Reclassify Land from Community to Operational

Lot 101 DP 1319117 – Hill Street Scone

Upper Hunter Shire Council
Version 2.0

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Contents

Part 1 Objectives and intended outcomes. 9
Part 2 Explanation of provisions 10
Part 3 Justification 11
Section A Need for the planning proposal 11
Section B Relationship to strategic planning framework 12
Section C Environmental, Social and Economic Impact 33
Section D State and Commonwealth interests 33
Part 4 Mapping 33
Part 5 Community consultation 34
Part 6 Timeframe 34
Summary and conclusions 35
APPENDIX 1 36
APPENDIX 2 - Title search 38
APPENDIX 3 – Council Resolutions 39

Part 1 Objectives and intended outcomes.

Introduction

This planning proposal seeks reclassification of one public land parcel 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. This planning proposal seeks to give effect to the Council resolution by pursuing an LEP amendment pathway to reclassify a single land parcel to operational. The land subject to this planning proposal (Lot 101 DP1319117) is shown below in figure 1. Reclassification of the land will enable Council to enter into leases or licenses, to facilitate the formalisation of existing encroachments (of golf club assets) on the allotment being reclassified.

Figure 1 Lot 101 DP 1319117

The Upper Hunter Shire Council made a resolution to adopt the Minutes of the Corporate Services Committee Meeting of 10/12/25 at its meeting on 15/12/25 (Appendix 3), to lodge a planning proposal to reclassify Lot 101 DP 1319117 as Operational Land (the Site). This document gives effect to the resolution.

The site has an area of approximately 4,680m2, with a 24m frontage to Kingdon Street. The site incorporates part of the Kingdon Ponds waterway to the west, the White Park equine facility to the east and the Scone Golf Course to the south. The lot surrounds Lot 201 DP 585078 which is the Scone Golf Club (owned by Scone RSL Pty) and is generally used as the car park and part of the associated club facilities. As can be seen in Figure 2 part of the access road, car parking and golfing facilities associated with the golf club are within the site.

Figure 2 Lot 101 DP 1319117 - Detail

Appendix 1 provides an assessment of the reclassification against the criteria set out in the LEP Practice Note PN 16-001: *Classification and Reclassification of public land through a local environmental plan.*

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 lists all sites subject to this Planning Proposal and identifies (Column 3 of the Table) any interests to be discharged. Interests within Table 1 will continue to affect the sites. Refer to Appendix

2 at the end of the planning proposal document).

Table 1 – Sites subject to Planning Proposal		
Column 1 locality	Column 2 description	Column 3 Any trusts etc discharged
Scone	Lot 101 DP 1319117,	INTERESTS WILL NOT CHANGE

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 planning proposal will enable encroachments of Scone Golf Club assets over the current boundary to be formalised via lease or license or a potential boundary adjustment with Scone RSL who are owners of the adjoining Lot 201 DP585078.

This planning proposal, therefore, 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 not relevant to any of council's endorsed local strategic planning documents or the like.

The reclassification of the subject land to operational will enable formalisation of leases or licenses to be entered into, in relation to Golf Club related assets which are located on the subject land.

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.

Table 2- Consistency with s9.1 Directions			
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
Focus Area 1: Planning Systems			
1.1 Implementation of Regional Strategies	Objective To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Application: When a relevant planning authority prepares a planning proposal for land to which a Regional Plan has been released by the minister for planning	Not relevant to the planning proposal.	Not Applicable to Upper Hunter Shire
1.2 Development of Aboriginal Land Council Land	Objective 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. Application: 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	The subject site is not mapped on the Land Application Map of State Environmental Planning Policy (Planning Systems) 2021.	Not Applicable to Upper Hunter Shire

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.3 Approval and Referral Requirements	Objective To ensure that LEP provisions encourage the efficient and appropriate assessment of development. Application: When a relevant planning authority prepares a planning proposal. What must be done: Ensure provisions minimise concurrence roles, consultation or referral of DAs to a Minister or public authority.	This planning proposal does not propose an amendment of the kind referred to in the Direction.	Not Applicable to Upper Hunter Shire
1.4 Site Specific Provisions	Objective To discourage unnecessarily restrictive site-specific planning controls. Application: When a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	This planning proposal is consistent with this Direction as it does not alter the existing zone but rather, enables formalisation of licenses, leases or the like to rectify encroachments.	Consistent.

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.4A Exclusion of Development Standards from Variation	Objective The objective of this direction is to maintain flexibility in the application of development standards by ensuring that 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. Application This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.	This planning proposal does not propose an amendment of the kind referred to in the Direction	Not Applicable to Upper Hunter Shire
Focus Area 1 – Planning Systems – Place based (Does not apply to Upper Hunter Shire Council)			
Focus Area 2: Design and Place (This Focus Area was blank when the Directions were made)			
Focus Area 3: Biodiversity and Construction			

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.1 Conservation Zones	Objective To protect and conserve environmentally sensitive areas. Application When a relevant planning authority prepares a planning proposal.	The subject land is identified as requiring consideration to Groundwater Vulnerability. Such areas require investigation of any proposed development in relation to potential degradation of sensitive aquifers. The reclassification will not have any impact specifically. Any further development proposals will give due regard to any potential impacts.	Consistent.
3.2 Heritage Conservation	Objective To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Application When a relevant planning authority prepares a planning proposal.	No known items of heritage significance or cultural value are known to occur on the subject land:	Consistent.
3.3 Sydney Drinking Water Catchments			Not Applicable to Upper Hunter Shire
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs			Not Applicable to Upper Hunter Shire
3.5 Recreation Vehicle Areas	Objective To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. Application When a relevant planning authority prepares a planning proposal	This 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 to Upper Hunter Shire.

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.6 Strategic Conservation Planning	Objective To protect, conserve or enhance areas with high biodiversity values. Application When a relevant planning authority prepares a planning proposal that relates to land under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*	The subject lands do not contain any land with high biodiversity values.	Not Applicable to Upper Hunter Shire
3.7 Public Bushland	Objective 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, iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and (b) mitigating disturbance caused by development, (c) giving priority to retaining public bushland. Application		Not applicable to Upper Hunter Shire

	This direction applies when a planning proposal authority prepares a planning proposal for land in the following local government areas		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
3.8 Willandra Lakes Region	Objective The objectives of this direction are to: (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 (b) establish a consultation process for making decisions on conservation and development within the World Heritage Property. Application This direction applies when a planning proposal authority prepares a planning proposal for land identified as the Willandra Lakes World Heritage Property, on the World Heritage Property Map, under the Balranald Local Environmental Plan 2010 and Wentworth Local Environmental Plan 2011.	Not Relevant to Upper Hunter Shire	Not Applicable
3.9 Sydney Harbour Foreshores and Waterways Ara	Objective The objectives of this direction are to: (a) protect and enhance the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores (b) minimise risk to development from rising sea levels or changing flood patterns as a result of climate change (c) ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity	Not Relevant to Upper Hunter Shire	Not Applicable

	(d) protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation, (e) promote the equitable use of the Foreshores and Waterways Area (f) protect the cultural heritage significance of Sydney Harbour, its islands and foreshores (g) ensure a prosperous working harbour and effective transport corridor; and (h) encourage a culturally rich and vibrant place for people. Application This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.		
3.10 Water Catchment Protection	Objective The objectives of this direction are to: (a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution (b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity (c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users (d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity. Application This direction applies when a planning proposal authority	Not Relevant to Upper Hunter Shire	Not Applicable

	prepares a planning proposal which will affect land within a regulated catchment, excluding the Sydney Drinking Water Catchment, within the meaning of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
Focus area: 4 Resilience and Hazards			
4.1 Flooding	Objective a) To ensure development of flood prone land is consistent with NSW Government's Flood Prone Policy and the Floodplain Development Manual, 2005, and b) 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 Application 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.	The subject land is identified as being within the 1:20yr flood area. Any potential impacts would be taken into consideration for further development on the subject land. This Planning Proposal seeking to reclassify the lands from community to operational is administrative in nature and therefore is considered not to be affected by flooding.	Consistent.
4.2 Coastal Management	Objective The objective of this direction is to protect and manage coastal areas of NSW. Application This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State		Not Applicable to Upper Hunter Shire

	Environmental Planning Policy (Resilience and Hazards) 2021.		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
4.3 Planning for Bushfire Protection	Objectives 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 Application 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. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.	The subject land is not identified as having bushfire vegetation	Not Applicable
4.4 Remediation of Contaminated Land	Objective 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. Application This direction applies when a planning proposal authority prepares a planning proposal that applies to: (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,	There are no records of the subject land being contaminated	Not Applicable

	(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).		
4.5 Acid Sulfate Soils	Objective The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Application This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The subject land is not identified as having acid sulfate soils	Not Applicable
4.6 Mine Subsidence and Unstable Land	Objective 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. Application This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section	The subject land is not identified as being subject to Mine Subsidence or Unstable Land	Not Applicable

	20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
Focus Area 5 – Transport and Infrastructure			
5.1 Integrating Land Use and Transport	Objectives 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes	Not relevant to this Planning Proposal	Not Applicable
5.2 Reserving Land for Public Purposes	Objectives The objectives of this direction are to: (a) facilitate the provision of public services and facilities by	The proposal is to amend the classification from Community to Operational Land	Not Applicable

	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. Application This direction applies to all relevant planning authorities when preparing a planning proposal		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
5.3 Development Near Regulated Airports and Defence Airfields	Objectives 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield	Not relevant to this Planning Proposal	Not Applicable
5.4 Shooting Ranges	Objectives The objectives are to: (a) maintain appropriate levels of public safety and amenity when 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or	Not relevant to this Planning Proposal	Not Applicable

	adjoining an existing shooting range.		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
5.5 High Pressure Dangerous Goods Pipelines	Objectives The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring high pressure dangerous goods pipelines (relevant pipelines) are considered by planning proposal authorities. Application This direction applies when a planning proposal authority prepares a planning proposal that would permit development for one or more of the specified uses in the application area of relevant pipelines	Not relevant to this Planning Proposal	Not Applicable
Focus Area 6 - Housing			
6.1 Residential Zones	Objectives 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. Application 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.	Not relevant to this Planning Proposal	Not Applicable

6.2 Caravan Parks and Manufactured Home Estates	Objectives 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal. This direction does not apply to Crown land reserved or dedicated for any purposes under the Crown Land Management Act 2016, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the National Parks and Wildlife Act 1974.	Not relevant to this Planning Proposal	Not Applicable
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
Focus Area 7 – Industry and Employment			
7.1 Employment Zones	Objectives 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary). For the purpose of this Direction, Employment zones means the following zones • Employment • Mixed Use • W4 Working Waterfront • SP4 Enterprise	. Not relevant to this Planning Proposal	Not Applicable.

	• SP5 Metropolitan Centre		
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
7.2 Reduction In Non-Hosted Short-Term Rental Accommodation Period	Objective 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. Application This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area		Not Applicable to Upper Hunter Shire
7.3 Commercial and Retail Development Along the Pacific Highway, North Coast	Objectives 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, (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. Application This direction applies when a relevant planning authority prepares a planning proposal for land within those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive, and that applies to land in the vicinity of		Not Applicable to Upper Hunter Shire

	the existing and/or proposed alignment of the Pacific Highway.		
Focus Area 8 – Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries	Objective 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. Application This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (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.		Not Applicable to Upper Hunter Shire
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**
Focus Area 9 – Primary Production			

9.1 Rural Zones	Objectives: The objective of this direction is to protect the agricultural production value of rural land. Application: A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Upper Hunter Shire is not a nominated relevant authority	Not Applicable
S9.1 Direction	**Application**	**Relevance to this planning proposal**	**Consistency with direction**

9.2 Rural Lands	Objective 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, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy. 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. Note: Reference to a rural or conservation zone means any of the following zones or their equivalent in a nonStandard LEP: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4.	Not relevant to this Planning Proposal	Not Applicable
9.3 Oyster Aquaculture	Objectives The objectives of this direction are to: (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result	Not relevant to Upper Hunter Shire	Not Applicable

	in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. Application This direction applies to any relevant planning authority when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy"), when proposing a change in land use which could result in: (a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate", or (b) incompatible use of land between oyster aquaculture in a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate" and other land uses.		
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Objectives The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. Application This direction applies when a relevant planning authority prepares a planning proposal for land within Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas, except land identified as "urban growth areas" mapped in the North Coast Regional Plan 2041 when preparing a planning proposal, that applies to land: (a) mapped as i. State significant farmland, or ii. regionally significant farmland, or iii. significant non-contiguous farmland, (b) on the set of four maps held in the Department of Planning	Not relevant to Upper Hunter Shire	Not Applicable

	and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”; and		

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 is not considered 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, Housing and Infrastructure 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.

Table 3 – Project Timeframe

Task	Timeframe	Completed
Referral of the planning proposal for a Gateway determination	June 2026	
Gateway Determination	Aug 2026	
Undertake requirements of the Gateway Determination and prepare V2 planning proposal	Sept – Oct 2026	
Public exhibition 28 days	Nov 2026	
Public Hearing 21 days	Nov2026	
Agency consultation	Nov 2026 - Jan 2027	
Review submissions, respond and prepare V3 planning proposal for Council's consideration	Feb 2027	
Council report to finalise and refer the plan to the DPE to be made	Feb 2027	
Referral of the Plan to the DPE for making	March 2027	
Plan to be made within 12 months of Gateway	April 2027	

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. Reclassification of the land will enable Council to enter into leases or licenses, to facilitate the formalisation of existing and proposed minor encroachments (of Scone Golf Club Assets) on the allotment. 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 31 to give the members of the public an opportunity to be involved 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?	The subject land is not a public reserve.
3. The strategic and site-specific merits of the reclassification.	The reclassification of the land from community to operational is appropriate to allow Council to manage the sites free of the constraints of a community land classification. In particular it will enable for a lease or licence over the subject land, where encroachments are presently located
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 other local strategic plan?	No. The reclassification will facilitate management of council land.
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?	No
8. The effect of the reclassification.	The reclassification will enable a lease or license over the subject land to rectify existing encroachments.
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.	The land associated with the reclassification is currently vacant (other than minor encroachment of golf club assets).
11. Any agreement for the sale or lease of the land – inc. basic details, timing.	The reclassification will enable a lease or license over the subject land to rectify existing encroachments. .

12. Is rezoning of the land proposed in association with the reclassification?	Rezoning of the subject allotment, is not proposed.
13. How council may or will benefit financially, and how these funds will be used;	There will be no financial benefit to Council resulting from this reclassification.
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 will simply enable the land to be managed more efficiently.
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 the subject 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 search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 101/1319117

SEARCH DATE	TIME	EDITION NO	DATE
9/3/2026	9:46 AM	1	25/11/2025

LAND

LOT 101 IN DEPOSITED PLAN 1319117
AT SCONE
LOCAL GOVERNMENT AREA UPPER HUNTER
PARISH OF SCONE COUNTY OF BRISBANE
TITLE DIAGRAM DP1319117

FIRST SCHEDULE

UPPER HUNTER SHIRE COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 N48637 EASEMENT FOR TRANSMISSION LINE 20.115 METRE(S) WIDE & VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
3 DP585078 RIGHT OF CARRIAGEWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
4 Q44855 EASEMENT FOR SEWER MAIN 6 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THE LAND SHOWN IN DP450517

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

advlmmh PRINTED ON 9/3/2026

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APPENDIX 3 – Council Resolutions

Corporate Services Committee – 10 December 2025

CORP.12.6	***RECLASSIFICATION OF LOT 101 DP 1319117 TO OPERATIONAL LAND***
RESPONSIBLE OFFICER:	Greg McDonald - General Manager
REPORT PREPARED BY:	Greg McDonald - General Manager

RESOLVED
That the Committee recommend Council:

1. **lodge a planning proposal to reclassify lot 101 DP 1319117 as Operational land; and**
2. **delegate authority to the General Manager to sign all associated documents.**

Moved: Cr M Collison Seconded: Cr G Fraser CARRIED UNANIMOUSLY

Page 2 of 3 of the Minutes of the Corporate Services Committee of the Upper Hunter Shire Council held on Wednesday 10 December 2025

Extraordinary Meeting – 15 December 2025

STANDING COMMITTEE REPORTS

SCR.12.1	***CORPORATE SERVICES COMMITTEE***
RESPONSIBLE OFFICER:	Greg McDonald - General Manager
REPORT PREPARED BY:	Karen Boland - Governance & Executive Support Officer

25/102
RESOLVED
That Council:

1. **adopt the minutes of the Corporate Services Committee meeting held on 10 December 2025 provided in Attachment 1;**
2. **note the Investment Schedule Summary provided in Attachment 2.**
3. **in relation to CORP.12.6 Reclassification of Lot 101 DP 1319117 to Operational Land:**
   a. **lodge a planning proposal to reclassify Lot 101 DP 1319117 as operational land; and,**
   b. **delegate authority to the General Manager to sign all associated documents**

Moved: Cr A Williamson Seconded: Cr E Shields CARRIED UNANIMOUSLY