



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 12 DECEMBER 2023 AT 7:00PM  
LEVEL 3, COUNCIL CHAMBER**

**LATE AGENDA**

**\*\* \*\* \* \*\* \* \*\* \***

NOTE: For Full Details, See Council's Website –  
[www.krg.nsw.gov.au](http://www.krg.nsw.gov.au) under the link to business papers

File: S12198

In the last two months, Sydney Metro councils have observed a series of State Government announcements, accidental publications, and media articles that materially impact the way that councils plan for the future.

Each announcement relates to State Environmental Planning Policies (SEPPs), which are state-level policies which can be used to override any controls that exist within a council's Local Environment Plan (LEP) and Development Control Plan (DCP).

These announcements only provide high level information of what is being proposed via SEPP; meanwhile the detail of each SEPP has not been revealed, creating a void of information that fuels speculation and makes it difficult for councils to respond.

In this rapidly changing environment, it is important to document what has publicly been made known as at Tuesday 12th December 2023, as we are about to make a range of decisions at the Ordinary Meeting of Council that are impacted by these upcoming changes. What would have been a sensible decision two months ago may no longer be the case in light of new circumstances, and what would have been seen as inappropriate two months ago may now be considered more palatable in light of increased density.

From what we understand, the announcements relate to two separate SEPPs.

### **1. SEPP relating to “diverse and well-located homes”**

This first SEPP was first hinted by a letter that Council staff and the Mayor received from the Minister for Planning and Public Spaces on 9th November 2023, the content and response to which is documented in the November Ordinary Meeting of Council's Mayoral Minute 1. This letter stated the Minister's concern regarding 'limitations' in Greater Sydney LEPS that prevented terraces and townhouses from being built in R2 Low Density Residential zones and prevented residential flat buildings (apartments) from being built in R3 Medium Density Residential zones. In response, Ku-ring-gai Council said that it was intuitive for multiple dwellings in one lot to be built in R3 and apartments to be built in R4, and that any potential creep will be a shifting of goalposts with unintended consequences on infrastructure, planning, and biodiversity.

Subsequently on 28th November 2023, the State Government released a media statement “New planning rules to fast track low and mid rise housing” (see attachment 1). This media statement was also accompanied by a web page on “Diverse and well-located homes” (see attachment 2) and a fact sheet (see attachment 3). A second fact sheet focussing on “low-rise housing” has more recently been released (see attachment 4).

These four attachments say a lot of things but the key points in relation to Ku-ring-gai are:

- The concept of providing increased housing density within 800m walking distance to a 'well-located area', which is defined as those areas close to existing train stations and town centre precincts;
- Ambiguity over the definition of a town centre, which includes “land zoned E1 local centre or MU1 mixed use but only if the zone contains a wide range of frequently needed goods and services such as full-line supermarkets, shops and restaurants”. To date and

in the absence of further information, Ku-ring-gai is uncertain as to which local centres fall under this definition;

- Multi-dwelling houses to be allowed in R2 zones within 800m walking distance of well-located areas;
- 6 storey apartments to be allowed in R3 zones within 400m walking distance of well-located areas;
- 3 storey apartments to be allowed in R3 zones within 800m walking distance of well-located areas; and
- Dual occupancies to be allowed anywhere else in NSW zoned R2.

Attachment 3 states that “the plans will go out for public feedback in early December” however as at today (12th December 2023) we are not aware of these plans being available. Residents have expressed concern that if the process starts too late, there will be less opportunity for the public to participate over the Christmas and New Year period, and some have even wondered if the timing is intentional.

It should also be noted that in a letter sent to Council from the Department of Planning on 16th July 2021, there were hints that the Department wanted Council to implement ‘medium density’ (then townhouses) in Roseville, Roseville Chase, Killara, Pymble, Wahroonga, West Gordon and North St Ives. How these historic expectations interact with the new SEPP remains unknown.

## **2. SEPP relating to “transport oriented development”**

The second SEPP was first hinted on 5th December 2023 when the NSW government (reportedly) accidentally published an intent to rezone 31 train stations including Roseville, Lindfield, Killara and Gordon (see attachment 5). Information on this has been scarce with nothing currently available on the Department’s website, however in talking to government contacts and from reading media articles we understand the following:

- The SEPP will allow 6 storey apartments on any zoned land within 400m of each train station, although it has not been confirmed whether this is 400m walking distance or 400m radius;
- The planning controls will allow building heights of 6 storeys (21m) with a floor space ratio of 3:1;
- New parking rates will apply;
- No minimum lot size or lot width rules will apply and developments in commercial areas must make sure street frontages are activated;
- The State Government did not believe further support for infrastructure was necessary;
- The SEPP will apply to Heritage Conservation Areas, although details on this remains unknown;
- The SEPP will designate each area as “special entertainment precincts” with venues trading later and exempt from normal rules about amplified music.

To date, there has been no news on whether or how feedback on these changes will be sought from local councils, community groups, or members of the public. However, we understand that the State Government intends to introduce the changes in 2024.

## **Council’s Response and Implications**

To date, Council has made statements concerning:

- The lack of consideration for infrastructure (transport, stormwater, education and recreation);
- The significant loss of tree-canopy, which is vital to protecting biodiversity as well as to support climate-change resilience;
- The potential impacts to the character of Sydney, including impacts to our Heritage Conservation Areas;
- The lack of detail publicly available on either SEPP;
- The perceived rush to implement each SEPP; and
- The perceived lack of public consultation regarding the above.

The situation is compounded by the State Government's withdrawal of \$9.8m funding for the Lindfield Village Hub commuter carpark, which has put the project in jeopardy, delayed the delivery of housing, and sabotaged the good faith efforts of both Council and the potential developer.

The lack of detail makes it difficult for Council to respond. Tonight, we will be considering the future of various recreation, sporting and community facilities, and it is difficult to make the best decision possible in the void of information.

**Recommendation:**

- A. That Council notes this Mayoral Minute, awaits the release of detail on each SEPP, and continues to voice its concerns both individually and in co-operation with other local councils and industry bodies such as LGNSW and NSROC.
- B. That as soon as practicable after the public release of detailed information on each SEPP, Council will inform the residents of the impacts of proposed changes as well as any public feedback or consultation mechanisms available to them. Council will also respond as necessary to protect the interests of current and future residents of Sydney.

GB.14 **NSFA Sports Grant - Request for Owners Consent**

**33**

File: S13678-3

To inform Council of a request from the NSFA for owners consent to apply to a (previous) grant funding application with the Office of Sport.

**Recommendation:**

That Council gives owners consent for the NSFA under the Multi-Sport Community Facility Fund Round 2 (2022/23) so that funding payments can be released (when appropriate) as well as giving owners consent for the NSFA (or its agents) to lodge a modification of consent application under s.4.55 of the *Environmental Planning and Assessment Act 1979* in relation to DA0484/21 (as related to GB.11 also part of the agenda at this OCM).

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING**

C.2 **Supplementary Report - Lindfield Village Hub**

File: S12165-4-6

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in sections 10A(2)(c), 10A(2)(d)(i), 10A(2)(d)(ii) & 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The matter is classified confidential because it deals with the proposed acquisition and/or disposal of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire and/or dispose of the property on appropriate terms and conditions.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(ii) because it would confer a commercial advantage on a competitor of the Council.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by Acting General Manager.

David Marshall  
ACTING GENERAL MANAGER

---

---

## MAYORAL MINUTE

---

---

### THE TRICKLE OF INFORMATION REGARDING HOUSING DENSITY CHANGES – TUESDAY 12TH DECEMBER 2023

In the last two months, Sydney Metro councils have observed a series of State Government announcements, accidental publications, and media articles that materially impact the way that councils plan for the future.

Each announcement relates to State Environmental Planning Policies (SEPPs), which are state-level policies which can be used to override any controls that exist within a council's Local Environment Plan (LEP) and Development Control Plan (DCP).

These announcements only provide high level information of what is being proposed via SEPP; meanwhile the detail of each SEPP has not been revealed, creating a void of information that fuels speculation and makes it difficult for councils to respond.

In this rapidly changing environment, it is important to document what has publicly been made known as at Tuesday 12th December 2023, as we are about to make a range of decisions at the Ordinary Meeting of Council that are impacted by these upcoming changes. What would have been a sensible decision two months ago may no longer be the case in light of new circumstances, and what would have been seen as inappropriate two months ago may now be considered more palatable in light of increased density.

From what we understand, the announcements relate to two separate SEPPs.

#### 1. SEPP relating to “diverse and well-located homes”

This first SEPP was first hinted by a letter that Council staff and the Mayor received from the Minister for Planning and Public Spaces on 9th November 2023, the content and response to which is documented in the November Ordinary Meeting of Council's Mayoral Minute 1. This letter stated the Minister's concern regarding 'limitations' in Greater Sydney LEPs that prevented terraces and townhouses from being built in R2 Low Density Residential zones and prevented residential flat buildings (apartments) from being built in R3 Medium Density Residential zones. In response, Ku-ring-gai Council said that it was intuitive for multiple dwellings in one lot to be built in R3 and apartments to be built in R4, and that any potential creep will be a shifting of goalposts with unintended consequences on infrastructure, planning, and biodiversity.

Subsequently on 28th November 2023, the State Government released a media statement “New planning rules to fast track low and mid rise housing” (see attachment 1). This media statement was also accompanied by a web page on “Diverse and well-located homes” (see attachment 2) and a fact sheet (see attachment 3). A second fact sheet focussing on “low-rise housing” has more recently been released (see attachment 4).

These four attachments say a lot of things but the key points in relation to Ku-ring-gai are:

- The concept of providing increased housing density within 800m walking distance to a 'well-located area', which is defined as those areas close to existing train stations and town centre precincts;
- Ambiguity over the definition of a town centre, which includes "land zoned E1 local centre or MU1 mixed use but only if the zone contains a wide range of frequently needed goods and services such as full-line supermarkets, shops and restaurants". To date and in the absence of further information, Ku-ring-gai is uncertain as to which local centres fall under this definition;
- Multi-dwelling houses to be allowed in R2 zones within 800m walking distance of well-located areas;
- 6 storey apartments to be allowed in R3 zones within 400m walking distance of well-located areas;
- 3 storey apartments to be allowed in R3 zones within 800m walking distance of well-located areas; and
- Dual occupancies to be allowed anywhere else in NSW zoned R2.

Attachment 3 states that "the plans will go out for public feedback in early December" however as at today (12th December 2023) we are not aware of these plans being available. Residents have expressed concern that if the process starts too late, there will be less opportunity for the public to participate over the Christmas and New Year period, and some have even wondered if the timing is intentional.

It should also be noted that in a letter sent to Council from the Department of Planning on 16th July 2021, there were hints that the Department wanted Council to implement 'medium density' (then townhouses) in Roseville, Roseville Chase, Killara, Pymble, Wahroonga, West Gordon and North St Ives. How these historic expectations interact with the new SEPP remains unknown.

## **2. SEPP relating to "transport oriented development"**

The second SEPP was first hinted on 5th December 2023 when the NSW government (reportedly) accidentally published an intent to rezone 31 train stations including Roseville, Lindfield, Killara and Gordon (see attachment 5). Information on this has been scarce with nothing currently available on the Department's website, however in talking to government contacts and from reading media articles we understand the following:

- The SEPP will allow 6 storey apartments on any zoned land within 400m of each train station, although it has not been confirmed whether this is 400m walking distance or 400m radius;
- The planning controls will allow building heights of 6 storeys (21m) with a floor space ratio of 3:1;
- New parking rates will apply;
- No minimum lot size or lot width rules will apply and developments in commercial areas must make sure street frontages are activated;
- The State Government did not believe further support for infrastructure was necessary;
- The SEPP will apply to Heritage Conservation Areas, although details on this remains unknown;
- The SEPP will designate each area as "special entertainment precincts" with venues trading later and exempt from normal rules about amplified music.



Item MM.1

S12198

To date, there has been no news on whether or how feedback on these changes will be sought from local councils, community groups, or members of the public. However, we understand that the State Government intends to introduce the changes in 2024.

**Council's Response and Implications**

To date, Council has made statements concerning:

- The lack of consideration for infrastructure (transport, stormwater, education and recreation);
- The significant loss of tree-canopy, which is vital to protecting biodiversity as well as to support climate-change resilience;
- The potential impacts to the character of Sydney, including impacts to our Heritage Conservation Areas;
- The lack of detail publicly available on either SEPP;
- The perceived rush to implement each SEPP; and
- The perceived lack of public consultation regarding the above.



The situation is compounded by the State Government's withdrawal of \$9.8m funding for the Lindfield Village Hub commuter carpark, which has put the project in jeopardy, delayed the delivery of housing, and sabotaged the good faith efforts of both Council and the potential developer.

The lack of detail makes it difficult for Council to respond. Tonight, we will be considering the future of various recreation, sporting and community facilities, and it is difficult to make the best decision possible in the void of information.

**RECOMMENDATION:**




- A. That Council notes this Mayoral Minute, awaits the release of detail on each SEPP, and continues to voice its concerns both individually and in co-operation with other local councils and industry bodies such as LGNSW and NSROC.
- B. That as soon as practicable after the public release of detailed information on each SEPP, Council will inform the residents of the impacts of proposed changes as well as any public feedback or consultation mechanisms available to them. Council will also respond as necessary to protect the interests of current and future residents of Sydney.

Councillor Sam Ngai  
Mayor

<b>Attachments:</b>	A1	Attachment 1 - New planning rules to fast track low and mid rise housing _ Planning	2023/403517
			
	A2	Attachment 2 - Diverse and well-located homes _ Planning	2023/403521
			

Item MM.1

S12198

A3 	Attachment 3 - diverse-and-well-located-housing-reforms-fact-sheet	2023/403524
A4 	Attachment 4 - unpacking-low-rise-housing-fact-sheet	2023/403529
A5 	Attachment 5 - NSW government accidentally publishes list of suburbs targeted for high-density housing - ABC News	2023/403530

# **New planning rules to fast track low and mid rise housing**

Updated 28 November, 2023

The Minns Government is confronting the housing crisis with bold reforms to create tens of thousands of new, well-located, low-and mid-rise homes.

The Government is announcing changes that will fast-track a greater diversity of homes like residential flat buildings of 3-6 storeys, terraces, townhouses, duplexes and smaller 1-2 storey apartment blocks in suburbs where they are not currently allowed.

The reforms create capacity for industry to deliver up to an estimated 112,000 new homes across the Greater Sydney region, Hunter, Central Coast and Illawarra-Shoalhaven.

This represents 30 per cent of the number of homes NSW needs to meet under its Housing Accord target of 377,000 new homes by 2029.

Currently, each local council has its own rules for what kind of homes can be built in their area. In many local government areas, these rules do not allow the types of homes that we need for the next generation, housing close to transport, infrastructure and social amenity.

In October the Government identified a significant gap in the approval of density, with terraces and 1-2 storey unit blocks allowed under R2 zoning in only two of 32 Local Environmental Plans (LEPs) – that's just six per cent of the LEPs across Sydney.

R2 is a zone for land which is made up of low density housing.

This 'missing middle' has meant that low rise density has been ignored in the face of a growing housing crisis.

Additionally, sixty percent of R3 zones across Sydney (where multi dwelling housing is appropriate and should be encouraged) presently prohibit residential flat buildings of any scale.

Details of the Government's proposed changes include allowing:

- dual occupancies (two separate homes on a single lot), such as duplexes, in all R2 low density residential zones across all of NSW.
- terraces, townhouses and two storey apartment blocks near transport hubs and town centres in R2 low density residential zones across the Greater Sydney region, Hunter, Central Coast and Illawarra (the Six Cities region).
- mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones and appropriate employment zones. This will mean more housing just a short 10-minute walk (800m) from transport hubs, shops and amenities.

The Government will introduce a State Environmental Planning Policy (SEPP) to enact these changes while simultaneously encouraging councils to add these types of dwellings to their own planning rules.

If a local government's planning rules match – or go further than – this new NSW Government policy, the State Government changes will not apply.

The Government has previously written to councils, asking them to review local policy settings to allow for more housing in low and medium density zones across their local government area.

National Housing Accord targets were set at the National Cabinet with all three levels of Government represented.

The plans will go on public exhibition for public feedback from next week.

**Minister for Planning and Public Spaces Paul Scully said:**

“Sydney is one of the least dense cities in the world but fewer than half of councils allow for low and mid-rise residential buildings in areas zoned for such homes.

“We’re confronting a housing crisis so we need to change the way we’re plan for more housing, we can’t keep building out we need to create capacity for more infill, with more diverse types of homes.

“Diversity of housing allows people to stay in their communities and neighbourhoods through different stages of their life, with family and friends able to live nearby. More housing choice means more options for everyone – renters, families, empty nesters.

“Density done well means townhouses, apartments and terraces clustered near shops, high streets and parks.

“We already have great examples of these types of homes. Sydney has grown using these housing types. Look at homes in Wollstonecraft, Waverton, Erskineville, parts of Wollongong or Newcastle. They’re great places to live, we just need more of them.”













































---

## NSFA SPORTS GRANT - REQUEST FOR OWNERS CONSENT

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To inform Council of a request from the NSFA for owners consent to apply to a (previous) grant funding application with the Office of Sport.

**BACKGROUND:**

The NSFA were awarded a grant from the Office of Sport (OoS). A recent review of the grant by the OoS has found that the NSFA did not have Council approval (owners consent) for the grant application at the time it was lodged and subsequently the OoS has suspended any payment of the grant until the NSFA offers proof of owners consent.

**COMMENTS:**

This report seeks to clarify the request from the NSFA for owners consent to gain grant funding from the Office of Sport for the grandstand project at the North Turramurra Recreation Area (NTRA) sporting fields.

**RECOMMENDATION:**

(Refer to the full Recommendation at the end of this report)

That Council gives owners consent for the NSFA under the Multi-Sport Community Facility Fund Round 2 (2022/23) so that funding payments can be released (when appropriate) as well as giving owners consent for the NSFA (or its agents) to lodge a modification of consent application under s.4.55 of the *Environmental Planning and Assessment Act 1979* in relation to DA0484/21 (as related to GB.11 also part of the agenda at this OCM).

## PURPOSE OF REPORT

To inform Council of a request from the NSFA for owners consent to apply to a (previous) grant funding application with the Office of Sport.

## BACKGROUND

At its meeting of 25 July 2023 Council considered a report on a Heads of Agreement with the Northern Suburbs Football Association (NSFA) to construct a new grandstand and associated facilities at the North Turrumurra Recreation Area. Council subsequently resolved:

- A. If Council accepts the risks, costs, and benefits associated with the project and the terms of the draft Heads of Agreement as presented, Council resolves to endorse the Heads of Agreement based on approved DA plans (DA0484/21) for construction of a new grandstand with café, change rooms, offices, treatment rooms, corporate and media facilities at the existing sports ground as the basis for finalising transaction documents for the project.*
- B. That Council note that this proposal is not driven by financial outcomes, but rather the economic, social, and environmental value offered to the community, including the health benefits for players through increased activity and recreational outcomes. Further, that from a strictly financial perspective, the project may not be financially feasible.*
- C. That Council note that except for possible carry forwards from the 2022/2023 financial year (which are yet to be considered by Council), there is no budget allocation for any work on this project in the 2023/2024 annual budget.*
- D. That Council advise NSFA that all capital costs, operating costs, and lifecycle costs (beyond preparation of a Heads of Agreement) will be borne by NSFA and that transaction documents associated with this project will be drafted accordingly.*
- E. That Council note that finalisation of transaction documents associated with the project will be referred to Council for endorsement prior to execution.*
- F. Council authorises the Mayor and General Manager to execute the Heads of Agreement on behalf of Council and to make minor/inconsequential changes if required in order to protect Council's interests.*

The Heads of Agreement as outlined in the above resolution of Council has since been executed by both parties.

This report deals with a request from the NSFA for Council to give 'Owners Consent' to a previously lodged grant application for a funding grant with the Office of Sport.

## COMMENTS

The NSFA were previously successful in an application to the Office of Sport for a grant to (partially) fund the grandstand development project proposed for the sporting fields at the North Turrumurra Recreation Area (NTRA).

The Office of Sport grant was awarded to the NSFA under the Multi-Sport Community Facility Fund Round 2 (2022/23) and the Female Friendly Community Sport Facilities and Lighting Upgrades Program 2022/23. The latter grant has been withdrawn so this request pertains to the Multi-Sport Community Facility Fund Round 2 (2022/23) only.

A letter addressed to the CEO of the NSFA from the Office of Sport was received by Council staff (from the NSFA) on 29 November 2023 (see **Attachment A1**). The letter explains that a recent independent review of the NSFA grant application found that the NSFA did not have landowner consent for its Multi-Sport Community Facility Fund Round 2 application and that the NSFA had used a letter from Ku-ring-gai Council dated 9 February 2022, which was provided to support the NSFA’s application for Round 1.

The letter goes on to explain that, in these circumstances, under Clause 9 of the Funding Agreement with the NSFA, the Office of Sport will withhold or suspend payments until the NSFA provides proof of landowner consent from Ku-ring-gai Council.

It is Council staff’s understanding that the grandstand project could not proceed without funding from the grant. That is to say that if Council does not provide owners consent, the grandstand project could be discontinued and all costs to date (spent by Council and the NSFA) associated with the project would be irretrievable sunk costs.

Correspondence from NSFA to the Office of Sport at **Attachment A2** indicates that the Office of Sport was aware of this fact at the time the grant was submitted and awarded.

## INTEGRATED PLANNING AND REPORTING

This project is not currently listed in Council’s Long Term Financial Plan. It is not a Council initiated project.

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
NA	NA	NA

## GOVERNANCE MATTERS

Continuing to work with the NSFA on this project is consistent with Council’s commitment to optimise the use of available public land for social infrastructure.

## RISK MANAGEMENT

The following risks have been identified for the project:

- Council may not have the right to terminate the project after the Construction Contract has been entered into and therefore may be liable for cost over-runs if NSFA are unable to fund additional costs;
- Council may need to cover additional on-going maintenance and replacement costs if the NSFA do not get sufficient revenue from operating the facility; and
- the Office of Sport may withdraw the approximate \$3.8m funding grant if significant progress is not made toward key milestones on time.

Future transaction documents will seek to minimise Council's risk exposure and/or transfer as much risk as possible to the NSFA.

## **FINANCIAL CONSIDERATIONS**

This proposal is not driven by financial outcomes, but rather the economic, social and environmental value offered to the football community, including the health benefits for players through increased activity and recreational outcomes.

Preparation of a business case in the context of a capital expenditure review is likely to determine that from a strictly financial perspective, the project is not financially feasible. In this respect, similar projects have carried the advice of both the Office of Local Government and the Major Projects Advisory Committee that Council should ensure that they are transparent in communicating this to the community.

The Heads of Agreement, executed since Council adopted it in June 2023, stipulates that all capital costs, operating costs, and lifecycle costs are to be borne by the NSFA.

Council has no funding allocated in the 2023/2024 financial year (or thereafter) for this project. From execution of the HoA, all costs, direct and indirect, are to be borne by NSFA.

## **SOCIAL CONSIDERATIONS**

A long-term objective of Council's *Community Strategic Plan* is to ensure that recreation, sporting, and leisure facilities are available to meet the community's diverse and changing needs.

## **ENVIRONMENTAL CONSIDERATIONS**

Environmental considerations have been considered in the project design, documentation, and approval of the DA (DA0484/21).

The obligation to comply with conditions of consent where they impose requirements above and beyond Council's current obligations for management and operation of the NTRA facility, would sit entirely with the NSFA.

## **COMMUNITY CONSULTATION**

Communications for the project thus far are being implemented by NSFA only.

Statutory notification was carried out as part of the DA process (DA0484/21).

## **INTERNAL CONSULTATION**

The project has been discussed between the Strategy & Environment and Operations Departments and the Directors of the Departments have met with the CEO and Facilities Manager of the NSFA.

## **SUMMARY**

The NSFA were previously successful in an application to the Office of Sport for a grant to (partially) fund the grandstand development project proposed for the sporting fields at the North Turramurra Recreation Area (NTRA).

A recent review of the grant by the Office of Sport has found that the NSFA did not have Council approval (owners consent) for the application and subsequently the Office of Sport has suspended any payment of the grant until the NSFA offers proof of owners consent.

It is Council staff’s understanding that the grandstand project could not proceed without funding from the grant. That is to say that if Council does not provide owners consent, the grandstand project could be discontinued and all costs to date (spent by Council and the NSFA) associated with the project would be irretrievable sunk costs.





Further, it stands to reason that, should Council grant owners consent for the sports grant, it would also grant owners consent for the NSFA to lodge a s4.55 modification to the approved DA so that minor amendments to the design can proceed.

**RECOMMENDATION:**

- A. That Council gives owners consent for the Northern Suburbs Football Association sports grant application Multi-Sport Community Facility Fund Round 2 (2022/23) so that funding payments can be released by the Office of Sport (when appropriate).
- B. That Council gives owners consent for the Northern Suburbs Football Association or its agents to lodge a modification of consent application under s.4.55 of the *Environmental Planning and Assessment Act 1979* in relation to DA0484/21 (Construction of a new grandstand with café, change rooms, offices, treatment rooms, corporate and media facilities at existing sports ground) for the matters broadly outlined in this report and in the plans and recommendations at **Attachment A1** to item GB.11.

Dean Payne  
Project Leader – Strategy & Environment

Andrew Watson  
Director Strategy & Environment

<b>Attachments:</b>	A1 	Office of Sport Letter to NSFA concerning requirement for Owners Consent	2023/388272
			
	A2 	NSFA letter to Office of Sport dated 22 November 2022 regarding landowner consent	2023/389628
			



Mr Kevin Johnson  
Chief Executive Officer  
Northern Suburbs Football Association  
Suite 2, 4-10 Bridge Street  
PYMBLE NSW 2073

By email: [ceo@nsfa.asn.au](mailto:ceo@nsfa.asn.au)

D23/122670

Dear Mr Johnson

I refer to the review that Centium undertook on behalf of the Office of Sport into grants awarded to the Northern Suburbs Football Association (the Association) under the Multi-Sport Community Facility Fund Round 2 (2022/23) and the Female Friendly Community Sport Facilities and Lighting Upgrades Program 2022/23.

I appreciate your assistance with the Centium review and participating in a meeting on 10 August 2023.

A key finding of the Centium review is that the Association did not have landowner consent for its Multi-Sport Community Facility Fund Round 2 application and that the Association used a letter from Ku-ring-gai Council dated 9 February 2022, which was provided to support the Association's application for Round 1.

In these circumstances, under Clause 9 of the Funding Agreement with the Association, the Office of Sport will withhold or suspend payments until the Association provides proof of landowner consent from Ku-ring-gai Council.

Should you wish to discuss this matter, please contact [REDACTED], Manager, Grants via email: [REDACTED]

Sincerely,

[REDACTED]

Celia Murphy  
Executive Director  
Policy and Planning



NSW Government Office of Sport  
Level 3, 68 Figtree Drive,  
Sydney Olympic Park NSW 2127

22<sup>nd</sup> November 2022

To Whom It May Concern,

***Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program  
Northern Suburbs football Association – Construction of Sports Amenities and undercover seating  
Building at North Turramurra Recreation Area***

Ku-ring-gai Council owns the land known as North Turramurra Recreation Area (NTRA), Bobbin Head Road, North Turramurra. The Northern Suburbs Football Association (NSFA) have requested a landowner consent form from Ku-ring-gai Council relating to the NTRA Amenities Development.

Ku-ring-gai Council have advised that they are not currently in the position to provide a landowner consent form to accompany the NSFA's Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program grant application. The reason provided is that the final consent of Council to commence construction of the project would be subject to separate resolution of Council and a licence or lease on terms consistent with Council's Management of Community and Recreation Facilities Policy.

Ku-ring-gai Council did previously provide us with a landowner consent form that accompanied the Multi-Sport Community Facility Fund grant application that was submitted in July 2022. We anticipate receiving from Council a similar letter for the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program grant application and will forward to your office once received.

Yours Sincerely

Kevin Johnson (COE of the NSFA)

Address: Suite 2 / 4-10 Bridge Street, Pymble 2073    Postal Address: PO Box 3288, Asquith 2077  
Email: [admin@nsfa.asn.au](mailto:admin@nsfa.asn.au)    Phone: (02) 9449 4933    Website: <http://nsfa.asn.au>