

## **Assessment against PN 16-001 'Classification and reclassification of public land through a local environmental plan'**

Below is a response to each of the points raised in the checklist for proposal to classify or reclassify public land in PN 16-001 'Classification and reclassification of public land through a local environmental plan.

<b>The current and proposed classification of the land</b>	The land is currently classified as community. The Planning proposal intends to reclassify the land to operational.
<b>Whether the land is public reserve (defined in the LG Act)</b>	The Molly Worthington Netball Courts site was vested to Council as a public reserve by way of Government Gazette on 3 September 1976.
<b>The strategic and site specific merits of the reclassification and evidence to support this</b>	Refer to the below row and also <i>Background</i> and <i>Section A</i> of the Planning Proposal.
<b>Whether the planning proposal is the result of a strategic study or report</b>	<p>The planning proposal is the result of a Council resolution and also a strategic property review of Council assets.</p> <p>The Molly Worthington Netball Courts site was identified by Council's Strategic Property Committee and Community Facilities Committee for review and was subsequently tabled for reclassification and rezoning at the Ordinary meeting of Council on 15 May 2019. The resolution stated:</p> <p style="padding-left: 40px;">"That the reclassification and rezoning of the Kurri Kurri netball courts, known as Lot 5 and Lot 7 DP 1140055, Maitland Street, Kurri Kurri, be continued and run concurrently with the search for a suitable alternative netball site."</p> <p>A planning proposal was subsequently forwarded to the Department of Planning, Industry and Environment (DPIE) on 24 July 2020. The proposal included the reclassification and rezoning of the Molly Worthington Netball Courts along with several other sites identified by Council for reclassification and rezoning.</p> <p>A Gateway determination was issued for the planning proposal on 10 November 2020, PP_2020_CESSN_003_00. However, condition 1(a) of the Gateway determination required Council to remove Molly Worthington Netball Courts from the planning proposal. In the letter supporting the Gateway determination, DPIE advised that the reclassification of Molly Worthington Netball Courts was considered premature. Furthermore, DPIE advised that the proposal for Molly Worthington Netball Courts was inconsistent with Practice Note PN 16-001 and that an alternative site for the public open space facilities should be secured prior to progressing with any reclassification and rezoning of the land.</p> <p>In response, at the ordinary meeting of Council on 19 May 2021 (WI30/2021) Council resolved to endorse Booth Park, at 37 Hopetoun Street Kurri Kurri, as the alternative location for the netball courts and proceed to lodge a new planning proposal with DPIE to reclassify the Molly Worthington Netball Courts site.</p> <p>Further details are provided in Background and Section A of the Planning Proposal. This planning proposal only intends to reclassify the site, not rezone it.</p>
<b>Whether the planning proposal is consistent with the Councils community plan or other local strategic plan</b>	<p>The following objectives of the Cessnock Community Strategic Plan are relevant to the Planning Proposal:</p> <ul style="list-style-type: none"> <li>1.2 Strengthen community culture, particularly strategic direction '<i>We have adequate multi-purpose sporting and recreation facilities</i>'. The site currently contains netball courts. On 19 May 2021 (WI30/2021) Council resolved to endorse Booth Park, at 37 Hopetoun Street Kurri Kurri, as the alternative location for the netball courts.</li> </ul>

	<ul style="list-style-type: none"> <li>3.2 Better utilisation of existing open space. The site currently contains netball courts. On 19 May 2021 (WI30/2021) Council resolved to endorse Booth Park, at 37 Hopetoun Street Kurri Kurri, as the alternative location for the netball courts.</li> <li>5.2 Encouraging more community participation in decision making. Community consultation will be undertaken throughout the planning proposal process and a public hearing held in accordance with the Local Government Act.</li> </ul> <p>The Planning Proposal is generally consistent with the provisions of the LSPS. Specifically, with consideration to the Planning Priorities of the LSPS that are relevant to the proposal type and location. These are:</p> <ul style="list-style-type: none"> <li>Planning Priority 4: Our communities are safe, healthy and active</li> <li>Planning priority 5: Infrastructure and services meet the needs of our community and are appropriately funded.</li> <li>Planning Priority 7: Urban development is encouraged in areas within existing infrastructure.</li> </ul> <p>The site currently contains netball courts. On 19 May 2021 (WI30/2021) Council resolved to endorse Booth Park, at 37 Hopetoun Street Kurri Kurri, as the alternative location for the netball courts.</p>
<b>A summary of Councils interest in the land including:</b> <b>How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purposes or a developer contributions)</b> <b>If Council does not own the land, the land owners consent</b>	<p>The Molly Worthington Netball Courts site was vested to Council as a public reserve by way of Government Gazette on 3 September 1976. Lot 5 is approximately 765m<sup>2</sup> and Lot 7 is approximately 1.18ha. The land is known as Molly Worthington Netball Courts and was identified by for reclassification and rezoning by Council via the Strategic Property Committee. It is proposed to reclassify the site from "Community" to "Operational" land and remove the public reserve status.</p>
<b>Whether any interest in the land is proposed to be discharged, and if so, an explanation of the reason why</b>	<p>There are no trusts or interests other than the public reserve.</p> <p>Please see title search attached.</p>
<b>The effect of the reclassification (including the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)</b>	<p>The site currently consists of netball courts. At the 19 May 2021 Ordinary Council meeting Council resolved to endorse Booth Park, at 37 Hopetoun Street Kurri Kurri, as the alternative location for the netball courts and proceed to lodge a new planning proposal with DPIE to reclassify the Molly Worthington Netball Courts site.</p>
<b>Evidence of public reserve status or relevant interest, or lack thereof applying to the land (e.g. electronic title searches, notice in a government gazette, trust documents)</b>	<p>There are no trusts or interests other than the public reserve.</p> <p>Please see title search attached.</p>
<b>Current uses of the land, and whether the uses are</b>	<p>The part of the site proposed for reclassification is currently used for netball courts. Any bookings for these properties are seasonal (e.g. April – September or October – March)</p>

<b>authorised or unauthorised.</b>	<p>and applied for during the normal advertised allocation process in the lead up to these seasonal blocks.</p> <p>Molly Worthington is currently allocated in winter and summer season to the Kurri Kurri netball club.</p>
<b>Any current or proposed lease or agreements applying to the land, together with their duration, terms and controls</b>	<p>There are no current or proposed lease or licence agreements at any of the properties listed below. Sometime ago, Molly Worthington Netball courts were licenced to Kurri Kurri Netball, but any bookings for these properties are now seasonal (e.g. April – September or October – March) and applied for during the normal advertised allocation process in the lead up to these seasonal blocks.</p> <p>Molly Worthington is currently allocated in winter and summer season to the Kurri Kurri netball club.</p>
<b>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);</b>	<p>The sale of the land will be managed in accordance with Council's Property Investment and Development Policy. Available from Council's website:</p> <p><a href="https://www.cessnock.nsw.gov.au/Council/Forms-documents/Policies">https://www.cessnock.nsw.gov.au/Council/Forms-documents/Policies</a></p> <p>It is imperative to note that the Planning Proposal does not propose to rezone the land.</p>
<b>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);</b>	<p>The Planning Proposal does not intends to rezone the land.</p>
<b>How council will benefit financially and how these funds will be used?</b>	<p>The funds from the sale of the properties will be held in Council's Property Investment Fund and will be managed in accordance with Council's Property Investment and Development Policy. Available from Council's website:</p> <p><a href="https://www.cessnock.nsw.gov.au/Council/Forms-documents/Policies">https://www.cessnock.nsw.gov.au/Council/Forms-documents/Policies</a></p>
<b>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal</b>	<p>This property is not held in Council's Property Investment Fund.</p> <p>There have been no commitment by way of Council Resolution for this property to be sold.</p>
<b>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot</b>	<p>See attached map</p>
<b>preliminary comments by a relevant government agency, including an agency that dedicated the</b>	<p>Consultation has not been undertaken with Government Agencies at this stage. Consultation will be undertaken in accordance with the Gateway determination</p>

land to council, if applicable	
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## Title Search



LAND  
REGISTRY  
SERVICES

Order number: 64095959  
Your Reference: Item 7 Molly Worthington Netball Courts  
11/09/20 15:58



NSW LRS - Title Search

### NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 5/1140055

SEARCH DATE	TIME	EDITION NO	DATE
11/9/2020	3:58 PM	1	17/8/2009

#### LAND

LOT 5 IN DEPOSITED PLAN 1140055  
AT KURRI KURRI  
LOCAL GOVERNMENT AREA CESSNOCK  
PARISH OF HEDDON COUNTY OF NORTHUMBERLAND  
TITLE DIAGRAM DP1140055

#### FIRST SCHEDULE

CESSNOCK CITY COUNCIL (CA145981)

#### SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 3.6.2009 GOV. GAZ. 2.7.1971 FOL. 2360 AND GOV. GAZ. 3.9.1976 FOL. 3747
- 3 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 4 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE
- 5 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 20 METRES
- 6 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

#### NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 11/9/2020

\* 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.

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LAND  
REGISTRY  
SERVICES

Order number: 64095499  
Your Reference: Item 7 Molly Worthington Netball Courts  
11/09/20 15:51



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7/1140055

SEARCH DATE	TIME	EDITION NO	DATE
11/9/2020	3:51 PM	1	17/8/2009

LAND

LOT 7 IN DEPOSITED PLAN 1140055  
AT KURRI KURRI  
LOCAL GOVERNMENT AREA CESSNOCK  
PARISH OF HEDDON COUNTY OF NORTHUMBERLAND  
TITLE DIAGRAM DP1140055

FIRST SCHEDULE

CESSNOCK CITY COUNCIL (CA145981)

SECOND SCHEDULE (6 NOTIFICATIONS)

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\*\*\* END OF SEARCH \*\*\*

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