



PLANNING PROPOSAL

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

1192 Pacific Highway, Pymble

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 1192 Pacific Highway, Pymble ("the site").

At the Ordinary Meeting of Council on 24 May 2022 Council resolved that:

- a Planning Proposal be prepared and submitted for a Gateway Determination under section 3.34 of the Environmental Planning & Assessment Act 1979 to reclassify 1192 Pacific Highway, Pymble (Lot 8 DP 30236) from Community Land to Operational land.

Council is currently relying on the divestment of its existing surplus land holdings to substantially bridge the 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:

1192 Pacific Highway, Pymble (Lot 8 in DP 30236)

The key characteristics of the site are outlined below.

1192 Pacific Highway, Pymble

Address	1192 Pacific Highway, Pymble (Figure 1)
Context	The site is located in the area between the Pacific Highway and the northern railway line and is adjoined by residential development to the north, south and west with a mix of residential and commercial uses on the eastern side of the highway.
Title	Lot 8 in DP 30236 (Appendix A).
Relevant Easements, restrictions	<p>The site is burdened by and benefits from a number of easements (Appendix A):</p> <ul style="list-style-type: none"> • C442786 easement for water supply affecting the land 10 feet wide shown in the title diagram • W476495 Easement for watermain affecting the part of the land within described shown 10 wide in DP597101 • W476495 easement for sewer affecting the part of the land within described shown 2.44 wide in DP597101 • H558105 easement for drainage appurtenant to the land above described affecting the land 6 feet wide shown in lot 4 in the title diagram • DP1130583 easement to drain water 1.22 metre(s) wide appurtenant to the land above described. <p>Approximately half of the site is affected by easements for water and sewerage purposes. The site benefits from easements for drainage. These interests will not be discharged.</p>
Area and dimensions	974m ² with a frontage to the Pacific Highway of 22.3 metres and a depth of 45.5 metres (see DP in Appendix A)
Topography	The site falls gradually to the west with a slope of 22% and with a drop of about 1 metre from the Pacific Highway with access only available by steps from the rear of a parking platform to Pacific Highway.
Access:	Access is only available from Pacific Highway. An open parking platform/garage structure provides parking for two vehicles that would need to reverse in or out from the highway. Steps to the rear of the car park provide the only means of pedestrian access to the site.
Facilities	Open parking platform/garage for 2 vehicles with stairs at the rear.
Classification Status	Community land

Proposed Classification	Operational land
Owner	Ku-ring-gai Council
Current Use	Vacant
Previous uses	Parking of Sydney Water vehicles
Current or proposed lease agreements	Nil
Current or proposed business dealings (e.g., agreement for the sale or lease)	Nil
Is the land a public reserve	No
Date of Acquisition	1979
How was the land acquired	Trust Fund – Open Space Contributions
Reasons why council acquired an interest	For public open space
Plan of Management	<i>Generic Plan of Management Parks</i> adopted September 2005

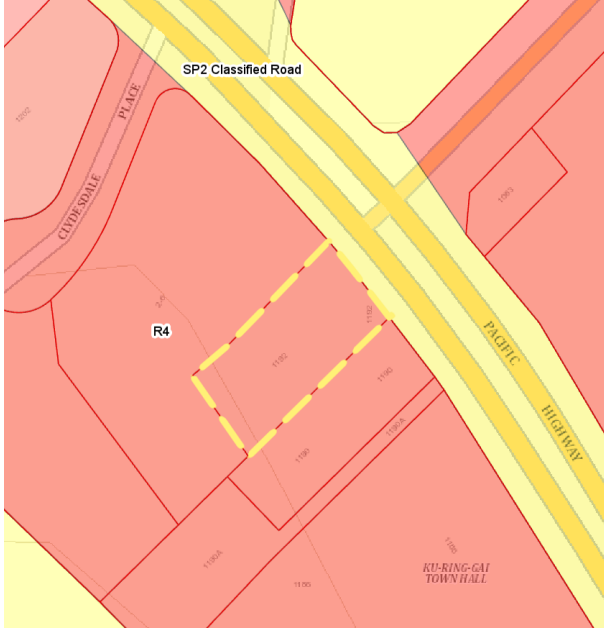
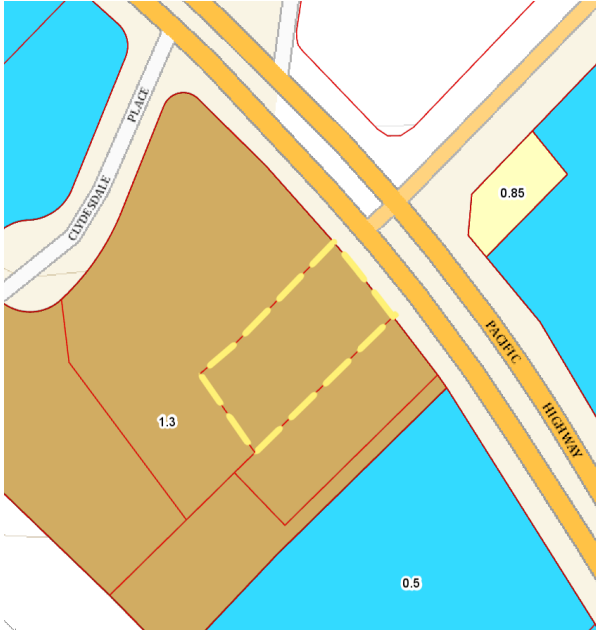


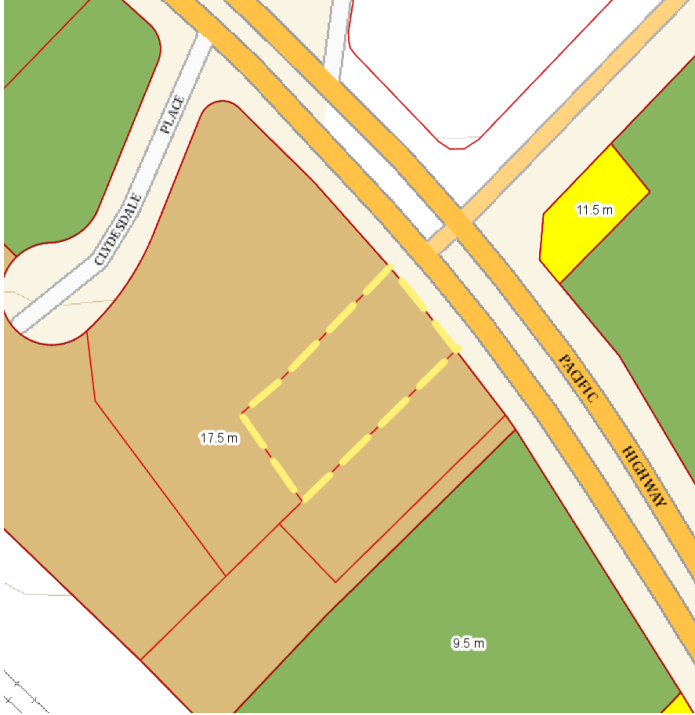
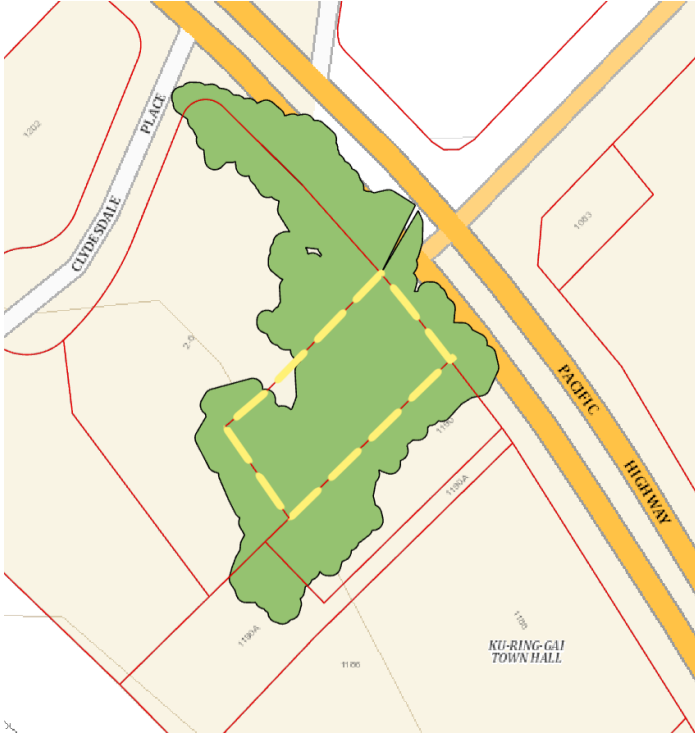
Figure 1: 1192 Pacific Highway, Pymble

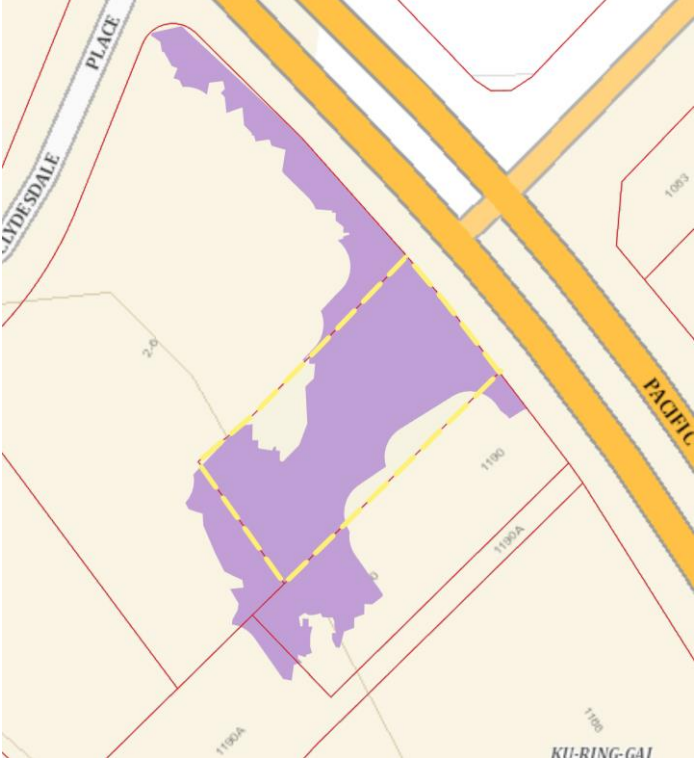
EXISTING PLANNING CONTROLS

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

1192 Pacific Highway, Pymble

Planning Controls	Development Standard
Land Zoning	<p>R4 High Density Residential</p>  <p>It is noted that all adjacent R4 (High Density Residential) sites have been redeveloped for apartment buildings except the adjoining property to the south at 1190 Pacific Highway, Pymble. The DA approval on 1190 Pacific Highway has recently lapsed.</p>
FSR (n:1)	<p>1.3:1</p> 
Maximum Height of Building	17.5m

Planning Controls	Development Standard
	
Minimum Lot Size	1200m²
Riparian Land and Waterways	N/A
Heritage	Nil. Site is in proximity to a number of heritage items
Biodiversity Protection	<p>Terrestrial Biodiversity</p> 

<p>Biodiversity Values Map</p>	<p>Site is affected by the Biodiversity Values Map</p> 
<p>Bushfire Prone Land</p>	<p>Nil</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.

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 1 of that Schedule:

Under Column 1 Locality:	Under Column 2 Description:
<i>Pymble</i>	<i>1192 Pacific Highway, Pymble - Lot 8 in DP 30236</i>

Interests in land to be discharged and the reasons why

1192 Pacific Highway, Pymble is burdened by easements for water and sewerage purposes affecting approximately half of the site. The site benefits from easements for drainage. These interests serve an important public purpose and will not be discharged.

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 sites 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.

In relation to 1192 Pacific Highway, Pymble, the property does not meet the criteria in Council's *Open Space Acquisition Strategy (2006)* in that:

- It is too small to be suitable for a park;
- The site is difficult to access, both by the general public and by Council for maintenance;
- Remnant vegetation on the site would conflict with the recreational use of the site;
- The site lacks the openness and visibility required to create a safe place;

- The site has no features that might make it an interesting place to visit; and
- It is heavily impacted by traffic noise and pollution from the Pacific Highway.

The *Ku-ring-gai Open Space Strategy* (2005) includes an action relating to the management of open space resources, including 'low value' sites as follows:

- *Action 6.2: Continue to identify park and open space sites which should be considered for alternative uses and develop guidelines for reinvesting the funds released in other local and district scale recreation opportunities*
- *Indicator: Disposal of 'low value' sites in accordance with asset management principles. Measure increase in recreation opportunity via use of proceeds from disposal of 'low value' sites.*

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 is 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 sites 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 and expand public	The Planning Proposal provides the opportunity to release assets deemed to be under-utilised so as

Direction	Objective	Strategy	Consistency
spaces and landscape	protected and enhanced	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 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.

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 9: Hawkesbury-Nepean River Chapter 10: Sydney Harbour Catchment	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 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 protection purposes in the KLEP 2015.

Directions under S9.1	Objectives	Consistency
		The site contains Biodiversity mapping under the KLEP 2015 which enables protection of existing vegetation in any future development application.
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 sites have 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	Consistent. 1192 Pacific Highway mapped as having biodiversity value. The direction requires that the planning authority must be satisfied that the Planning Proposal: (a) is consistent with the objectives of this direction, and (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. 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. Further, the Planning Proposal does not change zoning or development standards that apply to the site and does not alter the value of areas of biodiversity.
4. RESILIENCE AND HAZARDS		

Directions under S9.1	Objectives	Consistency
<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.
4.5 Acid Sulfate Soils	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that</p>	<p>Consistent. The sites are all located on Class 5 Acid Sulfate Soils.</p>

Directions under S9.1	Objectives	Consistency
	has a probability of containing 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?*

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 sites 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 sites 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

1192 Pacific Highway, Pymble

This site has remained unused since its acquisition in 1979, its only purpose being to provide outlook for residents in buildings on the adjoining site at 2-6 Clydesdale Place. The site is unable to be effectively used for public open space for the following reasons as identified by Council's urban design team:

- Location - The site is located in a low priority zone as the site is within close proximity to Robert Pymble Park, in addition Council has recently identified a location for a new park on the western side of Pymble. Both locations are within walking distance of the site.
- Size - Council's *Open Space Acquisition Strategy* requires new parks to have an area greater than 3000m² to provide for maximum passive recreation opportunity. The site is less than 1,000sqm in area and has no potential for future expansion due to adjoining developments.
- Natural Systems – Remnant vegetation on the site would conflict with the recreational use of the site.

- Cultural heritage - There would be no potential conflicts between heritage and recreation on the site. There is no potential to connect this site to Council's land holdings to the south (Ku-ring-gai Town Hall and Presbytery).
- Visual and landscape quality - The site does not have any visual or landscape qualities that would enhance the recreational use of the site. The site is heavily impacted by noise and pollution from the Pacific Highway.
- Accessibility - The site has significant access constraints due its location on a main road. The land is generally not accessible to the public as there is a drop of over 1 metre along the highway frontage behind the brick fence. In addition, the and the steeply sloping nature of the site.
- Visibility - Council's *Open Space Acquisition Strategy* requires that new parks have at least two street frontages; the subject site does not comply with this requirement.
- Connectivity - The site does not provide potential to create new linkages between streets or parks
- Carrying Capacity - The site does not extend or build on an existing reserve or system of reserves.
- Economic Efficiency- A park in this location would duplicate the facilities currently provided in Robert Pymble Park and the proposed park on the western side of Pymble local centre.
- Management and Maintenance - The site is likely to be affected by unacceptable risks. The site includes a former car park deck area; the structural integrity of the structure would require investigation, as well as conformity to current safety standards if Council wishes to encourage public access.
- Passive Surveillance - The location is does not meet with "Safety by Design" principles in terms of passive surveillance resulting in potential for anti-social behaviour.

The site was acquired using funds derived from open space contributions but has never been developed or used for that purpose. Previous schemes to development the site for a tennis court had difficulties and did not progress. The orderly and economic use of land for public open space cannot be achieved because the land is unsuitable for this purpose on account of its size, shape, topography, location and the difficulty of providing public access to it.

Council has undertaken assessments of the current and future open space needs of the local community that have established that existing and planned parks in the vicinity will cater for residents' recreation needs. 1192 Pacific Highway, Pymble does not meet this need because:

- It is too small to be suitable for a park;
- The site is difficult to access, both by the general public and by Council for maintenance;
- Remnant vegetation on the site would conflict with the recreational use of the site;

- The site lacks the openness and visibility required to create a safe place;
- The site has no features that might make it an interesting place to visit; and
- It is heavily impacted by traffic noise and pollution from the Pacific Highway.

There will be a minor loss of open space land although no reduction in land zoned for open space or loss of land used for recreational purposes. There are no adverse social or economic consequences of any loss of this area.

D. INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

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

The site is well connected to the city and surrounding suburbs. It is located adjacent to major roads and bus routes along Pacific Highway, and located within walking distance to Pymble train station.

Consultation with key agencies regarding infrastructure capacity 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 sites 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 easements for water and sewerage purposes affecting approximately half of the site. The site benefits from easements for drainage. These interests serve an important public purpose and will not be discharged.

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.

The interests on the land serve an important public purpose and will not be discharged. 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)	9 February 2024
Timeframe for government agency consultation - as required by Gateway determination (30 days - run concurrently with exhibition period)	13 March – 24 April 2024
Commencement and completion of public exhibition period (20 days exhibition - plus notification and advertisement period)	18 March – 16 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 to Council	16 July 2024
Submission to the Department for finalisation (8 weeks as per Gateway - where applicable)	23 September 2024
Gazettal of LEP amendment (8 weeks)	22 November 2024

APPENDIX A

1192 Pacific Highway, Pymble (Lot 8 in DP 30236) title details



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 8/30236

SEARCH DATE	TIME	EDITION NO	DATE
23/12/2022	11:30 AM	1	16/2/2009

LAND

LOT 8 IN DEPOSITED PLAN 30236
LOCAL GOVERNMENT AREA KU-RING-GAI
PARISH OF GORDON COUNTY OF CUMBERLAND
TITLE DIAGRAM DP30236

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF KU-RING-GAI (T W476495)

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 C442786 EASEMENT FOR WATER SUPPLY AFFECTING THE LAND 10 FEET WIDE SHOWN IN THE TITLE DIAGRAM
- 3 H558105 EASEMENT FOR DRAINAGE APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND 6 FEET WIDE SHOWN IN LOT 4 IN THE TITLE DIAGRAM
- 4 W476495 EASEMENT FOR WATERMAIN AFFECTING THE PART OF THE LAND WITHIN DESCRIBED SHOWN 10 WIDE IN DP597101
- 5 W476495 EASEMENT FOR SEWER AFFECTING THE PART OF THE LAND WITHIN DESCRIBED SHOWN 2.44 WIDE IN DP597101
- 6 AE485414 THIS EDITION ISSUED PURSUANT TO S.111 REAL PROPERTY ACT, 1900
- 7 DP1130583 EASEMENT TO DRAIN WATER 1.22 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

dda0213001

PRINTED ON 23/12/2022

Plan Form No. 2 (For Deposited Plan)

This is the plan numbered & recorded as
DEPOSITED PLAN No. 30236
on the 13th day of November 1959
REGISTRAR GENERAL

4530

Municipality of Ku-ring-gai.
~~Shire of~~

PLAN

of subdivision of land in Certs. of Title Vol. 1336, fol. 150 & Vol. 1379, fol. 162.
H200132 30: 4:59.

PARISH OF GORDON

COUNTY OF CUMBERLAND

Scale: 40' to an inch



Reference to Permanent Marks		
	Bearing	Dist.
X C.B.	136° 30' 20"	1' 6"
Y C.B.	111° 56' 00"	1' 6"
Z C.B.	111° 56' 00"	1' 6"

	Rad.	Arc.	Chord.
①	35'	5' 6 5/8"	116° 30' 20" 5' 6 1/2"
②	35'	7' 7 1/4"	91° 12' 15" 7' 7"

Approved by the Council and Certified in
accordance with the Provisions of Section
327 of the Local Government Act 1919.

Subdivision No.

Council Clerk

Datum line of Azimuth

NOTES: It is intended to dedicate Clydesdale Ave.
40 ft. wide and variable width to the public for road purposes
together with the easement for drainage 6 ft. wide appurtenant
to Clydesdale Ave. place.
It is intended to create easements for drainage
purposes 4 ft. wide (a) within lots 5 & 6 appurtenant to lot 7
(b) within lot 5 appurtenant to lot 6.
(c) within lots 5 & 6 appurtenant to lot 8.

I, _____
a surveyor registered under the Surveyors Act, 1929-1946, 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 the 22nd day of December 1958.

(Signature) _____
Surveyor registered under the Surveyors Act, 1929-46.

* Strike out either (1) or (2). † Insert date of Survey.



CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

DP 30236

FEET	INCHES	METRES
-	1	0.025
-	9	0.229
-	10 3/4	0.273
1	2	0.356
1	6	0.457
2	-	0.610
4	-	1.219
4	0 1/2	1.232
5	0 1/4	1.530
5	6 1/2	1.689
5	6 5/8	1.692
6	-	1.829
6	3 1/2	1.918
7	0 3/4	2.153
7	7	2.311
7	7 1/4	2.318
10	-	3.048
10	0 1/4	3.054
10	0 3/8	3.058
10	0 5/8	3.064
10	11 1/4	3.334
12	-	3.658
12	4 7/8	3.781
15	1 5/8	4.613
15	4	4.674
20	3 3/4	6.191
22	11	6.985
24	2 1/8	7.369
24	5	7.442
25	5 1/2	7.760
25	7 3/4	7.817
26	3	8.001
26	3 1/2	8.014
28	-	8.534
28	1	8.560
28	7 1/2	8.725
29	8 1/2	9.055
30	-	9.144
33	6 1/4	10.217
35	-	10.668
36	7 3/4	11.170
37	-	11.278
39	-	11.887
40	-	12.192
40	8	12.395
40	9	12.421
41	1 1/2	12.535
41	6 5/8	12.665
41	7 1/2	12.687
41	11	12.776
42	-	12.802
43	7 3/8	13.294
43	9 1/2	13.348
44	-	13.411
44	0 1/4	13.418
44	5 1/2	13.551
46	-	14.021
50	0 1/4	15.246
51	7 1/2	15.735
51	9 1/2	15.786
62	-	18.898
66	9 1/2	20.358
68	4 7/8	20.850
68	8 1/2	20.942
72	8 1/2	22.162
74	-	22.555
75	-	22.860
75	6	23.012
76	9 1/2	23.406
77	10 1/2	23.736
78	3	23.851
79	10	24.333
82	4 1/4	25.102
83	-	25.298
86	0 1/2	26.226
90	-	27.432
108	2 3/4	32.988



CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

DP 30236 CONTINUED

FEET INCHES		METRES
116	8 1/2	35.573
118	2 3/8	36.027
129	8 1/4	39.529
131	-	39.929
132	-	40.234
140	9	42.901
141	4	43.078
149	3 3/4	45.510
150	-	45.720
151	6 1/2	46.190
178	-	54.254
195	-	59.436
214	7	65.405

AC	RD	P	SQ M
-	-	9 1/2	240.3
-	-	36 1/2	923.2
-	-	38 1/4	967.5
-	-	38 1/2	973.8
-	-	39 1/2	999.1
-	1	9 1/4	1246
-	1	17 1/4	1448
-	1	23	1593

FEES JUN 5 10 52 1939

(REAL PROPERTY ACT, 1900)

Lodgment.
Enforcement
Certificate.

{Trusts must not be disclosed in the transfer.}

I, [REDACTED] of Sydney, Widow,

(herein called transferror)

a If a less estate, strike out "in fee simple," and interline the required operation.

(£ 50.0.0) (the receipt whereof is hereby acknowledged) paid to me by

THE METROPOLITAN WATER SEWERAGE AND DRAINAGE BOARD (herein called Transferor) DO HEREBY TRANSFER to the said Transferee an easement or right to use for the construction and maintenance of mains for water supply purposes

~~SECRET~~ ()

ALL THE land mentioned in the schedule following:—

(c)	County.	Parish.	State if Whole or Part.	Vol.	Fol.
	Cumberland	Gordon	Part as shown ²¹⁹¹⁴ coloured red on the Plan marked "A" annexed hereto/	1379	162

with full and free right and liberty for the Transferee from time to time and at all times hereafter by its officers servants workmen and agents to construct lay down make examine supervise manage relay renew cleanse repair and maintain in and through the said land and upon or at such depths or levels below the surface thereof as the Transferee shall think fit such pipe lines mains and distributory works and other works as in its opinion may be required for water supply purposes and to use the same for the conveyance and passage of water and take up any such pipe lines mains distributory works and other works and substitute in lieu thereof any new pipe lines mains distributory works and other works respectively and for any of the purposes aforesaid to enter go return pass and repass upon through and over the said land and make and sink excavations shafts and cuttings in and through the said land and bring and place thereon and remove therefrom such machinery materials articles and things as the Transferee shall think fit and generally to exercise and perform in and upon the said land any of the rights powers and authorities conferred on or vested in the Transferee

under and by virtue of the Metropolitan Water Sewerage and Drainage Act 1924 without liability to pay compensation to any person for any damage sustained by him through the exercise of any of the powers hereby granted to the Transferee AND in relation to such easement and rights as are hereinbefore transferred to the Transferee the Transferor DOTH HEREBY for herself her

Signed at _____ the _____ day of _____ 19__

Signed in my presence by the transferror

WHO IS PERSONALLY KNOWN TO ME

Transferror.*

*Signed

PLAN REEDED IN
PLAN ROOM AS P.A.
186655

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

Signed in my presence by the transferrée

WHO IS PERSONALLY KNOWN TO ME

Transferred.
Transferred

* 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 page 2 signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. If the Solicitor signs he must sign his own name and not that of his firm.

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 verified by signature or initials in the margin, or noticed in the attestation.

No. **C442786**

LODGED BY

CONSENT OF MORTGAGEE.

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 Mortgages.
Signed in my presence by
who is personally known to me.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.¹

(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. ----- Miscellaneous Register under the authority of which he has just executed the within transfer.¹

Signed at the day of 19
Signed at the place and on the date above mentioned, in the presence of -----

FORM OF DECLARATION BY ATTESTING WITNESS.²

Appeared before me at the day of one thousand
nine hundred and thirty 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.

¹ This form is not appropriate in cases of delegation by trustees.

² Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

³ May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.

MEMORANDUM OF TRANSFER ⁴

and grant of easement in respect
of roads persons
officers for water supply
officers pt of lots 293 D.P. 3532

Shire Itu-rung-gai
Municipality
Parish Gordon County
The Metropolitan Water Sewerage and Drainage Board Transferee.

Particulars entered in Register Book, Vol. 1379 Fol. 162

DOCUMENTS LODGED HEREWITH.

To be filled in by person lodging dealing.

Nature.	No.	Reg'd Prop't., M't'gor, etc.

the 6th day of July 1936
at minutes 10 o'clock in the fore noon.

PROGRESS RECORD

INDEXED	To/From	Date
13 JUL 1936	Sent to Survey Branch	
	Received from Records	
	Draft written	
	Draft examined	
	Diagram prepared	
	Diagram examined	
	Draft forwarded	
	Supt. of Engrossers	
	Cancellation Clerk	
	VOL.	FOL.
	Diagram Fees	
	Additional Folios	

⁴ 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 at 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 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:—Lodgment fee 12/6 (includes endorsement on first certificate), and 2/6 for each additional certificate included in the Transfer, and 1/1 for every new Certificate of Title issued, unless the consideration is over £1,000, in which case the Certificate fee will be 1/3s. Additional fees, however, may be necessary in cases involving more than a simple diagram or more than six folios of engrossing.

Tenants in common must receive separate Certificates.

If part only of the land is transferred a new Certificate must issue, but the old Certificate may remain in the Office, or the Transferor may take out a new Certificate for the residue.

81-1062

- 2 -

executors administrators and assigns COVENANT with the Transferree and its assigns that the Transferrer her executors administrators or assigns (a) will before commencing the construction of any building wall fence or other structure upon the said land submit to the Transferree for its approval proper plans and specifications of the building wall fence or other structure proposed to be constructed and (b) will not at any time hereafter erect construct or place any building wall fence or other structure upon the said land or any part thereof before the said plans and specifications have been so submitted to the Transferree and approved by it or otherwise than in strict conformity in all respects with the plans and specifications so approved by the Transferree and (c) will bear all risk and responsibility of and incidental to the erection of any such building wall fence or other structure and shall not have or prefer any claim of any kind against the Transferrer by reason of any settlement or subsidence of or damage to any such building wall fence or other structure and will at all times keep the Transferree effectually indemnified against all claims demands proceedings damages expenses or costs by or at the instance of any person whosoever in relation to or in connection with any such building wall fence or other structure and the erection or maintenance thereof.

ENCUMBRANCES &c. REFERRED TO.

— N 1 1. —

SIGNED at *Sydney* the *Third* day of *June* 1936.

SIGNED in my presence by the Transferrer who is personally known to me :

[Redacted Signature]

[Redacted Signature]

Transferrer.

THE COMMON SEAL of THE METROPOLITAN WATER SEWERAGE AND DRAINAGE BOARD was affixed hereto in the presence of a quorum of the Board on the Third day of June 1936 AS WITNESS the hands of

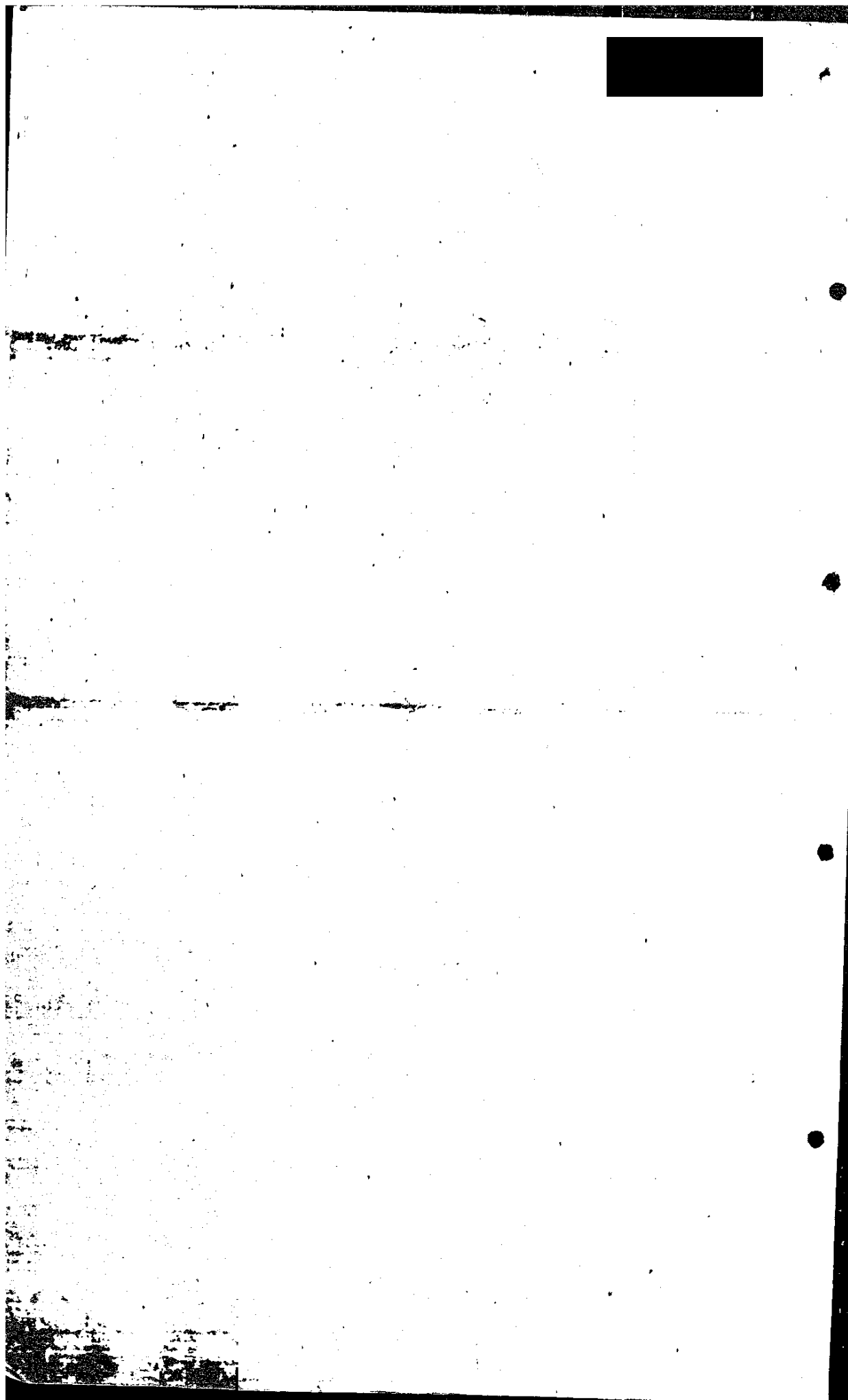
[Redacted Signature]
[Redacted Signature]
two of the members in whose presence the seal was so affixed.

Secretary.

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

[Redacted Signature]





FORM FOR SIMPLE TRANSFER WHERE NEW RESTRICTIVE COVENANTS ARE IMPOSED, OR EASEMENTS
CREATED, OR WHERE THE FORM IS OTHERWISE UNSUITABLE, FORM R.P. 15A SHOULD BE USED.

FEES:—

Lodgment

Endorsement

Certificate

R.P. 13.

No.

H 558105

New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900.)



(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 non-copying ink.

a If a less estate, strike out "in fee simple" and interline the required alteration.

b State in full the name of the person who furnished the consideration monies.

c Show in BLOCK LETTERS the full name, postal address and description of the persons taking, and if more than one, whether they hold as joint tenants or tenants in common.

d The description may refer to parcels shown in Town or Parish Maps issued by the Department of Lands or shown in plans filed in the Office of the Registrar-General. Where these records are inadequate for the purpose, a suitable plan may be endorsed hereon, or furnished as an annexure signed by the parties and their signatures witnessed.

Where the consent of the local Council to a subdivision is required the certificate and plan mentioned in the Local Government Act, 1919, should accompany the transfer.

e A very short note will be

f Execution in New South Wales may be provided if the instrument is signed and acknowledged before the Registrar-General, or Deputy Registrar-General, or a Justice of the Peace, 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 Section 107 of the Real Property Act 1900-1906, Section 168 of the Conveyancing Act, 1919-1934 and Section 52A of the Evidence Act 1898-1934.

g Repeat attestation if necessary.

If the Transferor or Transferee 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."

_____ of _____, Widow

(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

EIGHT THOUSAND POUNDS

(£ 8,000) (the receipt whereof is hereby acknowledged) paid to me by

do hereby transfer to

_____ (herein called transferee)

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

County.	Parish.	Reference to Title			Description of Land (if part only). (d)
		Whole or Part.	Vol.	Fol.	
CUMBERLAND	GORDON	PART	1336	150	Lots 6, 7 and 8, D.P. 30236.
TOGETHER WITH AN EASEMENT			1379	162	
RESERVING TO THE TRANSFEROR AND HER SUCCESSORS AND ASSIGNS OVER THOSE PARTS OF LOTS 6, 7 AND 8 AS SHOWN IN THE SAID PLAN AND THEREIN DESIGNATED "DRAINAGE EASEMENT 4 FEET WIDE" AND "DRAINAGE EASEMENT 4 FEET WIDE" AND GRANTING ALSO AN EASEMENT AS APPURTENANT TO LOT 6 D.P. 30236 OVER THAT PART OF LOT 5 AS IS SHOWN IN THE SAID PLAN AND COMPRISED IN THE SAID LAND DESIGNATED "DRAINAGE EASEMENT 4 FEET WIDE" OR FULL AND FREE RIGHT AND LIBERTY for the transferee its successors and assigns to use the respective lands over which the said easement is granted for the drainage and passage of surface water, stormwater and effluence from septic tanks.					

ENCUMBRANCES, &c., REFERRED TO:

As regards Lot 8, easement for Water Supply in favour of Metropolitan Water Sewerage and Drainage Board.

As regards Lot 6, drainage easement in favour of Ku-ring-gai Municipal Council, both as noted on the relevant Certificate of Title.

Signed at Sydney the 20th day of July 1960.

'Signed in my presence by the transferor

WHO IS PERSONALLY KNOWN TO ME

Transferor.*

'Signed

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

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

Solicitor for the Transferee(s). whose signature cannot be obtained without difficulty and delay.

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, 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 £30; 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 verified by signature or initials in the margin, or noticed in the attestation.

No. **H 558105** PARTIAL DISCHARGE OF MORTGAGE.^b
(N.B.—Before execution read marginal note.)

LODGED BY



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.

^b This discharge is appropriate to a transfer of part of the land in the Mortgage. 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.

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. _____ Miscellaneous Register under the authority of which he has just executed the within transfer.¹

Signed at _____ the _____ day of _____ 19 ____
Signed in the presence of— _____

¹ Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS¹

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.

¹ 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
	<i>Log with cert. for dge</i>
Checked by	Particulars entered in Register Book, Volume <u>7950</u> Folio <u>153</u>
Passed (in S.D.B.) by	
Signed by	the <u>13th</u> day of <u>December</u> 19 <u>66</u> at <u>5</u> minutes past <u>3</u> o'clock in the <u>PM</u> at _____ Registrar-General.

DOCUMENTS LODGED HEREWITH.

To be filled in by person lodging dealing.

1	4	Received Docs. Nos. Receiving Clerk.
2	5	
3	6	

PROGRESS RECORD.

	Initials.	Date.
Sent to Survey Branch		
Received from Records		16/11/66
Draft written ...		6/11
Draft examined ...		28/11
Diagram prepared ...		29/11/66
Diagram examined ...		
Draft forwarded ...		
Supt. of Engrossers ...		
Cancellation Clerk ...		
VOL. 8061	FOL. 196	

FEEs.

The fees, which are payable on lodgment, are as follows:—

- £2 where the memorandum of transfer is accompanied by the relevant Certificate of Title or Crown Grant, otherwise £2 5s. 0d. Where such instrument is to be endorsed on more than one folium of the register, an additional charge of 5s. is made for every Certificate of Title or Crown Grant after the first.
- A supplementary charge of 10s. is made in each of the following—
 - where a restrictive covenant is imposed; or
 - a new easement is created; or
 - a partial discharge of mortgage is endorsed on the transfer.
- Where a new Certificate of Title must issue the scale charges are—
 - £2 for every Certificate of Title not exceeding 15 folios and without diagram;
 - £2 10s. 0d. for every Certificate of Title not exceeding 15 folios with one simple diagram;
 - as approved where more than one simple diagram, or an extensive diagram will appear.

Where the engrossing exceeds 15 folios, an amount of 1s. per folium, extra fee is payable.

LEAVE THESE SPACES FOR DEPARTMENTAL USE.

M H558106 to follow.

RP 13A

STAMP DUTY



W476495

TRANSFER

(INCLUDING EASEMENT/COVENANTS)

REAL PROPERTY ACT, 1900
(See Instructions for Completion on back of form)

A	1 of 1	X
\$ 35.00		

DESCRIPTION OF LAND
Note (a)

TENEMENTS PANEL
Note (b)
This panel also to be completed for covenants by transferor

TRANSFEROR
Note (c)

Note (d)

TRANSFeree
Note (c)

TENANCY
Note (e)

PRIOR ENCUMBRANCES
Note (f)

Note (g)

Note (g)

EXECUTION
Note (h)

Note (h)

TO BE COMPLETED BY LODGING PARTY
Notes (i) and (j)

OFFICE USE ONLY

LAND being transferred			
Torrens Title Reference		If Part Only, Delete Whole and Give Details	Location
VOLUME 9309 FOLIO 18		WHOLE	PYMBLE
Servient Tenement (Land burdened by easement)		Dominant Tenement (Land benefited by easement)	
Torrens Title Reference	Torrens Title Reference	Torrens Title Reference	Torrens Title Reference

THE METROPOLITAN WATER SEWERAGE AND DRAINAGE BOARD

OFFICE USE ONLY
N

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 20,000.00 and transfers an estate in fee simple in the land being transferred above described to the TRANSFeree

THE COUNCIL OF THE MUNICIPALITY OF KU-RING-GAI of Council Chambers
818 Pacific Highway Gordon in the State of New South Wales

OFFICE USE ONLY

OVER

subject to the following PRIOR ENCUMBRANCES ~~Reservations and conditions if any as contained in Crown Grant~~
~~Easement for water supply created by Transfer C42786 (3) Easement for drainage created by Transfe~~
AND the TRANSFeree H558105 (4) Easements for drainage created by Transfer Nos. H972994 and J90027
(i) GRANTS/RESERVES an easement as set out in SCHEDULE ONE hereto
(ii) COVENANTS with the TRANSFeree as set out in SCHEDULE TWO hereto
AND the TRANSFeree COVENANTS with the TRANSFEROR as set out in SCHEDULE THREE hereto

DATE OF TRANSFER 23.7.86
We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

Signed in my presence by the Transferor who is personally known to me.

Signed for and on behalf of THE
METROPOLITAN WATER SEWERAGE
AND DRAINAGE BOARD by ROBERT DAVID
its duly constituted

Address and occupation of Witness
Attorney who is personally known
Signed in my presence by the Transferee who is personally known to me.

THE METROPOLITAN WATER SEWERAGE AND DRAINAGE
BOARD by its Attorney who hereby states that at
the time of his executing this instrument he has
no notice of the revocation of the Power of
Attorney Registered No. 123 Book 3465 under
the authority of which he has executed this
instrument.

THE COMMON SEAL of THE MUNICIPALITY OF THE
MUNICIPALITY OF KU-RING-GAI was hereunto
affixed on the day of
1986 in pursuance of a resolution of
the Council passed on the day of

LODGED BY		LOCATION OF DOCUMENTS	
CT	OTHER	Herewith.	Produced by
		In R.G.O. with	

Delivery Box Number 522R.

Extra Fee

Checked by

REGISTERED 15-9-86

Registral General

FOR THE TRANSFER

CT / W.

RP 13A

SCHEDULE ONE HEREINBEFORE REFERRED TO

The Transferor hereby ~~conveys~~/reserves an easement in the terms hereunto annexed and marked
with the letter "A"

Notes (k) and (l)


SCHEDULE TWO HEREINBEFORE REFERRED TO

~~The Transferor hereby covenants with~~

Notes (m) and (l)
Also complete
assessments panel on
front of form

"A"

RESERVING UNTO THE TRANSFEROR its successors administrators and assigns over that part of the land hereby transferred as is shown on D.P. 597101 and described thereon as "PROPOSED EASEMENT FOR WATERMAIN 10 WIDE" (hereinafter called "the said land") an easement or right to use for the construction and maintenance of water supply works the surface and the subsoil or the undersurface of the said land WITH full and free right and liberty for the Transferor from time to time and at all times hereafter by its officers servants workmen and agents to construct lay down make control examine supervise manage relay renew cleanse repair maintain operate and use in and through the said land at such depths or levels below the surface thereof as the transferor shall think fit such pipe lines mains distributory reticulating and other works with fittings and appurtenances thereto (all of which are included in the term "works" wherever hereinafter appearing) as in its opinion may be required and to use such works for water supply purposes and to take up any such works and substitute in lieu thereof any new works AND with the right of support at all times of all such works as shall for the time being be in or upon the said land AND for any of the purposes aforesaid to enter go return pass and repass upon along and over the said land and make and sink excavations shafts and cuttings in and through the said land and bring the place thereon and remove therefrom any such materials implements tools articles and things as the Transferor shall think fit AND generally to exercise and perform in and upon the said land any of the rights powers and authorities conferred on or vested in the Transferor under and by virtue of the Metropolitan Water Sewerage and Drainage Act 1924 (as amended) AND in relation to such easement and rights as are hereinbefore reserved unto the Transferor THE TRANSFEREE DOTH HEREBY COVENANT with the Transferor:-

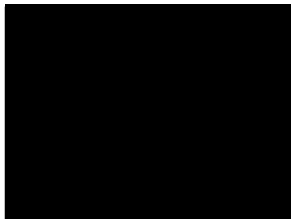
- (1) THAT the Transferee will not place upon the said land or allow to be placed or remain thereon any timber or any article of plant or any stores filling rubbish or other material whatsoever and
- 

2.

- (2) THAT the Transferee will not erect construct or place upon the said land or allow to be erected constructed or placed thereon any building or other structure whatever and that the Transferee will at all times bear all risk of and responsibility in connection with damage to any building or other structure for the time being in existence upon the said land; and
- (3) THAT the Transferee will not without the prior consent and approval in writing of the Transferor first had and obtained or otherwise than in strict compliance with such conditions as the Transferor may impose:-
- (a) make or allow to be made any alteration to the existing surface levels of the said land by any means whatsoever, or
 - (b) lay down construct or place upon the said land any pavement of concrete or having any form of bituminous surface with a base course of ballast metal or rock fill or like material, or
 - (c) park or place upon the said land or allow to be parked or remain thereon any vehicle whatsoever other than vehicles parked or placed thereon temporarily so that they may be removed when necessary without undue delay.

AND THE TRANSFEROR DOETH HEREBY COVENANT with the transferee that whenever in exercise of any of the rights powers and authorities aforesaid it shall open or break up the surface of the said land or damage any lawn garden or fencing of the transferor the transferee shall upon completion of such work reinstate and restore such land lawn garden or fencing (as the case may be) to its former condition so far as shall be reasonably practicable.


AND IT IS HEREBY AGREED AND DECLARED that nothing herein contained shall in any way affect any rights the transferee might have under Section 32 of the Metropolitan Water Sewerage and Drainage Act, 1924



3.

as amended, to compensate in respect of damage caused by the future operations of the Transferor.

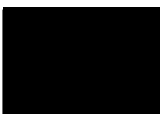
AND RESERVING UNTO THE TRANSFEROR its successors administrators and assigns over that part of the land hereby transferred as is shown on D.P. 597101 and described as "PROPOSED EASEMENT FOR SEWER 2.4 WIDE" (hereinafter called the "said land") an easement or right to use for the construction and maintenance of works for sewerage purposes the surface and the subsoil or undersurface of the said land WITH full and free right and liberty for the Transferor from time to time and at all times hereafter by its officers servants workmen and agents to construct lay down make control examine supervise manage relay renew cleanse repair maintain operate and use in and through the said land and upon or at such depths or levels below the surface thereof as the transferee shall think fit such main submain and reticulating sewers pipes ventilating shafts and other works with fittings and appurtenances thereto (all of which are included in the term "works" wherever hereinafter appearing) as in its opinion may be required for sewerage purposes and to use such works for the conveyance and passage of sewerage and to take up any such works and substitute in lieu thereof any new works AND with the right of support at all times of all such works of the Transferor as shall for the time being be in or upon the said land AND for any of the purposes aforesaid to enter go return pass and repass upon along and over the said land and make and sink excavations shafts and cuttings in and through the said land and bring and place thereon and remove therefrom all such machinery materials implements tools articles and things as the Transferor shall think fit AND generally to exercise and perform in and upon the said land any of the rights powers and authorities conferred on or vested in the transferor under and by virtue of the Metropolitan Water Sewerage and Drainage Act, 1924 as amended AND in relation to such easement and rights as are hereinbefore reserved unto the transferor



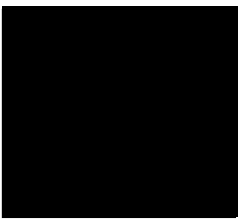
4.

the TRANSFEREE DOTH HEREBY COVENANT with the Transferor THAT:-

- (1) the Transferee will not erect construct or place any building or other structure whatever upon the said land without the prior approval in writing of the Transferor first had and obtained nor otherwise than in strict compliance with such conditions as the transferor may impose;
- (2) the Transferee will at all times bear all risk of and responsibility in connection with damage to any building or other structure for the time being in existence upon the said land.

AND THE TRANSFEROR DOTH HEREBY COVENANT with the transferee that whenever of the  in exercise of any/rights powers and authorities aforesaid it shall open or break up the surface of the said land or damage or remove any lawn garden or fencing of the transferee the transferor shall upon completion of such work reinstate and restore such land lawn or garden or fencing (as the case may be) to its former condition so far as shall be reasonably practicable.

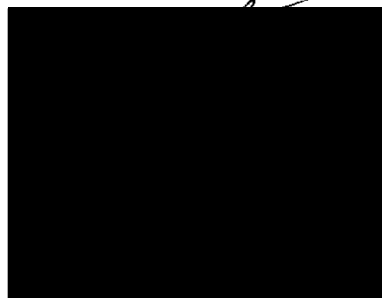
AND IT IS HEREBY AGREED AND DECLARED that nothing herein contained shall in any way affect any rights the Transferee might have under Section 32 of the Metropolitan Water Sewerage and Drainage Act, 1924 as amended to claim compensation in respect of damage caused by the future operations of the Transferor.



RP 13A "

SCHEDULE THREE HEREINBEFORE REFERRED TO

Notes (n) and (l) The Transferee hereby covenants with the Transferor in the terms hereunto annexed and marked with the letter "A"



RP 13A

INSTRUCTIONS FOR COMPLETION

This form is only to be used for the transfer of and together with the granting or reservation of easements and/or the creation of restrictive covenants. For other transfers use forms RP 13, RP 13B, RP 13C, as appropriate.

This dealing should be marked by the Commissioner of Stamp Duties before lodgment at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

Registered mortgagees, chargees and lessees of the servient tenement should consent to any grant or reservation of easement; otherwise the mortgage, charge or lease should be noted in the memorandum of prior encumbrances.

The signatures of the parties and the attesting witnesses should appear below the last provision in the last completed schedule.

Rule up all blanks.

The following instructions relate to the side notes on the form.

(a) Description of land.

- (i) **TORRENS TITLE REFERENCE.**—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title/Crown Grant for the land being transferred, e.g., 135/SPI2345 or Vol. 8514 Fol. 126.
- (ii) **PART/WHOLE.**—If part only of the land in the folio of the Register is being transferred, delete the word "WHOLE" and insert the lot and plan number, portion, &c. See also sections 327 and 327AA of the Local Government Act, 19 9.
- (iii) **LOCATION.**—Insert the locality shown on the Certificate of Title/Crown Grant, e.g., at Chullora. If the locality is not shown, insert the Parish and County, e.g., Ph. Lismore Co. Rous.

(b) Tenement panel.—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title/Crown Grant for both the servient and dominant tenements of the easements, e.g., 135/SPI2345 or Vol. 8514 Fol. 126, &c. This panel is also to be completed for covenants by the transferor.

(c) Show the full name, address and occupation or description.

(d) If the estate being transferred is a lesser estate than an estate in fee simple, delete "fee simple" and insert appropriate estate.

(e) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.

(f) In the memorandum of prior encumbrances, state only the registered number of any mortgage, charge or lease (except where the consent of the mortgagee, chargee or leasee is furnished) and of any writ recorded in the Register.

(g) Delete whichever words are inappropriate.

(h) Execution.

- GENERALLY** (i) Should there be insufficient space for execution of this dealing, use an annexure sheet.
- (ii) The certificate of correctness under the Real Property Act, 1900 must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he is personally known. The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his firm), to be typewritten or printed adjacent to his signature.
- (iii) Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.
- ATTORNEY** (iii) If the transfer is executed by an attorney for the transferor/transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. , and I declare that I have no notice of the revocation of the said power of attorney".
- AUTHORITY** (iv) If the transfer is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.
- CORPORATION** (v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., In accordance with the Articles of Association of the Corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.

(i) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.

(j) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration, p/bte for probate, L/A for letters of administration, &c.

(k) State the nature of the easement (see, e.g., section 181A of the Conveyancing Act, 1919) and accurately describe the site of the easement. The grant or reservation of easement (other than an easement in gross) must comply with section 88 of the Conveyancing Act, 1919. If not applicable, rule through this space.

(l) Annexures should be of the same size and quality of paper and have the same margins as the transfer form. Each such annexure must be identified as an annexure and signed by the parties and the attesting witnesses. Any plan annexed should comply with regulation 37 of the Real Property Act regulations, 1970.


(m) This space is provided for any restrictive covenant by the transferor (which must comply with section 88 of the Conveyancing Act, 1919). If not applicable, rule through this space.

(n) This space is provided for any restrictive covenant by the transferee (which must comply with section 88 of the Conveyancing Act, 1919). If not applicable, rule through this space.

OFFICE USE ONLY

DIRECTION: PROP					FIRST SCHEDULE DIRECTIONS	
No. OF NAMES:						
(A) FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) I	(E)	NAME AND DESCRIPTION	
		S			THE METROPOLITAN WATER SEWERAGE AND DRAINAGE BOARD	
		S			THE COUNCIL OF THE MUNICIPALITY OF KURUNG-GAI	
SECOND SCHEDULE & OTHER DIRECTIONS						
(F) FOLIO IDENTIFIER (OR REGD. DEALING & FOLIO IDENTIFIER)	(G) DIRECTION	(H) NOTN TYPE	(I) DEALING NUMBER	(K) DETAILS		
	ON	EA		Easement for watermain affecting the part of the land within described shown 10 wide in DP 597101		
	ON	EB		Easement for sewer affecting the part of the land within described shown 2.44 wide in DP 597101		

STATE OF NEW YORK
COUNTY OF ALBANY
JAMES J. HARRIS, Sheriff
JAMES J. HARRIS, Sheriff

D.P. 597101
21
Registered  13-7-1978
C.A. _____

Lost Plans: D. F. 30236 #7-

PLAN

OF EASEMENTS PROPOSED
TO BE ACQUIRED OVER

OF EASEMENTS PROPOSED
TO BE ACQUIRED OVER
BEECROFT-PYMBLE
WATERMAIN & SEWER
WITHIN LOT 8, D.P. 30236

Lengths are in m

City	7	7	4	0
	0	0	0	0

County: CUMBERLAND

~~(Delete if inapplicable).~~

of

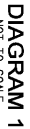
is accurate and has been made 447-
immediate transition in recording

[REDACTED]

Sum Line of Azimuth. 'A' - 'B'
*Strike out either (1) or (2). 11

to dedicate public road; or to c

DRIVEY DON'S REFERENCE: 1014

DP1130583

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE :-

1. EASEMENT TO DRAIN WATER 1.22 WIDE [A]

TO RELEASE :-

1. EASEMENT FOR DRAINAGE 1.22 WIDE CREATED BY TRANSFER (H972994) [F]
2. EASEMENT FOR DRAINAGE 1.22 WIDE CREATED BY TRANSFER (H969264) & (J90027) [B]



General Manager

Use PLAN FORM 6A
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land shown hereon have been given.

Signature:

Date:

File Number:

Office:

Subdivision Certificate

I certify that the provisions s.109J of the Environmental Planning and Assessment Act, 1979 have been satisfied in relation to:

the proposed set out herein
* (insert 'subdivision' or 'new road')

.....
*Authorised Person/General Manager/Accredited Certifier

Consent Authority.....

Date of Endorsement.....

Accreditation No.

Subdivision Certificate No.

File No.

*Delete whichever is inapplicable.

DP1130583

Registered:  16.2.2009

Title System: TORRENS

Purpose: EASEMENT

PLAN OF EASEMENT TO DRAIN WATER
1.22 WIDE WITHIN
LOT 20 D.P.1123884

LGA: KU-RING-GAI

Locality: PYMBLE

Parish: GORDON

County: CUMBERLAND

Surveying Regulations, 2006

I,
of
a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on 27TH FEBRUARY, 2008

The survey relates to
..... EASEMENT WITHIN LOT 20

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

(Signature) Dated: 13-3-2008

Surveyor registered under the Surveying Act, 2002

Datum Line: "X" - "Y"

Type: Urban /-Rural-

Plans used in preparation of survey/compilation

D.P.30236, D.P.211267, D.P.597101,
D.P.86583, D.P.354279, D.P.1061098,
D.P.1006216, D.P.1116522, S.P.71486,
K25-2597

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 72790A CHECKLIST

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

PLAN OF EASEMENT TO DRAIN WATER
1.22 WIDE WITHIN
LOT 20 D.P.1123884

DP1130583

*

Registered:

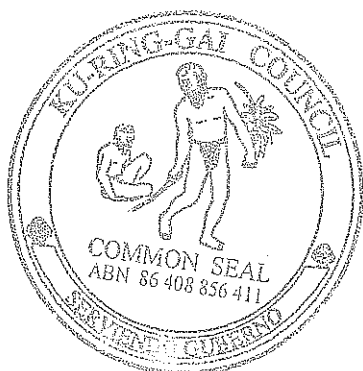


16.2.2009

*

Subdivision Certificate No:

Date of Endorsement:



The Common Seal of Ku-ring-gai Council was
affixed on the 27 day of JUNE 2008
in pursuance of a resolution of the Council passed
on the 11 day of DECEMBER 2007.

General Manager

MAYOR

PLAN FORM 6A (Annexure Sheet)

WARNING: Clearing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

PLAN OF EASEMENT TO DRAIN WATER
1.22 WIDE WITHIN
LOT 20 D.P.1123884

DP1130583

Registered:



16.2.2009

Subdivision Certificate No:

Date of Endorsement:

[REDACTED]
010 831 722 BY ITS ATTORNEY

WHO CERTIFIES THAT THEY ARE A
LEVEL II ATTORNEY PURSUANT
TO POWER OF ATTORNEY BOOK
3859 NO. 372 OF WHICH THEY HAVE
RECEIVED NO NOTICE OF
REVOCATION

SIGNED IN MY PRESENCE BY
THE SAID ATTORNEY WHO IS
PERSONALLY KNOWN TO ME

WITNESS

Trust Company Limited by its duly
appointed Attorney. Under Power of
Attorney dated 25.04.2007

SURVEYOR'S REFERENCE: 72790A CHECKLIST

* OFFICE USE ONLY

APPENDIX B

Checklist - LEP Practice Note PN 16-001 (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.
5. A city of great places - Designing places for people	O12 Great places that bring people together	S12.1 Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by: <ul style="list-style-type: none">• prioritising a people-friendly public realm and	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

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Direction	Objective	Strategy	Consistency
		open spaces as a central organising design principle <ul style="list-style-type: none">• 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.	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	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.

Site specific merits of reclassification

This site has remained unused since its acquisition in 1979. The site is unable to be effectively used for public open space for the following reasons as identified by Council's urban design team:

- **Location** - The site is located in a low priority zone as the site is within close proximity to Robert Pymble Park, in addition Council has recently identified a location for a new park on the western side of Pymble. Both locations are within walking distance of the site.
- **Size** - Council's *Open Space Acquisition Strategy* requires new parks to have an area greater than 3000m² to provide for maximum passive recreation opportunity. The site is less than 1,000sqm in area and has no potential for future expansion due to adjoining developments.

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- Natural Systems – Remnant vegetation on the site would conflict with the recreational use of the site.
- Cultural heritage - There would be no potential conflicts between heritage and recreation on the site. There is no potential to connect this site to Council's land holdings to the south (Ku-ring-gai Town Hall and Presbytery).
- Visual and landscape quality - The site does not have any visual or landscape qualities that would enhance the recreational use of the site. The site is heavily impacted by noise and pollution from the Pacific Highway.
- Accessibility - The site has significant access constraints due its location on a main road. The land is generally not accessible to the public as there is a drop of over 1 metre along the highway frontage behind the brick fence. In addition, the and the steeply sloping nature of the site.
- Visibility - Council's *Open Space Acquisition Strategy* requires that new parks have at least two street frontages; the subject site does not comply with this requirement.
- Connectivity - The site does not provide potential to create new linkages between streets or parks
- Carrying Capacity - The site does not extend or build on an existing reserve or system of reserves.
- Economic Efficiency - A park in this location would duplicate the facilities currently provided in Robert Pymble Park and the proposed park on the western side of Pymble local centre.
- Management and Maintenance - The site is likely to be affected by unacceptable risks. The site includes a former car park deck area; the structural integrity of the structure would require investigation, as well as conformity to current safety standards if Council wishes to encourage public access.
- Passive Surveillance - The location is does not meet with "Safety by Design" principles in terms of passive surveillance resulting in potential for anti-social behaviour.

The site was acquired using funds derived from open space contributions but has never been developed or used for that purpose. Previous schemes to development the site for a tennis court had difficulties and did not progress. The orderly and economic use of land for public open space cannot be achieved because the land is unsuitable for this purpose on account of its size, shape, topography, location and the difficulty of providing public access to it.

Council has undertaken assessments of the current and future open space needs of the local community that have established that existing and planned parks in the vicinity will cater for residents' recreation needs. 1192 Pacific Highway, Pymble does not meet this need because:

- It is too small to be suitable for a park;
- The site is difficult to access, both by the general public and by Council for maintenance;
- Remnant vegetation on the site would conflict with the recreational use of the site;
- The site lacks the openness and visibility required to create a safe place;
- The site has no features that might make it an interesting place to visit; and
- It is heavily impacted by traffic noise and pollution from the Pacific Highway.

There will be a minor loss of open space land although no reduction in land zoned for open space or loss of land used for recreational purposes. There are no adverse social or economic consequences of any loss of this open space.

- **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:

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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.

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

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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.

In relation to 1192 Pacific Highway, Pymble, the property does not meet the criteria in Council's *Open Space Acquisition Strategy (2006)* in that:

- It is too small to be suitable for a park;
- The site is difficult to access, both by the general public and by Council for maintenance;
- Remnant vegetation on the site would conflict with the recreational use of the site;
- The site lacks the openness and visibility required to create a safe place;
- The site has no features that might make it an interesting place to visit; and
- It is heavily impacted by traffic noise and pollution from the Pacific Highway.

The *Ku-ring-gai Open Space Strategy (2005)* includes an action relating to the management of open space resources, including 'low value' sites as follows:

- Action 6.2: Continue to identify park and open space sites which should be considered for alternative uses and develop guidelines for reinvesting the funds released in other local and district scale recreation opportunities

- Indicator: Disposal of 'low value' sites in accordance with asset management principles. Measure increase in recreation opportunity via use of proceeds from disposal of 'low value' sites.

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.

- **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 through a Trust Fund – Open Space Contributions in 1979 for public open space.

The site has not been declared a public reserve. The site is currently vacant. Previous uses included parking of Sydney Water vehicles on the highway platform.

This site has remained vacant and unused since its acquisition in 1979. It provides no community benefit, and its steep fall from the highway coupled with sloping terrain and poor location has prevented its effective use as a park. It has attracted anti-social activities and remains unmaintained due to inaccessibility for machinery and disproportionate costs to provide basic upkeep.

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

N/A

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

The site is burdened by and benefits from a number of easements (documents at Appendix A to the planning proposal):

- **C442786** easement for water supply affecting the land 10 feet wide shown in the title diagram.
- **W476495** Easement for watermain affecting the part of the land within described shown 10 wide in DP597101.

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- **W476495** easement for sewer affecting the part of the land within described shown 2.44 wide in DP597101.
- **H558105** easement for drainage appurtenant to the land above described affecting the land 6 feet wide shown in lot 4 in the title diagram.
- **DP1130583** easement to drain water 1.22 metre(s) wide appurtenant to the land above described.

Approximately half of the site is affected by easements for water and sewerage purposes. The site benefits from easements for drainage. These interests will not be discharged.

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

The site is burdened by easements for water and sewerage purposes affecting approximately half of the site. The site benefits from easements for drainage. These interests serve an important public purpose and will not 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 1979 using funds from an open space contributions trust fund. This predates Council's Development Contributions Plans and the Ku-ring-gai Open Space Acquisition Strategy. Nevertheless, should the site be divested in the future, the proceeds from any sale would need to be reserved for open space acquisition.

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.

The site was acquired using funds derived from open space contributions but has never been developed or used for that purpose. Previous schemes to develop the site for a tennis court had difficulties and did not progress. The orderly and economic use of land for public open space cannot be achieved because the land is unsuitable for this purpose on account of its size, shape, topography, location and the difficulty of providing public access to it.

Council has undertaken assessments of the current and future open space needs of the local community that have established that existing and planned parks in the vicinity will cater for residents' recreation needs. 1192 Pacific Highway, Pymble does not meet this need because:

- It is too small to be suitable for a park;
- The site is difficult to access, both by the general public and by Council for maintenance;
- Remnant vegetation on the site would conflict with the recreational use of the site;
- The site lacks the openness and visibility required to create a safe place;
- The site has no features that might make it an interesting place to visit; and
- It is heavily impacted by traffic noise and pollution from the Pacific Highway.

There will be a minor loss of open space land although no reduction in land zoned for open space or loss of land used for recreational purposes. There are no adverse social or economic consequences of any loss of this open space.

The 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

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addition, Council has developed an Open Space Acquisition Program to deliver much needed local parkland for the community.

The site has not been declared a public reserve.

Approximately half of the site is affected by easements for water and sewerage purposes. These interests will not be discharged and will remain as a constraint on the land.

The site has not been utilised as open space and has repeatedly been discussed as a liability. Its size and topography preclude the ability of this site to provide a meaningful community facility without disproportionate spending.

- **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 remained vacant and unused since its acquisition in 1979.

It provides no community benefit, and its steep fall from the highway coupled with sloping terrain and poor location has prevented its effective use as a park. The site has not been utilised as open space and has repeatedly been discussed as a liability.

The site has been unable to be effectively used for public open space. Council's Open Space Acquisition Strategy requires new parks to have an area greater than 3000sqm to provide for maximum passive recreation opportunity. This site is less than 1,000sqm with no potential for future expansion due to adjoining developments.

The site is heavily impacted by noise and pollution from the Pacific Highway with very poor accessibility and safety surveillance. The topography and poor visibility of the site has attracted undesirable anti-social behaviour.

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

Nil.

- **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.

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

No rezoning proposed.

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

This site was acquired by Council in 1979 using funds from an open space contributions trust fund. This predates Council's Development Contributions Plans and the Ku-ring-gai Open Space Acquisition Strategy. Nevertheless, should the site be divested in the future, the proceeds from any sale would need to be reserved for open space acquisition.

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.

- **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