

10.15. Brightmore Street Drainage Reserve - Draft Plan of Management and Lease Terms for 33A Benelong Rd, Cremorne

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ATTACHMENTS	<ol style="list-style-type: none"> 1. DRAFT POM Brightmore Drainage Reserve [10.15.1 - 23 pages] 2. Brightmore Street Cremorne Lot 34 Sec C DP 5107 [10.15.2 - 18 pages] 3. CONFIDENTIAL - Draft Plan of Management and Lease Terms for 33A Benelong Road, Cremorne [10.15.3 - 1 page] 4. CONFIDENTIAL - Rental valuation of vehicular access Brightmore Street Drainage Reserve for 33A Benelong Rd, Cremorne [10.15.4 - 20 pages]
CSP LINK	<ol style="list-style-type: none"> 2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs

PURPOSE:

The purpose of this report is to:

- present the draft Plan of Management for Brightmore Street Drainage Reserve;
- outline the legal and access issues concerning 33A Benelong Road Cremorne including the proposed control measures; and
- seek Council’s endorsement to proceed with public consultation on the draft Plan of Management and the proposed five-year licence agreement.

EXECUTIVE SUMMARY:

- The Brightmore Street Drainage Reserve is classified as Community Land and serves as an overland flow path for stormwater management. However, it is also the only viable access route to 33A Benelong Road, which lacks direct vehicular access.
- A historical 1998 Court Order granted consent for a carport to be constructed, leading to the adoption of a Plan of Management in 1998 under the legal framework of the *Local Government Act 1993* which provided a lease for access. This Plan was subject to a sunset clause linked to ownership changes and a five-year lease period. No further Plan of Management has been prepared since the cessation of the original arrangement.
- This report presents a new Draft Plan of Management for Brightmore Street Drainage Reserve, outlining legal and access considerations concerning 33A Benelong Road. The primary objective is to seek Council’s endorsement to proceed with public consultation on the draft Plan of Management and the proposed five-year Licence agreement.
- The public consultation process, in compliance with Section 47A of the *Local Government Act 1993*, will involve a 28-day public exhibition period.

- The confidential attachment includes monetary information relating to the potential income for the use of the vehicular access for private use.

RECOMMENDATION:

1. THAT Council notes that the provisions of Section 46(4)(b) of the *Local Government Act 1993* do not apply as the drainage reserve is not a dedicated 'public road'.

2. THAT Council approve the commencement of the public consultation process for the proposed five-year licence and the Draft Plan of Management, to be exhibited concurrently for a minimum of 28 days.

3. THAT the Chief Executive Officer be granted delegated authority to negotiate the terms of the licence including the rental.

4. THAT should the relevant stakeholders or residents support the proposal, or no feedback is received during the consultation, the Plan of Management will be considered adopted.

5. THAT Council acknowledge a further report will be submitted following the public consultation period summarising the community feedback should feedback in opposition to the proposal be received.

6. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

(d) commercial information of a confidential nature that would, if disclosed

(ii) confer a commercial advantage on a competitor of the Council

It is further noted that release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

Background

The Site

The land to which the draft Plan of Management relates is known as Lot 34 Section C DP 5107 and lies between 16 and 18 Brightmore Street Cremorne at the southern end, whilst the northern end of the reserve extends onto Benelong Road.

There is a flight of stairs constructed over the lower half of the laneway at the Benelong Road end, which precludes vehicular access to Benelong Road. This is illustrated in Figure 3 in this report.

Adjoining the lower end of the laneway is a residential property known as 33 Benelong Road, with 33A Benelong Road, which is the subject of this report, at its rear (refer to Figure 1, below).

There is no vehicular or pedestrian access to 33A Benelong Road other than via the drainage reserve. Refer to Figures 2 and 3. All other properties adjacent to 33A Benelong Road have the benefit of vehicular access from the street.

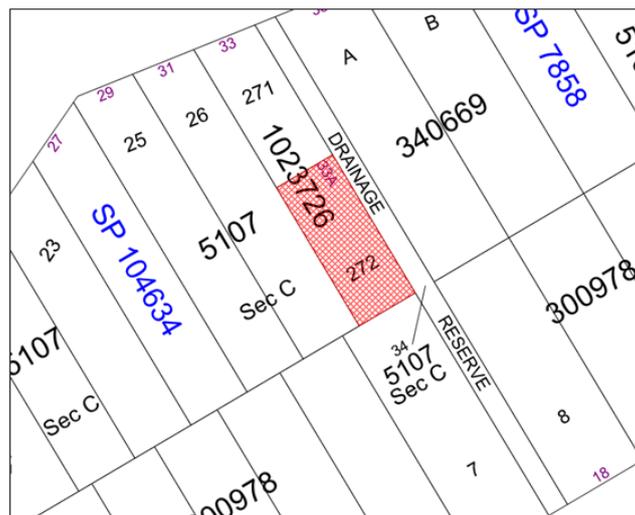


Figure 1: location of 33A Benelong Road, Cremorne shown in red

Zoning

The drainage reserve is currently zoned R2 Low Density Residential under North Sydney Local Environmental Plan (NSLEP) 2013.

The objectives and permitted use of this zone in accordance with the North Sydney LEP is:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*

- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.
- To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Centre-based childcare facilities; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based childcare; Information and education facilities; Medical centres; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite Day care centres; Roads; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3



Figure 2: Reserve pictured from Brightmore St looking north



Figure 3: Reserve from Benelong Rd looking south

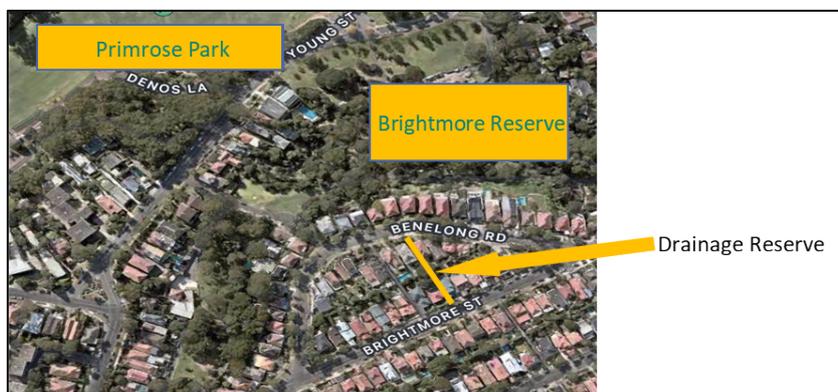


Figure 4: Aerial view of Drainage Reserve

Classification

The drainage reserve is currently classified as Community Land in accordance with the *Local Government Act 1993* and was vested in Council pursuant to the provisions of *Section 398 of the Local Government Act 1919* (now repealed), for drainage purposes. The reserve is 3.1m in width with an area of approximately 250m².

Development Application 317/98

On 9 July 1998, a Development Application was lodged for the alterations and additions to the then existing dwelling and the subdivision of the property into 2 lots (now known as 33 & 33A Benelong Rd, Cremorne).

33A Benelong Road

Council rejected DA317/98 for the alterations and additions of the then newly proposed carport which was to be located at the rear of the property, because of manoeuvrability, amongst other issues.

The main issue was that there was no vehicular access to the property other than via the drainage reserve which was, and still is, classified as Community Land pursuant to the provisions of the *Local Government Act 1993*.

Court Order

The owners filed an action against Council, and on 17 December 1998 the court issued Orders granting Consent to DA 317/98, which included the construction of the carport. The Orders, however, did not address access and egress and as the only entry and exit to the property was via the drainage reserve, Council was left with no alternative but to grant No. 33A Benelong Road carriageway via the drainage reserve under the following Plan of Management.

Plan of Management 1998

Following the order of the court and to address the access issues, it is noted that Council proceeded to grant vehicular access via the drainage reserve by way of an adoption of the above Plan of Management, which was subject to a sunset clause, if and when there was a change of ownership or limited to a term of five years.

At some point after the consent was acted upon, there was a change of ownership which resulted in the Plan of Management ceasing. A new Plan of Management has since not been prepared and the legal considerations outlined below necessitate addressing the access and egress issues for 33A Benelong Road.

Legal Advice dated 6 June 2015 in relation to the Court Order

The following advice was prepared by Council's in-house Solicitor, on request on the validity of the court order.

1. *The Court consent remains in force and the new owner of the property has the benefit of that consent (sections 80 and 81A of the Environmental Planning and Assessment Act 1979).*
2. *The conditions of the consent allow the construction of a carport and vehicular access to the property.*
3. *Even though the carport was, in the past, removed and the vehicular access to the drainage reserve fenced, the consent and its conditions are saved and remain active (section 109B of the Act which saves the effect of existing consents)*
4. *There is case law which confirms that if existing active consents (and their conditions) are abandoned, such consents (and their effect) can be saved and later acted upon (see Yan v Marrickville Council [2001] NSWLEC71 by Sheahan J at 34).*
5. *In terms of planning law, <the owner> can assert their rights to act on the consent and construct a carport and open the fence in anticipation of vehicular access via the drainage reserve.*

Report

Legal Considerations in relation to 33A Benelong Road

1. Section 46(4)(b) of the *Local Government Act 1993*

The Local Government Act 1993 sets out the legal requirements for leasing or licensing community land, which directly impacts Brightmore Street drainage reserve and the proposed vehicle access rights for 33A Benelong Road.

1.1 Interpretation and Application of Section 46(4)(b) "the provision of public roads" under the *Local Government Act 1993*

The application of Section 46(4)(b) of the *Local Government Act 1993* in relation to the drainage reserve at Brightmore Street requires careful consideration.

The land in question is classified as Community Land and vests in Council for *drainage purposes*.

However, the key issue is whether granting vehicular accessway to the owner of 33A Benelong Road over the drainage reserve falls within the meaning of "the provision of public roads" under Section 46(4)(b). This is interpreted as follows:

- Under Section 46(4)(b) of the *Local Government Act 1993*, one of the prescribed purposes for which a lease, licence, or other estate in community land may be granted is “the provision of public roads.”
- Under the *Roads Act (NSW) 1993*, a "public road" is typically one that is dedicated to public use and is maintained by a public authority.
Note: There is no evidence of the drainage reserve been dedicated as a ‘public road’.
- However, if the accessway is to be used exclusively by the owner of 33A Benelong Road for vehicular access, we need to be mindful that the laneway is not a "*dedicated public road*", but a '*drainage reserve*' which will be used for private access over community land and is not covered by the provisions of Section 46(4)(b).

1.2 Implications for the Drainage Reserve under its current status

- The drainage reserve remains classified as community land, categorised as a *drainage reserve* and is **not** a '*dedicated public road*'.
- The grant of a lease or licence for private vehicular access does not amount to the creation of a public road, as it benefits only a specific private property owner and not the public at large.
- To comply with Section 46, the Act requires a Plan of Management for Community Land where exclusive use of this nature such as the granting of vehicular access is proposed.
- The Plan of Management must explicitly authorise a lease or licence for vehicular access.

1.3 Council’s alternative to a Plan of Management

As an alternative to preparing a Plan of Management to regulate the use of the land, Council could consider reclassifying the land from *Community* to *Operational Land*.

This process would require an amendment to the Local Environmental Plan (LEP), including the preparation of a Planning Proposal and obtaining Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979.

While reclassification would provide Council with greater flexibility in managing the land and determining its future use, it may also result in adverse consequences, particularly given the land’s ongoing function as a drainage reserve. Some of the potential impacts are listed below.

1.4 Potential adverse impacts of reclassification

- Operational Land is not subject to the same statutory protections as Community Land, meaning Council would have the discretion to sell, lease, or otherwise dispose of the land without requiring a public consultation process.
- Reclassification requires extensive statutory processes, including the preparation of a Planning Proposal, LEP amendments, public consultation, and potential legal challenges, which may be time-consuming, costly, and resource intensive.

- Reclassifying the 250m² drainage reserve to operational land may face opposition from local residents and stakeholders who may seek similar vehicular access rights as those granted to the owner of 33A Benelong Road.
This could set a precedent for increased access requests, potentially resulting in overuse and degradation of the drainage reserve.
- Increased vehicular access could compromise the reserve's primary function as it currently serves as an overland flow path for stormwater management, which could lead to various risks such as the potential structural strain on the existing drainage infrastructure.

Given these considerations, it is recommended that Council carefully assess the implications of reclassification in comparison with a Plan of Management which would be a more appropriate mechanism for managing the land while preserving its public and environmental values.

2. Provisions of the Draft Plan of Management 2025

Under the Local Government Act 1993, all land classified as “community land” must be managed in accordance with an adopted Plan of Management. Council cannot approve any use of community land unless the proposed use is consistent with the applicable Plan of Management and complies with all relevant criteria under Sections 46 and 47A of the Act (in this case, as the licence is for a period of five years). In addition, Section 44 of the Act provides that, until a Plan of Management is adopted, the nature and use of the land must not be changed. Accordingly, Council cannot grant a lease, licence, or other estate over the land until a Plan of Management has been adopted.

To address this issue a Draft Plan of Management for the Brightmore Street drainage reserve has been prepared to explicitly permit the granting of a licence to the owner of 33A Benelong Road for vehicular access. This is a necessary step to ensure compliance with Section 46 of the *Local Government Act 1993*.

As the owner of 33A Benelong Road currently lacks formal vehicular access, the draft Plan of Management provides a legal framework to address this issue while ensuring that the drainage function of the reserve remains protected and uncompromised.

2.1 Proposed Lease/Licence Under Section 46 of the *Local Government Act 1993*

Section 46(1)(b) of the Act restricts Council from granting a lease, licence or other estate over Community Land unless it is:

- expressly permitted by a Plan of Management, and
Section 46(1)(b)(i) provides that it is for a purpose prescribed by any of Sections 36E to 36N as a core objective of the categorisation of the land.

Therefore, Section 36I(b) of the Local Government Act 1993 would apply in this instance. It provides:

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

Council intends to grant a licence to the owner of 33A Benelong Road for vehicular access within the drainage reserve, subject to conditions outlined in the draft Plan of Management.

2.2 Essential licence terms and conditions including provisions to mitigate risks

The proposed licence to be granted to the owner of 33A Benelong Road for vehicular access over Brightmore Street Drainage Reserve shall be subject to the following essential conditions.

- **Term of Licence:**
 - Five Years - *Section 46A* provides that a lease or licence for a term exceeding five years may be granted only by tender, unless it is granted to a non-profit organisation. Therefore, Council cannot grant a licence beyond five years, including any options.
- **Permitted Use:**
 - Vehicular access purposes only.
- **Financial Considerations:**
 - The proposed licence fee has been determined by a registered valuer, based on the principles of fair and reasonable compensation for the use of Council's Community Land. Details of the valuation and the recommended licence fee are provided in the Confidential Attachment to this report for Council's consideration.
- **Maintenance Obligations:**
 - The licensee (owner of 33A Benelong Road) will be responsible for the general upkeep of the accessway, ensuring there is no damage or obstruction to the reserve's primary drainage function.

- Council reserves the right to impose rectification works on the licensee should any impact on the stormwater infrastructure occur as a result of the private vehicular access.
- **Public Access Considerations**
 - While the licence grants exclusive vehicular access rights to the property owner, pedestrian access to the reserve for public benefit will not be unduly restricted.
 - The licence will include provisions to ensure public safety and clear delineation of access rights.
- **Liability & Safety Considerations**
 - The presence of vehicular traffic on a drainage reserve may present potential public safety risks.
 - Council may be held liable for any injuries or damages resulting from the accessway unless adequate risk mitigation measures are put in place, such as:
 - Signage and access control measures.
 - Insurance and indemnity clauses within the licence agreement.
- **Sunset Clause**
 - **Term Limitation:** The licence shall be granted for a fixed term of five (5) years, with no automatic renewal or extension beyond this period. Any continuation of the licence beyond the expiry date will require a new application and approval process, subject to Council's discretion and compliance with all statutory requirements.
 - **Change of Ownership:** The licence is personal to the current owner of 33A Benelong Road and shall not be transferable to any subsequent owner. In the event of a change in ownership of 33A Benelong Road, the licence will automatically terminate, and the new owner must apply to enter into a new licence, subject to Council approval, and compliance with the relevant provisions of the *Local Government Act 1993*, the Plan of Management and any other applicable Council Policies.

- **No Assignment Clause**

The licence is not assignable under any circumstances.

- **Council's Right to Terminate**

Council reserves the right to terminate the licence at any time before its expiry if:

- The licensee fails to comply with the terms and conditions of the licence.
- There is a material impact on the drainage function or public use of the reserve that necessitates revocation of the licence.
- The land is required for an overriding public purpose, as determined by Council. In such cases, reasonable notice shall be provided to the licensee, and where feasible, alternative arrangements may be considered.

- **Legislative or Planning Changes**

If amendments to the Local Environmental Plan (LEP) or any other planning instruments result in zoning changes or other regulatory modifications that impact the

licence or the Plan of Management, Council reserves the right to review, amend, or terminate the licence to ensure compliance with the updated framework.

- **Review of the Plan of Management**

The Plan of Management is not limited by the Sunset Clause, so the Plan of Management will not cease. It shall be subject to a formal review every ten (10) years to ensure its continued relevance and alignment with Council objectives, legislative requirements, and community interests.

2.3 Infrastructure Considerations:

Council recently undertook an assessment of the resurfacing requirements for the Brightmore Street Drainage Reserve in consideration of its decision to permit vehicular access to the owner of 33A Benelong Road. To safeguard the structural integrity of the reserve while preserving its drainage function, several engineering measures were implemented:

Comments by Council’s Engineering Project Manager:

The pathway was constructed to the specifications of a standard driveway, incorporating SL82 steel mesh reinforcement to enhance its structural stability. The surface comprises 32MPa concrete, compliant with current Australian Standards for strength and durability. The reserve has a load-bearing capacity of 5 tonnes, ensuring its ability to accommodate the anticipated vehicle movements without compromising its function.

2.4 Public Consultation Process for the proposed five-year Licence

In accordance with Section 47A of the *Local Government Act 1993*, Council is required to undertake public consultation before granting a licence over Community Land. As the proposed licence for vehicular access to 33A Benelong Road has a term of five (5) years, Council is required to publicly exhibit the proposal and consider submissions from the community before making a final determination.

2.5 Public Notification Requirements

The public consultation process will involve:

- **Public Exhibition and Submission Period**

The Draft Plan of Management and the proposed five-year licence agreement will be placed on public exhibition concurrently for a minimum of 28 days during which time the public can make written submissions regarding these proposals.

- **Notification Methods**

- A public notice will be published on Council’s website, outlining its purpose, duration, and any specific conditions which may require inclusion.

- Direct notification will be provided to adjoining landowners, precinct committees and other stakeholders who may be affected by the proposal.

2.6 Consideration of Public Submissions

At the conclusion of the public exhibition period, Council will:

- Review and assess all submissions received.
- Address any concerns raised by the community.
- Prepare a report summarising any feedback opposing the proposal, along with any recommended amendments or conditions to be incorporated into the final licence.

Conclusion

The draft Plan of Management for Brightmore Street Drainage Reserve provides a clear legal and operational framework to address the vehicular access needs of 33A Benelong Road while preserving the drainage functionality and public interest. It aligns with statutory obligations under the *Local Government Act 1993* and ensures compliance through the incorporation of appropriate conditions within the licence, including risk mitigation clauses.

Following the public consultation process, the proposal will be referred to Council for final consideration and adoption. If significant objections are raised that cannot be resolved, the matter may require further review or modification before proceeding with the licence.

By undertaking this transparent community consultation process, Council ensures compliance with its statutory obligations while balancing community interests to satisfy the obligations imposed upon Council by the Court, which is to facilitate lawful vehicular access to 33A Benelong Road.

Consultation requirements

Community engagement will be undertaken in accordance with Council's Community Engagement Strategy.

Financial/Resource Implications

The rental for the use of the drainage reserve was determined by a registered Valuer and is outlined in the Confidential Report.

Legislation

The Local Government Act 1993, particularly Section of 46, regulates the use of Community land.



Brightmore Street Drainage Reserve Plan of Management



Document Control

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1. Introduction

1.1. Management Context

Plans of Management are important documents providing clear guidelines for the effective short and long-term management of all land owned by the Council or under the Council's control. This document complies with the Local Government Act 1993, and the Amendment (Community Land Management) Act 1998 and supersedes the Generic Plan of Management for Community Lands for Brightmore Street Drainage Reserve 1997.

Brightmore Street Drainage Reserve provides for stormwater overland flow while also providing sealed pedestrian access between Brightmore Street and Benelong Road.

Brightmore Street Drainage Reserve is Zoned R2 Low Density Residential and is classified as community land for the public purpose of stormwater management, categorised as General Community Use. The land is owned by North Sydney Council; and is bound by private property on either side opening to Brightmore Street on the northern end and Benelong Road to the south. Activated development approval to 33A Benelong Road discussed within the previous Plan of Management retains ongoing private vehicle access that is subject to this plan.

The Brightmore Street Drainage Reserve Plan of Management examines the typical range of issues associated with a drainage reserve and pedestrian access in a residential area in a pragmatic and transparent manner. The Plan draws on information contained within previous studies and incorporates it into a useful document that functions as one of the Council's management tools regarding the subject site. The major relevant legislation governing the site include:

- Local Government Act 1993
- Amendment (Community Land Management) Act 1998
- Environmental Planning & Assessment Act 1979

The other relevant Council documents, studies and policies include;

- North Sydney Council Vision 2040 (Community Strategic Plan)
- North Sydney Council Delivery Program 2022-2026
- Local Environmental Plan 2013, (& Development Control Plan) North Sydney Council
- Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005
- North Sydney Recreation Needs Study 2015
- North Sydney Walking Strategy 2022
- North Sydney Council Asset Management Plan – Footpaths
- North Sydney Council Asset Management Plan – Stormwater Drainage
- North Sydney Council Development Control Plan 2013 – Section 18 Stormwater Management
- Rights of Way over Drainage Reserves & Community Land Policy 2022
- Encroachment Management Policy 2022

1.2. Structure of the Plan of Management

The structure of this plan has been designed to be consistent with Councils current set of plans of management and is divided into 6 key parts:

Section 1 examines what a Plan of Management is, outlines the scope of this Plan, its purpose, and its core objectives, explains the linkage between this Plan of Management and Council's land management goals, and details the role of community consultation in the planning process. It also examines the issue of leases, licences and other estates as they relate to the Brightmore Street Drainage Reserve.

Section 2 examines Brightmore Street Drainage Reserve characteristics and local history context. The function and use of the Drainage Reserve is also discussed.

Section 3 identifies and examines the planning and management issues impacting the site providing an understanding of how these issues are addressed within the context and parameters of this Plan of Management.

Section 4 provides for management implementation matrix, proposed actions and performance indicators for each issue, and each issue is given a priority rating.

Section 5 discusses the monitoring and review process as well as describing the budget and funding process impacting recurrent and future works.

Section 6 contains relevant appendices.

1.3. Purpose of the Plan of Management

This Plan of Management has been prepared to provide a useful consistent set of guidelines for the management of the Brightmore Street Drainage Reserve governing the direction of management for this area of public open space.

This Plan of Management examines the condition and characteristics of Brightmore Street Drainage Reserve. It identifies clear land management core objectives and establishes directions for planning, resource management and maintenance. It clarifies and establishes management policy and direction, both for Council staff and the public.

This Plan of Management will be reviewed to assess implementation. A major review after approximately 10 years will allow policy and planning issues to be revisited and updated where necessary.

The land covered by this Plan of Management is zoned 'R2 Low Density Residential' under Council's Local Environmental Plan 2013. Refer Appendix 1: Zoning of Brightmore Street Drainage Reserve.

1.4. Local Government Act (1993) Land Categorisation and Core Objectives

Council's Brightmore Street Drainage Reserve Plan of Management, 1997, categorised Brightmore Street Drainage Reserve as Community Land - "General Community Use" in accordance with the Local Government (General) Regulation 2005 under the Local Government Act 1993. This Plan of Management does not propose to change this categorisation.

Council owned Community land should be categorised as 'General Community Use' under section 36(4) of the Local Government Act (1993) if the land:

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and*
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a Reserve, or an area of cultural significance.*

1.5. Core objectives for the management of land categorised as 'general community use'

The Amendment (Community Land Management) Act 1998 provides core objectives for management of land categorised as 'general community use' that are applicable to Brightmore Street Drainage Reserve.

The core objectives for management of community land categorised as general community use are to *promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:*

a) in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and

b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The Local Government Act 1993 (SECT 5) also makes provisions for the 'Use of land held for drainage purposes' and is included in this plan as core objective c). The provisions state:

c) Land that is held by council for drainage purposes may be used for any other purpose that is not inconsistent with its use for drainage purposes, subject to the Environmental Planning and Assessment Act 1979 and any environmental planning instrument applying to the land.

1.6. Permitted Uses of the land

1.6.1. Leases, Licences, Permits and Other Estates

The Amendment (Community Land Management) Act 1998 sets out requirements for the granting of a lease, licence or other estate in respect of community land.

A lease, licence or permit is a contract between a landowner and another entity, granting that entity a right to occupy an area for a specific period. Leases, licences and permits formalise the use of community land by groups such as sporting clubs, community groups and schools, or by commercial organisations and individuals providing facilities or services for public use.

A lease is typically required where exclusive use or control of all or part of a park or reserve is required. The terms and conditions of a lease should ensure that the lessee undertakes proper management of the facility such that it is maintained in a safe and visually pleasing condition, and that the interests of Council and the public are protected.

A licence is a right to occupy land without any interest in the land being granted. Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of a park or reserve is proposed. Several licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

This Plan of Management authorises under 'General Conditions' that Council may only grant a lease, licence or other estate (including an easement for the purpose of "Right of Carriageway") for use of Brightmore Street Drainage Reserve if it is:

- a) For a purpose specified as a core objective for land categorised as general community use (refer section 1.5)
- b) For activities appropriate to the current and future needs of the community in relation to wide public purposes such as public recreation and cultural development
- c) To an adjoining landowner who has obtained and activated relevant development consent including but not limited to 33A Benelong Road, Cremorne
- d) For short term casual purposes as listed below:
 - Commercial photographic sessions
 - Filming for cinema or television
 - Access & Egress for public works and emergency access purposes

(Note: The use or occupation of Brightmore Street Drainage Reserve for any of the above-listed short- term casual purposes is allowed only if the use or occupation does not involve the erection of any building or structure of a permanent nature).

Lease, licence or other estate for a period that does not exceed 5 years

For Council to grant a lease, licence or other estate in respect of Brightmore Street Drainage Reserve for a period that does not exceed 5 years; Including any period for which the lease, licence or other estate could be renewed by the exercise of an option, it must:

- give public notice of the proposal, and
- exhibit notice of the proposal on the land to which the proposal relates, and
- exhibit notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
- give notice of the proposal to any other person, appearing to the Council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the Council the land subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

A notice of the proposal must include:

- information sufficient to identify the community land concerned
- the purpose for which the land will be used under the proposed lease, licence or other estate
- the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
- the name of the person to whom it is proposed to grant the lease, licence or other estate
- a statement that submissions in writing may be made to the Council concerning the proposal within a period, not less than 28 days, specified in the notice

Other requirements

- Any person may make a submission in writing to the Council during the period specified for the purpose in the notice
- Before granting the lease, licence or other estate, the Council must consider all submissions duly made to it
- On receipt by the Council of a written request from the Minister for Local Government, the proposal is to be referred to the Minister

Final approval of a lease, licence or other estate rests with Council, however, in unusual circumstances, the Minister for Local Government has the discretion to 'call-in' a proposed lease, licence or other estate and determine the matter in place of the Council.

Leases, licences and other estates for a period of 5 years or less for use of Brightmore Street Drainage Reserve for cultural or recreational purposes are not required to be tendered.

Leases, licences and other estates for periods exceeding 5 years.

Leases, licences and other estates for use or occupation of Brightmore Street Drainage Reserve for periods of over 5 years must be tendered unless for a non-profit organisation. The public notification and consultation procedure is as for leases, licences and other estates of 5 years or less. Council must submit leases, licences and other estates of over 5 years (including options to

renew) to the Minister for Local Government for his approval. Leases, licences or other estates may not be granted for a period exceeding 21 years. (This includes any period for which the lease, licence or other estate could be renewed by the exercise of an option.)

Express authority for vehicular access rights in favour of No. 33A Benelong Road, Cremorne is provided in this Plan of Management where a current lease, licence or other estate or instrument is in place.

1.6.2. Uses of Community Land for which leases, licences and other estates are not required

Exemptions regarding the granting of lease, licence or other estate in respect of Brightmore Street Drainage Reserve for terms of 5 years or less may be granted in the following cases:

Use and occupation of the land for events such as:

- (i) a public performance (that is, a theatrical, musical, or other entertainment for the amusement of the public)
- (ii) the playing of a musical instrument, or singing, for fee or reward
- (iii) playing of any lawful informal game or sport
- (iv) delivering a public address
- (v) conducting a commercial photographic session
- (vii) filming for cinema or television

However, the use or occupation of community land for the events listed above is exempt only if:

- a) the use or occupation does not involve the erection of any building or structure of a permanent nature,
- b) in the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and
- c) the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months

To place something such as stand plant equipment, building materials, mobile structures, or skips, or to have a temporary street opening, you will need an Occupy Council Road and/or Footpath Permit.

This Plan of Management authorises access (including vehicular and plant access) and any associated temporary occupation of the site to undertake asset renewal and maintenance of associated infrastructure and embellishment or for any other operational purposes as determined by North Sydney Council.

The Brightmore Street Drainage Reserve is not subject to any current leases and no previous leases are held over. Approval of any leases must be in accordance with this Plan of Management.

1.7. Plan Consultation

The draft Brightmore Street Drainage Reserve Plan of Management is publicly exhibited for 28 days. A further 14 days is allowed to receive submissions. This provides interested parties with the opportunity to comment on and have input into the final document. The following steps have been undertaken to generate widespread awareness of the draft Plan of Management:

- Notifying relevant Council Precinct Committees and other known stakeholders that a new Plan of Management is on exhibition inviting comments
- Posting the draft document on Council's Your Say webpage with an accessible feedback form
- Providing hard copies of the draft document to stakeholders, upon request

Writing a Submission;

Submissions give all stakeholders an opportunity to express their opinions, provide information and suggest alternatives to Council's proposed management strategies for Brightmore Street Drainage Reserve over the next 10 years.

To ensure submissions are as effective as possible:

- (1) List all points according to the section and page number in the Plan of Management.
- (2) Briefly describe each subject or issue you wish to discuss.
- (3) State which strategies you agree or disagree with and give reasons.
- (4) Suggest alternatives to deal with any issue with which you disagree.

Written submissions should be sent to: The Chief Executive Officer
North Sydney Council P O Box 12
NORTH SYDNEY NSW 2059
Attention: Ms Risha Joseph, Senior Property Officer
Email: council@northsydney.nsw.gov.au

Comments regarding this or any other adopted or draft Plan of Management may be submitted at any time. Each Plan is reviewed regularly, and at the time of the review contemporary issues can be incorporated and existing actions amended. Adopted Plans of Management may be viewed and downloaded from Council's website: www.northsydney.nsw.gov.au

2. Site Characteristics

2.1. Site Location & General Description

Location and Size: Positioned between No.'s 16 & 18 Brightmore Street, extending to Benelong Road, covering approximately 250 square meters and 3.1 meters in width and approximately 80m in length.

Current Features and Infrastructure: A bitumen-paved laneway, used for pedestrian access and stormwater drainage.

Environmental Significance and Biodiversity: Plays a network role in managing stormwater runoff from adjacent streets and buildings.

Cultural and Historical Importance: low, local relevance.

Brightmore Street Drainage Reserve is one of a number of drainage reserves within North Sydney. It has values both as a pedestrian access asset as well as providing stormwater overland flow path which benefits both the local and wider community. Private vehicle access via a gate is provided mid-way along the reserve servicing 33a Brightmore Road.

2.2. Physical Characteristics

2.2.1. Topography

The physical character of Brightmore Street Drainage Reserve reflects the major earthwork modifications that have occurred on the site. The current topography slopes south to north. Note grade and access including stairs adequately accommodate the topography and grade to provide adequate pedestrian access

2.2.2. Geology and soils

Due to the earthworks that have taken place in the Reserve, including the construction of a concrete & asphalt pathway it is difficult to assess the condition of any soil with almost all the natural soil has been removed and replaced by rubble or sandy fill. Underlying geology of Brightmore Street Drainage Reserve is likely Hawkesbury Sandstone, and the original soil type has been classified as a developed terrain of the Gynea Catena. The constructed concrete pathway has a low permeability, and as a result, rainfall passes through rapidly as part of the overland flow path.

2.2.3. Vegetation

There is currently no vegetation on the drainage reserve. Tree and shrub planting on adjacent private residence and local area are appropriate and not of significance. North Sydney Council strategies including the Street Tree Strategy and the Urban Forest Strategy describe circumstances where future plantings may be considered in forward works to achieve canopy cover targets for the area generally.

2.3. Built form

Information available via the public domain describe houses adjacent to reserve range from 'modern design' to a '1930' constructed 'full brick home'.

Private access to carport located at and servicing 33a is provided via a privately owned gateway and has activated development approval and consent.

Figure 1 - Site Plan



Figure 3: aerial imagery of the site and surround public open space

Figure 4 - Reserve Photos

*Below: Reserve pictured from Brightmore St looking north.
Adjacent: Reserve pictured from Benelong Road looking south.*



2.4. Current Activities & Site Values

Brightmore Street Drainage Reserve is a reserve that accommodates a limited range of passive recreation activities including walking, socialising, exercising and general active commuting. The northern part of the Reserve provides access to parkland destinations.

Brightmore Street Drainage Reserve can be traversed by commuters moving to and from transportation points located in or near to the Reserve. Several schools are located within walking distance of Brightmore Street Drainage Reserve.

The reserve has been used by owners of 33A Benelong Road to access private carport for garaging of a private vehicle.

3. Planning & Management Issues

3.1. Background

Brightmore Street Drainage Reserve is subject to a small range of not insignificant matters generally associated with drainage reserves located between residential areas with constructed access. Relevant issues include:

1. Development, Improvement & Maintenance Works
2. Activity & Access Management
3. Community & Stakeholder consultation

Management options (both existing and future) addressing these issues are necessarily responsive to the changing needs of the community and users, and the Plan of Management reflects this flexibility to take advantage of future requirements and changing needs as they arise. The plan also provides both short- and long-term policy and is flexible enough to respond to social changes.

3.2. Development, Improvement & Maintenance works

Brightmore Street Drainage Reserve is Zoned R2 Low Density Residential and is classified as community land for the public purpose of stormwater management, categorised as General Community Use. Land management objectives of the site are described in section 1 and are in alignment with the land zoning and the reserve purpose (drainage).

Section 4 discusses the primary management controls and strategies when considering future development of this site, or adjacent areas that may impact upon the site's values.

Upgrading and improvement works scheduled during the life of this Plan of Management may include:

- Stormwater and Drainage work
- Footpath and pavement repair
- Installation or replacement of signage in Brightmore Street Drainage Reserve
- Any ancillary investigations and actions to support the undertaking of such works.

Stormwater and Drainage Management

Effective management of piped and surface stormwater runoff ensures the protection and enhancement of the environmental and recreational value of the reserve, including biodiversity and ecological conservation and habitat preservation of downstream local waterways. Ensuring effective management of stormwater runoff to mitigate flooding risks and maintain environmental health is primarily supported by the North Sydney Development Control Plan 2013. Section B18 (Stormwater Management) outlines objectives and provisions for managing stormwater effectively within the North Sydney area. It focuses on minimising impacts on neighbouring properties, mimicking natural drainage systems, and ensuring compliance with Council standards. The plan emphasises the need for proper design and maintenance of stormwater systems, particularly in the context of private development and heritage conservation. It also details the requirements for new developments, including the integration of Water Sensitive Urban Design (WSUD), the protection of heritage kerbs, and procedures for stormwater drainage works. This section is instrumental in guiding the management of stormwater and drainage in developments, including the Brightmore Street Drainage Reserve.

To ensure the long-term financial planning and condition assessment of the supporting infrastructure North Sydney Council have developed Asset Management Plan for Stormwater and Drainage to uphold the reserve to an acceptable standard, integrating it into the Council's existing maintenance programs.

The North Sydney Council's Asset Management Plan for Stormwater and Drainage focuses on the maintenance and improvement of stormwater infrastructure to ensure efficient service delivery and environmental protection. It outlines a comprehensive strategy for managing the network of drainage pipes, pits, and gross pollutant traps (GPTs) within the council area. The plan addresses the importance of maintaining and upgrading these assets to manage stormwater effectively, reduce pollution, and handle increased runoff due to urbanisation. It includes detailed assessments of the condition and risk associated with these assets, along with strategies for their renewal, replacement, and improvement. This approach aligns with the objective of the Brightmore Street Drainage Reserve Plan of Management, emphasising efficient stormwater management and maintaining pedestrian access pathways.

The effectiveness of maintenance is a function of several factors including the type and extent of machinery available, the level of experience and expertise of personnel, and the frequency of each operation. Efficient maintenance practices allow cost savings to be made, permitting funds to be redirected to other key areas.

Current management has focused on achieving an acceptable standard of maintenance for Brightmore Street Drainage Reserve. The current staffing levels and budget for management and maintenance of Brightmore Street Drainage Reserve may vary over time as contemporary issues become relevant and community needs and priorities change.

Footpath Management

The North Sydney Walking Strategy emphasises the significance of walking as a primary mode of travel and aims to enhance the walking experience in North Sydney. This strategy directly supports the use of the Brightmore Street Drainage Reserve as a pedestrian linkage, enhancing connectivity and accessibility in the area.

The North Sydney Council's Footpaths Asset Management Plan (2022-2032) is designed to maintain and manage the footpath network effectively. It includes strategies for the upkeep of footpaths while addressing associated risks for different asset classes. The plan covers various aspects of footpath management, including future demand, customer service levels, asset condition, funding strategies, and risk management. It aims to ensure the footpaths are maintained in a cost-effective and efficient manner, balancing the need for upkeep with budget constraints and risk considerations. This approach is crucial in ensuring the safety, functionality, and accessibility of the footpath network, including areas such as the Brightmore Street Drainage Reserve.

3.3. Activity & Access management

This section examines the North Sydney Council open space and land planning strategies and policies relevant to Brightmore Street Drainage Reserve. Examining the planning context provides a sound basis to consider and assess the existing uses and their alignment with the community land objectives.

Maintaining the reserve as a pedestrian pathway and ensuring safe vehicular and pedestrian access is an important issue addressed by this Plan of Management. Maintaining and improving pedestrian pathways to ensure safe and convenient access for the community is a key site feature and requires appropriate strategies to managing vehicular access rights in accordance with legal agreements and council policies, balancing the needs of the property owner with public interest.

The North Sydney Walking Strategy emphasises the significance of walking as a primary mode of travel and aims to enhance the walking experience in North Sydney. It focuses on creating a safe, enjoyable, and accessible walking environment, thereby promoting active health, environmental sustainability, and social well-being. The strategy identifies existing conditions, sets vision and objectives, and charts a course for improving walking infrastructure and participation. It also considers demographic and topographic contexts, aligning with regional and local policies to improve overall walkability.

Access Management Control

Whilst general vehicular through access or parking within the reserve is not permitted on the reserve, adequate provision for access of emergency and service vehicles should be provided for the purpose of improvement or maintenance works including ancillary supporting activities.

Private development approval for vehicular access to the owners of 33A Benelong Road has been previously activated. Ongoing private access to this property to support this approval is acknowledged as a permitted use (see section 1.6.1) for vehicle access to this property. Notwithstanding this express use permission there is a reasonable obligation for the owners of 33A Benelong Road to accommodate Council staff requests with regards to any works on site that may require temporary restrictions due to improvement, maintenance or operational works with no obligation resting with Council to provide alternative access to 33A Benelong Road or any other adjoining private residences.

Express authorisation of any other private vehicle access to this reserve should only be considered permissible where activated development approval exists, including consideration of any Council development controls, policy, or related requirements.

The North Sydney Council 'Rights of Way over Drainage Reserves and Community Land Policy 2022' outlines the guidelines for granting drainage easements, especially for vehicular access over community land which are authorised under this Plan of Management.

Un-authorised structures and encroachments

The Brightmore Street Drainage Reserve Plan of Management aims to ensure that any current or future encroachments onto Brightmore Street Drainage Reserve are dealt with consistently, appropriately and in the best interests of Reserve users and the general public. Council has an existing policy with which to manage un-authorised structures and encroachments which is further discussed in section 4 of this plan.

North Sydney's Council's Encroachment Management Policy provides for authority to deal with 'the intrusion of a structure or other object onto land owned or controlled by Council.' Encroachments typically include fences, steps, paths, paved areas, seating, small buildings such as sheds and vegetation planted to imply a boundary. Encroachments can alienate public land and prevent the

public from using public open space. Private encroachments onto Brightmore Street Drainage Reserve are not permitted and will be dealt with in accordance with this policy.

3.4. Community and Stakeholder consultation

Involving local residents and stakeholders in the decision-making process, ensures transparency and an opportunity to respond to community needs and feedback. Community consultation provides Council with a sound understanding of relevant local issues from people who are familiar with and use the relevant open space areas.

Public involvement and consultation can generate an understanding of Council's land management aims, combats misinformation and misunderstanding, and fosters support for Council's programs and policies. The consent and co-operation of users and other stakeholders facilitates management and lends weight to the status of the Brightmore Street Drainage Reserve Plan of Management.

The incorporation of community participation in the planning process is also an important management tool. Ways in which the community can participate in the management of Brightmore Street Drainage Reserve are detailed in section 1.7. The approach to community and stakeholder consultation as it relates to Brightmore Street Drainage Reserve Plan of Management is consistent with North Sydney Council Community Engagement Policy.

4. Management Implementation and Performance Matrix

Matrix

The implementation plan outlined in the Matrix is consistent with anticipated availability of resources and anticipated community trends. The priority ratings outlined on the following pages are subject to the availability of necessary staff and funds and may require modification if exceptional circumstances arise. Codes used to define priorities in the following matrix:

ST	(Short Term)	Action completed within 2 years
MT	(Medium Term)	Action completed within 3-5 years
LT	(Long Term)	Action commenced after 5 years
O	(Ongoing)	Action is carried out on a regular basis for the life of this Plan of Management

Development Improvements & maintenance works

Issue	Objective	Action	Comments	Priority	Performance Indicators	Related Strategy
1. Development impact to Landscape Amenity and Aesthetics	To ensure Brightmore Street Drainage Reserve is managed and maintained to retain local amenity value.	Assess any new proposals likely to affect the appearance of the Reserve for consistency with the desired purpose as pedestrian & vehicular access	Structures and planting are consistent with the stormwater overland drainage and pedestrian and vehicular access purposes.	O	All new work undertaken in the Reserve is appropriate.	North Sydney Development Control Plan.

		and overland stormwater				
2. Recognition of stormwater management values & function	To ensure Brightmore Street Drainage Reserve functions as designed in managing overland flow.	Assess the impact of any new proposals likely to affect the function of stormwater and drainage management.	Planning and design objectives drainage reserves are contained within the North Sydney Development Control Plan 2013 Section 18 (Stormwater Management).	O	All new work undertaken in the Reserve is appropriate with stormwater management function.	North Sydney Development Control Plan 2013 Section 18 Asset Management Plan for Stormwater and Drainage
3. Community & stakeholder involvement	To ensure any proposed development of Brightmore Street Drainage Reserve has an appropriate community and stakeholder engagement.	Provide adequate information and opportunity for community and stakeholders to comment on any new developments proposed at this site.	Community and stakeholder engagement on any new proposals are considered in line with Councils engagement strategy and practices.	O	New development proposals affecting reserve will be included in the associated community and stakeholder engagement.	North Sydney Community Engagement Policy
4. Reserve maintenance and replacement works	To ensure maintenance and asset renewal works are planned and budgeted to retain stormwater and drainage functionality	Undertake asset renewal and maintenance of associated drainage infrastructure to adequately maintain stormwater as determined North Sydney Drainage Asset Management Plan and associated works and delivery plan.	Planning and design objectives of drainage reserves are contained within the North Sydney Development Control Plan 2013 Section 18 (Stormwater Management).	O	Work completed is consistent with the North Sydney Drainage Asset Management Plan and related capital works and improvement plans (including any emergency repair work as required).	North Sydney Development Control Plan 2013 Section 18 (Stormwater Management). Asset Management Plan for Stormwater and Drainage.
5. Reserve Improvements	To ensure Brightmore Street Drainage Reserve retains stormwater overland functionality.	Assess any new proposals likely to affect the stormwater management functions of the site for consistency with North Sydney Stormwater Management Plan.	Planning and design objectives drainage reserves are contained within the North Sydney Development Control Plan 2013 Section 18 (Stormwater Management).	O	All new work undertaken in the Reserve is appropriate. The overall function of the drainage reserve is considered in context of the stormwater catchment network.	North Sydney Development Control Plan 2013 Section 18 (Stormwater Management). Asset Management Plan for Stormwater and Drainage.
	To ensure Brightmore Street Drainage Reserve is managed and maintained, as to retain the passive recreation and active transport values.	Assess any improvement work or maintenance likely to affect the function of the reserve as part of the wider network and linkages to destination recreation areas such as Primrose Park.	The importance of pedestrian access links in the context of the North Sydney Walking Strategy is considered. Appropriate notification to users is provided on site.	O	All new work undertaken in the Reserve is appropriate.	Asset Management Plan for Stormwater and Drainage. North Sydney Council existing & future Operational Plans.

6.Circulation and linkages	To retain Brightmore Street Drainage Reserve as pedestrian access link.	The importance of pedestrian access links in the context of the North Sydney Walking Strategy is considered when approving any new works or plantings.	Retention of the pedestrian access value of the Brightmore Street Drainage Reserve is important to local active transport option and access to local park & recreation sites such as Primrose Park and Brightmore Reserve.	O	All new work undertaken in the Reserve is appropriate and maintains pedestrian access values.	North Sydney Walking Strategy
7.Community & stakeholder involvement	To ensure any proposed new activity use agreement in Brightmore Street Drainage Reserve has an appropriate community and stakeholder engagement.	Provide adequate information and opportunity for community and stakeholders to comment on any new activity approval.	Community and stakeholder engagement on any new proposals are considered in line with Councils engagement strategy and practices.	O	New development proposals affecting the reserve will be included in the associated community and stakeholder engagement.	North Sydney Community Engagement Policy.
	To ensure Brightmore Street Drainage Reserve retains existing amenity value.	To assess any new proposals likely to affect public access to the site. Provide adequate information and opportunity for community and stakeholders to comment on any new activity approval.	Community and stakeholder engagement on any new proposals are considered in line with Councils engagement strategy and practices.	O	New activity proposals affecting the reserve include associated community and stakeholder engagement.	North Sydney Community Engagement Policy.

Activity & Access Management

Issue	Objective	Action	Comments	Priority	Performance Indicators	Related Strategy
8.Relationship with adjoining landowners	To ensure any appropriate notification and engagement with adjoining landowners regarding any temporary works impacting normal use of the site.	Assess any new activities that may impact adjoining landowners.	Notification of adjoining landowners to be in advance of any site works or activity as per Councils standard notification policy and procedure.	O	Adjoining landowners advised as per Councils adopted standards.	North Sydney Community Engagement Policy. North Sydney Development Control Plan.
9.Unauthorised structures & encroachments	To ensure any unauthorised structures or encroachments on Brightmore Street Drainage Reserve are managed.	Assess any encroachments or unauthorised management in line with current council policy and procedure.	Management of any unauthorised structures & encroachments in line with Council's Encroachment Management Policy	O	All new work undertaken in the Reserve is authorised and deemed appropriate.	North Sydney's Council's Encroachment Management Policy
10.Recognition of existing activated development consents that provide adjacent owners vehicle access to the site.	To provide express authorisation to 33A Benelong Road vehicle access to the site.	Recognise the existing activated development approval of 33A Benelong Road and authorise vehicle access.	Consider mechanisms to manage land use implications of activated development consent such as a licence.	ST	Adoption of a current Plan of Management that provides express authorisation of access and additional subsequent controls for 33A Benelong Road, Cremorne.	North Sydney LEP & Development Control Plan.

11. Vehicular Access & management	To ensure vehicular access is maintained by Council and other public authorities for the purpose	Undertake asset renewal and maintenance of associated vehicle and pedestrian infrastructure to adequately maintain pedestrian and vehicular access requirements	Planning and design objectives of required works consider the North Sydney Asset Management Plan (Footpaths) and North Sydney Walking Strategy	O	The work completed is consistent with the North Sydney Footpath Asset Management Plan and related capital works and improvement plans (including any emergency repair work as required).	North Sydney's Council's Encroachment Management Policy Rights of Way over Drainage Reserves & Community Land Policy 2022
12. Leases, Licenses, other estates	To permit appropriate leasing, licensing, and other estate options to provide vehicle access to adjoining residents at 33A Benelong Road.	Consider the creation of a license for the purpose adjoining private vehicular access of 33A Benelong Road.	33A Benelong Road has existing activated development approval exists as an appropriate management mechanism.	ST	Management consideration of allocating resources to investigate the creation of license or alternative legal instrument for the purpose of private vehicle access to 33A Benelong Road	North Sydney's Council's Encroachment Management Policy Rights of Way over Drainage Reserves & Community Land Policy 2022
	Manage private vehicular access where activated development approval exists	To consider leases, licenses and other estates and instruments for the purpose adjoining private vehicular access.	Ensure vehicular access is maintained by Council and other public authorities for the purpose of technical investigations including emergency access.	ST	Management consideration of allocating resources to investigate leases, licenses and other estates and instruments for the purpose of private vehicle access where activated development consent exists.	North Sydney's Council's Encroachment Management Policy Rights of Way over Drainage Reserves & Community Land Policy 2022
13. Safety & Risk Management	To minimise Council exposure to complaints, compensation claims and litigation	Continue to carry out reserve inspection and maintenance programs to identify and address potential hazards in a timely manner. Including timely response to community or resident reports of hazardous changes to the reserve.	Refer to section 4. Reserve Maintenance and replacement works	O	Inspections are completed consistent with the North Sydney Drainage Asset Management Plan. Speed of repair for any emergency work to address hazards as required.	Asset Management Plan for Stormwater and Drainage.
	Private Vehicular access is managed to ensure public recreation and access are not impaired	Review existing signage and consider replacement of 'No Vehicular Access' signage to "Restricted Area" in line with Councils Ordinance sign procedure.	To provide adequate information and opportunity for community and stakeholders.	ST	New activity proposals affecting the reserve include associated community and stakeholder engagement and Council Policy requirements such as referral to the North Sydney Traffic Committee.	North Sydney's Council's Encroachment Management Policy Rights of Way over Drainage Reserves & Community Land Policy 2022 North Sydney Integrated Traffic and Parking Strategy

5. Monitoring and Review

Performance indicators described in this Plan of Management will ensure management effectiveness in stormwater management, pedestrian access utility, and maintenance standards when executed in coordination with existing council land management strategies, policies, and procedures.

Periodic review of this plan will occur when preparing Council's public works (roads and drainage) maintenance program in conjunction with Councils strategic asset management plans and associated works plan.

Councils current and future Delivery Program and Operation Plan will schedule the appropriate management actions capital works and improvement estimation and delivery within existing budgets and identified funding sources in line with current practices and key asset management plans.

6. Appendices & Supporting Material

6.1. Appendix 1: Zoning of Brightmore Street Drainage Reserve

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Centre-based childcare facilities; Dual occupancies (attached); Dwelling houses; Group homes; Health consulting rooms; Home-based childcare; Information and education facilities; Medical centres; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Appendix 1: Zoning Map of Brightmore Street Drainage Reserve and Surrounds



Brightmore Street Drainage

6.2. Appendix 2: Site Map of Brightmore Street Drainage Reserve





ABN: 36 092 724 251
Ph: 02 9099 7400
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Report

Re: - 16A Brightmore Street, Cremorne

Description: - Lot 34 Section C D.P. 5107

This parcel of land is set aside in D.P. 5107, circa 1905 as a Drainage Reserve ten feet wide.

The lot number 34 has been added to D.P. 5107 by the predecessor to the Office of NSW LRS.

This drainage reserve (Lot 34 Section C D.P. 5107) was vested in the Council of the Municipality of North Sydney pursuant to the provisions of Section 298 of the Local Government Act of 1919. See Dealing Application No. Z 138351.

Yours Sincerely
Mark Groll
20 March 2024

Email: mark.groll@infotrack.com.au

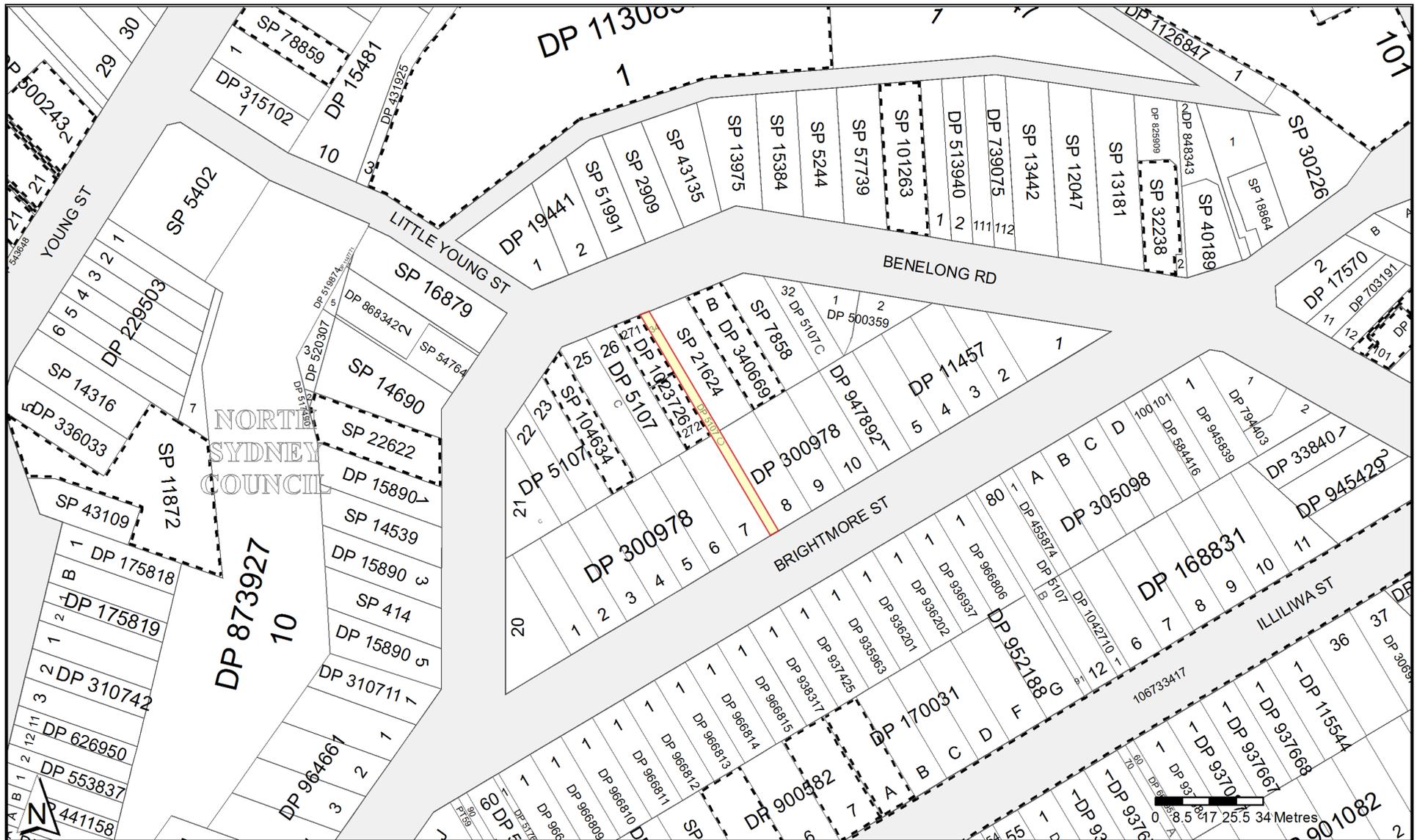
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Cadastral Records Enquiry Report : Lot 34 Section C DP 5107

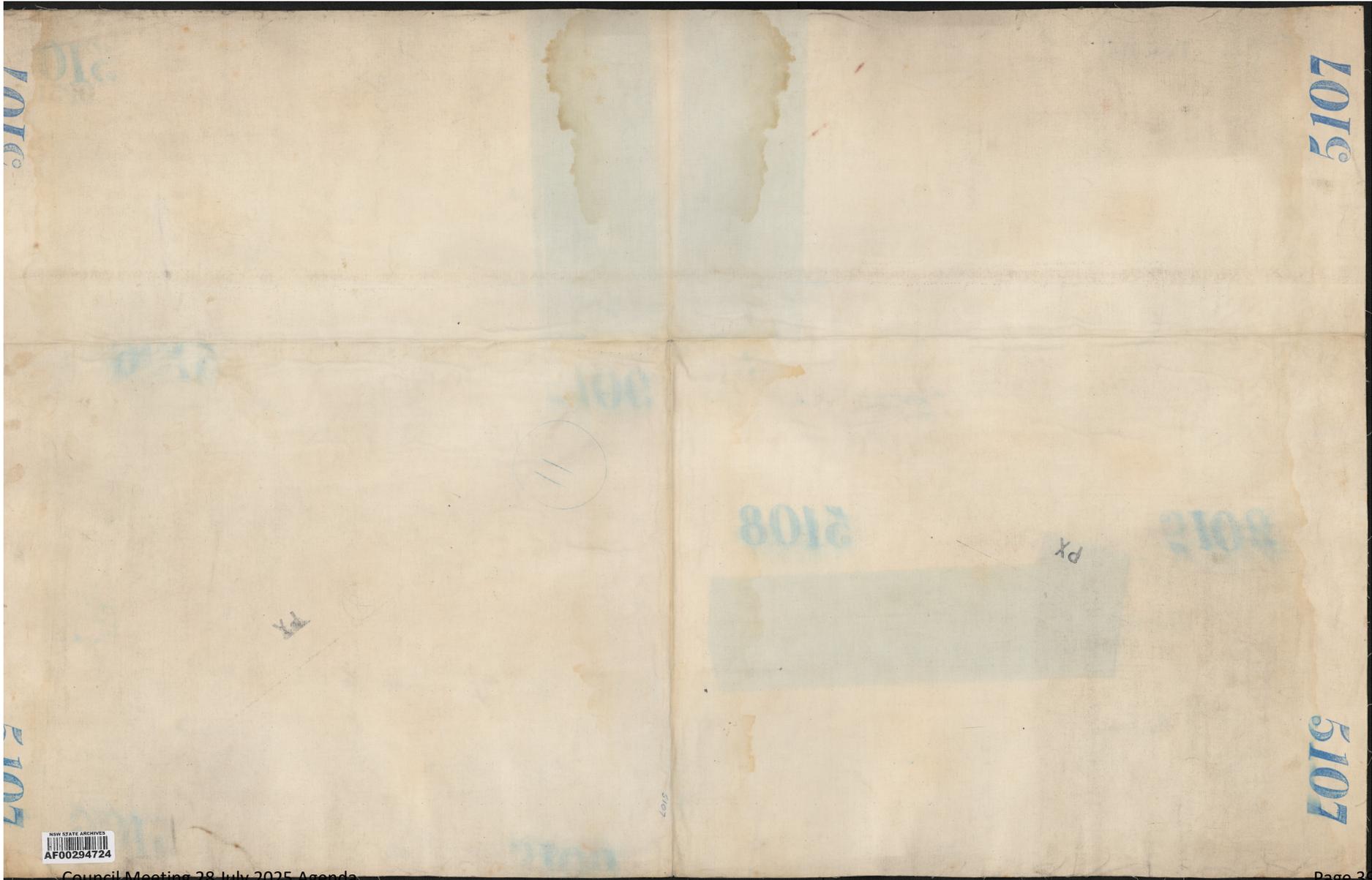
Locality : CREMORNE
LGA : NORTH SYDNEY

Parish : WILLOUGHBY
County : CUMBERLAND



Report Generated 1:49:11 PM, 20 March, 2024
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This information is provided as a searching aid only. Whilst every endeavour is made to ensure that current map, plan and titling information is accurately reflected, the Registrar General cannot guarantee the information provided. For ALL ACTIVITY PRIOR TO SEPTEMBER 2002 you must refer to the RGs Charting and Reference Maps



NEW STATE ARCHIVES
AF00294724

Req:R122596 /Doc:DL Z138351 /Rev:21-Jul-2010 /NSW LRS /Pgs:ALL /Prt:20-Mar-2024 13:33 /Seq:1 of 2
 © Office of the Registrar-General /Src:InfoTrack /Ref:Lot 34 Section C DP 5107

RP81



RECORDED
 21 AUG 1990
 2-15



7
 138351

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

AP A 1 of 1
 \$ 44

DESCRIPTION OF LAND Note (a)	Torrens Title reference	If Part Only, Details Whole and Olna Details	Location
VOLUME 2858 FOLIO 227	VOLUME 2858 FOLIO 227	PART BEING THE FOUR DRAINAGE RESERVES EACH BEING TEN FOOT WIDE SHOWN ON DEPOSITED PLAN 5107	PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND

Type of Dealing	Registered Number	Torrens Title Reference

PRESENT REGISTERED PROPRIETOR
 Note (c)
 WARRINGAH PROPERTY COMPANY LIMITED

Note (d) is presently recorded as REGISTERED PROPRIETOR of the land above described. Application is hereby made to record

NEW REGISTERED PROPRIETOR(S)
 Note (e)
 THE COUNCIL OF THE MUNICIPALITY OF NORTH SYDNEY of Council Chambers of 200 Miller Street, North Sydney 2060

OFFICE USE ONLY
 over.

Note (d) as REGISTERED PROPRIETOR of the land above described. pursuant to the provisions of Section 398 of the
 Note (f) Local Government Act 1919 (now repealed) being land vested in the Council in fee simple for drainage purposes the land being comprised in the sub-division of land where provision was made for a drainage reserve by the marking on Deposited Plan 5107 lodged with the Registrar General of words indicating the reservation of the land for drainage.

DATE 22nd June 1990.

EXECUTION
 Note (g) I hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900. Signed in my presence by the applicant who is personally known to me
 THE COMMON SEAL OF THE MUNICIPALITY OF NORTH SYDNEY was hereunto affixed in pursuance of a resolution of the said Council authorising the said Seal to be so affixed

R. P. Crichton
 MAYOR

R. Kempshall
 TOWN CLERK

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

LODGED BY Morris, Hayes & Edgar LAW STATIONERS 99 ELIZABETH STREET SYDNEY DX 420 Am 6607 232-2411 Delivery Box Number 35 D	LOCATION OF DOCUMENTS	
	CT	OTHER
		Herewith. In L.T.O. with Produced by
Checked <i>EAIZ</i>	Passed	REGISTERED 12-9-19 90
Signed <i>EAIZ</i>	Extra Fee	
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 CIS

RP81

INSTRUCTIONS FOR COMPLETION

This form is to be used only if no other approved form is appropriate for the purpose, e.g., Applications under section 46 (c) Real Property Act, 1900; Application under section 12 (4) Trustee Act, 1925-1942.

When so required under the Stamp Duties Act, 1920, this dealing should be marked by the Stamp Duties Division, Department of Finance before lodgment at the Land Titles Office.

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

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

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 applicant and the attesting witness.

Rule up all blanks.

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

(a) Description of land. (If the discharge of mortgage is only in respect of a registered dealing, rule through this panel.)

- (i) **TORRENS TITLE REFERENCE:** For a Manual Folio insert the Volume and Folio (e.g., Vol. 8514 Fol. 126). For a Computer Folio insert the Folio Identifier (e.g. 12701824).
- (ii) **PARTY/WHOLE:** If part only of the land in the folio of the Register is being discharged, delete the word "WHOLE" and insert the lot and plan number, portion, &c.

(b) Registered dealing. (If the discharge of mortgage is only in respect of a folio of the Register, rule through this panel.)

Show the registered number of the lease, mortgage, or charge and the title reference affected thereby, Lease—V123456—Vol. 13456 Fol. 124.—Folio Identifier 17701692.

(c) Show the full name of the registered proprietor as recorded on the Register.

(d) Strike out "land above described" or "abovementioned registered dealing", whichever does not apply.

(e) Show the full name, address and occupation or description of the person(s) to be registered as proprietor(s).

(f) Set out the terms of the request, e.g., consequent upon the appointment of, etc.

(g) Execution.

GENERALLY (i) Should there be insufficient space for the execution of this dealing, use an annexure sheet.

(ii) The certificate of correctness under the Real Property Act, 1900, must be signed by the applicant who should execute the dealing in the presence of an adult witness, not being a party to the application, to whom he/she is personally known. 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 application is executed by an attorney for the applicant 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/her authority, e.g. "AB by his/her attorney (or receiver or delegate, as the case may be), XY pursuant to power of attorney registered Book No. . . ."

AUTHORITY (iv) If the application 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 application has been executed.

CORPORATION (v) If the application 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/her position (e.g., director, secretary) in the corporation.

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

(i) 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.

OFFICE USE ONLY

FIRST SCHEDULE AND OTHER DIRECTIONS				
(A) FOLIO IDENTIFIER	(B) DIRECTION	(C) NAME		
2858-227	DROP	THE COUNCIL OF THE MUNICIPALITY OF NORTH SYDNEY AS REGARDS LOT 70 SECTION A, LOTS 90 & 91 SECTION B AND LOT 34 SECTION C ALL IN DP5107 BEING DRAINAGE RESERVES.		
SECOND SCHEDULE AND OTHER DIRECTIONS				
(D) FOLIO IDENTIFIER	(E) DIRECTION	(F) NOTFN TYPE	(G) DEALING NUMBER	(H) DETAILS
/	CT	-	NOT	(N/C's to mine)

Reg:R122596 /Doc:DL Z138351 /Rev:21-Jul-2010 /NSW TRS /Pgs:ALL /Prt:20-Mar-2024 13:33 /Seq:2 of 2 © Office of the Registrar-General /Src:InfoTrack /Ref:Lot 34 Section C DP 5107



LAND REGISTRY SERVICES Historical Search



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

20/3/2024 1:33PM

FOLIO: 34/C/5107

First Title(s): OLD SYSTEM
Prior Title(s): VOL 2858 FOL 227

Table with 4 columns: Recorded, Number, Type of Instrument, C.T. Issue. Row 1: 9/8/1989, TITLE AUTOMATION PROJECT, LOT RECORDED, FOLIO NOT CREATED. Row 2: 8/11/1990, Z138351, APPLICATION, FOLIO CREATED, EDITION 1.

*** END OF SEARCH ***

Lot 34 Section C DP 5107

PRINTED ON 20/3/2024



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 34/C/5107

SEARCH DATE	TIME	EDITION NO	DATE
20/3/2024	1:33 PM	1	8/11/1990

LAND

LOT 34 OF SECTION C IN DEPOSITED PLAN 5107
AT NORTH CREMORNE
LOCAL GOVERNMENT AREA NORTH SYDNEY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP5107

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF NORTH SYDNEY

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Lot 34 Section C DP 5107

PRINTED ON 20/3/2024

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

(C)

New South Wales.

[CERTIFICATE OF TITLE.]

(N^o of App^{ns} 18276 & 18545.)
(Reference to last certificates)
(Volume 2370 Folio 140.)
(.....2443..... 149.)



REGISTER BOOK,
VOL. 2858 FOLIO 227

97

Warringah Property Company Limited.

Transfers under Instrument of Transfer

from Tom Raine Raine and Claude Gerard Phillips N^o A367008 is now the proprietor of an Estate in fee simple Subject nevertheless to the reservations and conditions if any contained in the grant hereinafter referred to And also Subject to such encumbrances, liens and interests as are notified hereon in Firstly: Those pieces of land situated in the Municipality of North Sydney Parish of Willoughby and County of Cumberland containing Thirteen perches or thereabouts being Lot 11 and Six and one half perches or thereabouts being part of Lot 17 of Section 2, Two acres twenty four and one quarter perches or thereabouts being Lot 3, Lots 19 to 32 inclusive and Lots 36 to 45 inclusive of Section 3 and Two roods thirty four and one half perches or thereabouts being Lots 17 to 24 inclusive and part of Lots 25 to 28 inclusive of Section 4 in a Plan deposited in the Land Titles Office Sydney N^o 4764

Secondly: Those pieces of land situated as aforesaid containing Twenty six and three quarters perches or thereabouts being Lots 1 and 2, Thirteen and one quarter perches or thereabouts being Lot 21 and One rood four perches or thereabouts being Lots 29 and 30 of Section 1, Two acres two roods thirty nine perches or thereabouts being Lots 1 to 10 inclusive Lots 12 to 15 inclusive, part of Lot 16, Lots 82 to 93 inclusive and Lot 96, One rood twenty perches or thereabouts being Lots 35 to 38 inclusive and One rood five perches or thereabouts being Lots 76, 77 and 78 of Section 2, Thirty nine and one quarter perches or thereabouts being Lots 29 and 30, One rood or thereabouts being Lots 42 and 43, Thirty nine and three quarters perches or thereabouts being Lot 46 and 47, Twenty perches or thereabouts being Lot 53, Twelve and three quarters perches or thereabouts being part of Lot 64, Fifteen and one quarter perches or thereabouts being part of Lot 66, Three and three quarters perches or thereabouts being part of Lot 69, One rood nine and one quarter perches or thereabouts being part of Lot 70 and Lot 71 and 72, Thirty three perches or thereabouts being part of Lot 80 and Lot 81, Twelve and one half perches or thereabouts being part of Lot 83 and One rood one and three quarters perches or thereabouts being part of Lot 101, Lot 102 and part of Lot 103 of Section 3 in another Plan deposited in the said Office N^o 4785.

Thirdly: Those pieces of land situated as aforesaid containing Thirty perches or thereabouts being Lots 31 and 32, Fifteen perches or thereabouts being Lot 81 and Thirty and one half perches or thereabouts being Lots 94 and 95 of the Parramatta Estate.

Fourthly: That piece of land situated as aforesaid containing Twenty one acres one rood fourteen and three quarters perches or thereabouts being part of the after mentioned grant.

Which said pieces of land are shown in the Plan heron and therein edged red being parts of Seven hundred acres (Portion 352 of Parish) delineated in the Public Map of the said Parish in the Department of Lands originally granted to Alfred Shepp by Crown grant dated the Twenty second day of July one thousand eight hundred and thirty.

Exclusively of the lands colored yellow in the said Plan hereon being Lots 1 to 8 inclusive, part of Lot 9, Lot 10, part of Lot 11, Lots 19 to 27 inclusive, part of Lot 28, Lots 29 to 40 inclusive, Lot 45 to 53 inclusive, Lots 56 to 60 inclusive, Lot 64, part of Lot 65, and Lots 66 to 69 inclusive of Section A, Lots 1 to 4 inclusive, Lots 13, 14 and 15, Lots 21 to 39 inclusive, part of Lot 40 and 42, Lots 43 to 65 inclusive, part of Lot 66 and 67, Lots 68, 69 and 70, part of Lot 71 and 73, Lot 74, part of Lot 76 and Lot 77 to 88 inclusive of Section B, and Lots 6 to 11 inclusive and Lots 15 to 20 inclusive of Section C in Deposited Plan N^o 5107 and Twenty seven perches transferred to Francis Somers by Instrument of Transfer N^o A34177 the areas of which are not included in the above mentioned area of Twenty one acres one rood fourteen and three quarters perches.

In Witness whereof I have hereunto signed my name and affixed my seal this twelfth day of July one thousand nine hundred and eighteen.

Signed the 12th day of July 1918
in the presence of L. Meda

W. Kellicott
Registrar General



Notification referred to
Amongst the reservations and conditions contained in Lease dated the 25th day of September 1831 registered Book 245 N^o 50 from John Cooper to William Henry Pating, Esquire and Andrew Hardie M^o Bullock the younger solicitor both of Sydney for the term of 99 years from the 1st day of July 1831.

W. Kellicott
Registrar General

W. Kellicott
Registrar General

This Certificate of Title is issued subject to all Public and Private Rights of Way acquired over the streets and reserves colored brown and pink in the said Plan hereon and also shown in Deposited Plans Nos 4785 and 5107 and all Public and private Rights of Way over Barendse Road.

Reliauls
 Registrar General



No A 38765 Alignment of Street and Road. Notice in Government Gazette dated the 30th day of August 1911 folio 4776 under the Public Roads Act 1902 whereby the respective building lines of Illitwa Street and Barendse Road (now colored pink in the said Plan hereon) are fixed in the position shown in Plan catalogued N672550 in the Department of Lands.

Reliauls
 Registrar General



No. A 394736 CAVEAT dated 11th July 1918
 by the Registrar General. Produced and entered
 at 10th July 1918 10th o'clock in the noon.

Reliauls
 REGISTRAR GENERAL



No. A 393637 TRANSFER dated 14th April 1918
 from the said Warrungah Property Company Limited to Ellen Somers
 of the land within described.
 Produced and entered 27th August 1918
 at 12 o'clock in the noon.

Reliauls
 REGISTRAR GENERAL



The within Lease registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 393637 dated 27th August 1918

Reliauls
 Registrar General

No. A 392327 TRANSFER dated 20th May 1918
 from the said Warrungah Property Company Limited to Charles Henry Albert Blockman
 of the land within described.
 Produced and entered 10th September 1918
 at 2 o'clock in the afternoon.

Reliauls
 REGISTRAR GENERAL

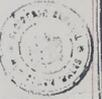


The within Lease registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 392327 dated 10th September 1918

Reliauls
 Registrar General

No. A 370681 TRANSFER dated 8th March 1918
 from the said Warrungah Property Company Limited to General Investments Limited
 of the land within described.
 Produced and entered 10th September 1918
 at 2 o'clock in the afternoon.

Reliauls
 REGISTRAR GENERAL



The within Lease Registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 370681 dated 10th September 1918

Vide A 398255

Reliauls
 Registrar General

No. A 361411 TRANSFER dated 1st February 1918
 from the said Warrungah Property Company Limited to John William David Reynolds and John Clark Reynolds as joint tenants
 of the land within described.
 Produced and entered 30th September 1918
 at 2 o'clock in the afternoon.

Reliauls
 REGISTRAR GENERAL



The within Lease Registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 361411 dated 30th September 1918

Vide A 398573

Reliauls
 Registrar General

No. A 323556 TRANSFER dated 29th June 1917
 from the said Warrungah Property Company Limited to Mary Macleod
 of the land within described.
 Produced and entered 15th October 1918
 at 10 o'clock in the afternoon.

Reliauls
 REGISTRAR GENERAL



The within Lease Registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 323556 dated 15th October 1918

Vide A 398524

Reliauls
 Registrar General

No. A 414725 TRANSFER dated 21st October 1918
 from the said Warrungah Property Company Limited to Walter Barrett
 of the land within described.
 Produced and entered 24th October 1918
 at 2 o'clock in the afternoon.

Reliauls
 REGISTRAR GENERAL



The within Lease Registered Book 245 No 50 has become merged on the fee simple as regards the land comprised in transfer No A 414725 dated 24th October 1918

Vide A 414726

Reliauls
 Registrar General

(C)

New South Wales.

[CERTIFICATE OF TITLE.]



REGISTER BOOK,
 VOL. 2858 FOLIO 227
Atkinson
 Registrar General



No. A 267552 TRANSFER dated 17th January 1918
 from the said Warrungah Property Company Limited
 to Frederick Beck and Frank Skelton as
 tenants in common lot 29 sec 2 P 4785
 9th March 1918 of the land within described.
 Produced and entered 7th November 1918
 at 2 o'clock in the afternoon.
 Canceled & Certificate of Title issued 145
 Vol. 2820 Fol. 444
Atkinson
 REGISTRAR GENERAL

The within Lease registered Book 245 No 50 has become merged in the fee simple as regards Lot 29 parts Lots 7 & 9 parts Lots 12 & 13 Sec 2 P 4785
 Dated 25th January 1919
Atkinson
 Registrar General

The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards Lot 29 sec 2 P 4785
 Dated 7th November 1918
 vide A 267552
Atkinson
 Registrar General

No. A 430870 TRANSFER dated 29th December 1918
 from the said Warrungah Property Company Limited
 to Robert Harbutt and Percy Hawera Harbutt
 as tenants in common of part lots 3 & 4 Sec 2 P 4785
 22nd December 1918 of the land within described.
 Produced and entered 3rd February 1919
 at 10 o'clock in the forenoon.
 Canceled & Certificate of Title issued 118
 Vol. 2910 Fol. 119
Atkinson
 REGISTRAR GENERAL

The within Lease registered Book 245 No 50 has become merged in the fee simple as regards Lot 29 parts part of lots 3 & 4 Sec 2 P 4785
 Dated 3rd February 1919
 vide A 430870
 A 433433
Atkinson
 Registrar General

No. A 267712 TRANSFER dated 2nd January 1918
 from the said Warrungah Property Company Limited
 to Oscar Augustus Webb
 lot 12 & 11 sec 2 P 5107
 11th March 1918 of the land within described.
 Produced and entered 21st November 1918
 at 10 o'clock in the forenoon.
 Canceled & Certificate of Title issued 165
 Vol. 2804 Fol. 165
Atkinson
 REGISTRAR GENERAL

The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards lot 12 part lot 11 sec 2 P 5107
 Dated 21st November 1918
 vide A 298454
Atkinson
 Registrar General

No. A 361593 TRANSFER dated 31st January 1918
 from the said Warrungah Property Company Limited
 to John William Robert Reynolds and John Clark Reynolds as joint tenants of part
 7th February 1918 of the land within described.
 Produced and entered 5th February 1919
 at 11 o'clock in the forenoon.
 Canceled & Certificate of Title issued 154
 Vol. 2910 Fol. 154
Atkinson
 REGISTRAR GENERAL

The within Lease registered Book 245 No 50 has become merged in the fee simple as regards part of the land within described
 Dated 5th February 1919
 vide A 361593
Atkinson
 Registrar General

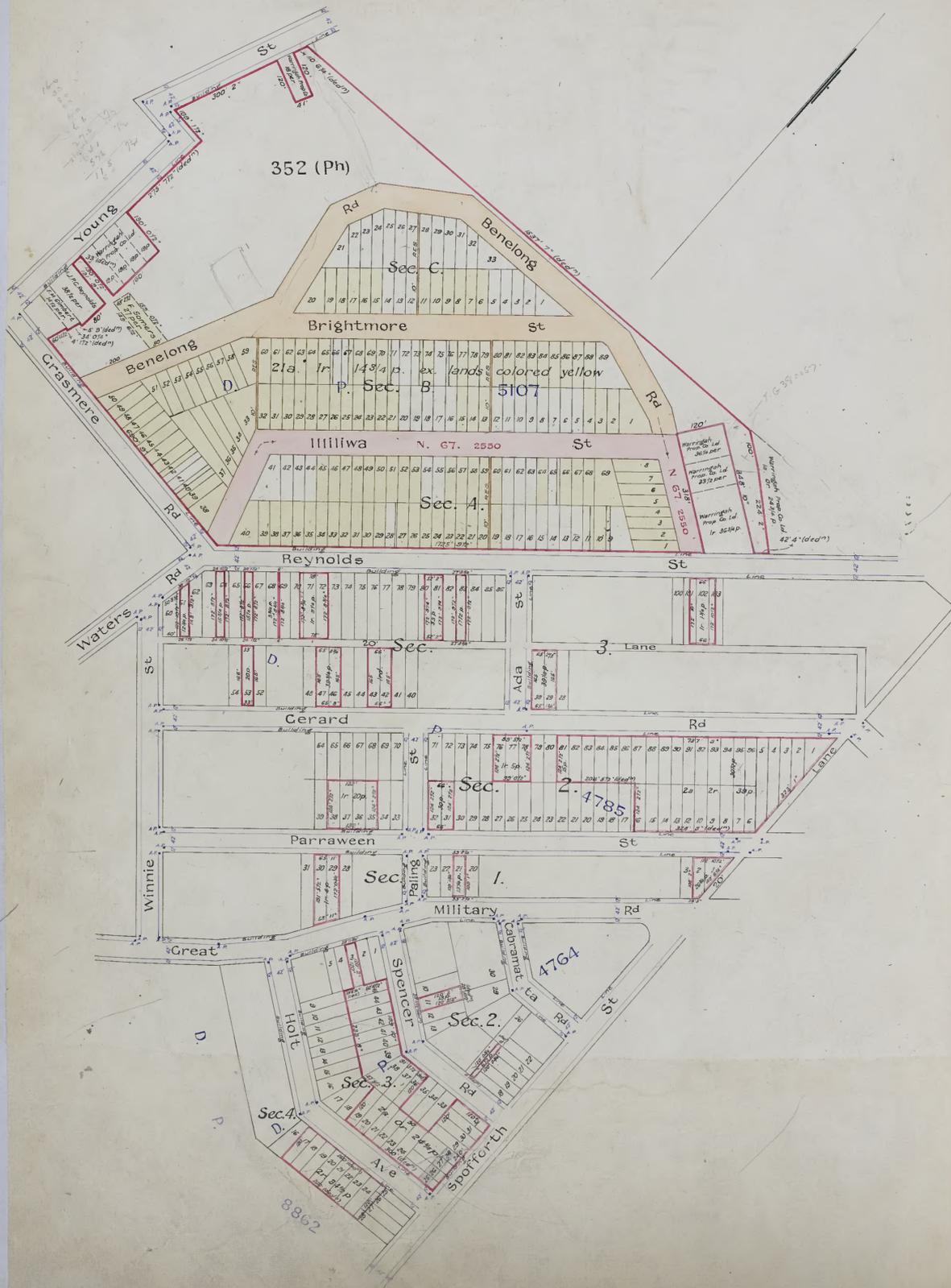
No. A 427552 TRANSFER dated 2nd December 1918
 from the said Warrungah Property Company Limited to
 Robert Harbutt and Percy Hawera Harbutt
 as tenants in common of part
 4th December 1918 of the land within described.
 Produced and entered 14th January 1919
 at 12 o'clock in the afternoon.
 Canceled & Certificate of Title issued 34
 Vol. 2907 Fol. 34
Atkinson
 REGISTRAR GENERAL

The within Lease registered Book 245 No 50 has become merged in the fee simple as regards Lot 29 parts of
 Lots 6 & 7 Sec 2 P 4785
 Dated 14th January 1919
 vide A 427552
Atkinson
 Registrar General

No. A 435335 TRANSFER dated 15th January 1919
 from the said Warrungah Property Company Limited to
 Robert Harbutt and Percy Hawera Harbutt as tenants
 in common of part
 20th January 1919 of the land within described.
 Produced and entered 25th March 1919
 at 10 o'clock in the forenoon.
 Canceled & Certificate of Title issued 2
 Vol. 2909 Fol. 2
Atkinson
 REGISTRAR GENERAL

The within Lease registered Book 245 No 50 has become merged in the fee simple as regards part of the land within described
 Dated 25th March 1919
 vide A 435335
Atkinson
 Registrar General

No. A 427179 TRANSFER dated 23rd November 1918
 from the said Warrungah Property Company Limited to
 Robert Harbutt and Percy Hawera Harbutt as tenants
 in common of part
 12th December 1918 of the land within described.
 Produced and entered 23rd January 1919
 at 10 o'clock in the forenoon.
 Canceled & Certificate of Title issued 166
 Vol. 2909 Fol. 166
Atkinson
 REGISTRAR GENERAL



DP 5107

Total area included in Certificate - 30a 3r 41sq
ex lands colored yellow
All lengths shown hereon are in feet & inches
Scale - 200E to one inch

Number of Instrument	Name of Instrument	Date of Instrument	Particulars of Property	Date and Time of Registration	to Fresh Certificate.	Vol.	Folio.	Deputy Registrar General.
44504574	Transfer	24th March 1919	Warringah Property Company Limited To Helin Harbutt and Percy Hawea Harbutt as tenants in common Pt Lot 100 & Sec 2 DP 4785	Produced 27th March 1919 & entered 9th May 1919 at mts. 2 o'clk. in the afternoon	Cancelled as regards this Transfer	2935	2337 2373	Not ReliaulD
	Transfer		The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards part of the land within described	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		vide A 450474 Dated 9th May 1919	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
4464190	Transfer	18th July 1918	Public Trustee Of part Pt 352 (Pa)	Produced 24th May 1919 & entered 5th June 1919 at mts. 11 o'clk. in the fore noon	Cancelled as regards this Transfer	2945	145	Not ReliaulD
	Transfer		The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards part of the land within described	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		vide A 4464190 Dated 5th June 1919	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
4443956	Transfer	13th January 1919	Arthur Joseph Reynolds Of Lot 82 Part Lot 85 Sec 2 DP 4785	Produced 1st March 1919 & entered 6th June 1919 at mts. 12 o'clk. in the noon	Cancelled as regards this Transfer	2947	195 196 197	Not ReliaulD
	Transfer		The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards land comprised in Sub-Lease No 158322	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		vide A 443956 Dated 6th June 1919	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
4448594	Transfer	14th February 1919	Helin Harbutt & Percy Hawea Harbutt as tenants in common Lot 96 Part Lot 5 Sec 2 DP 4785	Produced 20th March 1919 & entered 19th June 1919 at mts. 10 o'clk. in the fore noon	Cancelled as regards this Transfer	2948	240	Not ReliaulD
	Transfer		The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards land comprised in part of the land within described	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		vide A 4448594 Dated 19th June 1919	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		This Deed is Cancelled and Certificate of Title issued Vol. P. 5107	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer			191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer			191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer			191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer			191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
447373	Transfer	1st July 1919	Helin Harbutt and Percy Hawea Harbutt as tenants in common Part Lot 90 & 91 Sec 2 DP 4785	Produced 20th July 1919 & entered 30th August 1919 at mts. 10 o'clk. in the fore noon	Cancelled as regards this Transfer	2966	145/147	Not ReliaulD
	Transfer		The within Lease Registered Book 245 No 50 has become merged in the fee simple as regards the land in Transfer No A 447373	191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			
	Transfer			191 at mts. o'clk. in the noon	Cancelled as regards this Transfer			

2858-227
 2858-227-3

Reg:R122594 /Doc:CT 02858-227 CT /Rev:31-Jul-2012 /NSW LRS /Prt:20-Mar-2024 13:33 /Seq:6 of 10
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Instrument	Instrument	Instrument	Particulars of Property	Date and Time of Registration	Memo. of Cancellation and Reference to fresh Certificate.	Vol.	Folio.	Signature of Registrar General or Deputy Registrar General.
A 396235	Transfer	18 th May 1917	John Williams Robert Reynolds of Part	Produced 17 th July 1918 certified 25 th September 1917 at 11 o'clk in the noon	Cancelled as regards this Transfer	2467	175	<i>Not Reliance</i>
A 396236	Transfer	31 st January 1918	John Williams Robert Reynolds of Part	Produced 17 th July 1918 certified 3 rd September 1917 at 11 o'clk in the noon	Cancelled as regards this Transfer	2467	175	<i>Not Reliance</i>
A 492398	Transfer	1 st October 1919	Ernest John McIlroy of Part	Produced 15 th September 1919 registered 1 st October 1919 at 11 o'clk in the afternoon	Cancelled as regards this Transfer	2976	76	<i>Not Reliance</i>
By virtue of above Transfer No A 492398 Lease dated 23 rd September 1881 registered 2 nd October 1919. No 50 has become merged in the fee simple as regards Part.				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
A 486040	Transfer	20 th August 1919	Geal Stevenson Elliot Wintrop George Clyde Elliot (joint tenants) Part Lot 38 & 39 Sec 3 D.P. 14764	Produced 25 th August 1919 certified 1 st October 1919 at 11 o'clk in the noon	Cancelled as regards this Transfer			<i>Not Reliance</i>
By virtue of above Transfer No A 486040 Lease dated 23 rd September 1881 registered Book 245 No 50 has become merged in the fee simple				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
Dated 13 th October 1919				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
A 475480	Transfer	26 th June 1919	Julius Harbutt & Conny Hawera Harbutt (Associates in common) No 475, 91 & 92 Sec 3, 11 November 1881	Produced 16 th July 1919 registered 26 th June 1919 at 10 o'clk in the forenoon	Cancelled as regards this Transfer	2990	72	<i>Not Reliance</i>
By virtue of above Transfer No A 475480 Lease dated 23 rd September 1881 registered Reg. bk. 245 No 50 has become merged in the fee simple as regards				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
No 475, 91 & 92, D.P. 1780 Dated 1 st November 1919				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
Side A 475481				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
A 523479	Transfer	1 st October 1919	Herbert Rudolph Hutchinson No 66 & 67 Sec B of B 3107/4 Edward Street	Produced 28 th December 1919 registered 1 st October 1919 at 11 o'clk in the forenoon	Cancelled as regards this Transfer	3024	226	<i>Not Reliance</i>
By virtue of Transfer No A 523479 Lease dated 23 rd September 1881 registered Book 245 No 50 has become merged in the fee simple as regards the land in the said Transfer.				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
Dated 14 th February 1920				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
By virtue of above Transfer No A 495556 Lease dated 23 rd September 1881 registered Book 245 No 50 has become merged in the fee simple as regards the land in the said Transfer.				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
Order No A 495556 dated 5 th March 1920. Side A 495555				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			
<i>Not Reliance</i>				191 at mts. o'clk in the noon	Cancelled as regards this Transfer			

This Deed is Cancelled and Certificate of Title issued
 Vol. 3032 Fol. 227 to 225
for part
Not Reliance
 Registrar General.

This Deed is Cancelled and Certificate of Title issued
 Vol. 3071 Fol. 238 to
for part
Not Reliance
 Registrar General.

Number of Instrument	Name of Instrument	Date of Instrument	Particulars of Property	Date and Time of Registration	to fresh Certificate	Vol.	Folio.	Deputy Registrar General
4522050	Transfer	16 th December 1919	Arthur James Smith part of Lot 80, r/s Sec 2, D.P. 478	Produced 16 th December 1919 & entered 18 th April 1920 at mts. 3 o'clk. in the afternoon	Cancelled as regards this Transfer	3044	116	Not Reliaul
1846792	Transfer	31 st March 1919	Carl Smith - Lot 214, bank Lots 20 & 22, Sec 2, D.P. 478	Produced 18 th March 1920 & entered 15 th April 1920 at mts. 3 o'clk. in the afternoon	Cancelled as regards this Transfer	3046	114	Not Reliaul
1837889	Transfer	24 th January 1920	Helier Harbutt Lot 245, 245 & 246 Lot 23, 245 & 246	Produced 19 th April 1920 at mts. 12 o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease dated 23 rd September 1881 Reg. Bk. 245-116-50 has become merged in the fee simple as regards the land in transfer No. A. 537889	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			
	Transfer		merged in the fee simple as regards the land in transfer No. A. 537889 dated 10 th April 1920 vide A. 537888	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			
	Transfer		Registrar General	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			
1819409	Transfer	30 th October 1919	Mia Tati Reynolds of Part	Produced 10 th December 1919 entered 30 June 1920 at mts. 12 o'clk. in the afternoon	Cancelled as regards this Transfer	3061	112	Not Reliaul
	Transfer		The within Lease Reg. Bk. 245-116-50 has become merged in the fee simple as regards the land in transfer No. A. 537889	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
1879610	Transfer	27 th May 1920	Walter John Ashby of Part Lots 25 to 28 in Sec 2, D.P. 478	Produced 4 th June 1920 and entered 19 th July 1920 at mts. 2 o'clk. in the afternoon	Cancelled as regards this Transfer	3076	112	Not Reliaul
	Transfer		The within Lease Reg. Bk. 245-116-50 has become merged in the fee simple as regards the land in transfer No. A. 579610 dated 27 th May 1920 vide A. 579611	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease Reg. Bk. 245-116-50 has become merged in the fee simple as regards the land in transfer No. A. 579610	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
1808926	Transfer	2 nd June 1920	Beatrice Matilda Saver Lot 29, Sec 2, D.P. 478	Produced 5 th June 1920 and entered 20 th September 1920 at mts. 11 o'clk. in the forenoon	Cancelled as regards this Transfer	3105	181	Not Reliaul
	Transfer		The within Lease Reg. Bk. 245-116-50 has become merged in the fee simple as regards the land in transfer No. A. 508926	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease Registered Book 245-116-50 has become merged in the fee simple as regards the land in Order A. 508926 dated 2 nd June 1920 vide A. 508925	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease Registered Book 245-116-50 has become merged in the fee simple as regards the land in Order A. 633402 dated 24 February 1921 vide A. 633403	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease Registered Book 245-116-50 has become merged in the fee simple as regards the land in Order A. 640479 dated 14 th March 1921 vide A. 640478	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		The within Lease N.A. 39476 is hereby withdrawn as regards the land in Order N.A. 60479	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer		Dated 14 March 1901 vide A. 640478	191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer			191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer			191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer			191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul
	Transfer			191 at mts. o'clk. in the afternoon	Cancelled as regards this Transfer			Not Reliaul

This Deed is Cancelled and Certificate of Title issued
 Vol. 3160 Fol. 195 & 194 for part
 160177 ~~Not Reliaul~~
 Registrar General

2858-227

