

# **Planning Proposal**

## **Reclassification of certain public land**



*DATE*     *September 2023*

## Contents

Part 1	Objectives and intended outcomes.....	2
Part 2	Explanation of provisions.....	3
Part 3	Justification.....	4
Section A	Need for the planning proposal .....	4
Section B	Relationship to strategic planning framework .....	4
Section C	Environmental, Social and Economic Impact.....	15
Section D	State and Commonwealth interests .....	15
Part 4	Mapping .....	15
Part 5	Community consultation .....	16
Part 6	Timeframe .....	16
	Summary and conclusions.....	17
APPENDIX 1	– Information to be provided by Practice Note PN 16-001.....	18
APPENDIX 2	- Title searches .....	21





Figure 2 Lot 21 DP 1235763 - 2912 New England Highway

## Part 2 Explanation of provisions

LEP's Clause 5.2—Classification and reclassification of public land enables councils to classify or reclassify public land as operational land or community land in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*. This planning proposal seeks to amend Upper Hunter Local Environmental Plan 2013 by listing lots described in Part 1 within Schedule 4 of the LEP.

Table 1 below lists all sites subject to this Planning Proposal and identifies (Column 3 of the Table) which interests relating to the sites. Interests not included within Table 1 will continue to affect the sites. Refer to Appendix 2 at the end of the planning proposal document).

Column 1 locality	Column 2 description	Column 3 Any trusts etc discharged
Scone	Lot 1 DP 212047 – 97 Hill Street,	1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S).
Scone	Lot 3 DP 212047 – 97 Hill Street	1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
Scone	Lot 12 DP 227553 – 98 Hill Street	1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S) 2 J872722 COVENANT
Scone	Lot 21 DP 1235763 – 2912 New England Highway	1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

		<p>2 DP1041230 RESTRICTION(S) ON THE USE OF LAND</p> <p>3 DP1041230 EASEMENT FOR ELECTRICITY PURPOSES 5 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM</p> <p>4 DP1041230 EASEMENT FOR ELECTRICITY PURPOSES 5 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED</p>
--	--	---

## Part 3 Justification

### Section A Need for the planning proposal

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

Partially. One out of the four sites, 2912 New England Highway has been acquired by Council to advance a long-term strategic intent to provide alternate access, including a railway overpass, to Scone Industrial areas, as well as potential future development on the balance of the land.

The intent to reclassify the other three sites is based upon Council resolutions to sell or develop the lots (in Hill Street). Overall, this planning proposal does not seek to advance or implement local strategies. It has been prepared in accordance with the *Local Government Act 1993* to reclassify public land.

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

Section 31 of the *Local Government Act 1993* provides that a council may resolve that the land be classified as community or operational before or within three months after it acquires the land. Upper Hunter Shire Council did not adopt any such resolution within these designated timeframes therefore a planning proposal is currently the only way to reclassify land from community to operational and ensure that interests affecting subject land are appropriately discharged.

### Section B Relationship to strategic planning framework

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



The planning proposal does not give effect to any objectives or actions identified in the Hunter Regional Plan 2041.

*Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

This planning proposal is consistent with Council's Local Strategic Planning Statement 2020 in respect of the land on the New England Highway. Planning Priority 7.0.11 "Accommodate Employment Generating Activities" includes the Policy Position of:

- Ensure infrastructure is appropriate to support commercial and industrial lands.

The reclassification of the subject land to operational will enable provision of alternate and improved access, including a rail overpass to the industrial area, saleyards and abattoir on the eastern side the rail line.

Reclassification of the remaining lots in Hill St, does not seek to advance or implement local strategies. It has been prepared in accordance with the *Local Government Act 1993* to reclassify public land and enable such land to be developed by Council or sold to other parties.

*Q5. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?*

This planning proposal is of administrative nature therefore it has limited alignment with State Environmental Planning Policies.

A review of the State Environmental Planning Policy (Transport and Infrastructure) 2021 was undertaken.

The proposal is considered to be consistent with the following aims of the SEPP:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services;*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land;*
- (f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and providing opportunities for infrastructure to demonstrate good design outcomes*

A review of the State Environmental Planning Policy (Housing) 2021 was undertaken. The proposal is considered to be generally consistent with clause 3(d) in the Principles of Policy of the SEPP.

- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*

## Section 9.1 Directions

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>Focus Area 1: Planning Systems</b>			
1.1 Implementation of Regional Strategies	<p><u>Objective</u> To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land to which a Regional Plan has been released by the minister for planning</p>	The response to Question 3 within Section B	
1.2 Development of Aboriginal Land Council Land	<p><u>Objective</u> To provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Planning Systems) 2021</p>	The subject site is not mapped on the Land Application Map of State Environmental Planning Policy (Planning Systems) 2021.	Not applicable.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.3 Approval and Referral Requirements	<p><u>Objective</u> To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal.</p> <p><u>What must be done:</u> Ensure provisions minimise concurrence roles, consultation or referral of DAs to a Minister or public authority.</p>	This planning proposal does not propose an amendment of the kind referred to in the Direction.	Consistent.
1.4 Site Specific Provisions	<p><u>Objective</u> To discourage unnecessarily restrictive site specific planning controls.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p>	This planning proposal is consistent with this Direction as it does not alter the existing zone but rather, permits additional uses, with consent.	Consistent.
Focus Area 2: Design and Place (This Focus Area was blank when the Directions were made)			
Focus Area 3: Biodiversity and Construction			



Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.1 Conservation Zones	<u>Objective</u> To protect and conserve environmentally sensitive areas. <u>Application</u> When a relevant planning authority prepares a planning proposal.	The subject lands do not contain any environmentally sensitive areas and are not subject to an environment protection zone.	Not applicable.
3.2 Heritage Conservation	<u>Objective</u> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. <u>Application</u> When a relevant planning authority prepares a planning proposal.	No known items of heritage significance or cultural value are known to occur within the subject sites:	Consistent.
3.5 Recreation Vehicle Areas	<u>Objective</u> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. <u>Application</u> When a relevant planning authority prepares a planning proposal.	T his planning proposal does not seek to change the regulation of recreation vehicles or land on which a recreation vehicle access or development may occur.	Not applicable.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.6 Strategic Conservation Planning	<p><u>Objective</u></p> <p>To protect, conserve or enhance areas with high biodiversity values.</p> <p><u>Application</u></p> <p>When a relevant planning authority prepares a planning proposal that relates to land under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	The subject lands do not contain any land with high biodiversity values.	Not applicable.
<b>Focus area: 4 Resilience and Hazards</b>			
4.1 Flooding	<p><u>Objective</u></p> <p>To ensure development of flood prone land is consistent with NSW Government's Flood Prone Policy and the Floodplain Development Manual, 2005, and to ensure that provision of an LEP that apply to flood proof land are commensurate with flood behaviour and reflects consideration of potential flood impacts both on and off the subject land</p> <p><u>Application</u></p> <p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The following lots are identified as being within the Probable Maximum Flood area which will not impact on future residential development proposals:</p> <ul style="list-style-type: none"> <li>Lot 1 DP 212047 – 97 Hill Street</li> <li>Lot 3 DP 212047 – 97 Hill Street</li> <li>Lot 12 DP 227553 – 98 Hill Street</li> </ul> <p>The following lots are not identified as being prone to flooding:</p> <ul style="list-style-type: none"> <li>Lot 21 DP 1235763 – 2912 New England Highway</li> </ul> <p>This Planning Proposal seeks to reclassify the lands from community to operational is administrative in nature therefore is considered not to be affected by flooding.</p>	Consistent.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
4.3 Planning for Bushfire Protection	<p><u>Objectives</u></p> <p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p> <p><u>Application</u></p> <p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p>	<p>The following lot has vegetation that identifies the land as being bush prone land.</p> <ul style="list-style-type: none"> <li>Lot 22 DP1235763 – 2912 New England Hwy, Scone</li> </ul>	Consistent
<b>Focus area 5: Transport and Infrastructure</b>			
5.2 Reserving Land for Public Purposes	<p><u>Objectives</u></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p><u>Application</u></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal</p>	<p>The land has previously been classified as public land. The Planning Proposal will amend such classification to operational land enabling it to be sold and / or developed as deemed appropriate for the locality.</p>	Consistent

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>Focus Area 6: Housing</b>			
6.1 Residential Zones	<p><u>Objectives</u></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p><u>Application</u></p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted</p>	<p>The land which is affected by the planning proposal has the potential to be developed in accordance with its existing zoning.</p> <p>The re-classification will enable the land to be developed and to make efficient use of existing infrastructure and services.</p>	Consistent

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>Focus Area 7: Industry and Employment</b>			
7.1 Employment Zones	<p><u>Summary of Objectives</u> To protect, encourage and support employment / strategic centres.</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	This planning proposal does not contain lands that are zoned Employment Zones.	Not Applicable.
<b>Focus Area 8: Resources and Energy</b>			
8.1 Mining, Petroleum Production and Extractive Industries	<p><u>Objective</u> The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p>	The planning proposal does not prohibit or restrict mining, production or winning of extractive materials or restrict potential development of resources.	Consistent

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development		
<b>Focus Area 9: Primary Production</b>			
9.2 Rural Lands	<u>Objectives:</u> The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,	This planning proposal does not contain lands that are zoned Rural	Not Applicable.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</p> <p>(f) support the delivery of the actions outlined in the NSW Right to Farm Polic.</p> <p><u>Application:</u></p> <p>(a) Application This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone.</p>		



---

## Section C Environmental, Social and Economic Impact

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such the proposal considered not to impact on the natural environment.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such it is considered that there would not be any other likely environmental impacts.

### **Q9. How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such it is considered that the proposal is not likely to create any social or economic impacts.

## Section D State and Commonwealth interests

### **Q10. Is there adequate public infrastructure for the planning proposal?**

This planning proposal does not give rise to a direct demand for public infrastructure.

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

A Gateway determination has not yet been issued for this planning proposal. Relevant authorities will be consulted in accordance with the requirements of the Gateway Determination.

The views of consulted public authorities will be summarised and addressed as appropriate in the final Planning Proposal

## **Part 4 Mapping**

This planning proposal does not affect LEP mapping.

---

## Part 5 Community consultation

### Public Exhibition

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

Community consultation will be commenced with placing a public notice in the local newspapers (where relevant) and on the website of the Upper Hunter Shire Council and/or the Department of Planning and Environment and access to all relevant documents in Council administration offices in Scone, Merriwa and Murrurundi. In addition, adjoining landowners will be notified in writing.

### Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). After the exhibition period has ended, at least 21 days public notice is to be given before the public hearing.

This section of the planning proposal will be updated upon the completion of community consultation to provide a summary of community feedback, key matters raised and Council officers' response.

## Part 6 Timeframe

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Task	Timeframe	Completed
Referral of the planning proposal for a Gateway determination	Sept /Oct 2023	
<b>Gateway Determination</b>	Nov 2023	
Undertake requirements of the Gateway Determination and prepare V2 planning proposal	September 2022 Dec 2023	
Public exhibition 28 days	Feb 2024	
Public Hearing 21 days	March 2024	
Agency consultation	April 2024	
Review submissions, respond and prepare V3 planning proposal for Council's consideration	May 2024	
Council report to finalise and refer the plan to the DPE to be made	June 2024	
Referral of the Plan to the DPE for making	July 2024	
Plan to be made within 12 months of Gateway	Aug 2025	

---

## Summary and conclusions

This planning proposal has been prepared in accordance with *Local Government Act 1993* to reclassify certain public land from community to operational. No development, impacts or land use changes are going to result from this planning proposal.

As outlined in the introduction to this planning proposal, the *Local Government Act 1993* requires all public land to be classified as either community or operational. Community land is land council makes available for use by the public, for example as parks or sports grounds. Operational land is land which facilitates the functions of council and may not be open to the public, for example a works depot or a council pound. This classification also determines land management and dealings: community land requires a plan of management and must not be sold, exchanged or otherwise disposed of by a council. There are no such special restrictions on council powers to manage, dispose or change the nature of operational land.

Community consultation will be undertaken as outlined on page 25 to give the members of the public an opportunity to be involve in the process and provide feedback.

APPENDIX 1 – Information to be provided by Practice Note PN 16-001  
– Classification and reclassification of public land through a local environmental plan

1. Current & proposed classification of the land.	Current classification – community  Proposed classification – operational
2. Is the land a 'public reserve' as defined in the LG Act?	None of the subject lots: 1 – Lot 1 DP 212047 – 97 Hill St, Scone 2 – Lot 3 DP 212047 – 97 Hill St, Scone 3 – Lot 12 DP 227553 – 98 Hill St, Scone 4 – Lot 21 DP 1235763 – 2912 New England Hwy, Scone are public reserves
3. The strategic and site specific merits of the reclassification.	The reclassification of the following lots to operational is appropriate to allow Council to manage these sites free of the constraints of a community land classification.  1 - Lot 1 DP 212047 – 97 Hill St, Scone 2 – Lot 3 DP 212047 – 97 Hill St, Scone 3 – Lot 12 DP 227553 – 98 Hill St, Scone  The reclassification of the following will enable provision of alternate and improved access to the industrial area , saleyards and abattoir on the eastern side of the rail line, in the future.  4 - Lot 21 DP 1235763 – 2912 New England Hwy, Scone are public reserves
4. Is the planning proposal the result of a strategic study or report?	No.
5. Is the planning proposal is consistent with council's community plan or other local strategic plan?	In part. The reclassification of 2912 New England Hwy will enable improved access to important industrial and agricultural based business in Scone. .
6. Summary of council's interests in the land.	Council's interests are as the landowner.
7. Are any interests in the land proposed to be discharged?	See Appendix 2 for a list of interests intended to be discharged through this planning proposal.
8. The effect of the reclassification.	There are no physical or operational changes or effects anticipated as a result of the reclassification.
9. Evidence of public reserve status or relevant interests, or lack thereof.	See Appendix 2

10. Current use(s) of the land, and whether uses are authorised or unauthorised.
11. Any agreement for the sale or lease of the land – inc. basic details, timing.

All land associated with the reclassification is currently vacant.
There are no agreements or proposed agreements for the sale of the lands.

12. Is rezoning of the land proposed in association with the reclassification?	Rezoning of the subject allotments, is not proposed.
13. How council may or will benefit financially, and how these funds will be used;	<p>There is potential for land adjoining to White Park</p> <p>1 - Lot 1 DP 212047 – 97 Hill St, Scone  2 – Lot 3 DP 212047 – 97 Hill St, Scone  3 – Lot 12 DP 227553 – 98 Hill St, Scone</p> <p>to be sold in the future. Funds raised will be allocated to Council's reserve funds set aside for future property investments or repayment of property loans.</p>
14. 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.	Not relevant to this proposal, the proposed reclassification process is correcting the error of the previous classification process.
15. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	The entire area of each lot is to be reclassified.
16. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	There are no relevant government agencies that require consultation in regard to this proposal.

---

## APPENDIX 2 - Title searches





FOLIO: 21/1235763

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/8/2023	2:34 PM	2	10/9/2019

LAND

----

LOT 21 IN DEPOSITED PLAN 1235763  
AT SCONE  
LOCAL GOVERNMENT AREA UPPER HUNTER  
PARISH OF SCONE COUNTY OF BRISBANE  
TITLE DIAGRAM DP1235763

FIRST SCHEDULE

-----

UPPER HUNTER SHIRE COUNCIL (T AP524237)

SECOND SCHEDULE (4 NOTIFICATIONS)

-----

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP1041230 RESTRICTION(S) ON THE USE OF LAND
- 3 DP1041230 EASEMENT FOR ELECTRICITY PURPOSES 5 METRE(S) WIDE  
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
DIAGRAM
- 4 DP1041230 EASEMENT FOR ELECTRICITY PURPOSES 5 METRE(S) WIDE  
APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

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



FOLIO: 1/212047

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	-----	-----	-----
7/8/2023	2:34 PM	-	-

VOL 14593 FOL 244 IS THE CURRENT CERTIFICATE OF TITLE

LAND

-----

LOT 1 IN DEPOSITED PLAN 212047  
LOCAL GOVERNMENT AREA UPPER HUNTER  
PARISH OF SCONE COUNTY OF BRISBANE  
TITLE DIAGRAM DP212047

FIRST SCHEDULE

-----

THE COUNCIL OF THE SHIRE OF SCONE

SECOND SCHEDULE (1 NOTIFICATION)

-----

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

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



FOLIO: 3/212047

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/8/2023	2:34 PM	-	-

VOL 9227 FOL 246 IS THE CURRENT CERTIFICATE OF TITLE

LAND

----

LOT 3 IN DEPOSITED PLAN 212047  
LOCAL GOVERNMENT AREA UPPER HUNTER  
PARISH OF SCONE COUNTY OF BRISBANE  
TITLE DIAGRAM DP212047

FIRST SCHEDULE

-----

THE COUNCIL OF THE SHIRE OF SCONE (T J186938)

SECOND SCHEDULE (1 NOTIFICATION)

-----

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

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



FOLIO: 12/227553

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
7/8/2023	2:34 PM	-	-

VOL 10168 FOL 243 IS THE CURRENT CERTIFICATE OF TITLE

LAND

----

LOT 12 IN DEPOSITED PLAN 227553  
LOCAL GOVERNMENT AREA UPPER HUNTER  
PARISH OF SCONE COUNTY OF BRISBANE  
TITLE DIAGRAM DP227553

FIRST SCHEDULE

-----

THE COUNCIL OF THE SHIRE OF SCONE (T K170312)

SECOND SCHEDULE (2 NOTIFICATIONS)

-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 J872722 COVENANT

NOTATIONS

-----

UNREGISTERED DEALINGS: NIL

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

(REAL PROPERTY ACT, 1900.)

£ 3:10:  
4165

32995 7.58 W K 1165—2 A. H. Pettifer, Government Printer.

And the transferee covenant(s) with the transferor<sup>d</sup>

- (a) That for the benefit of any adjoining land owned by the Transferors but only during the ownership thereof by the Transferors their successors and assigns other than purchasers on sale no fence will be erected on the land hereby transferred to divide the same from such adjoining land without the consent of the transferors but such consent shall not be withheld if such fence is erected without expense to the transferors and in favour of any person dealing with the transferees such consent shall be deemed to have been given in respect of every such fence for the time being erected.
- (b) The benefit of the foregoing covenants shall be appurtenant to the adjoining land owned by the Transferors. The burden of the foregoing covenants is upon the land hereby transferred. The said covenants may be released varied or modified by the Transferors their successors and assigns

<sup>d</sup> Strike out if unnecessary, or suitably adjust,

(i) If any easements are to be created or any exceptions to be made; or

(ii) If the statutory covenants implied by the Act are intended to be varied or modified.

Covenants should comply with the provisions of Section 88 of the Conveyancing Act, 1919-1954.

ENCUMBRANCES, &c., REFERRED TO.  
Subject to reservations of minerals.

<sup>e</sup> A very short note will suffice.

K 1165-2

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

Execution in New South Wales may be proved if the instrument is signed or acknowledged before the Registrar-General, or a Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness should appear before one of the above functionaries who having received an affirmative answer to each of the questions set out in Sec. 108 (1) (b) of the Real Property Act should sign the certificate at the foot of this page.

Execution may be proved where the parties are resident:—

(a) in any part of the British dominions outside the State of New South Wales by signing or acknowledging before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or Mayor or Chief Officer of any municipal or local government corporation of such part, or Justice of the Peace for such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint,

(b) in the United Kingdom by signing or acknowledging before the Mayor or Chief Officer of any corporation or a Notary Public.

(c) in any foreign place by signing or acknowledging before (i) a British Consular Officer (which includes a British Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or Legation, Consul-General, Acting Consul-General, Consul, Acting Consul, Vice-Consul, Acting Vice-Consul, Pro-Consul, Consular Agent and Acting Consular Agent), (ii) an Australian Consular Officer (which includes an Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Chargé d'Affaires, Counsellor or Secretary at an Embassy, High Commissioner's Office or Legation, Consul-General, Consul, Vice-Consul, Trade Commissioner and Consular Agent), who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

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

Signed at

Maitland

the

Eleventh day of December 1964

Signed in my presence by the transferor  
THE COMMON SEAL of the TRUSTEES  
WHO IS PERSONALLY KNOWN TO ME  
OF THE ROMAN CATHOLIC CHURCH FOR THE  
DIOCESE OF MAITLAND was hereunto  
affixed in the presence of

Transferor.\*

D. Jorde.

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

*[Signature]*

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

*[Signature]*  
Guair Hook  
Transferee(s).

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

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

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

Signed at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Signed in the presence of— \_\_\_\_\_

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

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

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

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

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

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



J 872722

No. ....

LODGED BY .....

THE COMMERCIAL BANKING COMPANY OF SYDNEY LIMITED

343 GEORGE ST. SYDNEY B0260

**FEES.**

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

- (a) £2 where the memorandum of transfer is accompanied by the relevant Certificate of Title or Crown Grants, otherwise £2 5s. 6d. Where such instrument is to be endorsed on more than one folium of the register, an additional charge of 5s. is made for every Certificate of Title or Crown Grant after the first.
- (b) A supplementary charge of 10s. is made in each of the following—  
(i) where a restrictive covenant is imposed; or  
(ii) a new easement is created; or  
(iii) a partial discharge of mortgage is endorsed on the transfer.
- (c) Where a new Certificate of Title must issue the scale charges are—  
(i) £2 for every Certificate of Title not exceeding 15 folios and without diagram;  
(ii) £2 10s. 6d. for every Certificate of Title not exceeding 15 folios with one simple diagram;  
(iii) as approved where more than one simple diagram, or an extensive diagram will appear.  
Where the foregoing exceeds 15 folios, an amount of 5s. per folium, extra fee is payable.

**DOCUMENTS LODGED HEREWITH.**

To be filled in by person lodging dealing.

1 24 } Received Docs.  
2 4 } Nos.  
3 }  
4 } Receiving Clerk.  
5 }  
6 }

**PARTIAL DISCHARGE OF MORTGAGE.**  
(N.B.—Before execution read marginal note.)

I,

*mortgagee under Mortgage No*  
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

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

Dated at this day of 19  
Signed in my presence by

who is personally known to me.

Mortgagee.

LEAVE THESE SPACES FOR DEPARTMENTAL USE.

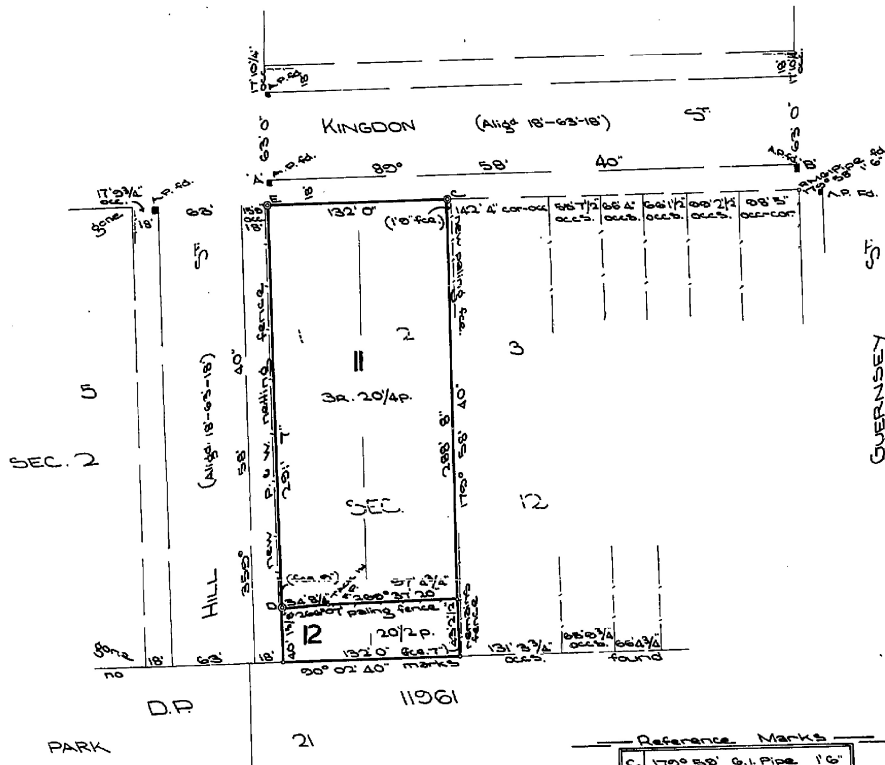
INDEXED	MEMORANDUM OF TRANSFER
	<i>book</i>
Checked by	Particulars entered in Register Book, Volume <i>7284</i> Folio <i>138</i>
Passed (in S.D.B.) by	the <i>22nd</i> day of <i>January</i> 19 <i>65</i> at minutes past <i>10</i> o'clock in the <i>fore</i> noon.
Signed by	<i>J. Watson</i> Registrar-General.

**PROGRESS RECORD.**

	Initials.	Date.
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Diagram prepared		
Diagram examined		
Draft forwarded		
Supt. of Engrossers		
Cancellation Clerk		
Vol.	For.	

This form must NOT be used where any Dedication, Drainage Reserve or Public Garden and Recreation Space is provided. — See Form 3. **WARNING: GREASING OR FOLDING WILL LEAD TO REJECTION.**

D.P. 227553



D.P. 227553

Registered: 11/11/1965  
 C.A.: 445 of 6/8/1965  
 Title System: Torrens  
 Purpose: Subdivision  
 Ref. Map: Village of Score  
 Last Plan: " " "

PLAN OF Subdivision of Lots 1 and 2 SECTION 12

Scale: 60 feet to an inch

Mun./Shire: Score

Locality: " " "

Parish: Score

County: Brisbane

I, Geoffrey Rex Bailey, M.M. Henderson & Co., of Melbourne, Vic.

a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Regulations, 1933, and was completed on 11/11/1965.

Signature: [Signature]  
 Surveyor registered under Surveyors Act, 1929, as amended.  
 Deeds Line of Asimuth: " " "

Statements of Proposed Easements.

Approved by Council: I hereby certify that the requirements of the Local Government Act, 1919 (other than the requirements for registration of plans) have been complied with by the applicant in relation to the proposed subdivision set out herein.

Subdivision No.: 445 Date: 6.8.65

Council Clerk: [Signature]

SURVEYORS REFERENCE: 521/53

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

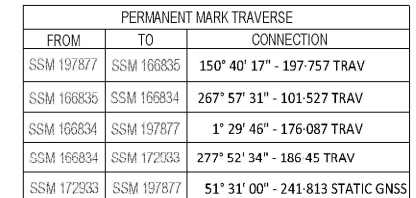
DP 227553		
FEET INCHES	METRES	
- 7	0.178	
- 9	0.229	
1 6	0.457	
1 9	0.533	
15 9	4.801	
17 9 3/4	5.429	
17 10 1/4	5.442	
18 -	5.486	
34 8 1/4	10.573	
40 1 5/8	12.253	
43 2 1/2	13.170	
55 7 1/2	16.955	
63 -	19.202	
65 9 3/4	20.060	
66 1 1/2	20.135	
66 4	20.216	
66 4 3/4	20.237	
97 4 3/4	29.686	
98 5	29.997	
99 2 1/2	30.239	
131 3 3/4	40.024	
132 -	40.234	
142 4	43.383	
288 8	87.986	
291 7	88.875	
AC RD P	SQ M	
- 20 1/2	518.5	
- 3 20 1/4	3547	

WARNING: Plan Drawing only to appear in this space.

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 7th day of June, 1977.

1





SURVEYING and SPATIAL INFORMATION REGULATION 2012						
CLAUSES 35 (1) (b) & 61 (2)						
MARK	M.G.A CO-ORDINATES - ZONE 56		CL.	ORD.	METHOD	ORIGIN
	EASTING	NORTHING				
SSM 34103	298227-589	6455239-590	A	1	SCIMS	FOUND
SSM 166834	298457-589	6453867-764	C	3	CAD TRAV	FOUND
SSM 166835	298559-058	6453871-381	C	3	CAD TRAV	FOUND
SSM 172933	298272-887	6453893-315	C	3	STATIC GNSS	FOUND
SSM 172451	298386-443	6453217-404	B	2	SCIMS	FOUND
SSM 80998	297339-102	6452381-894	A	1	SCIMS	FOUND
SSM 197877	298462-187	6454043-802	C	3	STATIC GNSS	PLACED
PM 34641	299830-604	6452630-063	A	1	SCIMS	FOUND
COMBINED SEA LEVEL AND SCALE FACTOR: 1.000062						
M.G.A. COORDINATES ADOPTED FROM SCIMS AS AT 11.07.2017						
(G.D.A 94)						

DP1235763

PLAN: 0009 451 SS 4057