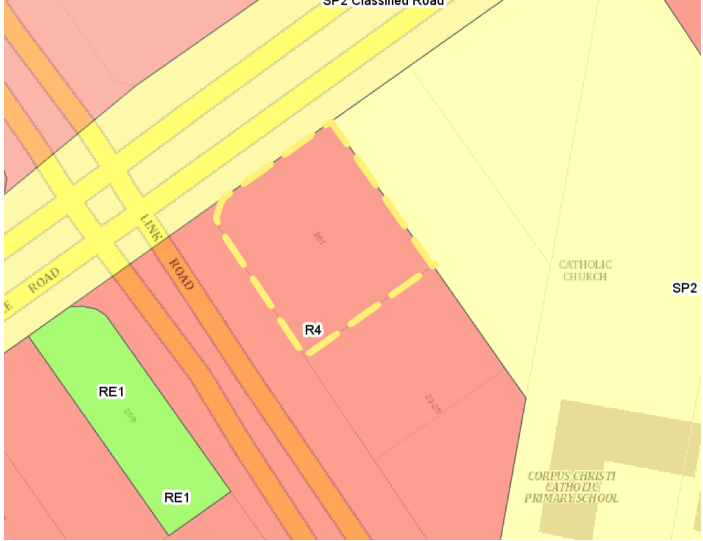
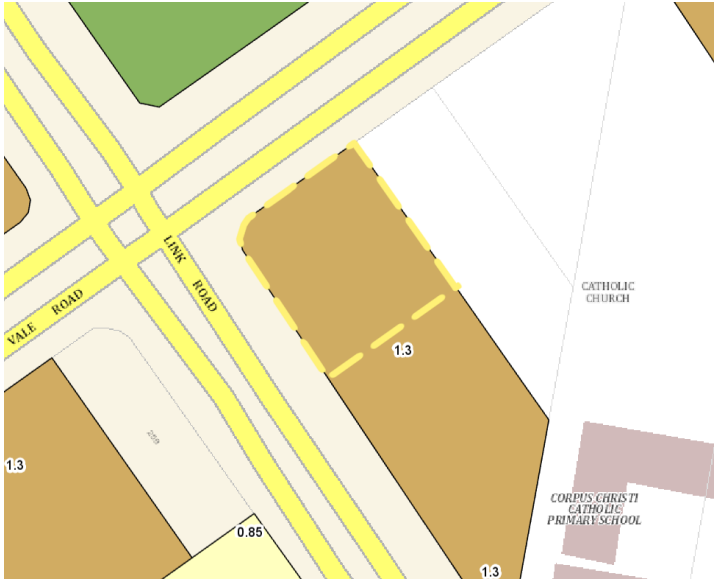


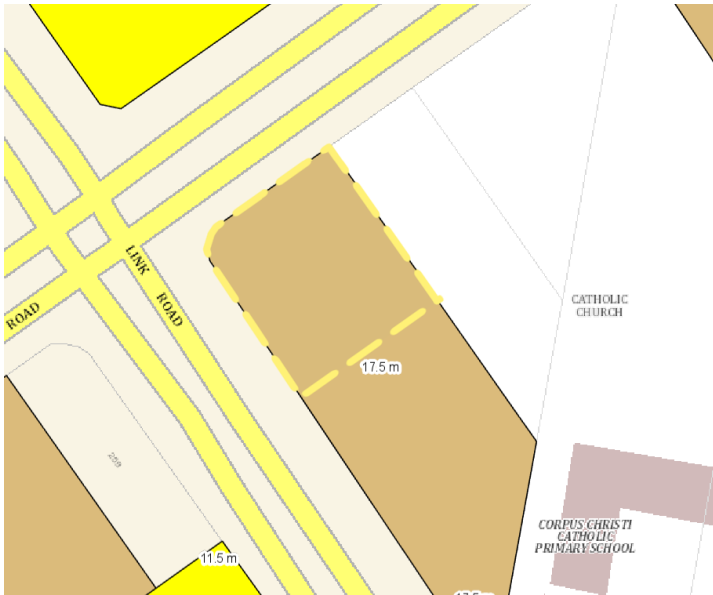

Figure 1: 261 Mona Vale Road Location

EXISTING PLANNING CONTROLS

Existing planning controls applying to each site are summarised in the following tables:

261 Mona Vale Road, St Ives

Planning Control	Development Standard
Land Zoning	R4 High Density Residential 
FSR (n:1)	1.3:1 

<p>Maximum Height of Building</p>	<p>17.5m</p> 
<p>Minimum Lot Size</p>	<p>1200m²</p>
<p>Riparian Land and Waterways</p>	<p>N/A</p>
<p>Biodiversity Protection</p>	<p>Terrestrial Biodiversity</p> 
<p>Heritage</p>	<p>N/A</p>

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objectives of this Planning Proposal are to:

- Reclassify the site to enable orderly and economic use of the sites including, at a later time, possible divestment and the use of funds from the sale of various property assets to fund renewal of existing infrastructure assets, and to construct new assets.
- Ensure that planning within the Ku-ring-gai LGA appropriately supports the objectives of relevant planning policies and plans, including the *Greater Sydney Region Plan: A Metropolis of Three Cities*, and the *North District Plan* and Council plans and strategies including *Community Strategic Plan 2038*, *Local Strategic Planning Statement*, *Community Facilities Strategy* and the *Open Space Acquisition Strategy*.

PART 2 – EXPLANATION OF PROVISIONS

This section establishes the means through which the objectives of the Planning Proposal as described in Part 1 will be achieved via an amendment to the LEP. The Planning Proposal will result in the reclassification of the site from Community land to Operational land and the discharge of interests on 261 Mona Vale Road St Ives.

The proposed amendments to the KLEP 2015 reclassify the site from Community land to Operational land.

The Planning Proposal will result in the following amendments to the KLEP 2015:

- Amendment of Schedule 4 Classification and reclassification of public land by inserting the following in Part 2 of that Schedule:

Under Column 1 Locality:	Under Column 2 Description:	Under Column 3 Any trust etc not discharged:
St Ives	261 Mona Vale Road, St Ives - Lot 31 in DP 719052	Nil

Interests in land to be discharged and the reasons why

261 Mona Vale Road, St Ives (Lot 31 in DP 719052) is burdened by two restrictions:

- F240464 preventing the use of the land for commercially growing camelias or azaleas;
- F1658897 preventing the erection of fences.

These restrictions are obsolete and serve no planning purpose.

Proposed Rezoning

No rezoning is associated with this Planning Proposal.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section establishes the reasons for the proposed outcomes of the Planning Proposal and proposed amendments of the LEP.

The following questions are set out in the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline*, September 2022. The questions address the need for the Planning Proposal, its strategic planning context, the environmental, social and economic impacts, including site specific justification, and the implications for State and Commonwealth government agencies. This also includes the Planning Secretary's requirements for planning proposals that seek to reclassify public land.

A. NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of an endorsed local strategic planning statement (LSPS), strategic study or report?

Yes, the Planning Proposal is consistent with Council's *Local Strategic Planning Statement* adopted 17 March 2020 (LSPS) which states:

The approach of asset renewal will assist Council to fund specific civic and community projects through the sale of under-utilised or surplus assets (property). These projects are intent on delivering new civic and community assets and infrastructure either through the acquisition and development of new facilities or through Council's co-contribution to deliver facilities and infrastructure identified in the Ku-ring-gai Contributions Plan 2010. The Contributions Plan works program for the next 10 years requires a co-contribution from Council of \$11 million which has been included in the Long Term Financial Plan.

The reasoning for Council to divest of these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. The Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy which relies in part on the future reclassification of land from Community to Operational. This relies on a collaborative approach with State Government in negotiating a path through the planning process which has not always yielded outcomes which Council considers fair, timely, or transparent.

Council provides a range of buildings and facilities that are available for the community for long term lease or for casual or permanent hire. The utilisation rate for these halls, meeting rooms and other community facilities is already high and many of the buildings are not fit-for-purpose. Council is actively planning for a network of new and upgraded facilities to cater for the needs of the current and future community.

The LSPS refers to *Ku-ring-gai Community Facilities Strategy – Part 1 Libraries and Community Centres* (2018) guiding the planning and design of community centres and libraries across Ku-ring-gai over the next 20-30 years. The Strategy proposes the development of a network of facilities that work together to collectively meet the needs of the Ku-ring-gai population. The network of facilities is to be implemented through a hierarchy of facilities including sub-regional, district, and neighbourhood level facilities and includes community hubs where community facilities are grouped

together in one building close to the shops, public transport and parks to make it easier for people to visit. The Community Facilities Strategy also proposes a network of smaller neighbourhood community centres, most of which are existing buildings which will be upgraded over time. In line with the LSPS and the Community Facilities Strategy, the Planning Proposal seeks to enable the highest and best use of the site and to repurpose or release assets deemed to be under-utilised or financially challenging.

The Planning Proposal is also consistent with Council's integrated planning framework reflected in the *Community Strategic Plan 2032* as outlined below.

Community Strategic Plan 2032 Objective	Consistency
<p><i>P4 Revitalising our centres</i></p> <p>P4.1 Our centres offer a broad range of shops and services and contain lively and shaded urban village spaces and places where people can live, work, shop, meet and spend leisure time.</p>	<p>The planning proposal enables under-utilised or surplus assets to be repurposed or sold to provide funding for new services located in accessible centres as part of the revitalisation of centres.</p>
<p><i>P7 Enhancing Council's community buildings and facilities</i></p> <p>P7.1 Multipurpose community buildings and facilities are available to meet the community's diverse and changing needs.</p>	<p>The planning proposal enables under-utilised or surplus assets to be repurposed or sold to provide funding for new services located in accessible multipurpose community buildings.</p>
<p><i>P8 Improving the standard of our infrastructure</i></p> <p>P8.1 An improved standard of infrastructure that meets the community's service level standards and Council's obligations as the custodian of our community assets.</p>	

These objectives are reflected in Council's *Resourcing Strategy 2022-2032* adopted in June 2022 which incorporates the *Long Term Financial Plan* and *Asset Management Strategy*. Revenue from divestment of Council property assets will be used to fund Council's infrastructure plans including multipurpose community buildings and facilities to meet the community's diverse and changing needs.

The land to which this Planning Proposal relates has potential for divestment to fund renewal of existing facilities to be retained and/or construction of new facilities.

Reclassification of this site would enable the future divestment of the site as part of Council's asset management program assisting Council in meeting community expectations for high quality open space to meet the recreational needs of the community.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site are currently classified as community land and therefore Council is not able to develop, sell, exchange or dispose of community land under the provisions of the Local Government Act 1993. Amending the KLEP 2015 would be the only means of achieving the objectives of the Planning Proposal. A Planning Proposal for the site is therefore considered appropriate.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the Planning Proposal will give effect to the Sydney metropolitan and northern district planning strategies:

Greater Sydney Regional Plan – A Metropolis of Three Cities (March 2018)

The Greater Sydney Regional Plan 2056 – A metropolis of three cities – connecting people, was released in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney.

The Planning Proposal is consistent with the following directions, objectives and strategies provided by the Greater Sydney Regional Plan:

Direction	Objective	Strategy	Consistency
3. A city for people - Celebrating diversity and putting people at the heart of planning	O6: Services and infrastructure meet communities' changing needs –	S6.1 Deliver social infrastructure that reflects the needs of the community now and in the future. 6.2 Optimise the use of available public land for social infrastructure.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver infrastructure to reflect the changing needs of the community. The Planning Proposal will facilitate alternative uses for the site, and any future divestment of the property through Council's asset recycling program will release funds for other social infrastructure required by the community.
	O7: Communities are healthy, resilient and socially connected -	S7.1 Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: <ul style="list-style-type: none">• providing walkable places at a human scale with active street life	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure - such as multipurpose centres that are accessible and co-located with other facilities and services.

Direction	Objective	Strategy	Consistency
		<ul style="list-style-type: none"> • prioritising opportunities for people to walk, cycle and use public transport • co-locating schools, health, aged care, sporting and cultural facilities. 	
5. A city of great places - Designing places for people	O12 Great places that bring people together	<p>S12.1 Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> • prioritising a people-friendly public realm and open spaces as a central organising design principle • recognising and balancing the dual function of streets as places for people and movement • providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres • integrating social infrastructure to support social connections and provide a community hub • recognising and celebrating the character of a place and its people. 	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure - such as multipurpose centres that are accessible and co-located with other facilities and services.
A city in its landscape - Valuing green	O31. Public open space is accessible,	S31.1 Maximise the use of existing open space and protect, enhance	The Planning Proposal provides the opportunity to release assets deemed

Direction	Objective	Strategy	Consistency
spaces and landscape	protected and enhanced	and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow.	to be under-utilised so as to deliver improvements to existing parks and deliver planned parks to cater for residents' recreational needs.

North District Plan

The North District Plan was released in March 2018. It sets out the planning priorities and actions for the growth of the North District. The Planning Proposal is consistent with the plan, particularly with respects to the following planning priorities and objectives:

Planning Priority	Objective	Consistency
N1 - Planning for a city supported by infrastructure	O2 - Infrastructure aligns with forecast growth – growth infrastructure compact. O3 - Infrastructure adapts to meet future needs. O4 - Infrastructure use is optimised	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure that is more effectively used, meet future needs and are located in centres designed as places to bring people together.
N3. Providing services and social infrastructure to meet people's changing needs	O6 Services and infrastructure meet communities' changing needs.	
N4. Fostering healthy, creative, culturally rich and socially connected communities	O7 Communities are healthy, resilient and socially connected	
N6. Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12 Great places that bring people together	
Planning Priority N20. Delivering high quality open space	Objective 31 Public open space is accessible, protected and enhanced.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver accessible and

		useable open space opportunities.
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Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal is consistent with the planning priorities of the relevant local strategic documents. The Planning Proposal is consistent with Council's *Local Strategic Planning Statement* adopted 17 March 2020. In line with the LSPS and the Community Facilities Strategy, the Planning Proposal seeks to enable the highest and best use of the sites and to repurpose or release assets deemed to be under-utilised or financially challenging.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes, the Planning Proposal is consistent with the planning priorities of relevant strategic documents. The Planning Proposal will give effect to the directions and priorities of the Sydney metropolitan and northern district planning strategies.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment on Consistency
SEPP (Biodiversity and Conservation) 2021 Chapter 2: Vegetation in non-rural areas Chapter 6: Water Catchments	Consistent. The site contains biodiversity mapping under the KLEP 2015. The Planning Proposal will not result in any amendment to that mapping. Any future development application on the site will be required to retain the biodiversity values of the site. Consistent. The Planning Proposal will not create Any conflict with these SEPPs. Any future development application on the site would be subject to the provisions of these SEPP.
SEPP (Resilience and Hazards) 2021 Chapter 4: Remediation of land	Consistent. The reclassification Planning Proposal does not alter the existing use of the site. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP Housing 2021 (previously SEPP 65 Design Quality of Residential Flat Development)	Consistent. The reclassification Planning Proposal does not alter the existing use of the site. Any future development application on the site would be subject to the provisions of the SEPP.

SEPP	Comment on Consistency
SEPP (Transport and Infrastructure) 2021 Chapter 2: Infrastructure Chapter 3: Educational establishment and child care facilities	Consistent. The reclassification Planning Proposal is consistent with the aims of the policy and does not alter the existing use of the site. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP (Housing) 2021	Consistent. The reclassification Planning Proposal is consistent with the aims of the policy and does not alter the existing use of the site. Any future development application on the site would be subject to the provisions of the SEPP.
SEPP Exempt and Complying Development Codes 2008	Consistent. The reclassification Planning Proposal is consistent with the aims of the policy. Any future development application on the site would be subject to the provisions of the SEPP.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table identifies applicable s9.1 Ministerial Directions and outlines this Planning Proposal's consistency with those Directions.

Directions under S9.1	Objectives	Consistency
1. PLANNING SYSTEMS		
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent in that the Planning Proposal does not nominate designated development or a concurrence authority .
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The reclassification Planning Proposal does not change the zoning or range of uses permissible on the sites.
3. BIODIVERSITY AND CONSERVATION		
3.1 Conservation zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The Planning Proposal does not apply to land within a conservation zone or land otherwise identified for environment conservation or

Directions under S9.1	Objectives	Consistency
		<p>protection purposes in the KLEP 2015.</p> <p>The site contains Biodiversity mapping under the KLEP 2015 which enables protection of existing vegetation in any future development application.</p>
3.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. The site has no heritage status. The Planning Proposal does not change the provisions of the KLEP 2015 in relation to heritage items with the sites being subject to the provisions of clause 5.10 of KLEP 2015.
3.7 Urban Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland	<p>Consistent. The site has a small area mapped as having biodiversity value. The direction requires that the planning authority must be satisfied that the Planning Proposal:</p> <p>(a) is consistent with the objectives of this direction, and</p> <p>(b) gives priority to retaining public bushland, unless the Planning Proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p> <p>The Planning Proposal is consistent with this direction in that it does not change the planning controls applicable to the site. The Planning Proposal provides a potential for divestment of land however the proposal makes no change to State or local planning controls that protect vegetation.</p> <p>Further, the Planning Proposal does not change zoning or development standards that apply to the site and does not</p>

Directions under S9.1	Objectives	Consistency
		alter the value of areas of biodiversity.
4. RESILIENCE AND HAZARDS		
<p>4.4 Remediation of Contaminated Land</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>The Planning Proposal is consistent with this direction in that:</p> <ol style="list-style-type: none"> 1) It does not change the zoning of the land nor affect the permissible uses under relevant environmental planning instruments; 2) There is no known previous use of the sites other than the current use. The Planning Proposal will not alter the use of the site.

Directions under S9.1	Objectives	Consistency
4.5 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent. The sites are all located on Class 5 Acid Sulfate Soils.
6. HOUSING		
6.1 Residential Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	Consistent. The Planning Proposal does not alter any provisions of the KLEP 2015 relating to residential development.

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

A small part of the site is identified on the biodiversity values map and therefore subject to terrestrial biodiversity controls. These controls provide protection during any development application and approval process. The zoning and development standards applying to the site do not change as a result of this Planning Proposal. The Planning Proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

Q9. *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

The Planning Proposal for the reclassification of the site will not result in any additional environmental effects as it no development is associated with reclassification. Any issues that may arise would be addressed during the assessment of any development application on the land.

Q10. *Has the planning proposal adequately addressed any social and economic effects?*

Yes. The Planning Proposal to reclassify the subject site will result in more efficient use of Council assets and will facilitate the provision of improved community facilities and open space.

Site specific merits of reclassification

Reclassification to Operational land will provide flexibility in dealing with the site, including securing tenants on long term leases who are prepared to make a substantial financial outlay to rebuild/refurbish the site, including for other uses apart from childcare. The following issues highlight the necessity for reclassification to enable improved use of the land:

- The site is located at the intersection of Mona Vale Road and Link Road, St Ives. The existing building is located towards the rear of the site. There is no area for outdoor play except adjacent to the busy roads and internal carpark. The intersection has high volume traffic with associated noise and air pollution with associated impacts on children.
- The land is currently zoned R4 High Density Residential with similar standards to adjacent land at FSR 1.3:1 and 17.5m height.
- The site comprises a former residence converted for use as a childcare centre with limited on-site parking and a left in from Mona Vale Road, left out to Link Road access.
- The site was previously leased to a not-for-profit community organisation as an Occasional Child Care Centre for in excess of 20 years. Despite a highly concessional rent the lessee voluntarily surrendered the lease in December 2020 citing the operation was not viable.

- On departure, the premises were left in a generally poor condition requiring a new fit-out and internal and external maintenance works at significant cost to both Council and the incoming tenant.
- Council has made minimal outlay to repair the site and recognises the need for substantial repair to command competitive rental rates. A new tenant has been secured to continue to operate an early learning centre consistent with the current planning approval which provides for the accommodation of up to 25 children up to the age of 5 years old.
- However, to increase capacity or extend the hours of operation, the building would require substantial upgrade works to make the premises compliant with new standards and appeal to a wider tenancy able to offer improved rental rates.
- The building on this site is dated and although it may continue to operate as a child-care facility, it does not meet current standards and requirements for new childcare facilities as reflected in Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021; Children (Education and Care Services) National Law (NSW) N 2010; Education and Care Services National Regulations 2011; Children (Education and Care Services) Supplementary Provisions Regulation 2012.
- Without substantial financial outlay the building and its standard of provision cannot into the future compete with emerging childcare facilities in the locality and has limited capacity to maximise and increase future financial returns for Council.
- Substantial upgrades are required to modernise the facility to command the rentals appropriate to its location.
- Reclassification to Operational land will provide flexibility in both the site's tenancy and possible divestment, to enable Council to receive an adequate return on investment consistent with Council strategies, and consistent with the objects of the EP&A Act to encourage the orderly and economic use of land.
- Given the long term and on-going use of this site under a lease arrangement, Community Classification is not appropriate. Operational land will provide flexibility in dealing with the site and enable Council to receive an adequate return on investment consistent with Council strategies and consistent with the objects of the EP&A Act to encourage the orderly and economic use of land.

D. INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

Q11. Is there adequate public infrastructure for the planning proposal?

The site is located adjacent to major roads and bus routes along Mona Vale Road and Link Road, connecting to the city and surrounding suburbs.

The proposal may result in a minor increase in demand for facilities through the more efficient use of assets in an existing urban area where all utility services are available.

Consultation with key agencies regarding infrastructure capacity to service the sites was not undertaken prior to the lodgement of this Planning Proposal with the Department of Planning and Environment.

Consultation with State and Commonwealth agencies will be undertaken in accordance with the requirements of any Gateway determination.

E. STATE AND COMMONWEALTH INTERESTS

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been identified or consulted, and the Gateway Determination has yet to be issued. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:

- NSW Department of Planning and Environment;
- Sydney Water;
- Ausgrid;
- Transport for NSW.

Council seeks confirmation of the above list through the Minister's Gateway Determination.

RECLASSIFICATION OF PUBLIC LAND

Planning Secretary's requirements for planning proposals reclassifying land

Pursuant to Section 3.33 of the Act, the Secretary may issue requirements with respect to the preparation of a planning proposal. In this regard, the Department of Planning *Local Environmental Plan Making Guideline*, September 2022 sets out the requirements regarding the matters that must be addressed in the justification of all planning proposals to reclassify public land.

These requirements are presented below with reference to where these matters are addressed in this Planning Proposal:

Is the planning proposal the result of a strategic study or report?

The Planning Proposal is consistent with Council's *Local Strategic Planning Statement* adopted 17 March 2020 (LSPS) as quoted in Q1 in Part 3A of this Planning Proposal.

The LSPS refers to *Ku-ring-gai Community Facilities Strategy – Part 1 Libraries and Community Centres* (2018) guiding the planning and design of community centres and libraries across Ku-ring-gai over the next 20-30 years. The Strategy proposes the development of a network of facilities that work together to collectively meet the needs of the Ku-ring-gai population. The network of facilities is to be implemented through a hierarchy of facilities including sub-regional, district, and neighbourhood level facilities and includes community hubs where community facilities are grouped together in one building close to the shops, public transport and parks to make it easier for people to visit. The Community Facilities Strategy also proposes a network of smaller neighbourhood community centres, most of which are existing buildings which will be upgraded over time. In line with the LSPS and the Community Facilities Strategy, the Planning Proposal seeks to enable the highest and best use of the site and to repurpose or release assets deemed to be under-utilised or financially challenging.

Is the planning proposal consistent with the council's community plan, or other local strategic plan?

The Planning Proposal is consistent with Council's integrated planning framework reflected in the *Community Strategic Plan 2032*.

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided

The site is burdened by two restrictions which are to be discharged:

- F240464 preventing the use of the land for commercially growing camellias or azaleas;
- F1658897 preventing the erection of fences.

These restrictions are obsolete and serve no planning purpose.

The concurrence of the landowner must be obtained, where the land is not owned by the PPA

The Council is the land owner.

The effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status

The Planning Proposal to reclassify the subject site will result in more efficient use of Council assets and will facilitate the provision of improved community facilities and open space.

Two restrictions are to be discharged as they are obsolete and serve no planning purpose. The effects of any discharge of interests is discussed in Part 2 of this Planning Proposal.

There is no removal of public reserve status.

The strategic and site-specific merits of the reclassification and evidence to support this.

The Planning Proposal is consistent with the directions and priorities of the metropolitan, district and local strategic planning documents as indicated in this proposal at Part 3A, 3B and 3C.

Does the planning proposal deliver a public benefit?

The Planning Proposal delivers a public benefit by enabling more efficient use to be made of Council's scarce resources. It facilitates the possible disposal of underutilised and poorly performing assets to contribute to funding new and improved facilities in more appropriate locations and in accordance with Council's strategic plans and policies as outlined in Part 3 of this Planning Proposal.

Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?

The implications for loss of open space is discussed in the response to Q1 in Part 3A and Q10 in Part 3C of this Planning Proposal.

How funds obtained from any future sale of the land will be used

Funds from any future sale of land will be used for the provision of community facilities and public open space in accordance with Council's plans and policies.

How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant

Any repurposing or future divestment of the sites that result from reclassification would assist Council in meeting community expectations for the renewal and replacement of community infrastructure.

Ku-ring-gai Open Space Acquisition Strategy 2006 sets out a formal acquisition process that is underpinned by probity, due diligence, analysis of risk and ensures impartiality, transparency and accountability. It establishes principles, criteria and priorities for acquiring open space in Ku-ring-gai. In addition, Council has developed an Open Space Acquisition Program to deliver much needed local parkland for the community.

The Ku-ring-gai Contributions Plan 2010 provides funding for land acquisition, design and construction of new parks and civic spaces. Funding from any site acquired through contributions for open space, if divested, is reallocated directly into acquisition of other more suitable open space. Council has been actively acquiring land and converting the land to new parks. To date Council has created, or is in the process of creating, over 25,000sqm of new parks and civic spaces.

Refer to Appendix B LEP Practice Note PN 16-001 (5 October 2016) Checklist

PART 4 - MAPS

There are no proposed changes to the maps in the KLEP 2015.

PART 5 – COMMUNITY CONSULTATION

Community consultation on the Planning Proposal will be undertaken by Ku-ring-gai Council (subject to receiving a determination to proceed at Gateway) in accordance with the publication *Local Environmental Plan Making Guideline*, September 2022 and Local Planning Practice Note PN16-001 *Classification and reclassification of public land through a local environmental plan* dated 5 October 2016. Community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the Section 3.33 submission has been sent to the Department of Planning and Environment and a Gateway determination received to progress to exhibition.

Council's consultation methodology will include, but not be limited to, the following:

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under Section 9.1 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed amendments to the LEP;
- exhibiting the Planning Proposal in accordance with the gateway determination for a likely period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to Clause 4 of Part 1 of Schedule 1 of the EP&A Act and all supporting documentation at Council's Administration Centre and on Council's website;
- notifying of the Planning Proposal's exhibition on Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- any other consultation methods deemed appropriate for the proposal;
- as required by S29 of the Local Government Act, a public hearing will be conducted by an independent chairperson to hear any comment on the reclassification proposal; notification of the public hearing will be given as required by the Gateway Determination and in accordance with the NSW Department of Planning Practice Note PN 16-001 dated 5 October 2016 *Classification and Reclassification of Public Land Through a Local Environmental Plan*.

PART 6 – PROJECT TIMELINE

Stage	Timeframe and/or date
Consideration by Council	25 July 2023
Council decision	25 July 2023
Date submitted to Department for Gateway Determination	14 November 2023
Anticipated commencement date - date of Gateway determination (4 weeks)	13 March 2024
Timeframe for government agency consultation - as required by Gateway determination (21 days - run concurrently with exhibition period)	18 March – 26 April 2024
Commencement and completion of public exhibition period (28 days exhibition - plus notification and advertisement period)	21 March – 19 April 2024
Public Hearing and Chairpersons report (21 days public notice – plus 3 weeks for Chairperson's report)	13-17 May 2024 Hearing 3 June Report
Consideration of submissions (4 weeks for consideration)	28 May to 26 June 2024
Post-exhibition and post- public hearing review and reporting	April – May 2024
Submission to the Department for finalisation (where applicable)	June 2024
Gazettal of LEP amendment (6 weeks)	July - August 2024

APPENDIX A

261 Mona Vale Road, St Ives (Lot 31 in DP 719052) title details

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
31/719052	
EDITION	DATE OF ISSUE
7	25/2/2021
CERTIFICATE AUTHENTICATION CODE	
WQNY-FW-LHKF	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



LAND

LOT 31 IN DEPOSITED PLAN 719052
AT ST. IVES.
LOCAL GOVERNMENT AREA: KU-RING-GAI.
PARISH OF GORDON COUNTY OF CUMBERLAND
TITLE DIAGRAM: DP719052

FIRST SCHEDULE

KU-RING-GAI COUNCIL

(CN AQ821099)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. F158897 COVENANT
3. F240464 COVENANT
4. AF41743 LEASE TO ST IVES OCCASIONAL CARE INCORPORATED
EXPIRES: 30/6/2011. OPTION OF RENEWAL: FOR A PERIOD OF 2 YEARS.

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

Signatures and seals only.

DP 719052

Registered: 25-2-1986

C.A.: N° 84/15 of 19-4-1984

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: KU-RING-GAI SHT 37

Last Plan: DP 525913 (DP 1271)

PLAN OF PROPOSED ROAD
WIDENING WITHIN LOTS
1, 2 AND 3 D.P. 525913

Reduction Ratio 1: 400
Lengths are in metres.

Mun./Shire
City KU-RING-GAI

Locality: ST. IVES

Parish: GORDON

County: CUMBERLAND

This is sheet 1 of my plan in (Delete if inapplicable).

I, **CHAMBERS, GORDON, 2072**
of **COUNCIL, CHAMBERS, GORDON, 2072**
a surveyor registered under the Surveyors Act, 1929, do hereby certify that the survey represented in this plan is accurate and has been made (1) by me (2) under my immediate supervision in accordance with the Survey Practice Regulations, 1933, and was completed on **21st FEBRUARY 1984**.

Signature **[Signature]**
Surveyor registered under Surveyors Act, 1929, at and dated:
Datum Line of Azimuth: A-B
Strike out either (1) or (2). Insert date of survey.

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

IT IS INTENDED TO DEDICATE THE
AREAS OF LAND CONTAINING
36.08 m², 42.01 m² AND 106.1 m²
TO THE PUBLIC AS ROAD

THE COMMON SEAL OF THE COUNCIL OF
THE MUNICIPALITY OF KU-RING-GAI WAS
HEREIN AFFIXED ON THE 19th DAY OF
April, 1984 IN PURSUANCE OF A
RESOLUTION OF THE COUNCIL PASSED
ON THE 1st DAY OF November,
1983.

MAYOR **[Signature]**
TOWN CLERK **[Signature]**

Council Clerk's Certificate

I hereby certify that -
(a) the requirements of the Local Government Act, 1919
other than the requirements for the registration of
plans, and
(b) the requirements of section 248 of the Matrimonial
Water, Sewerage and Drainage Act, 1920, as amended,
Minister, Council, Water, Sewerage, and Drainage Act,
1920, as amended.

have been complied with by the applicant in relation to the
proposed **NEW ROAD**
(Insert "new road", "subdivision" or "consolidation") set out herein

Subdivision No. **84/15**
Date **19th APRIL 1984**

(Signature) **[Signature]**

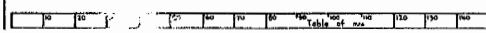
*This part of certificate to be deleted where the application is only
for a consolidated lot or the opening of a new road or where the land
to be subdivided is wholly outside the area of operations of the
Metropolitan Water Sewerage and Drainage Board and the Hunter
District Water Board.
(Delete if inapplicable).

M.P.O.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SURVEYOR'S REFERENCE: L 2319

This negative is a photograph made as a permanent
record of a document in the custody of the
Registrar General this day, 26th February, 1986



240404

R.P. 13. No.

New South Wales.

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900.)

FEES: — £ s. d.

Lodgment : : :

Endorsement : : 15

Certificate : : 10

Cor. : 5

12-10-C
13.6.50



D

I, WE, [redacted] and [redacted] both of

(herein called transferors)

being registered as the proprietors of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of the sum of ONE THOUSAND THREE HUNDRED AND FORTY-FOUR POUNDS (£ 1344. 0.0) (the receipt whereof is hereby acknowledged) paid to us by

[redacted] of Castlecrag, Carpenter,

(herein called transferee)

do hereby transfer to the said transferee

ALL such our Estate and Interest in ALL THE land mentioned in the schedule following:—

County.	Parish.	Reference to Title (c)			Description of Land (if part only). (d)
		Whole or Part.	Vol.	Fol.	
Cumberland	Gordon	Part 1888	780	193	and being Lot 7A on Plan annexed to Instrument of Transfer No. F158897.

Now being [redacted] of land comprised

And the transferee covenants with the transferors both hereby for himself his heirs executors administrators and assigns or other the registered proprietor for the time being of the land hereinbefore described COVENANTS with the said transferors their executors administrators and assigns that the said transferee shall not at any time use or permit the said land to be used for the purpose of the commercial growing and propagation and/or sale of camellias and/or azaleas but this covenant it shall be construed so as to restrict the said transferee his executors administrators and assigns from using or permitting the said land to be used at any time for the purpose of growing or propagating camellias and/or azaleas for domestic use AND for the purpose of Section 88 of the Conveyancing Act 1919-1939 IT IS HEREBY AGREED AND DECLARED:

- that the benefit of the foregoing covenants shall be appurtenant to Lot 8 on the plan annexed to Transfer No. F158897 and to the whole of the land comprised in Certificate of Title Volume 5112 Folio 67.
- That the burden of the foregoing covenant is upon the land hereby transferred.
- That the aforesaid covenant may be released varied or modified with the consent of the said transferors their executors administrators and assigns.

ENCUMBRANCES, &c., REFERRED TO.

Covenant as contained in Transfer No. F158897.

Signed at Sydney

Signed in my presence by the transferors

WHO ARE PERSONALLY KNOWN TO ME

Signed

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

Transferee(s).

* If signed by virtue of any power of attorney, the original power must be registered, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being attested by signature or initials in the margin, or noticed in the attestation.

F240464 LODGED BY **A.C. ROYLE & CO.,**
SOLICITORS,
SYDNEY.
No. _____
CONSENT OF MORTGAGEE!
(N.B.—Before execution read marginal note.)
I, _____ mortgagee under Mortgage No. _____
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

Dated at _____ this _____ day of _____ 1950.
Signed in my presence by _____
who is personally known to me. _____ Mortgagee.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.
(To be signed at the time of executing the within instrument.)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. **38367** Miscellaneous Register under the authority of which he has just executed the within transfer.
Signed at _____ the _____ day of _____ 1950.
Signed in the presence of _____

1 This consent is appropriate only to a transfer of part of the land in the Certificate of Title or Crown Grant. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

j Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

k To be signed by Registrar-General, Deputy Registrar-General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS.*
Appeared before me at _____, the _____ day of _____, one thousand nine hundred and _____, the attesting witness to this instrument the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said _____ is _____ own handwriting, and that he was of sound mind and freely and voluntarily signed the same.

INDEXED		MEMORANDUM OF TRANSFER		DOCUMENTS LODGED HEREWITH.	
		Subject to Court		To be filled in by person lodging dealing.	
Checked by	Particulars entered in Register Book, Volume 6170 Folio 110 + 111	1		Received	Docs.
Passed (in S.D.B.) by		2		Nos.	
Signed by	the 18th day of October , 19 50 at _____ minutes past 12 o'clock in the _____ noon.	3			
		4			
		5			
		6			
		7		Receiving Clerk.	

EXTRA FEES FOR DEPARTMENTAL USE.
Diag. Extra Folio

PROGRESS RECORD.

	Initials	Date
Sent to Survey Branch...		
Received from Records...		
Draft written ...		29/9/50
Draft examined...		11/10/50
Diagram prepared		12/10
Diagram examined		
Draft forwarded		22/10
upt. of Engrossers		13/11
Cancellation Clerk		

VOL. **6209** Fol. **108**

EXECUTION OUTSIDE NEW SOUTH WALES.
If the parties be resident without the State, but in any other part of the British Dominions, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or the Mayor or Chief Officer of any municipal or local government corporation, of such part, or Justice of the Peace for such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.
If resident in the United Kingdom then before the Mayor or Chief Officer of any corporation or a Notary Public.
If resident at any foreign place, then the parties should sign or acknowledge before a British Minister, Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of the Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting-Consul, Pro-Consul, or Consular Agent, who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.
The fees are:—Upon lodgment (a) 15/-, if accompanied by the relevant title or evidence of production thereof, (b) 1/- otherwise. This fee includes endorsement on the first Certificate. In addition the following fees are payable:—(a) 5/- for each additional Certificate included in the Transfer, (b) 1/- to 10/- for each new Certificate of Title issued, (c) 5/- where the Transfer is expressed to be made together with an easement or expressed to reserve an easement or in any way creates an easement, (e) 2/6 where partial discharge of a mortgage is endorsed on the Transfer, (f) 2/6 for each additional folio where the Certificate exceeds ten folios, (g) as approved, in cases involving more than one simple diagram or any diagram other than a simple diagram.
Tenants in common must receive separate Certificates.
If part only of the land is transferred a new Certificate must issue for that part, and the old Certificate will be retained in the Office. A new Certificate may be taken out for the residue if desired.



F158897 R.P. 13 No. 158897 L
New South Wales
MEMORANDUM OF TRANSFER
(REAL PROPERTY ACT, 1900)



F 158897 L

M211249A

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black or blue-black ink.

It is the duty of the Registrar-General to receive and enter in the Register all instruments of transfer of land.

If two or more, state whether as joint tenants or tenants in common.

If all the references cannot be conveniently inserted, a form of annexure (obtainable at L.T.O.) may be added. Any annexure must be signed by the parties and their signatures witnessed.

If part only of the land comprised in a Certificate or Certificates of Title is to be transferred add "and being lot sec. D.P." or "being the land shown in plan annexed hereto," or "being the residue of the land in certificate (or grant) registered Vol. Fol."

Where the consent of the local council is required to a subdivision the certificate and plan mentioned in the L.C. Act, 1919, should accompany the transfer.

Strike out if unnecessary. Covenants should comply with Section 88 of the Conveyancing Act, 1919. Here also should be set out any right-of-way or easement or exception. Any provision in addition to or modification of the covenants implied by the Act may also be inserted. If the space provided is insufficient a form of annexure of the same size and quality of paper as this instrument should be used.

very short note will suffice.

If executed within the State this instrument should be signed or acknowledged before the Registrar-General, or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness should appear before one of the above functionaries who having questioned the witness should sign the certificate on the back of this form. As to instruments executed elsewhere, see back of form.

Report attestation if necessary.

The Transferee or Transferees signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

I, [redacted] of Sydney, [redacted] (herein called transferor) being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of One thousand eight hundred and fifty pounds (£1850.0.0.) (the receipt whereof is hereby acknowledged) paid to me by [redacted] and [redacted] both of St. Ives,

(herein called transferees) do hereby transfer to the said transferees as tenants in common ALL such my Estate and Interest in ALL THE land mentioned in the schedule following:—

County.	Parish.	Reference to Title (c)			Description of Land (if part only). (d)
		Whole or Part.	Vol.	Fol.	
Cumberland	Gordon	Part	780	193	Being Lots 8 and 7 A on Plan of Survey hereunto annexed and marked with the letter "A".

And the transferor covenants with the transferor and the transferees for themselves and their assigns hereby for the benefit of the adjoining land namely the residue of the land comprised in Certificate of Title Volume 780 Folio 193 but only during the ownership thereof by the transferor his executors administrators and assigns other than purchasers on sale COVENANT with the Transferor his executors administrators and assigns that no fence shall be erected on the land hereby transferred to divide it from such adjoining land without the consent of the transferor his executors administrators and assigns but such consent shall not be withheld if such fence is erected without expense to the Transferor his executors administrators and assigns and in favour of any person dealing with the transferees or their assigns such consent shall be deemed to have been given in respect of every such fence for the time being erected. And for the purpose of Section 88 of the Conveyancing Act 1919 (as amended) IT IS HEREBY AGREED AND DECLARED:

- A. That the land which is subject to the burden of the abovementioned restriction is the land hereby transferred.
- B. That the land to which the benefit of the abovementioned restriction is appurtenant is the residue of the land in the said Certificate of Title.
- C. That such restriction may be released, varied or modified by the owner or owners for the time being of such adjoining land.

Signed at Sydney the 11th day of December 1999

Signed in my presence by the transferor
WHO IS PERSONALLY KNOWN TO ME [redacted]

Signed [redacted]

Sydney 367574

Accepted, and hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the transferee
WHO IS PERSONALLY KNOWN TO ME [redacted]

* If signed by virtue of any power of attorney, the original power must be registered, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 127 requires that the above Certificate be signed by each Transferor or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee of or subject to a mortgage, encumbrance or other interest, the Transferee must accept personally.

No alterations may be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

No **F158897**

LODGED BY

CONSENT OF MORTGAGEE

(N.B.—Before execution read marginal note.)

I,

mortgagee under Mortgage No.

release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

Dated at

this

day of

19

Signed in my presence by

who is personally known to me.

Mortgagee.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.

(To be signed at the time of executing the within instrument.)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. 38367 Miscellaneous Register under the authority of which he has just executed the within transfer.

Signed at **Warrane** the **23rd** day of **January** 19 **50**.

Signed in the presence of—

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS.*

Appeared before me at **the** day of **one thousand** nine hundred and **the** attesting witness to this instrument and declared that he personally knew **the person** signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said **is** **own handwriting, and** that **he was of sound mind and freely and voluntarily signed the same.**

This consent is appropriate only to a transfer of part of the land in the Certificate of Title or Crown Grant. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

To be signed by Registrar-General, Deputy Registrar-General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

INDEXED	MEMORANDUM OF TRANSFER	DOCUMENTS LODGED HEREWITH
H.	Subject to Covenant	To be filled in by person lodging dealing.
Checked by	Particulars entered in Register Book, Volume 780 Folio 193	plan
Passed (in S.D.B.) by	the 17th day of May 19 50	Received / Docs.
Signed by	minutes past 20 o'clock in the noon	No. 1
	Registrar General.	Receiving Clerk.

PROGRESS RECORD.

	Initials	Date
Sent to Survey Branch...		
Received from Records...		
Draft written ...		17/5/50
Draft examined...		11/5/50
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Cancellation...		11/5/50
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6170	111	

EXECUTION OUTSIDE NEW SOUTH WALES.

If the parties be resident without the State, but in any other part of the British Dominions, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or the Mayor or Chief Officer of any municipal or local government corporation of such part, or Justice of the Peace for such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.

If resident in the United Kingdom then before the Mayor or Chief Officer of any corporation or a Notary Public.

If resident at any foreign place, then the parties should sign or acknowledge before a British Minister, Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of the Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting-Consul, Pro-Consul, or Consular Agent, who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

The fees are:—Upon lodgment (a) 15/-, if accompanied by the relevant title or evidence of production thereof, (b) 1/- otherwise. This fee includes endorsement on the first Certificate. In addition the following fees are payable:—(a) 5/- for each additional Certificate included in the Transfer, (b) 1/- for each new Certificate of Title issued, (c) 5/- where the Transfer contains a covenant purporting to affect the user of any land, (d) 10/- where the Transfer is expressed to be made together with an easement or expressed to reserve an easement or in any way creates an easement, (e) 2/- where partial discharge of a mortgage is endorsed on the Transfer, (f) 2/- for each additional folio where the Certificate exceeds ten folios, (g) as approved, in cases involving more than one simple diagram or any diagram other than a simple diagram.

Tenants in common must receive separate Certificates.

If not only of the land is transferred a new Certificate must issue for that part, and the old Certificate will be retained in the Office. A new Certificate will be issued for each part.

LEAVE THESE SPACES FOR DEPARTMENTAL USE.

APPENDIX B

LEP Practice Note PN 16-001 Checklist (5 October 2016)

CHECKLIST - LEP PRACTICE NOTE PN 16-001 (5 October 2016)

This practice note provides guidance on classifying and reclassifying public land through a local environmental plan (LEP). This planning proposal to reclassify public land, has been prepared in accordance with the practice note and the additional matters specified in Attachment 1 to the practice note.

All planning proposals classifying or reclassifying public land must address the matters for Gateway consideration included in Attachment 1 to the practice note. These are addressed below:

- **The current and proposed classification of the land.**

Current classification - Community land.

Proposed classification – Operational Land.

- **Whether the land is a 'public reserve' (defined in the LG Act).**

The site is not defined as 'public reserve' under the Local Government Act 1993.

- **The strategic and site specific merits of the reclassification and evidence to support this.**

The proposal evidences strategic merit by giving effect to the Sydney metropolitan and northern district planning strategies as follows:

Greater Sydney Regional Plan – A Metropolis of Three Cities (March 2018)

The Greater Sydney Regional Plan 2056 – A metropolis of three cities – connecting people, was released in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney.

The Planning Proposal is consistent with the following directions, objectives and strategies provided by the Greater Sydney Regional Plan:

Direction	Objective	Strategy	Consistency
3. A city for people - Celebrating diversity and putting people at the heart of planning	O6: Services and infrastructure meet communities' changing needs –	S6.1 Deliver social infrastructure that reflects the needs of the community now and in the future. 6.2 Optimise the use of available public land for social infrastructure.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver infrastructure to reflect the changing needs of the community. The Planning Proposal will facilitate alternative uses for the site, and any future divestment of the property through Council's asset recycling program will release funds for other social infrastructure required by the community.
	O7: Communities are healthy, resilient and socially connected -	S7.1 Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: <ul style="list-style-type: none">• providing walkable places at a human scale with active street life• prioritising opportunities for people to walk, cycle and use public transport• co-locating schools, health, aged care, sporting and cultural facilities.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure - such as multipurpose centres that are accessible and co-located with other facilities and services.

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Direction	Objective	Strategy	Consistency
5. A city of great places - Designing places for people	O12 Great places that bring people together	<p>S12.1 Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none">• prioritising a people-friendly public realm and open spaces as a central organising design principle• recognising and balancing the dual function of streets as places for people and movement• providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres• integrating social infrastructure to support social connections and provide a community hub• recognising and celebrating the character of a place and its people.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure - such as multipurpose centres that are accessible and co-located with other facilities and services.
A city in its landscape - Valuing green spaces and landscape	O31. Public open space is accessible, protected and enhanced	S31.1 Maximise the use of existing open space and protect, enhance and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow.	The Planning Proposal provides the opportunity to release assets deemed to be under-utilised so as to deliver improvements to existing parks and deliver planned parks to cater for residents' recreational needs.

North District Plan

The North District Plan was released in March 2018. It sets out the planning priorities and actions for the growth of the North District. The Planning Proposal is consistent with the plan, particularly with respects to the following planning priorities and objectives:

Planning Priority	Objective	Consistency
N1 - Planning for a city supported by infrastructure	<p>O2 - Infrastructure aligns with forecast growth – growth infrastructure compact.</p> <p>O3 - Infrastructure adapts to meet future needs.</p> <p>O4 - Infrastructure use is optimised</p>	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver community infrastructure that is more effectively used, meet future needs and are located in centres designed as places to bring people together.
N3. Providing services and social infrastructure to meet people's changing needs	O6 Services and infrastructure meet communities' changing needs.	
N4. Fostering healthy, creative, culturally rich and socially connected communities	O7 Communities are healthy, resilient and socially connected	
N6. Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12 Great places that bring people together	
Planning Priority N20. Delivering high quality open space	Objective 31 Public open space is accessible, protected and enhanced.	The Planning Proposal provides the opportunity to repurpose or release assets deemed to be under-utilised so as to deliver accessible and useable open space opportunities.

Site specific merits of reclassification

Reclassification to Operational land will provide flexibility in dealing with the site, including securing tenants on long term leases who are prepared to make a substantial financial outlay to rebuild/refurbish the site, including for other uses apart from childcare. The following issues highlight the necessity for reclassification to enable improved use of the land:

- The site is located at the intersection of Mona Vale Road and Link Road, St Ives. The existing building is located towards the rear of the site. There is no area for outdoor play except adjacent to the busy roads and internal carpark. The intersection has high volume traffic with associated noise and air pollution with associated impacts on children.
- The land is currently zoned R4 High Density Residential with similar standards to adjacent land at FSR 1.3:1 and 17.5m height.
- The site comprises a former residence converted for use as a childcare centre with limited on-site parking and a left in from Mona Vale Road, left out to Link Road access.
- The site was previously leased to a not-for-profit community organisation as an Occasional Child Care Centre for in excess of 20 years. Despite a highly concessional rent the lessee voluntarily surrendered the lease in December 2020 citing the operation was not viable.
- On departure, the premises were left in a generally poor condition requiring a new fit-out and internal and external maintenance works at significant cost to both Council and the incoming tenant.
- Council has made minimal outlay to repair the site and recognises the need for substantial repair to command competitive rental rates. A new tenant has been secured to continue to operate an early learning centre consistent with the current planning approval which provides for the accommodation of up to 25 children up to the age of 5 years old.
- However, to increase capacity or extend the hours of operation, the building would require substantial upgrade works to make the premises compliant with new standards and appeal to a wider tenancy able to offer improved rental rates.
- The building on this site is dated and although it may continue to operate as a child-care facility, it does not meet current standards and requirements for new childcare facilities as reflected in Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021; Children (Education and Care Services) National Law (NSW) N 2010; Education and Care Services National Regulations 2011; Children (Education and Care Services) Supplementary Provisions Regulation 2012.
- Without substantial financial outlay the building and its standard of provision cannot into the future compete with emerging childcare facilities in the locality and has limited capacity to maximise and increase future financial returns for Council.
- Substantial upgrades are required to modernise the facility to command the rentals appropriate to its location.
- Reclassification to Operational land will provide flexibility in both the site's tenancy and possible divestment, to enable Council to receive an adequate return on investment consistent with Council strategies, and consistent with the objects of the EP&A Act to encourage the orderly and economic use of land.
- Given the long term and on-going use of this site under a lease arrangement, Community Classification is not appropriate. Operational land will provide flexibility in dealing with the site and enable Council to receive an adequate return on investment consistent with Council

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strategies and consistent with the objects of the EP&A Act to encourage the orderly and economic use of land.

- **Whether the planning proposal is the result of a strategic study or report.**

Yes, the Planning Proposal is consistent with Council's Local Strategic Planning Statement adopted 17 March 2020 (LSPS) which states:

The approach of asset renewal will assist Council to fund specific civic and community projects through the sale of under-utilised or surplus assets (property). These projects are intent on delivering new civic and community assets and infrastructure either through the acquisition and development of new facilities or through Council's co-contribution to deliver facilities and infrastructure identified in the Ku-ring-gai Contributions Plan 2010. The Contributions Plan works program for the next 10 years requires a co-contribution from Council of \$11 million which has been included in the Long Term Financial Plan.

The reasoning for Council to divest of these assets is to ensure that Council meets the future needs of the community by providing purpose built facilities and maintaining financial sustainability. The Long Term Financial Plan identifies asset sales as a short, medium and long term funding strategy which relies in part on the future reclassification of land from Community to Operational. This relies on a collaborative approach with State Government in negotiating a path through the planning process which has not always yielded outcomes which Council considers fair, timely, or transparent.

Council provides a range of buildings and facilities that are available for the community for long term lease or for casual or permanent hire. The utilisation rate for these halls, meeting rooms and other community facilities is already high and many of the buildings are not fit-for-purpose. Council is actively planning for a network of new and upgraded facilities to cater for the needs of the current and future community.

The LSPS refers to *Ku-ring-gai Community Facilities Strategy – Part 1 Libraries and Community Centres* (2018) guiding the planning and design of community centres and libraries across Ku-ring-gai over the next 20-30 years. The Strategy proposes the development of a network of facilities that work together to collectively meet the needs of the Ku-ring-gai population. The network of facilities is to be implemented through a hierarchy of facilities including sub-regional, district, and neighbourhood level facilities and includes community hubs where community facilities are grouped together in one building close to the shops, public transport and parks to make it easier for people to visit.

The Community Facilities Strategy also proposes a network of smaller neighbourhood community centres, most of which are existing buildings which will be upgraded over time. In line with the LSPS and the Community Facilities Strategy, the Planning Proposal seeks to enable the highest and best use of the sites and to repurpose or release assets deemed to be under-utilised or financially challenging.

- **Whether the planning proposal is consistent with council's community plan or other local strategic plan.**

The Planning Proposal is also consistent with Council's integrated planning framework reflected in the *Community Strategic Plan 2032* as outlined below.

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Community Strategic Plan 2032 Objective	Consistency
<i>P4 Revitalising our centres</i> P4.1 Our centres offer a broad range of shops and services and contain lively and shaded urban village spaces and places where people can live, work, shop, meet and spend leisure time.	The planning proposal enables under-utilised or surplus assets to be repurposed or sold to provide funding for new services located in accessible centres as part of the revitalisation of centres.
<i>P7 Enhancing Council's community buildings and facilities</i> P7.1 Multipurpose community buildings and facilities are available to meet the community's diverse and changing needs.	The planning proposal enables under-utilised or surplus assets to be repurposed or sold to provide funding for new services located in accessible multipurpose community buildings.
<i>P8 Improving the standard of our infrastructure</i> P8.1 An improved standard of infrastructure that meets the community's service level standards and Council's obligations as the custodian of our community assets.	

These objectives are reflected in Council's *Resourcing Strategy 2022-2032* adopted in June 2022 which incorporates the *Long Term Financial Plan* and *Asset Management Strategy*. Revenue from divestment of Council property assets will be used to fund Council's infrastructure plans including multipurpose community buildings and facilities to meet the community's diverse and changing needs.

The land to which this Planning Proposal relates has potential under Operational classification, for improved tenancy agreements with long leases and varied uses, or divestment as part of Council's asset management program, assisting Council in meeting community expectations for high quality open space to meet the recreational needs of the community.

- **A summary of council's interests in the land, including:**
 - **How and when the land was first acquired (e.g., was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution).**

The land was acquired in 1969 through General Revenue for community purposes namely childcare.

The use of the site for childcare is no longer feasible given the adjacent competing businesses able to provide modern and up-to-standard facilities. Coupled with this, the significant increase in traffic on Mona Vale Road and Link Road have introduced noise and pollution impacts that were not there in 1969.

- **If council does not own the land, the land owner's consent.**

N/A

- **The nature of any trusts, dedications etc.**

The site is subject to two covenants (documents at Appendix A to the planning proposal):

- **F240464** preventing the use of the land for growing camelias or azaleas;
- **F1658897** preventing the erection of fences.

These covenants are obsolete and are to be discharged.

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- **Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.**

The site is burdened by two Covenants. These covenants are obsolete and are to be discharged.

- **The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).**

This site was acquired by Council in 1969 using General Revenue funds.

The site was previously leased to a not-for-profit community organisation as an Occasional Child Care Centre for in excess of 20 years. Despite a highly concessional rent the lessee voluntarily surrendered the lease in December 2020 citing the operation was not viable.

Following a tender process in 2022, Council secured a tenant that will undertake some refurbishment works in addition to those by Council for the accommodation of up to 25 children up to the age of 5. However, to increase capacity or extend the hours of operation, the building would require substantial upgrade works to make the premises compliant with new standards.

The use of the site for childcare is no longer feasible given the adjacent competing businesses able to provide modern and up-to-standard facilities. Coupled with this, the significant increase in traffic on Mona Vale Road and Link Road have introduced noise and pollution impacts that were not prominent in 1969.

The land is zoned R4 (High density Residential) and has no open space allocation.

Reclassification to Operational land will improve flexibility decision making around the site, including an increased variety of tenants and long-term leases that can secure financial outlay to upgrade the site, or divestment to apply funding to other assets in the LGA.

The reclassification will also discharge the two existing redundant Covenants that apply to the land.

- **Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g., electronic title searches, notice in a Government Gazette, trust documents).**

There is no statement on the deposited plan indicating that the lot was created as 'public reserve'

Council's property file includes no indication of a notification published in the Government Gazette dedicating the land as 'public reserve'.

- **Current use(s) of the land, and whether uses are authorised or unauthorised.**

This site has predominantly been used for childcare purposes since its acquisition in 1969.

The site was leased to a not-for-profit community organisation as an Occasional Child Care Centre for in excess of 20 years. Despite a highly concessional rent the lessee voluntarily surrendered the lease in December 2020 citing the operation was not viable.

On departure, the premises were left in a generally poor condition requiring a new fit-out and internal and external maintenance works at significant cost to both Council and the incoming tenant.

Council has made minimal outlay to repair the site and recognises the need for substantial repair to command competitive rental rates. A new tenant has been secured to continue to operate an early

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learning centre consistent with the current planning approval which provides for the accommodation of up to 25 children up to the age of 5 years old.

However, to increase capacity or extend the hours of operation, the building would require substantial upgrade works to make the premises compliant with new standards and appeal to a wider tenancy able to offer improved rental rates.

The building on this site is dated and although it may continue to operate as a child-care facility, it does not meet current standards and requirements for new childcare facilities as reflected in Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021; Children (Education and Care Services) National Law (NSW) N 2010; Education and Care Services National Regulations 2011; Children (Education and Care Services) Supplementary Provisions Regulation 2012.

Without substantial financial outlay the building and its standard of provision cannot into the future compete with emerging childcare facilities in the locality and has limited capacity to maximise and increase future financial returns for Council. A redesign/rebuild would be required to address the noise and pollution impacts on the outdoor play area for children.

Substantial upgrades are required to modernise the facility to command the rentals appropriate to its location.

- **Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.**

The site was previously leased to a not-for-profit community organisation as an Occasional Child Care Centre for in excess of 20 years. Despite a highly concessional rent the lessee voluntarily surrendered the lease in December 2020 citing the operation was not viable.

On departure, the premises were left in a generally poor condition requiring a new fit-out and internal and external maintenance works at significant cost to both Council and the incoming tenant.

Council has made minimal outlay to repair the site and recognises the need for substantial repair to command competitive rental rates.

A new tenant has been secured to continue to operate an early learning centre consistent with the current planning approval which provides for the accommodation of up to 25 children up to the age of 5 years old. The current tenant's six year lease will expire in October 2028 with a five year option available. As Lessor, Council is able, at any time during the lease term, to assign the lease to a third party Lessor so the lease does not commit to Council having ownership of the land for the entire lease period.

- **Current or proposed business dealings (e.g., agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).**

Nil.

There is no Council resolution to divest the land nor is there a timetable to put a divestment option to Council.

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- **Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).**

No rezoning is proposed. The land is zoned R4 (High Density Residential).

- **How Council may or will benefit financially, and how these funds will be used.**

This site was acquired by Council in 1969 using General Revenue funds. Should the site be divested in the future, the proceeds from any sale would go towards funding core Council programs and facilities for the community or for specific community projects as resolved by Council.

- **How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.**

N/A

The site was funded out of General Revenue and has never been associated with open space provision.

- **A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and**

N/A

- **Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.**

Nil