

HUNTERS HILL COUNCIL

PLANNING PROPOSAL

Reclassification of Council Owned Land

C.A. Fairlands Community Hall

February 2024

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Background & Locality Context

The property, Lot 92 DP 666674, is located at 14 Church Street Hunters Hill and commonly known as C.A. Fairland Hall. The property has an area of approximately 1,258 m² and is:

- Categorised as Community Land under the Local Government Act 1993, and
- Zoned R3 – Medium Density Residential under the Hunters Hill Local Environmental Plan 2012.

The site is topographically split into a higher southern and lower northern section by a sandstone cliff. The current topography resulted from quarrying activities on the northern part of the property. The quarry created a sheer cliff that traverses through the middle of the property from east to west.

The height of the cliff is approximately 10m, with no access available from the top of the cliff (street level) to the lower areas in the north.

The southern section of the site contains the C.A. Fairlands Hall, that is currently utilised by Hunters Hill Council as a community facility, and a playground.

The northern section of the site is landlocked and currently used by the adjoining neighbours (9 and 11 The Avenue) as part of the gardens at the rear of the dwellings. The encroachments occupy an area of approximately 650m² and include fencing, garden shed, a chicken shelter and chicken run, timber garden beds, garden walls, and stone steps.



Figure 1: Location Map (source: Nearmaps)

The site is currently owned by Council after it was appointed as Trustee of the Hunters Hill Men & Boys Club Fund and the property was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the Dormant Funds Act, 1942 (DF Act) (copy in Attachment 3) to be used for community purposes. A Caveat K649485 was registered with the Registrar General of New South Wales in April 1967 (copy in Attachment 4). The Caveat forbids the registration of any dealings affecting the land that is not consistent with the duties of the registered proprietors as trustees of the Hunters Hill Men & Boys Club Fund. Council is therefore not in a position to sell the land under the registered interests.

Council sought legal advice on the options to rectify the current situation and it was recommended that the land be reclassified to enable the sale of the land.

Hunters Hill Council resolved on 28 August 2023 to prepare a planning proposal to enable the reclassification of the property to operational land that will include the release of the interests registered over the site.

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks reclassification of four public land parcels from “community” to “operational”.

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.

Under the Local Government Act 1993, public land is classified or reclassified by either a council resolution under sections 31, 32 or 33 or through a Local Environmental Plan (LEP) amendment.

The planning proposal seeks to give effect to the Council resolution by pursuing an LEP amendment pathway to reclassify the subject land to operational.

This will allow for the subdivision and subsequent sale of the northern section of the site to the adjoining property owners, thereby regularising the use of this portion of the site and discharging Council from its maintenance responsibility of the landlocked part of the site. It is Council’s intention to continue the operation of the C.A. Fairlands Hall as a community asset for the foreseeable future, while the reclassification of the southern portion of the site to operational will allow for a wider range of land uses in the future once the facility is no longer required.

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.

The site contains interests that need to be discharged under Section 30 of the Local Government Act as part of the reclassification of the site.

Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site.

As stated previously in the report, Council was appointed as Trustee of the Hunters Hill Men & Boys Club Fund and the property was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the DF Act (copy in Attachment 3).

The Order requires the property to be used for the benefit of the residents of the Municipality. This includes the development, extension or maintenance of a public library service, or other such cultural, recreational, or social purpose that Council may deem fit.

To enact the Order above, Caveat K649485 was registered with the Registrar General of New South Wales in April 1967 (copy in Attachment 4). The Caveat forbids the registration of any dealings affecting the land that is not consistent with the duties of the registered proprietors as trustees of the Hunters Hill Men & Boys Club Fund.

The northern part of the property contains multiple significant encroachments by the owners of 9 and 11 The Avenue, Hunters Hill. A survey report prepared in July 2007 depicts the extent of the encroachments (copy in Attachment 5). The encroachments depicted in the survey report generally align with the observations made by Council staff during a site inspection conducted more recently.

This situation has resulted in the land located below the cliff as not currently being used for the benefit of the residents of the Municipality, which is contrary to the Order and the registered Caveat.

The Public Trustee NSW advised in June 2005 that there is no provision in the DF Act for the Commissioner to vary the terms of a previous Order. Previous legal advice also indicates there is no provision in the DF Act for any subsequent order to be made by the Commissioner. Therefore, as follows there is no power to sell or lease the property or any part of it while the Order remains in place.

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?

No. The reason for the proposed reclassification is to enable the subdivision and subsequent lease or sale of the northern portion of the site to the adjoining neighbours. This will regularise the use of this portion of the site and discharge Council from its maintenance responsibility of the landlocked part of the site.

Hunters Hill Council resolved on 28 August 2023 to prepare a planning proposal to enable the reclassification of the property to operational land.

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

The land was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the DF Act.

It is noted that 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, however this provision only applies to land acquired after 1 July 1993. Hunters Hill Council therefore did not have the opportunity to reclassify land from community to operational and ensure that interests affecting subject land are appropriately discharged under Section 31 of the Local Government Act 1993.

Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site under Section 30 of the Local Government Act 1993.

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 either the Greater Sydney Region Plan – A Metropolis of Three Cities or the Northern District Plan 2056.

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

No. Although while the proposed reclassification will not give effect to the endorsed local strategic planning statement, it is not inconsistent with the implementation plan tasks.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The planning proposal does not give effect to any objectives or actions identified in the Northern District Plan 2056.

Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

Table 1: Assessment against relevant State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in Non-Rural Areas	Applicable	Consistent with the provisions of this SEPP as no vegetation removal will result from the reclassification.
Chapter 3 – Koala habitat protection 2020	Not Applicable	Not Applicable
Chapter 4 – Koala Habitat Protection 2021	Not Applicable	Not Applicable
Chapter 6 – Water Catchments	Applicable	<p>The provisions apply to land within the Sydney Harbour Catchment. The provisions require development to maintain a Neutral or Beneficial Effect on the water quality of the harbour.</p> <p>It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.</p>
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable Housing	Applicable	The proposal will not alter housing affordability in the area as no housing will be removed from the housing market.
Chapter 3 – Diverse Housing	Applicable	The proposal will not alter housing diversity as no housing will be

		lost or added to/from the housing market.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Not Applicable	Not Applicable
Chapter 3 – Aboriginal Land	Not Applicable	The site has not been identified as Aboriginal Land under the Policy provisions.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, Petroleum Production and Extractive Industries	Not Applicable	The proposed reclassification will not alter the land uses on the site.
Chapter 3 – Extractive Industries in Sydney Area	Not Applicable	The proposed reclassification will not alter the land uses on the site.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applicable	A review of the Policy provisions did not identify any impacts from the proposed reclassification of land on the surrounding infrastructure. This includes any impacts on the electricity substation located to the east of the site and the nearby Burns Bay Road.
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal Management	Not applicable	The site is not located within the Coastal Zone.
Chapter 3 – Hazardous and Offensive Development	Not applicable	The proposal will not alter the zoning of the site to permit hazardous or offensive development.
Chapter 4 – Remediation of land	Applicable	The site has been used for community and residential purposes for an extended period.

The proposal is generally consistent with the applicable SEPPs.

The Planning Proposal proposes the reclassification of land only and does not propose to rezone land. If Council determines land to be rezoned and sold in the future, a Planning Proposal will be prepared to assess the merits of the proposal.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 2: Assessment against Section 9.1 Ministerial Directions

No	Direction	Objective	Applicable	Consistency	Comment
Planning Systems					
1.1	Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	Yes	N/A	The planning proposal does not give effect to any objectives or actions identified in the Northern District Plan 2056.
1.2	Development of Aboriginal Land Council Land	The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	No	N/A	The land is not owned by an Aboriginal Land Council.
1.3	Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	Yes	The proposal will not result in concurrence from the Minister or referral authorities.
1.4	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Yes	The proposal will not result in any provisions that will require specific land uses to be undertaken on the site.
1.4A	Exclusion of Development Standards from Variation	The objective of this direction is to maintain flexibility in the application of development standards by ensuring that	No	N/A	The proposal includes a reclassification only and will not exclude any future development on the site from the provisions of Clause 4.6 of the Hunters Hill LEP.

No	Direction	Objective	Applicable	Consistency	Comment
		exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.			
1.5	Parramatta Road Corridor Urban Transformation Strategy	The objectives of this direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.	No	N/A	The site is located outside of the Parramatta Road Corridor Urban Transformation Strategy area.
1.6	Implementation of North West Priority Growth Area Land Use	The objective of this direction is to ensure development within the North West Priority Growth Area	No	N/A	The site is located outside of the North West Priority Growth area.

No	Direction	Objective	Applicable	Consistency	Comment
	and Infrastructure Implementation Plan	is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).			
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan).	No	N/A	The site is located outside of the Greater Parramatta Priority Growth area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	No	N/A	The site is located outside of the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	No	N/A	The site is located outside of the Glenfield to Macarthur Urban Renewal Corridor.
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.	No	N/A	The site is located outside of the Western Sydney Aerotropolis area.

No	Direction	Objective	Applicable	Consistency	Comment
1.11	Implementation of Bayside West Precincts 2036 Plan	The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia, and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	No	N/A	The site is located outside of the Bayside West Precincts.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	The site is located outside of the Cooks Cove Precinct area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).	No	N/A	The site is located outside of the St Leonards and Crows Nest 2036 Plan area.
1.14	Implementation of Greater Macarthur 2040	The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with: (a) Greater Macarthur 2040 dated November 2018, (b) the Greater Macarthur Growth Area Structure Plan 2022 (Structure Plan), and (c) the Guide to the Greater Macarthur Growth Area (Guide).	No	N/A	The site is located outside of the Greater Macarthur growth area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	The objectives of this direction are to: (a) facilitate development within the Pyrmont Peninsula that is	No	N/A	The site is located outside of the Pyrmont Peninsula Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		<p>consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy,</p> <p>(b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and</p> <p>(c) guide growth and change balanced with character, heritage, and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.</p>			
1.16	North West Rail Link Corridor Strategy	<p>The objectives of this direction are to:</p> <p>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and</p> <p>(b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p>	No	N/A	The site is located outside of the North West Rail Link Corridor Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
1.17	Implementation of Bayside West Place Strategy	The objectives of this direction are to: (a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework), (c) actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (d) guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.	No	N/A	The site is located outside of the Bayside West Place Strategy area.
1.18	Implementation of the Macquarie Park Innovation Precinct	The objective of this direction is to ensure development within the Macquarie Park Innovation Precinct is consistent with the Macquarie Park Innovation Precinct Place Strategy (Place Strategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Plan).	No	N/A	The site is located outside of the Macquarie Park Innovation Precinct that is located to the northwest of the Hunters Hill LGA.
1.19	Implementation of the Westmead Place Strategy	The objectives of this direction are to:	No	N/A	The site is located outside of the Westmead Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(a) facilitate development within the Westmead and Parramatta North precincts that is consistent with the Westmead Place Strategy, and (b) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan.			
1.20	Implementation of the Camellia-Rosehill Place Strategy	The objectives of this direction are to: (a) facilitate development within the Camellia-Rosehill precinct that is consistent with the Camellia-Rosehill Place Strategy, (b) guide growth and change in the Camellia-Rosehill precinct in a coordinated manner, that delivers appropriate infrastructure and retains the precinct's role as an employment hub, and (c) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan.	No	N/A	The site is located outside of the Camellia-Rosehill Place Strategy area.
1.21	Implementation of South West Growth Area Structure Plan	The objective of this direction is to ensure that development within the South West Growth Area (also referred to as the South West Growth Centre) is consistent with Structure Plan and Guide dated December 2022.	No	N/A	The site is located outside of the South West Growth Area Structure Plan area.

No	Direction	Objective	Applicable	Consistency	Comment
1.22	Implementation of the Cherrybrook Station Place Strategy	The objectives of this direction are to: (a) facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy, and (b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.	No	N/A	The site is located outside of the Cherrybrook Station Place Strategy area.
Design and Place					
N/A					
Biodiversity and Conservation					
3.1	Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	No	N/A	The site is not located in a Conservation zone and does not include any environmentally sensitive areas.
3.2	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.	Yes	Yes	The site is not heritage listed or identified as having Aboriginal heritage significance. The site is however located within the Hunters Hill Conservation Area No 2 - The Peninsula Significance: Local. The proposal will not alter the heritage significance of the area as the proposed reclassification will not alter the built environment. The proposal is therefore considered consistent with the Ministerial Direction.
3.3	Sydney Drinking Water Catchment	The objective of this direction is to provide for healthy catchments	No	N/A	The site is located outside of the local government areas identified in the Ministerial Direction.

No	Direction	Objective	Applicable	Consistency	Comment
		and protect water quality in the Sydney drinking water catchment.			
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	No	N/A	The site is not located within the Far North Coast LEP overlays.
3.5	Recreational Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	No	N/A	The proposal is not located within a conservation zone or located in close proximity to a beach.
3.6	Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Yes	Yes	The proposal is consistent with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 as no vegetation removal will result from the reclassification. It is therefore considered that the proposal will not impact on the biodiversity values of the area.
3.7	Public Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: (a) preserving: i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland,	No	N/A	The proposed reclassification will not affect any public bushland areas.

No	Direction	Objective	Applicable	Consistency	Comment
		<p>iii. bushland as a natural stabiliser of the soil surface,</p> <p>iv. existing hydrological landforms, processes, and functions, including natural drainage lines, watercourses, wetlands, and foreshores,</p> <p>v. the recreational, educational, scientific, aesthetic, environmental, ecological, and cultural values, and potential of the land, and</p> <p>(b) mitigating disturbance caused by development,</p> <p>(c) giving priority to retaining public bushland.</p>			
3.8	Willandra Lakes Region	<p>The objectives of this direction are to:</p> <p>(a) protect, conserve, and manage the Willandra Lakes Region World Heritage Property (World Heritage Property) in accordance with a strategic plan of management prepared for World Heritage Property, and</p> <p>(b) establish a consultation process for making decisions on conservation and development within the World Heritage Property.</p>	No	N/A	The site is not located within the Willandra Lakes World Heritage Property.
3.9	Sydney Harbour Foreshores and Waterways Area	<p>The objectives of this direction are to:</p>	Yes	Yes	The provisions apply to land within the Sydney Harbour Catchment. The provisions

No	Direction	Objective	Applicable	Consistency	Comment
		<p>(a) protect and enhance the natural assets and unique environmental, scenic, and visual qualities of Sydney Harbour and its islands and foreshores</p> <p>(b) minimise risk to development from rising sea levels or changing flood patterns as a result of climate change</p> <p>(c) ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity</p> <p>(d) protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation,</p> <p>(e) promote the equitable use of the Foreshores and Waterways Area</p> <p>(f) protect the cultural heritage significance of Sydney Harbour, its islands and foreshores</p> <p>(g) ensure a prosperous working harbour and effective transport corridor; and</p> <p>(h) encourage a culturally rich and vibrant place for people.</p>			<p>require development to maintain Neutral or Beneficial Effect on the water quality of the harbour.</p> <p>It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.</p>

No	Direction	Objective	Applicable	Consistency	Comment
3.10	Water Catchment Protection	<p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</p> <p>(b) protect and improve the hydrological, ecological, and geomorphological processes of natural waterbodies and their connectivity</p> <p>(c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</p> <p>(d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p>	No	N/A	The site is located outside of any water catchment areas.
Resilience and Hazards					
4.1	Flooding	<p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p>	No	N/A	The site is not identified as flood prone.

No	Direction	Objective	Applicable	Consistency	Comment
		(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.			
4.2	Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW.	No	N/A	The site is not located on or in close proximity to any coastal wetlands and littoral rainforest areas, coastal vulnerability areas, coastal environmental or coastal use area.
4.3	Planning for Bushfire Protection	The objectives of this direction are to: (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 (b) encourage sound management of bush fire prone areas.	No	N/A	The site is not identified as bushfire prone land.
4.4	Remediation of Contaminated Lands	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Yes	Yes	The site has been used for community and residential for an extended period.
4.5	Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the	Yes	Yes	The site is identified within land affected by Class 5 Acid Sulfate Soils. As the proposal will

No	Direction	Objective	Applicable	Consistency	Comment
		use of land that has a probability of containing acid sulfate soils.			not result in any excavation, the proposal will not result in adverse impacts.
4.6	Mine Subsidence & Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	No	N/A	The site is not located within a Mine Subsidence Area or unstable land.
Transport and Infrastructure					
5.1	Integrating Land Use & Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	No	N/A	The proposal does involve the rezoning of land.

No	Direction	Objective	Applicable	Consistency	Comment
5.2	Reserving Land for Public Purposes	The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Yes	Yes	The proposed reclassification will not alter the land available for public purposes in the foreseeable future. The C.A. Fairlands Hall will continue to be utilised by community groups, while the sale of the land to the north is not currently used for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	No	N/A	The site is not located in close proximity to any airports or airfields.
5.4	Shooting Ranges	The objectives of this direction are to: (a) maintain appropriate levels of public safety and amenity when	No	N/A	The site is not located in close proximity to any shooting ranges.

No	Direction	Objective	Applicable	Consistency	Comment
		rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.			
Housing					
6.1	Residential Zones	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Yes	Yes	The proposal will not reduce the type or number of housing available in Hunters Hill.
6.2	Caravan Parks and Manufactured Home Estates	The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.	No	N/A	The proposal will not impact on manufactured home villages.
Industry and Employment					

No	Direction	Objective	Applicable	Consistency	Comment
7.1	Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres.	No	N/A	The site is not zoned for business or industrial purposes.
7.2	Reduction in Non-hosted Short-term Rental Accommodation Period	The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.	No	N/A	The proposal will not increase the opportunities for short-term rental accommodation.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	The objectives for managing commercial and retail development along the Pacific Highway are to: (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway,	No	N/A	The proposal will not impact on development along the Pacific Highway.

No	Direction	Objective	Applicable	Consistency	Comment
		(d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.			
Resources & Energy					
8.1	Mining, Petroleum Production and Extractive Industries	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.	No	N/A	The proposal will not impact on any petroleum production or extractive industries.
Primary Production					
9.1	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	No	N/A	The site is not zoned for rural purposes.
9.2	Rural Lands	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,	No	N/A	The proposal will not impact on any agriculturally productive land.

No	Direction	Objective	Applicable	Consistency	Comment
		<p>(c) assist in the proper management, development, and protection of rural lands to promote the social, economic, and environmental welfare of the State,</p> <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 Policy.</p>			
9.3	Oyster Aquaculture	<p>The objectives of this direction are to:</p> <p>(a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</p> <p>(b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality</p>	No	N/A	The proposal will not impact on any oyster farms.

No	Direction	Objective	Applicable	Consistency	Comment
		and consequently, on the health of oysters and oyster consumers.			
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	<p>The objectives of this direction are to:</p> <p>(a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</p> <p>(b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</p> <p>(c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</p>	No	N/A	The site is not located in close proximity to any farmland of state and regional significance.

Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected 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 is considered not to impact on the natural environment.

Q9. 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.

Q10. 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

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

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

Q12. 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 Hunters Hill Council and/or the Department of Planning, Housing and Infrastructure and access to all relevant documents in Council administration offices in hunters Hill. 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 Project Timeline

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.

Table 3: Project Timeline

Task	Completed
Report to Hunters Hill Local Planning Panel	February 2024
Report to Council for endorsement	March 2023
Referral of the planning proposal for a Gateway determination	May 2024
Gateway Determination	July 2024
Undertake requirements of the Gateway Determination	August 2024
Public Consultation <ul style="list-style-type: none"> • Public exhibition (28 days) • Public Hearing (21 days) 	September – October 2024
Review submissions and preparation of response	November 2024
Referral of the Plan to the Department of Planning, Housing and Infrastructure for making	December 2024
Plan to be made within 12 months of Gateway	February 2025

Summary and Conclusion

This planning proposal has been prepared in accordance with the Local Government Act 1993 to reclassify 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 of 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 in the report to give the members of the public an opportunity to be involved in the process and provide feedback.

Attachment 1 – Practice Note PN 16-001

Information to be provided by Practice Note PN 16-001 – Classification and reclassification of public land through a Local Environmental Plan.

Table 4: Assessment against Practice Note PN16-001

Direction	Comment
1. Current and proposed classification of the land.	Current – Community Proposed – Operational
2. Is the land a 'public reserve' as defined in the LG Act?	No
3. The strategic and site specific merits of the reclassification.	No
4. Is the planning proposal the result of a strategic study or report?	No
5. Is the planning proposal consistent with Council's community plan or another local strategic plan?	The proposal is not inconsistent with the Hunters Hill Local Strategic Planning Statement or Community Plan.
6. Summary of Council's interests in the land.	Landowner
7. Are any interests in the land proposed to be discharged?	Yes The site contains interests that need to be discharged as part of the reclassification of the site. Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site.
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.	The site is not identified on Council land register as a public reserve.
10. Current use(s) of the land, and whether uses are authorised or unauthorised.	The land is currently used for public purposes (south) and residential development (north).
11. Any agreement for the sale or lease of the land – inc. basic details, timing	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 site is not proposed.
13. How Council may or will benefit financially, and how these funds will be used.	Any funds raised will be allocated to Council's reserve funds set aside for the improvement and maintenance of the C.A. Fairfield Hall.
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.	It is the intention to reinvest the funding received from the sale of land into renovation of the C.A. Fairlands Hall.
15. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	The entire site will 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.

Attachments:

Attachment 1 – Deposited Plan

Attachment 2 – Order of the Commissioner of Dormant Funds

Attachment 3 – Caveat K649485

Attachment 4 – Survey Report

Property

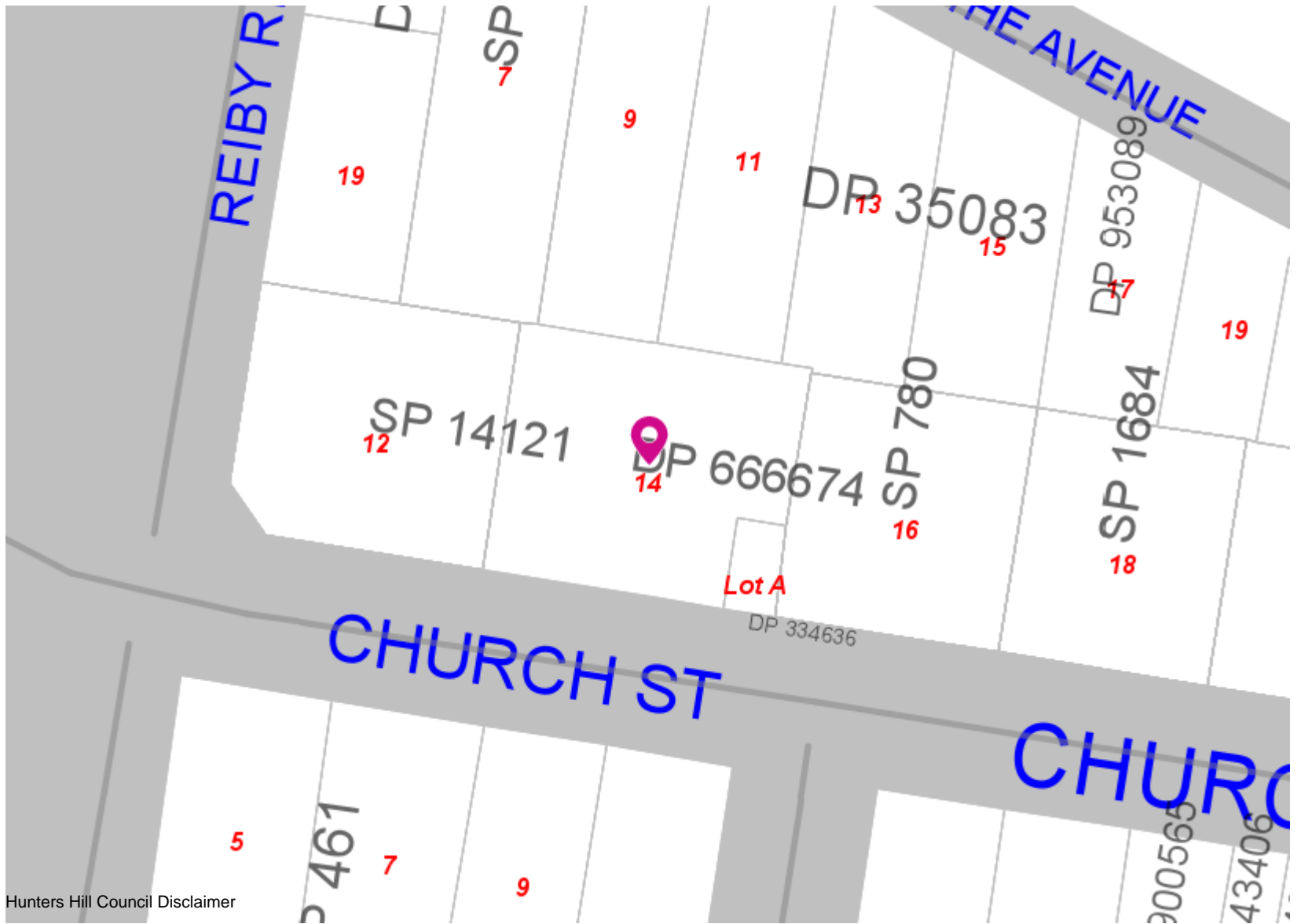
- Property Details (for notifications)
- Hunters Hill Cadastre
- NSW Spatial Services Lot Table

Annotations

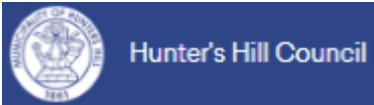
- PlanExtentAnno

Road Infrastructure

- Hunters Hill Roads



Hunters Hill Council Disclaimer



20 m
 Scale = 1:805.140

This map contains information belonging to or based on copyrighted data supplied to Hunters Hill Council
<https://www.huntershill.nsw.gov.au/disclaimer-copyright/>

Property Details (for notifications) (1)

Property_No: 679170

Property_Address_Line_1: 14 Church St (Fairland Hall)

Property_Address_Line_2:

Property_Address_Line_3: Hunters Hill 2110

Property_Unit_Number:

Property_House_Number: 14

Property_Street_Name: Church St

Ratepayer_Name: Hunters Hill Council

Ratepayer_Address_Line1: PO Box 21

Ratepayer_Address_Line2: null

Ratepayer_Address_Line3: Hunters Hill

Ratepayer_Care_Attention_Of:

Ratepayer:

Ratepayer_State: NSW

Ratepayer_Postcode: 2110

Ratepayer_Country:

Id: 886

Hunters Hill Cadastre (1)

cadid: 102090484

lotnumber: 92

sectionnumber: null

plannumber: 666674

planlabel: DP666674

Assessment_Number: 679170

Title_Legal_Description: LOT 92 DP 666674

Property_Address: "Fairland Hall", 14 Church St (Fairland Hall), Hunters Hill

Property_Address_Short: 14 Church St (Fairland Hall)

Postcode: 2110

Land_Area: 1258 m2

GIS_Interface_Id: 2434

Ratepayer_Id: 1918

classsubtype: 1

controllingauthority: FREEHOLD

NSW Spatial Services Lot Table (1)

csid: matthew.smith2@precisely.com-20210202160325

cadid: 102090484

lotnumber: 92

sectionnumber:

plannumber: 666674

planlabel: DP666674

itstitlestatus: ITSTitle

classsubtype: 1

controllingauthority: FREEHOLD

supplydate: 2021-02-02T16:04:02

PlanExtentAnno (1)

objectid: 608641

featureid: 292666

zorder: -9999

annotationclassid: 0

symbolid: -1

status: 0

textstring: DP 666674

fontname: Arial Narrow

fontsize: 18

bold: 0

italic: 0

underline: 0

verticalalignment: 1

horizontalalignment: 1

xoffset: 0

yoffset: 0

angle: 351.046631

fontleading: 0

wordspacing: 100

characterwidth: 100

characterspacing: 0

flipangle: 0

override: 0

shape_Length: 0.0006970524058087652

shape_Area: 1.816546261562147e-8

The Commissioner of Dormant Funds

S. 1372

ADDRESS ALL LETTERS TO
THE PUBLIC TRUSTEE
BOX 7 G.P.O.
SYDNEY

FOR ALL ENQUIRIES ASK FOR
MR. Webb.

THE PUBLIC TRUST OFFICE



19 O'CONNELL STREET
SYDNEY, N.S.W.

880

TELEPHONE: 2 0523

OFFICE HOURS:
10 A.M. TO 4 P.M. Fund

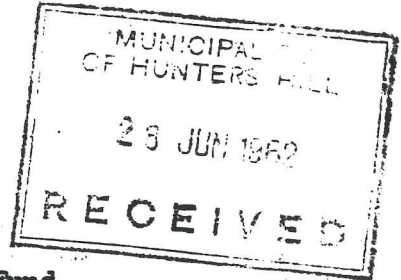
In your reply quote the ~~Form~~
and the initials below

GMW.L.M.

629/62

27th June, 1962.

The Town Clerk,
Town Hall,
HUNTERS HILL.



DORMANT FUNDS ACT, 1942
Re the Hunters Hill Men & Boys' Club Fund
Your ref. S/B880

Dear Sir,

I refer to previous correspondence concerning the above-mentioned Fund and now enclose a copy of the Commissioner's Order which has now issued pursuant to the Attorney General's approval of the Commissioner's proposals.

A similar copy has been sent to Mr. G.S.C. Huffam who has been asked to hand over to you the relevant documents of title relating to the property, all funds in hand and all other assets relating to the Club.

The Commissioner's fee in this matter consists of 5% of the Fund and there is no provision in the Act which would enable the Commissioner to waive or reduce the fee. The declared value of the Fund was £5,063.9.10, and accordingly it will be appreciated if you will kindly arrange, in due course, for payment to the Commissioner of the amount of his fee, being £253.3.6.

The Commissioner's action in this matter is now complete, and it is appropriate for the Hunters Hill Council now to administer the property in accordance with the trusts set out in the Order.

Yours faithfully,

For the
COMMISSIONER OF DORMANT FUNDS

Encl.

DORMANT FUNDS ACT, 1942

Sections 11 and 13

IN RE THE FUND KNOWN AS THE HUNTERS HILL MEN AND BOYS' CLUB FUND

WHEREAS after due inquiry and investigation the Commissioner determined the abovementioned Fund to be a Dormant Fund AND WHEREAS notice was given in the manner prescribed by the regulations under the Act that any person dissatisfied with this determination may appeal to the Charity Referees AND WHEREAS no request in writing was received within a period of thirty (30) days after the service of such notice that the determination be referred for the consideration of the Charity Referees AND WHEREAS the Commissioner has issued a certificate under his hand that the value of the property comprised in the said Fund is five thousand and sixty-three pounds nine shillings and tenpence (£5,063.9.10) NOW after due consideration of representations and suggestions made by the Trustees or other persons interested in the Fund or in the trusts thereof or in the purposes for which the Fund was to be utilised or applied the Commissioner has formulated proposals for the utilisation and application of the said Fund in the following manner and pursuant to Section 11 (2) (b) of the Act DOTH ORDER that the Fund be and the same is hereby vested in the Council of the Municipality of Hunters Hill and that the said Council be and the same is hereby appointed Trustee of the Fund to hold the same and the income thereof upon trust to pay to the Commissioner the fees prescribed by the regulations under the Act AND SUBJECT THERETO to apply the Fund for such purposes for the benefit of the residents of the Hunters Hill Municipality as the said Council from time to time may determine, including the maintenance, development or extension of the Public Library service of the Municipality of Hunters Hill and such other cultural, or recreational, or social purpose as such Council may from time to time deem fit.

DATED at Sydney this *twenty sixth* day of *June* 1962.

F. Drake
COMMISSIONER OF DORMANT FUNDS

K 630453

3/27/67

REAL PROPERTY (AMENDMENT) ACT 1921SECTION 14 (1)

TO THE REGISTRAR-GENERAL

THE COUNCIL OF THE MUNICIPALITY OF HUNTER'S HILL having become entitled in pursuance of an Order of the Commissioner of Dormant Funds dated the Twenty-sixth day of June One thousand nine hundred and sixty-two and by the operation of Section 14 of the Real Property (Amendment) Act 1921 to have an entry made of the vesting in it of the land comprised in Certificate of Title Volume 4850 Folio 116 HEREBY REQUESTS you to make such entry. In respect of this request it lodges the following:

- (a) Certificate of Title Volume 4850 Folio 116
- (b) The said Order of the Commissioner of Dormant Funds.
- (c) Statutory Declaration of John Joseph McNamara.

AND CERTIFIES that this application is correct for the purposes of the Real Property Act 1900.

THE COMMON SEAL of THE COUNCIL OF

THE MUNICIPALITY OF HUNTER'S HILL

was hereto affixed in pursuance of

a Resolution carried at a duly

convened meeting of the Council

held on the 25th day of March 1967

J. C. Merrington
.....
Mayor

R. J. [unclear]
.....
Town Clerk

K 630453

WINDEYER, DIVE & CO.
SOLICITORS
88 G'CONNELL ST., SYDNEY

*Application under Section 411
Real Property Amendment Act 1921*

Particulars entered in Register Book Vol. 4850 Fol. 116
the 24th day of April 1967 at 1
o'clock in the fore noon.

Jenkinson
Registrar General 

*10040
CT
S*

*WJ
IF
S*

K 649485



Fees—
 Entry \$8-00
 Endorsement \$8-00
 20.4.67

CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF DEALING WITH ESTATE OR INTEREST

(REAL PROPERTY ACT, 1900)

K 630453

The Council of the Municipality of Hunters Hill

Primary No. _____

Transmission No. _____

Qualification No. _____

I, THE REGISTRAR GENERAL OF NEW SOUTH WALES forbid the Registration of any dealing affecting the land comprised in Certificates of Title, Vol. 4850 Fol. 116

not consistent with the duties of the registered proprietors as Trustees of the Will of of the Hunters Hill Mens & Boys Club Fund

Dated this 20th day of April 1967

Jawatson


 Registrar General

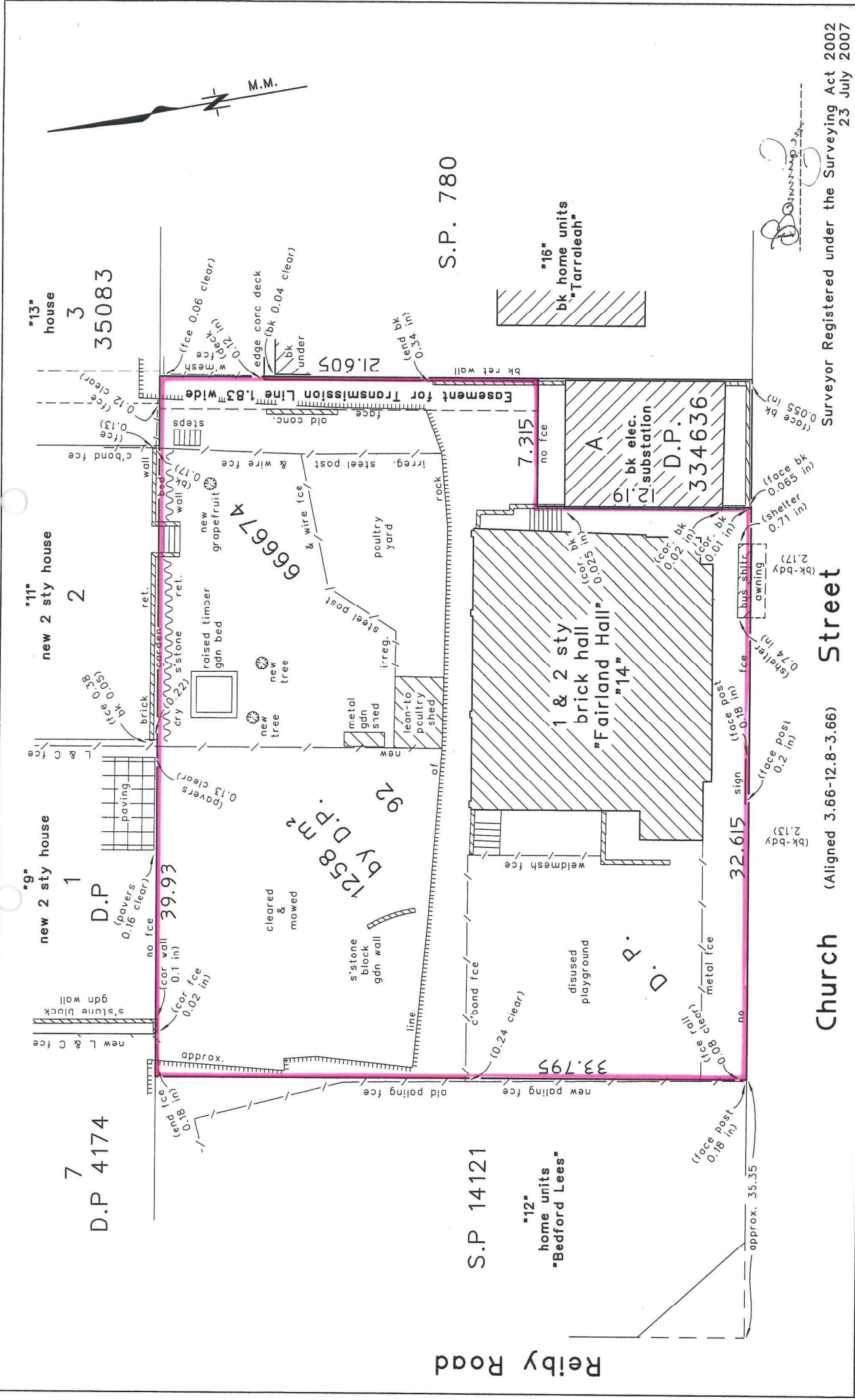
K630453 13/4

THE REGISTRAR GENERAL

Caveator

Checked	Particulars entered in Register Book 24. 4. 1967
Signed	at 4 P.M. Joubaton Registrar General





Surveyor Registered under the Surveying Act 2002
23 July 2007

Street

(Aligned 3.66-12.8-3.66)

Church

Project: Fairland Hall
Client: Hunters Hill Council
Plan: Survey Report
July 2007

D. J. Barrington & Associates Pty. Ltd Consultant Surveyors. 113 Quarry Road Ryde NSW (ph) 02-9807-3179 (fax) 02-9807-2639	A.C.N 072 245 302
Scale 1:200 approx.	
Sheet Size: A3	
Ref: 07-07.icd	