



# **Attachment 5 to Item 10.1.2.**

---

## **Public Hearing Report**

Date of meeting: 11 June 2024  
Location: Council Chambers  
Time: 6:30pm





# **Hawkesbury City Council**

## Public Hearing Report

Reclassification of public land at  
Lots 2 & 3 DP 582878

1905 and 1913 Bells Line of  
Road, Kurrajong Heights

May 2024

# localé consulting

ABN: 73 140 973 735

**T** 0421 180 881  
**A** 1/27 River Street Woolgoolga NSW 2456  
**P** PO Box 53 Woolgoolga NSW 2456  
**E** info@localeconsulting.com.au  
**W** www.localeconsulting.com.au

## Document Control

Job Number: 2024/827

Job Name: Hawkesbury City Council – Public Hearing – Kurrajong Heights

Client: Hawkesbury City Council

Job Contact: Lachlan Mackenzie – Strategic Planner

Document Name: Public hearing report – Hawkesbury City Council

| Version | Date     | Authors / Approved | Reviewer        |
|---------|----------|--------------------|-----------------|
| 1       | 09.05.24 | Cinnamon Dunsford  | Emma Broomfield |
| 2       | 13.05.24 | Cinnamon Dunsford  | Emma Broomfield |

### Disclaimer:

Whilst care and diligence has been exercised in the preparation of this report, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors.

# Contents

|     |  |   |
|-----|--|---|
| 1.  | Introduction                             | 4 |
| 1.1 | Purpose of this Report                   | 4 |
| 1.2 | Background                               | 4 |
| 2.  | Subject land and planning proposal       | 5 |
| 2.1 | Subject site                             | 5 |
| 2.2 | Planning proposal and exhibition process | 6 |
| 3.  | Public hearing format and process        | 7 |
| 3.1 | Overview                                 | 7 |
| 3.2 | Council staff and councillors present    | 7 |
| 3.3 | Registration of speakers                 | 7 |
| 3.4 | Hearing format                           | 7 |
| 3.5 | Submissions                              | 8 |
| 4.  | Conclusion & next steps                  | 9 |
|     | Appendix A Public hearing presentation   |   |
|     | Appendix B Submissions from hearing      |   |

# 1. Introduction

## 1.1 Purpose of this Report

The purpose of this report is to provide a record of the public hearing undertaken in association with the planning proposal to change the classification of land within the Hawkesbury local government area. This includes Lots 2 & 3 DP 582878, 1905 and 1913 Bells Line of Road, Kurrajong Heights.

This report has been prepared by Cinamon Dunsford, Planning + Engagement Specialist at Locale Consulting, who was the independent chair of the public hearing.

## 1.2 Background

Council is the owner of the subject land which is currently classified as community under the *Local Government Act 1993*.

Council has prepared a planning proposal (PP-2023-545) in order to reclassify this land from community to operational. The details of the sites and the history of each are set out in detail in Section 2 of this report.

## 2. Subject land and planning proposal

### 2.1 Subject site

As shown in Figure 1 below, the subject site is located at 1905 and 1913 Bells Line of Road, Kurrajong Heights (Lots 2 & 3 DP 582878) and is contained within the red boundary. The subject site contains parking and vehicular access to a business operating on adjoining land.



**Figure 1: Location of land to be reclassified**  
(source: planning proposal)

The lots were created in 1976 with the intention to be used for future road purposes. The lots were transferred into Council's ownership in 1983.

In 2021 a pre-lodgement meeting was held for the construction of a permanent structure on adjoining land. The owners of 1917 Bells Line of Road indicated their intent to use the subject land for parking and access – but this is dependent on the planning proposal process to reclassify the subject site from 'community' to 'operational' land.

The land is currently zoned RU2 Rural Landscape & SP2 Infrastructure under Hawkesbury Local Environmental Plan 2012.

There are no proposed changes to the zoning controls, and the planning proposal states there are no immediate intentions to engage in road upgrade/ widening under the SP2 zone. However, Transport for NSW has subsequently advised Council that they are investigating the need for the site in relation to the planned Bells Line of Road Safety Upgrades.

## **2.2 Planning proposal and exhibition process**

On 18 July 2023, a delegate of the NSW Minister for Planning issued a gateway determination to Council for the planning proposal to proceed to the next step. The planning proposal was on public exhibition for feedback from 4 October 2023 to 1 November 2023. No submissions were received during the exhibition period.



## 3. Public hearing format and process

### 3.1 Overview

As the planning proposal includes the reclassification of public land from community to operational, a public hearing was held under the *Local Government Act 1993*. This was independently chaired and facilitated by Cinnamon Dunsford of Locale Consulting.

The public hearing was held Wednesday, 1 May 2024 from 6.00pm to 6.25pm via Zoom. Council gave notice of the public hearing on its website and published an event page for the Planning Proposal on Hawkesbury Your Say on 14 April 2024. Additionally, Council provided notice of the public hearing through social media posts on 17 and 24 April 2024, and letters were sent to neighbouring property owners.

### 3.2 Council staff and councillors present

The following Council staff were present at the hearing:

- Lachlan Mackenzie, Strategic Planner
- Andrew Kearns, Manager Strategic Planning
- Sunehla Bala, Co-ordinator Strategic Land Use Planning

No Councillors were present at the hearing.

### 3.3 Registration of speakers

Residents were asked to register to speak in advance of the hearing. Registration to attend and speak was made via Eventbrite. Six residents registered to attend the hearing, and one of these people also registered to speak at the hearing.

### 3.4 Hearing format

The format of the public hearing was as follows:

- Welcome and introduction by the Chair including an explanation of the land classification system under the *Local Government Act 1993*
- Overview of the context of the land to be reclassified
- Overview of the planning proposal
- Oral submissions by registered speakers
- Overview of next steps by the Chair
- Questions
- Close of hearing

The hearing process was Chaired by Cinnamon Dunsford using a presentation as provided in Appendix A.

Four people attended the hearing, and one made an oral submission. A summary of the submission is set out in section 3.5.

### **3.5 Submissions**

Peter Lonergan of Cracknell & Lonergan Architects Pty Limited represented the owner of 1897 Bells Line of Road (Lot 4) which adjoins 1905-1913 & 1917 Bells Line of Road, Kurrajong Heights.

Peter stated:

- the owner of 1897 Bells Line of Road has farmed the land since 1978 when he purchased the lot which had previously been farmed for many years.
- the owner of 1897 Bells Line of Road has maintained the fences, orchard and verge including reconstruction after the catastrophic 2019 fires.
- Lots 2 & 3 were shown incorrectly as one lot in the planning proposal.
- Peter made a submission to the independent planners in 2019 when the previous planning proposal was abandoned, and he did not receive a response.
- the purpose of his submission is to ensure that the owner of 1897 Bells Line of Road be considered and consulted in respect of the planning proposal and next steps in the use and future ownership of the land that is subject to the planning proposal.

Written documents were provided in support of the submission including:

1. A copy of the speech
2. A written submission dated 30 April 2024
3. A copy of the written submission made in 2020

Copies of these documents are included as Appendix B.

## 4. Conclusion & next steps

In conclusion, the public hearing and public exhibition process have revealed no reason as to why the reclassification should not proceed.

It is noted that the planning proposal stated:

*"The reclassification of the land from 'community' to 'operational' land provides an avenue to attaining formal consent for the premise through the selling or leasing of the site.*

*It is not assumed that 1917 Bells Line of Road will hold exclusive interest in either purchasing or leasing the land, with the adjacent 1897 Bells Line of Road also potentially expressing interest in obtaining a portion of the land. The nature of the dealing of the two properties will be subject to Council consideration after finalising the Planning Proposal."*

In accordance with legislative requirements, Council must make a copy of this report available to the community as part of its decision-making on whether to proceed with the reclassification.

## **Appendix A: Public hearing presentation**

# Public hearing



1 May 2024  
6pm – 7:15pm



Reclassification of public land  
Lots 2 & 3 DP 582878  
1905 and 1913 Bells Line of Road, Kurrajong Heights

Planning proposal: PP-2023-545

# **Welcome and introduction**



# Chair & facilitator



Cinnamon Dunsford

# Hearing outline



- Reason for hearing
- Purpose of hearing
- Classification of public land
- Context
- Planning proposal
- Submissions
- Next steps



# Reason



Where Council proposes to reclassify public land, it has a **statutory obligation** to arrange a public hearing before making a decision

Section 29(1) of the Local Government Act 1993

# Purpose



The hearing is an **independent process** to hear and capture any community views about the proposed reclassification.

This helps inform Council's decision.

# **Classification of public land**



# Public land



All land in or under the control of Council is called 'public land'. It must be classified as either:

Community

Operational

The controls that apply to 'community' land are different to those for 'operational' land.

# Community

This is set aside for community use (e.g. parks & sportsgrounds). Its development and use is subject to **strict controls**:

- It cannot be sold
- It must have a plan of management
- There are restrictions on leasing and licensing



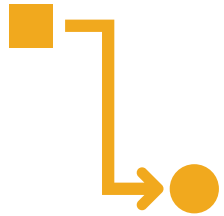
# Operational

This serves a commercial or operational function (e.g. offices, works depot, car park, sewage pump station, drainage reserves).

It has **no special restrictions** other than those that may ordinarily apply to any parcel of land.



# Process



A **planning proposal** is a legal mechanism local councils use to reclassify land.

# The site





# Land

Lots 2 & 3 DP 582878

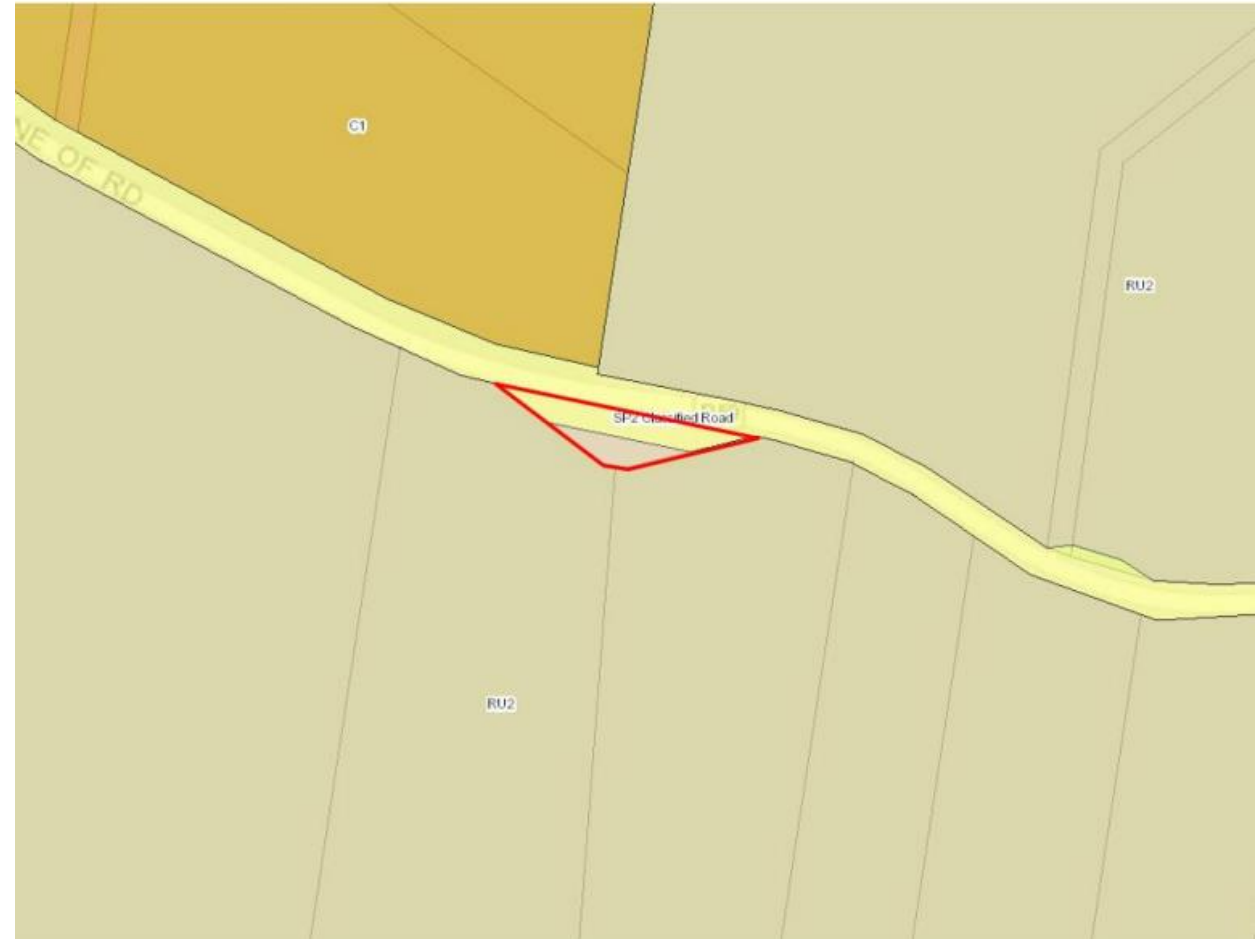
1905 and 1913 Bells  
Line of Road,  
Kurrajong Heights



# Zoning controls

The land is currently zoned RU2 Rural Landscape & SP2 Infrastructure under Hawkesbury Local Environmental Plan 2012.

There are no proposed changes to the zoning controls, and no immediate intentions to engage in road upgrade/ widening under the SP2 zone.



# The context



# History



**1976**

Lots created with intention to be used for future road purposes.



**1983**

Lots transferred to Council



**2010**

Owners of 1917 Bells Line of Road express interest in purchasing the subject site.

*Note: The facility on this adjacent property encroaches onto the subject site (parking & vehicle access).*

# History



## **2019/2020**

Bushfires enable use of Clause 6.14 in Hawkesbury LEP 2012 – permits temporary use of structures as exempt development.



## **2021**

Pre-lodgement meeting held for the construction of a permanent structure. Owners of 1917 Bells Line of Road indicate intent to use subject land for parking and access – but this is dependent on the Planning Proposal process to reclassify the subject site from 'community' to 'operational' land.



## **2023**

Council resolved to proceed with the Planning Proposal to reclassify the subject site.

# Planning proposal



# Planning proposal process

**Planning  
proposal  
commenced**

14/3/23

**Exhibition  
started**

4/10/23

**Public  
hearing**

1/5/24

**Gateway  
determination**

18/7/23

**Exhibition  
ended**

1/11/23

**Making  
of LEP**

30/8/24



# Reason for reclassification

The planning proposal states that the primary reasons for reclassification are as follows:

- Provide flexibility to the management of the subject land
- Resolve issues regarding access rights and use of land with Tutti Frutti Café (1917 Bells Line of Road)
- To facilitate the process of regularising the existing use of the site



# Reason for reclassification

The planning proposal also states:

*"The reclassification of the land from 'community' to 'operational' land provides an avenue to attaining formal consent for the premise through the selling or leasing of the site.*

*It is not assumed that 1917 Bells Line of Road will hold exclusive interest in either purchasing or leasing the land, with the adjacent 1897 Bells Line of Road also potentially expressing interest in obtaining a portion of the land. The nature of the dealing of the two properties will be subject to Council consideration after finalising the Planning Proposal."*

# Oral submissions



# Guidelines



5 minutes  
per speaker

- State your interest in the proposal and where you live in relation to the site
- State whether you are speaking in a personal capacity or as a representative of a broader group or person
- Confirm if you have already made a written submission on the planning proposal
- If you agree with a previous speaker on a point, please state this rather than repeat the same point
- Refrain from making offensive, threatening or defamatory comments

# Next steps



# Next steps



Written report on  
hearing

Council will:

- make the report available to the public
- assess any submissions
- make a decision whether to proceed

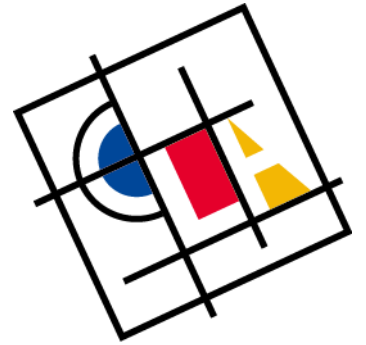
# localé consulting

PLAN / ADVISE / ENGAGE / GOVERN

**T** 0421 180 881 / **A** 1/27 River Street Woolgoolga NSW 2456 / **P** PO Box 53 Woolgoolga NSW 2456  
**E** info@localeconsulting.com.au / **W** www.localeconsulting.com.au / **ABN** 73 140 973 735



## **Appendix B: Submissions from hearing**



29 April 24

**Hawkesbury City Council**

Via Email.

**CRACKNELL  
&  
LONERGAN**  
ARCHITECTS PTY LTD

ABN 55 100 940 501  
Nominated Architect: Peter J Lonergan  
NSW Architects Registration No. 5983

To Lachlan Mackenzie:

**RE: Letter to confirm attendance and to speak at the Local Planning Proposal**

**Project: No. 1905-1913 Bells of Line Road, Kurrajong Heights**

1. I represent the owner of 1897 Lot 4 which adjoins Lots 1 & 3 or 1905-1913 & 1917 BLOR, the subject of the Planning Proposal.
2. Mr. Lonergan has farmed the land since 1978 when he purchased the lot which had previously been farmed for many years including the land now referred to as Lot 3 (1905).
3. Mr. Lonergan has maintained the fences, orchard and verge including reconstruction after the catastrophic 2019 fires.
4. I made a submission to the independent planners in 2019 when the previous Planning Proposal was abandoned (attached).
5. Ultimately, the purpose of this submission is to ensure that Lot 4 of 1897 BLOR be considered and consulted in respect of the Planning Proposal as it is currently not.

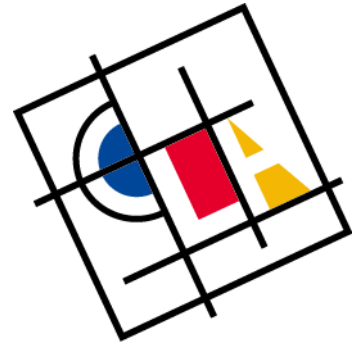
Regards,



**Peter Lonergan**

Director | Cracknell & Lonergan Architects Pty Limited  
Nominated Architect: Peter J Lonergan | Registration No. 5983





30 April 24

**Hawkesbury City Council**

Via Email.

**CRACKNELL  
&  
LONERGAN**  
ARCHITECTS PTY LTD

ABN 55 100 940 501  
Nominated Architect: Peter J Lonergan  
NSW Architects Registration No. 5983

To Lachlan Mackenzie:

**RE: Letter providing Additional Information for Local Planning Proposal**

**Project: No. 1905-1913 Bells of Line Road, Kurrajong Heights**

I represent the owner of **1897** Bells Line of Road, where he has lived for over 40 years, who the community will know as Sean Lonergan. He has also been the local fire captain for the past 10 years. As the owner, his property directly abuts Lot 3 of DP 582878.

For the past 40 years, he has been quietly running his orchard growing apples, peaches, nashi pears, strawberries and magnolias. He has loved and nurtured the things he grows and takes immense pride in how his orchard looks fronting Bells Line of Road and in and around the property. His orchard, like a number in the area, was burnt to the ground during the December 2019 bushfires and he has since replanted his orchard and nurtured his land after that terrible event.

This is not the first time this proposal for conversion of Lots 2 and 3 at the front of his orchard from community land to operational has been put forward for public hearing. The first occurred in 2020, with a public hearing planned for 7 October 2020. We submitted a carefully considered and detailed response to the proposal raising a number of issues for clarification, but most importantly, noting Sean's direct personal interest in the proposal. This is because the notice documents published by the council stated that

“given the adjoining landowner's orchard and carpark is already on **the land...** it is likely that there will only be one prospective purchaser to sell the land to.”

This was absolutely incorrect and completely ignored Mr. Lonergan's position and interest. His orchard is also a part of that land. We never received any acknowledgement or feedback to our response.

The public hearing did not take place in 2020 but it is taking place on Wednesday (1 May). Still there has been no acknowledgement, explicit or otherwise of the direct potential effect on Sean's Orchard, but we are grateful for the opportunity to address this meeting. If the current plan is to move forward while perpetuating that erroneous assumption of the 2020 proposal,

that no one is affected other than the applicants for development: the business Tutti-Frutti, that would be a significant error of fact that would tend to undermine any decision-making based on that wrong assumption.

Bilpin is a beautiful and special place. Bells Line of Road is its heart. It is a place renowned for its natural beauty, not its carparks and retail outlets.

The zoning of Sean’s property (and the adjoining properties) was S8(7d) “Environmental Protection (Scenic)” under Hawkesbury City Council’s Local Environmental Plan 1989. This was clearly an important and restrictive zoning to protect the environment and a similar interest continues under the more recent description of zoning under the 2012 Local Environmental Plan. One of the specific stated aims is to “protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways” (S1.2(2c)) and “to encourage tourism related development that will not have significant adverse environmental effects or conflicts with other land uses in the locality” (S1.2(2g)).

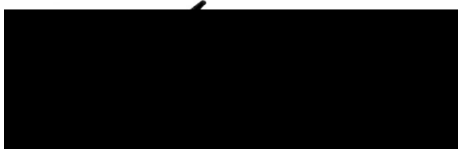
Sean does not want to stand in the way of a neighbour who wishes to create a sensible and safe environment for roadside selling of wares consistent with the natural beauty and tone of Bilpin and its cherished orchards and relevant low-key related business undertakings that the area should have.

However, there needs to some thought as to the size and purpose of commercial undertakings effectively and opportunistically enabled by the Council.

The current zoning is RU2 – Rural Landscape. That is – rural land used for commercial primary production that is compatible with ecological or scenic landscape.

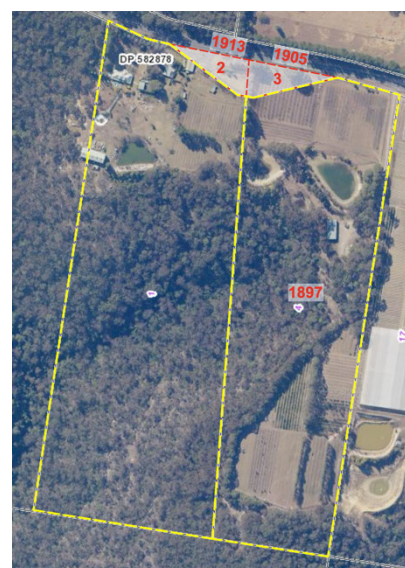
Sean just wants to continue maintaining his orchard and so continuing to add to the scenic landscape as he has for 40 years.

Regards,

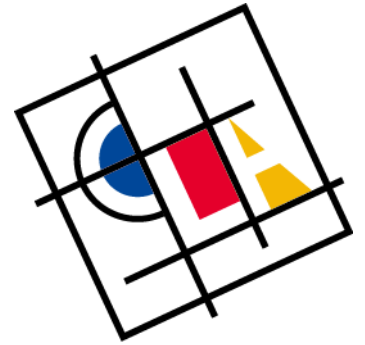


**Peter Lonergan**

Director | Cracknell & Lonergan Architects Pty Limited  
Nominated Architect: Peter J Lonergan | Registration No. 5983



Lot map of subject site



2 October 20

**Attn: The General Manager**  
Hawkesbury City Council

Via Email.

Dear Sir/Madam,

**RE: Notice of Public Hearing for Reclassification of Land – Lot 2 and 3 in D.P. 582878 – 1913 and 1905 Bells Line of Road, Kurrajong Heights | Owner’s Statement**

**CRACKNELL  
&  
LONERGAN**  
ARCHITECTS PTY LTD

ABN 55 100 940 501  
Nominated Architect: Peter J Lonergan  
NSW Architects Registration No. 5983

## 1.0 Introduction

- 1.1 I represent the owners of Lot 4 in DP 582878, 1897 Bells Line of Road, Kurrajong Heights, Ms Josephine Lonergan and Mr Sean Michael Lonergan.
- 1.2 Their land adjoins Lot 3 (part subject of this hearing) and Lot 1 DP 582878, 1917 Bells Line of Road, the immediate western neighbour.
- 1.3 Sean Lonergan has farmed the land (Lot 4) as well as the subject land (Lot 3) for in excess of 40 years, maintained the fence lines and the property in general.
- 1.4 While the Lonergans support the proposal to make the land (Lot 2 and in particular Lot 3) ‘operational’ within the definition of the *Local Government Act 1993*, there are a number of questions arising that should be clarified to ensure the indefeasibility of the title.

## 2.0 Historic Development of the Land

- 2.1 In 1975, the original grant of land (Portion 6 Parish of Burrellow), comprising 57 acres 2 roods and 14 ¼ perches, was surveyed as DP 582878, subdivided into 4 lots each ‘subject to restrictions’ incurred 1970 under the *Main Roads Act 1924* and contained in Lot 10 DP 237512, a strip of land within DP 582878 along Bells Line of Road.
- 2.2 In 1971 the registered proprietors of the land DP237512 transferred lots 1 and 4, retaining lots 2 and 3, which they continued to hold subject to a mortgage until 1983.
- 2.3 In 1983, lots 2 and 3 were transferred unencumbered to Hawkesbury Council for \$181.00 (only). No reference in the dealing (T387145) is made to Lot 10 DP 237512 and the restrictions of use implied.

### 3.0 Response to the Notice of Public Hearing

We seek the following amendments and make the following comments:

- 3.1 The Notice (see page 3, Annexure 10) properly construed should read to include Lot 10 in DP 237512 (Refer to Annexure 1 and 2) and as subject to restrictions. This inclusion would be required for any future transfer of Lots 2 and 3.
- 3.2 The affected properties, Lots 2 and 3 DP582878 include Lot 10 DP 237512 (Refer to Annexures 1 and 2), which is subject to restrictions.
- 3.3 Lots 2 and 3 are not zoned SP2, only the portion of Lot 10 is currently zoned SP2 (Refer to Annexure 7)
- 3.4 The owners of (Lot 1) 1917 Bells Line of Road submitted the referred to Development Application in 2010 seeking approval at Lot 2 only (not lots 2 and 3 as implied by the Notice) in conjunction with their Lot 1, at which time and for some time before, had constructed on Lot 2, a fibro cottage and two fibro and galvanised iron sheds. (Refer to Annexure 6)
- 3.5 The Development Application and Statement of Environmental Effects (Refer to Annexure 6) could not have been, nor could they be, considered and no further applications have been made or are currently being considered by the Consent Authority (the Council).
- 3.6 The transfer document dealing T387145 (Refer to Annexure 5) is incorrectly referred to as T387144 however the land has been surveyed to include land in Lot 10. This is evident in the excerpt from the LEP Maps, which include the Lot 10 part of Lots 2 and 3 but conflicts with the Aerial layover which shows Lots 2 and 3 as one lot and lot 10 outside or to the north of the red triangle indicating the location of Lots 2 and 3. (Refer to Annexure 7 and 8).
- 3.7 Although the owner of Lot 4 would be interested in acquiring Lot 3, it should be made clear that the owner of Lot 1, as indicated on the Development Application of 2010, never had any interest in purchasing Lot 3, only Lot 2.
- 3.8 Dealing L758309 applies to Lot 10 in DP 237512 and appears to overlap Lots 2 and 3 DP 582878 (Refer to Annexure 4). The relevant titles that refer to DP 237512 clearly indicate that Lots 2 and 3 include parts of Lot 10.
- 3.9 Lots 2 and 3 are zoned RU2, Lot 10 is zoned SP2. It is true to say that lots 2 and 3 are zoned RU2 and SP2 only if it is agreed that parts of Lot 10 are included in Lots 2 and 3.
- 3.10 Lot 2 adjoins Lot 1 and Lot 3 adjoins Lot 4. There are 2 prospective purchasers. The owners of Lot 1 have continued to use Lot 2 as a carpark and the owners of Lot 4 have continued to use Lot 3 as an orchard.
- 3.11 I have attached some information to assist the untangling of this proposal.

#### 4 List of Annexures

- Annex 1 DP 582878
- Annex 2 Extract of Bells Line of Road DP 237512 and Road Alignments
- Annex 3 Certificate of Title for Lots 1, 2, 3, 4 of D.P. 582878, 1976 v.13024 - 143
- Annex 4 Copy of Dealing L758309 for Lot 10 in D.P. 237512
- Annex 5 Real Property Transfer T387145 1982 for Lot 2 and Lot 3 in D.P. 582878
- Annex 6 DA proposal 2010 for Lot 2 DP 237512
- Annex 7 LEP Map for Land Zoning for Subject Area
- Annex 8 NSW SIX Maps for Subject Area
- Annex 9 Grant of Land Purchased by Conditional Sale v.7586 – 198
- Annex 10 Notice of Public Hearing

Regards,



**Peter Lonergan**

Director | Cracknell & Lonergan Architects Pty Limited  
Nominated Architect: Peter J Lonergan | Registration No. 5983

**Annexure 1**  
**Deposited Plan 582878**









**Annexure 2**

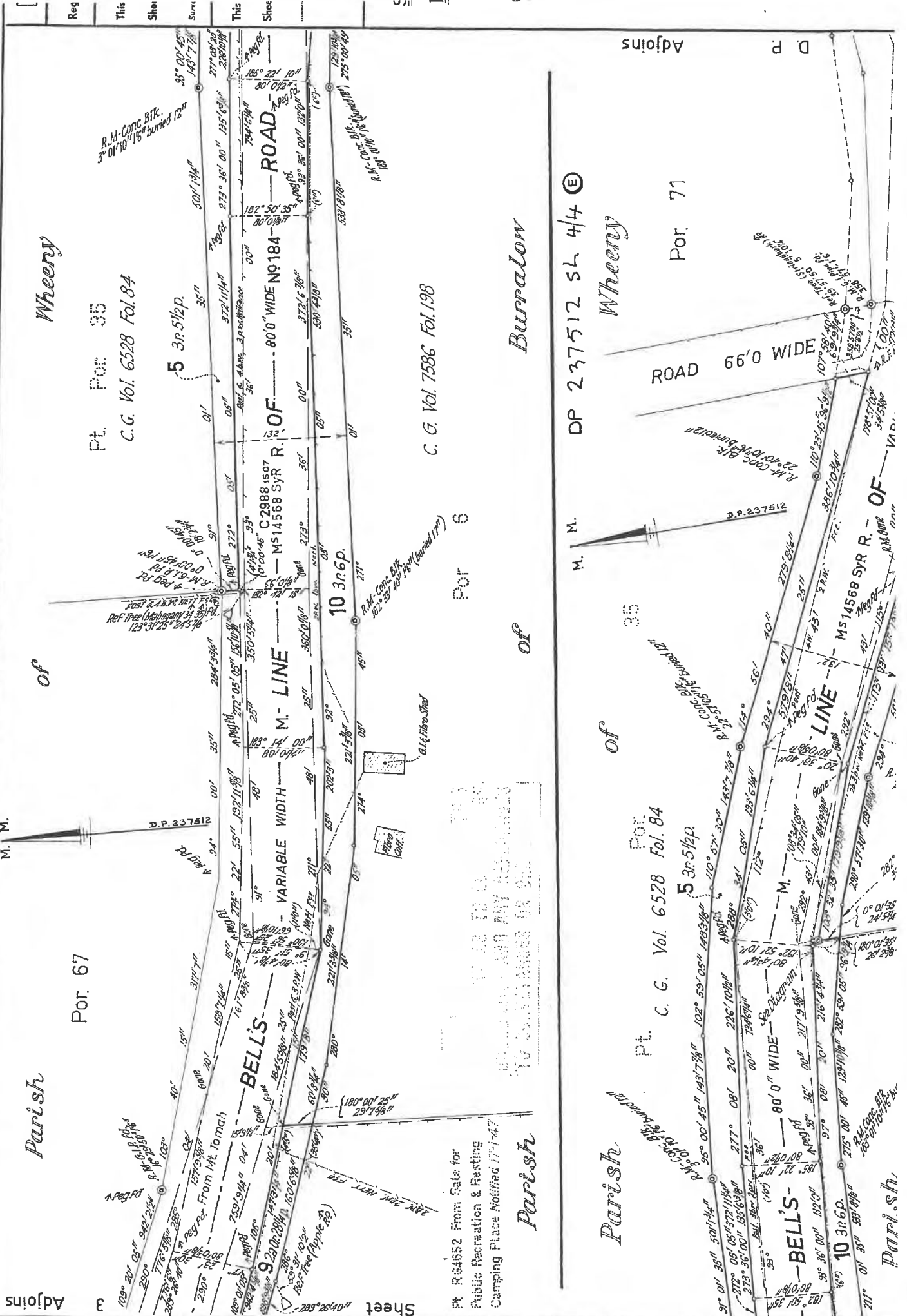
**Extract of Bells Line of Road DP 237512**

**and Road Alignments**



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION.

THIS DRAWING IS TO BE MADE IN CONFORMANCE WITH FORMS 4 & 3.



Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

9 2a. 0r. 20 p.

10 3r. 6 p.

Sheet

Pt. R 64852 From Sale for Public Recreation & Resting Camping Place Notified 17-1-47

C. G. Vol. 7586 Fol. 198

Por. 6

Parish

of

Burralow

Parish

of

Wheeny

Pt. C. G. Vol. 6528 Fol. 84

Por. 35

5 3r. 5 1/2 p.

Por. 71

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD 66'0 WIDE

10 3r. 6 p.

10 3r. 6 p.

Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

9 2a. 0r. 20 p.

10 3r. 6 p.

Sheet

Pt. R 64852 From Sale for Public Recreation & Resting Camping Place Notified 17-1-47

C. G. Vol. 7586 Fol. 198

Por. 6

Parish

of

Burralow

Parish

of

Wheeny

Pt. C. G. Vol. 6528 Fol. 84

Por. 35

5 3r. 5 1/2 p.

Por. 71

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD 66'0 WIDE

10 3r. 6 p.

10 3r. 6 p.

Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

9 2a. 0r. 20 p.

10 3r. 6 p.

Sheet

Pt. R 64852 From Sale for Public Recreation & Resting Camping Place Notified 17-1-47

C. G. Vol. 7586 Fol. 198

Por. 6

Parish

of

Burralow

Parish

of

Wheeny

Pt. C. G. Vol. 6528 Fol. 84

Por. 35

5 3r. 5 1/2 p.

Por. 71

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD 66'0 WIDE

10 3r. 6 p.

10 3r. 6 p.

Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

9 2a. 0r. 20 p.

10 3r. 6 p.

Sheet

Pt. R 64852 From Sale for Public Recreation & Resting Camping Place Notified 17-1-47

C. G. Vol. 7586 Fol. 198

Por. 6

Parish

of

Burralow

Parish

of

Wheeny

Pt. C. G. Vol. 6528 Fol. 84

Por. 35

5 3r. 5 1/2 p.

Por. 71

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD 66'0 WIDE

10 3r. 6 p.

10 3r. 6 p.

Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

9 2a. 0r. 20 p.

10 3r. 6 p.

Sheet

Pt. R 64852 From Sale for Public Recreation & Resting Camping Place Notified 17-1-47

C. G. Vol. 7586 Fol. 198

Por. 6

Parish

of

Burralow

Parish

of

Wheeny

Pt. C. G. Vol. 6528 Fol. 84

Por. 35

5 3r. 5 1/2 p.

Por. 71

BELL'S

VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD 66'0 WIDE

10 3r. 6 p.

10 3r. 6 p.

Adjoins

Por. 67

Pt. C. G. Vol. 6528 Fol. 84

Pt. Por. 35

R.M. CONC. BLK. 3° 01' 10" 15" curved 12"

5 3r. 5 1/2 p.

BELL'S

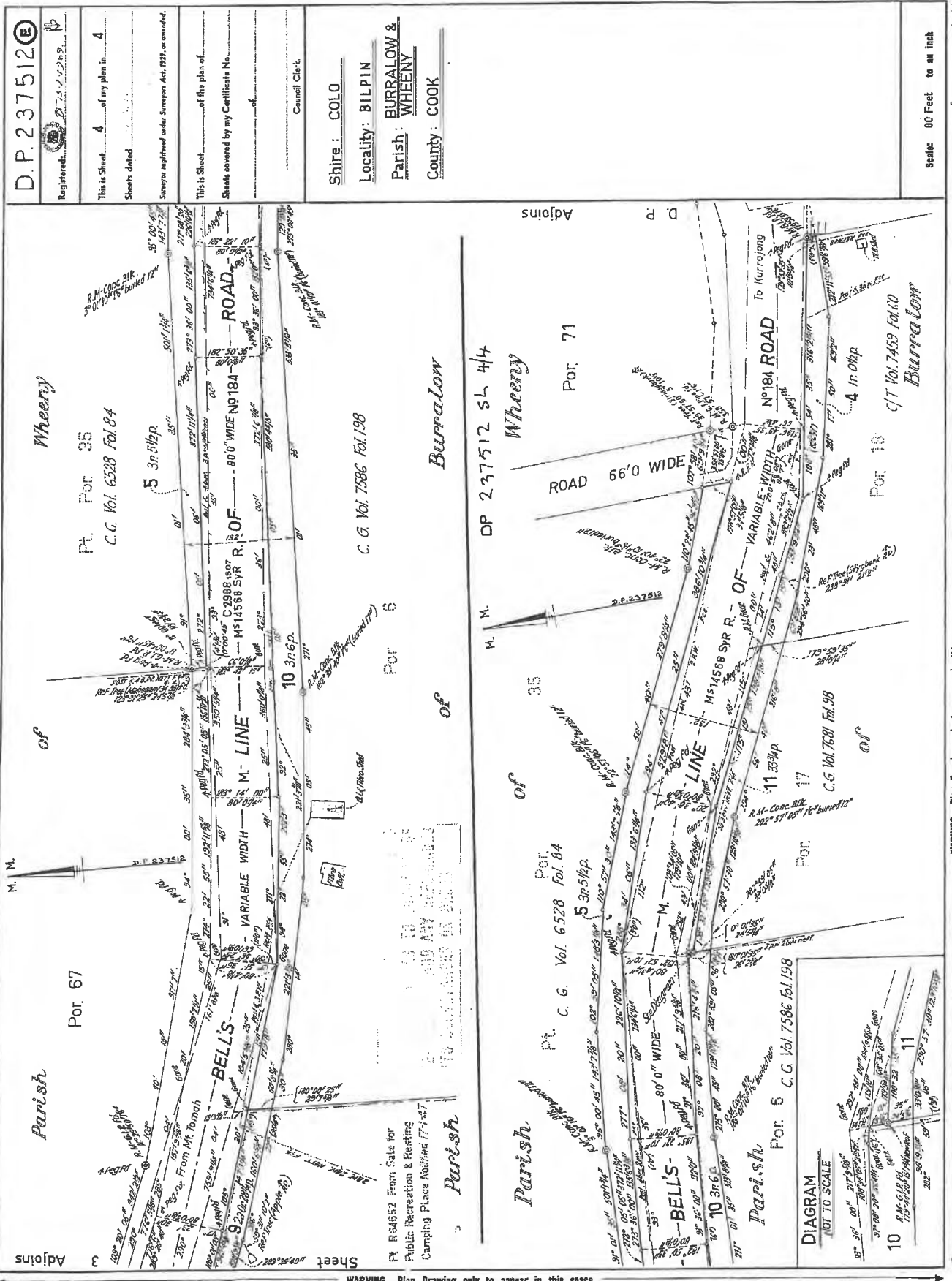
VARIABLE WIDTH M. LINE

R. OF MS 14568 SYR

ROAD - 80'0" WIDE N° 184

WARNING: Plan Drawing only to appear in this space.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION.



D.P. 237512 (E)

Registered: 23/1/1929

This is Sheet 4 of my plan in 4

Sheets dated

Surveyor registered under Surveyors Act, 1925, as amended.

This is Sheet of the plan of

Sheets covered by my Certificate No. of

Council Clerk.

Shire: COLO

Locality: BILPIN

Parish: BURRALOW & WHEEHY

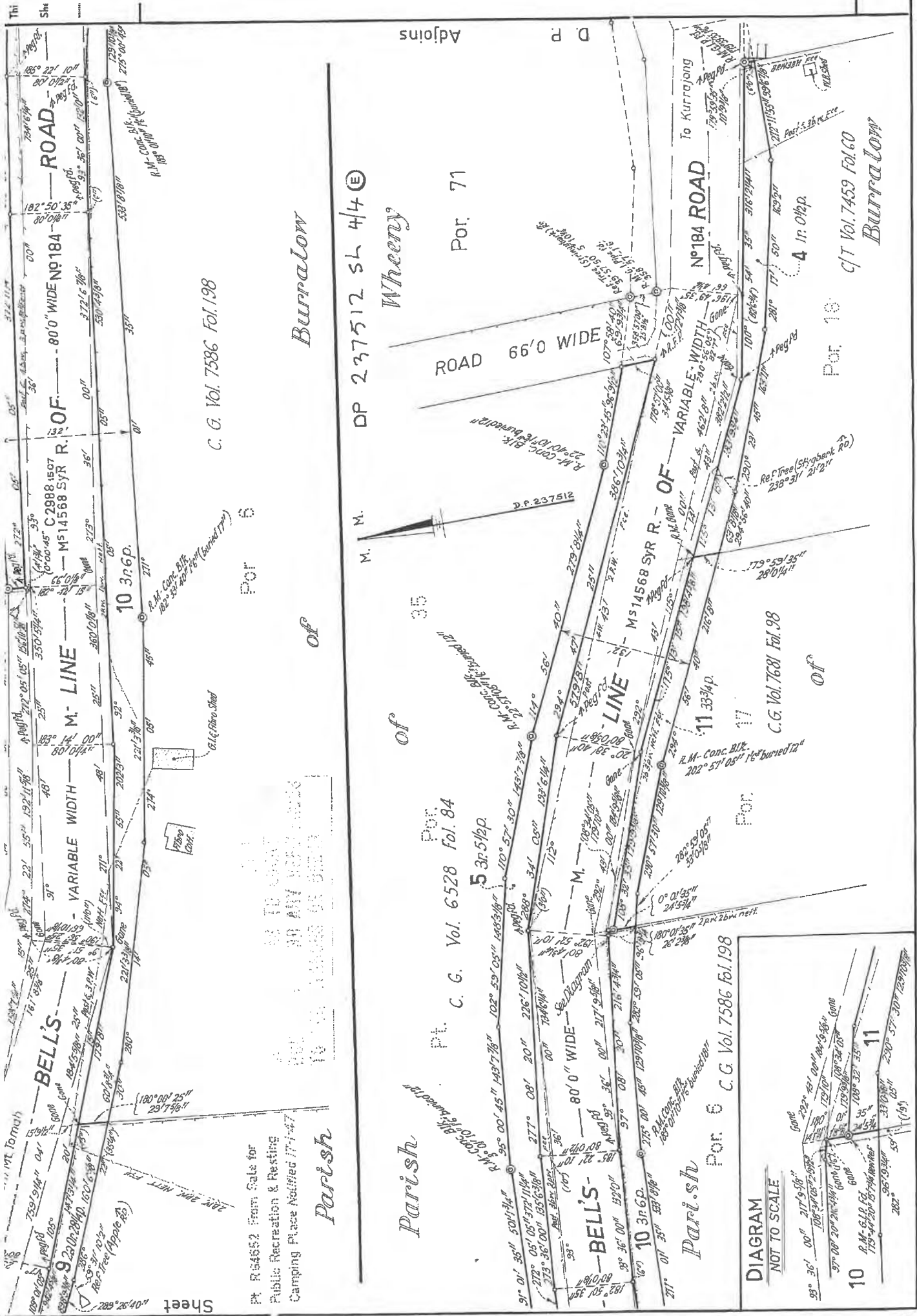
County: COOK

Scale: 90 Feet to an inch

D.M.P. Ref. Plan 184 5 308 File 9/1379

WARNING: Plan Drawing only to appear in this space.

WARNING: Plan Drawing only to appear in this space.



C. G. Vol. 7586 Fol. 198

Por. 6

PT. C. G. Vol. 6528 fol. 84  
5 3r. 5 1/2 p.

PT. R. 4452 From Sale for  
Public Recreation & Resting  
Camping Place Notified 17-1-47

Parish

Burrallow

DP 237512 SL 4/4 E

Wheeny

Por. 71

of

PT. C. G. Vol. 6528 fol. 84  
5 3r. 5 1/2 p.

Parish

D. P.

ROAD 66'0 WIDE

N°184 ROAD

ROAD 66'0 WIDE

MS14568 SYR R. - OF - VARIABLE WIDTH

LINE

MS14568 SYR R. - OF - VARIABLE WIDTH

LINE

Parish

Por. 6 C. G. Vol. 7586 fol. 198

DIAGRAM  
NOT TO SCALE

Por. 10

Por. 10

C/T Vol. 7459 Fol. 60

Burrallow

D. 1

WARNING. Plan Drawing only to appear in this space.

DP 237512 45 E

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 181 4 3/8, 182 5 1/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 183 5 1/8, 184 5 3/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 185 5 3/8, 186 5 7/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 187 5 7/8, 188 6 1/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 189 6 1/8, 190 6 3/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 191 6 3/8, 192 6 7/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 193 6 7/8, 194 7 1/8, etc.

CONVERSION TABLE ADDED IN REGISTRAR GENERAL'S DEPARTMENT

Table with 3 columns: FEET INCHES, METRES, and AC RD P. Rows include measurements like 195 7 1/8, 196 7 3/8, etc.

## **Annexure 3**

### **Certificate of Title for Lots 1, 2, 3 and 4 of DP 582878**

**1976**

**v.13024-143**







3024143

# CERTIFICATE OF TITLE

PROPERTY ACT, 1900

NEW SOUTH WALES

Vol. 13024 Fol. 143

Prior Title (Crown Grant)  
Vol. 7586 Fol.198



EDITION ISSUED

14 4 1976

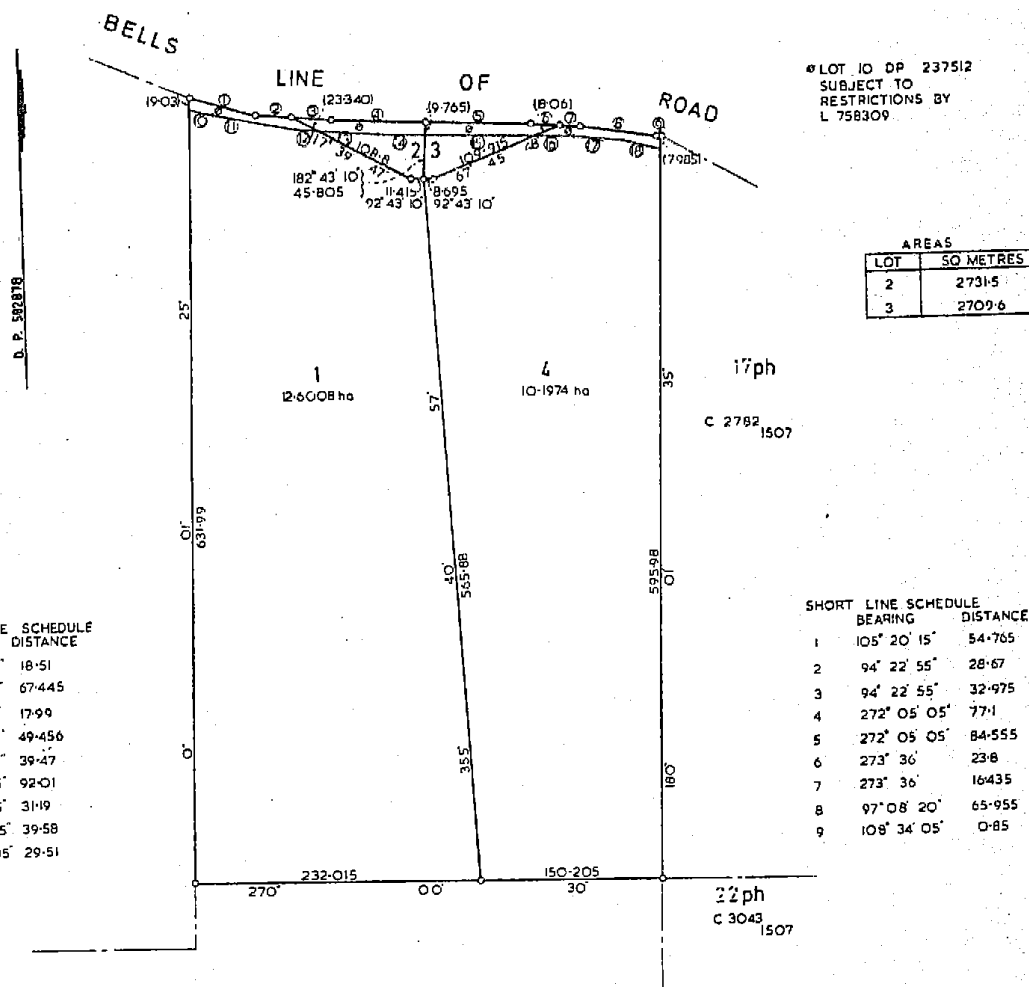
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.



SECTION 10 FOLIO

### PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



#### ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 4 in Deposited Plan 582878 at Bilpin in the Shire of Colo Parish of Buralow and County of Cook. EXCEPTING THEREOUT the minerals reserved by the Crown Grant.

#### FIRST SCHEDULE

RONALD STUART KILPATRICK of Liverpool, Boilermaker and MAXWELL STUART KILPATRICK of Cabramatta, Draughtsman as joint tenants.

#### SECOND SCHEDULE

- 1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
- 2. Restriction on dealings - See Section 272 Crown Lands Consolidation Act, 1913.
- 3. Restriction on User No.L758309 of that part of the land above described being Lot 10 in Deposited Plan 237512 - See Section 27E (6) Main Roads Act, 1924. Registered 18-3-1970.
- 4. Mortgage No. M193025 to Norman Munara Jobson of Beverly Hills, Retired Orchardist. Registered 20-4-1971. Discharged Q297905.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

13024 Fol. 143

(Page 1) Vol.

GRM  
MA  
RV

Q183883  
 Q297904 w/ -5/8/78  
 Q546737M CM  
 Q5762354  
 R445298  
 R-30  
 SS3655  
 M

FIRST SCHEDULE (continued)

| REGISTERED PROPRIETOR   | NATURE      | INSTRUMENT NUMBER | DATE | ENTERED    | Signature of Registrar General |
|---|-------------|-------------------|------|------------|--------------------------------|
|   |             |                   |      |            |                                |
| Glen Harold Wailes of Blacktown, Earth Moving Contractor and Marie May Beverly Wailes his wife as joint tenants.                      | Transfer    | Q297906           |      | 8-12-1977  |                                |
| Glen Harold Wailes of Blacktown, Self Employed Earth Moving Contractor and Marie May Beverly Wailes his wife, as joint tenants.       | see Q546737 |                   |      | 8-2-1978   |                                |
| Thomas Patrick Lonergan, Barrister, Josephine Lonergan, Solicitor and Sean Michael Lonergan, Student, all of Gordon, as joint tenants | Transfer    | R445300           |      | 10-10-1979 |                                |

SEE AUTO FOLIO

SECOND SCHEDULE (continued)

| NATURE   | INSTRUMENT NUMBER | DATE | PARTICULARS   | ENTERED   | Signature of Registrar General | CANCELLATION |
|----------|-------------------|------|---|-----------|--------------------------------|--------------|
|          |                   |      |   |           |                                |              |
| Caveat   | Q183883           |      | by Beverly Anne Kilpatrick of Cabramatta, Married to Rural Bank of New South Wales. | 10-5-1977 |                                | Withdrawn    |
| Mortgage | Q546737           |      | to Person to Person Financial Services Pty Limited                                  | 8-2-1978  |                                | Discharged   |
| Mortgage | Q576225           |      | Mortgage to Bank of New South Wales. Registered 23-6-1981                           | 10-3-1978 |                                | Discharged   |

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

## **Annexure 4**

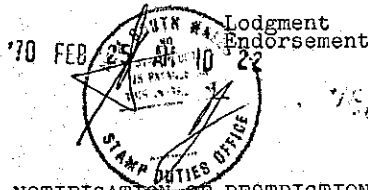
### **Copy of Dealing L758309 for Lot 10 in DP 237512**



L758309

No.....

Fees -



10.00

REQUEST TO ENTER NOTIFICATION OF RESTRICTION ON USER -

MAIN ROADS ACT, 1924-1967

GEOFFREY CLIFFORD SHELDON  
I, ~~JOHN ANTHONY MCCARTHY~~, Principal Legal Officer, Department of Main Roads, HEREBY CERTIFY that -

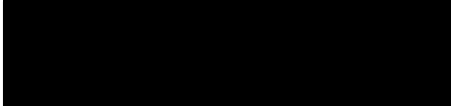
- (1) the printed sheet hereunto annexed and marked "A" is a true copy of a Gazette notification published in the Government Gazette of the Fifth..... day of December..... 1969. notifying that a plan of a proposal to cause the alignment of portion of Main Road No. 184 - Bell's Line of Road, between 29M.2000' to 31M.3480' from Mount Victoria, at Bilpin, within the Shire of Colo,..... to be re-aligned pursuant to Division 1 of Part VB of the Main Roads Act, 1924-1967, and to apply the re-alignment method of acquisition to the land affected by such re-alignment was approved by the Governor on the fifteenth..... day of October.....1969.;
- (2) notice has been served upon the owners of land affected by the re-alignment and upon the Council of the area; and
- (3) plans of the re-alignment (Nos. 184, S. 308 and 184, S. 309.....) have been lodged in the Office of the Registrar General and registered as Deposited Plans. 237512 and 237509 respectively.....

AND HEREBY REQUEST that you enter in the register book a notification of the restrictions on user imposed by Section 27E(6), Main Roads Act, 1924-1967, in respect of the land set out in the annexure hereto marked "B".

IT IS HEREBY CERTIFIED that this instrument is correct for the purposes of the Real Property Act, 1900.

DATED this ..seventeenth..... day of ..February..... 1970.

GEOFFREY CLIFFORD SHELDON  
SIGNED by ~~JOHN ANTHONY MCCARTHY~~  
Principal Legal Officer,  
Department of Main Roads, in the  
presence of:



To: The Registrar General,  
S Y D N E Y.

L758309


No. ....

LODGED BY THE DEPARTMENT OF MAIN ROADS

FILE NO. 91-1379

REQUEST TO NOTE

RESTRICTION ON USER.

|  |  |
|--|--|
| Checked<br>by                            | Particulars entered in Register Book<br>Vcl..... Fol.....<br><i>as per schedule</i>  |
| Passed<br>[Redacted]<br>S.S.70<br>S.D.B. | the <i>18<sup>th</sup></i> day of <i>March</i> .... 19.70<br>at <i>4</i> o'clock in the <i>after</i> ....                  |
| Signed<br>[Redacted]                     | noon [Redacted]<br><br>Registrar General. |

L 7 58 309

" A "



Fol. 5012.

[Published in Government Gazette No. 142 of 5th December, 1969.]

MAIN ROADS ACT, 1924-1967

NOTIFICATION OF APPROVAL OF GOVERNOR TO PLANS OF A PROPOSAL FOR REALIGNMENT UNDER DIVISION 1 OF PART Vb OF THE MAIN ROADS ACT, 1924-1967

Shire of Colo. Main Road No. 184—Bell's Line of Road. Proposed widening between 29m. 2,000' to 31m. 3,480' from Mount Victoria, at Bilpin

IN pursuance of the provisions of section 27e of the Main Roads Act, 1924-1967, The Commissioner for Main Roads who proposes to cause the alignment of parts of Main Road No. 184—Bell's Line of Road between 29m. 2,000' to 31m. 3,480' from Mount Victoria, at Bilpin, within the Shire of Colo, to be realigned pursuant to Division 1 of Part Vb of the Main Roads Act, 1924-1967, and to apply the realignment method of acquisition to the lands affected by such realignment, being the lands described in the Schedule hereto, hereby notifies that plans of the proposal have been approved by His Excellency the Governor, with the advice of the Executive Council, and that such plans (catalogued as 184.S.308 and 184.S.309 in the Department of Main Roads and lodged with the Registrar General's Department on 29th January, 1969, and numbered as Deposited Plans 237512 and 237509 respectively) may be inspected at the Department of Main Roads, and copies of such plans may be inspected at Colo Shire Council Chambers, Wilberforce.

SCHEDULE

- Lots 1, 5, 6, 7, 10, and 11, Deposited Plan 237512.
- Lots 1, 2, 4, and 5, Deposited Plan 237509.

Signed and sealed at Sydney, this 19th day of November, one thousand nine hundred and sixty-nine.

I, RUSSELL JOHN STARR THOMAS, The Commissioner for Main Roads, have hereto affixed the Official Seal of The Commissioner for Main Roads, in the presence of:

(L.S.)

R. J. S. THOMAS.

C. W. MANSFIELD, Secretary.

(D.M.R. No. 91-1379)

(6426)

B

This is the annexure marked "A" referred to in the annexed Request to Enter Notification of Restriction on User dated this twenty-third day of February One thousand nine hundred and seventy.



" B "

| <u>County</u> | <u>Parish</u> | <u>Reference to Title</u> |               |   | <u>Description</u>             |
|---------------|---------------|---------------------------|---------------|---|--------------------------------|
|               |               | <u>Whole or Part</u>      | <u>Volume</u> | <u>Folio</u>  |                                |
| Cook          | Wheeny        | Part                      | 8424          | 157   | Lot 1, Deposited Plan 237512.  |
| "             | "             | "                         | 6528          | 84 <span style="border: 1px solid black; padding: 0 2px;">P</span>                      | Lot 5, Deposited Plan 237512.  |
| "             | Burralow      | "                         | 7183          | 71  | Lot 6, Deposited Plan 237512.  |
| "             | "             | "                         | 7183          | 72  | Lot 6, Deposited Plan 237512.  |
| "             | "             | "                         | 6904          | 95  | Lot 7, Deposited Plan 237512.  |
| "             | "             | "                         | 7586          | 198 <span style="border: 1px solid black; border-radius: 50%; padding: 0 2px;">P</span> | Lot 10, Deposited Plan 237512. |
| "             | "             | "                         | 7681          | 98  | Lot 11, Deposited Plan 237512. |
| "             | Wheeny        | "                         | 9898          | 85  | Lot 1, Deposited Plan 237509.  |
| "             | "             | "                         | 7295          | 150 <span style="border: 1px solid black; padding: 0 2px;">P</span>                     | Lot 2, Deposited Plan 237509.  |
| "             | Burralow      | "                         | 2706          | 124   | Lot 4, Deposited Plan 237509.  |
| "             | "             | "                         | 5279          | 185   | Lot 5, Deposited Plan 237509.  |

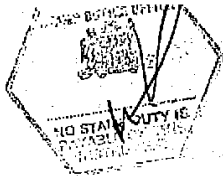
**B**

This is the annexure marked "B" referred to in the annexed Request to Enter Notification of Restriction on User dated this twenty-third day of February. One thousand nine hundred and seventy.

## **Annexure 5**

### **Real Property Transfer (Torrens Title) for Lot 2 and Lot 3 in D.P. 582878**





24 DEC 1982



T 387145

### TRANSFER

REAL PROPERTY ACT, 1900

(See Instructions for Completion on back of form)

|         |   |
|---------|---|
| 22 of 2 | X |
| \$ 86   |   |

| Torrens Title Reference  | If Part Only, Delete Whole and Give Details               | Location  |
|--|---|-----------|
| Volume 7586 Folio 198  | WHOLE<br>Part being lots 2 and 3 in Deposited Plan 582878 | At Bilpin |
| TRANSFEROR Note (b)<br>MAXWELL STUART KILPATRICK of 5/10 Barbers Road, Guildford, Manager and<br>RONALD STUART KILPATRICK of 5 Dunbar Street, Werrington, Retired Farmer |   |           |

DESCRIPTION OF LAND Note (a)

TRANSFEROR Note (b)

ESTATE Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 181.00 and transfers an estate in fee simple in the land above described to the TRANSFEREE

TRANSFEREE Note (d)

|   |                                |
|---|--------------------------------|
| THE COUNCIL OF THE SHIRE OF HAWKESBURY of Council Chambers, Windsor | OFFICE USE ONLY<br><b>OVER</b> |
| as joint tenants/tenants in common                                  |                                |

TENANCY Note (e)

PRIOR ENCUMBRANCES Note (f)

subject to the following PRIOR ENCUMBRANCES 1. \_\_\_\_\_  
2. \_\_\_\_\_ 3. \_\_\_\_\_

DATE **14.12.1982**

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION Note (g)

Signed in my presence by the transferor who is personally known to me.



Signed in my presence by the transferee who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

So far as known to the Registrar-General, the transferee is the same person as the transferor. **Johnson**

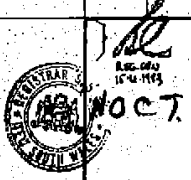
TO BE COMPLETED BY LODGING PARTY

Notes (h) and (i)

|                     |                        |   |                                |
|---------------------|------------------------|---|--------------------------------|
| LODGED BY           | [Redacted]             | LOCATION OF DOCUMENTS                               |                                |
|                     |                        | CT <input checked="" type="checkbox"/>              | OTHER <input type="checkbox"/> |
|                     |                        | Herewith, In R.G.O. with <b>Partially Cancelled</b> |                                |
|                     |                        | Produced by _____                                   |                                |
| Delivery Box Number | <b>384</b>             |   |                                |
| Checked             | Passed <b>EA/1 EP4</b> | REGISTERED 23 - 3 - 1983                            | Cert. of Title                 |
| Signed              | Extra Fee              | [Redacted]  |                                |
|                     |                        | Registrar General                                   |                                |

OFFICE USE ONLY

4 be apted re actions by referees re suit, summons RGO 22



**INSTRUCTIONS FOR COMPLETION**

This dealing should be marked by the Commissioner of Stamp Duties before lodgment by hand at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialled by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

If it is intended to create easements, covenants, &c., use forms RP13A, RP13B, RP13C as appropriate.

Rule up all blanks.

The following instructions relate to the SIDE NOTES on the form.

**(a) Description of land:**

(i) **TORRENS TITLE REFERENCE.**—For a manual reference insert the Volume and Folio (e.g., Vol. 8514 Fol. 126)—For a computer folio insert the folio identifier (e.g., 12/701924). Title references should be listed in numerical sequence.

(ii) **PART/WHOLE.**—If part only of the land in the folio of the Registrar is being transferred, delete the word "WHOLE" and insert the lot and plan number, portion, &c. See also sections 327 and 327AA of the Local Government Act, 1919.

(iii) **LOCATION.**—Insert the locality shown on the Certificate of Title/Crown Grant, e.g., at Chullora. If the locality is not shown, insert the Parish and County, e.g., Ph: Lismore Co. Rous.

**(b) Show the full name of the transferor(s).**

**(c) If the estate being transferred is a lesser estate than an estate in fee simple, delete "fee simple" and insert appropriate estate.**

**(d) Show the full name, address and occupation or description of the transferee(s).**

**(e) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.**

**(f) In the memorandum of prior encumbrances, state only the registered number of any mortgage, lease, charge or writ to which this dealing is subject.**

**(g) Execution:**

**GENERALLY** (i) Should there be insufficient space for execution of this dealing, use an annexure sheet.  
 (ii) The certificate of correctness under the Real Property Act, 1900, must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he is personally known.

**ATTORNEY** (iii) If the transfer is executed by an attorney for the transferor/transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. . . . and I declare that I have no notice of the revocation of the said power of attorney".

**AUTHORITY** (iv) If the transfer is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.

**CORPORATION** (v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.

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

**(i) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration, pbte for probate, L/A. for letters of administration, &c.**

OFFICE USE ONLY

**FIRST SCHEDULE DIRECTIONS**

| (A) FOLIO IDENTIFIER | (B) DIRECTION | (C) NAME   |
|----------------------|---------------|--|
| 7586-198             |               | The Council of the Shire of Hawkesbury as regards the residue being Lots 2 and 3 in D.P. 582878. |

**SECOND SCHEDULE AND OTHER DIRECTIONS**

| (D) FOLIO IDENTIFIER | (E) DIRECTION | (F) NOTFN TYPE | (G) DEALING NUMBER | (H) DETAILS |
|----------------------|---------------|----------------|--------------------|-------------|
|                      |               |                |                    |             |

**Annexure 6**

**Development Application Documents**

**for 1917 Bells Line of Road**

**Lot 2 DP 237512**

**REAL FRUIT ICE-CREAM**

*Fragrant  
Mountain  
Roses*

*Orchard  
Fresh Fruit*



**TUTTI FRUITTI**  
**at Bilpin**

*Coffee and  
Light Meals*

*Jams and  
Homemade  
Goodies*



**WHERE TO FIND US:**

**1917 Bells Line of Road, Bilpin, NSW 2758**  
**Phone (02) 4567-8436 Fax (02) 4567-0008**

## Development Application

1917 Bells Line of Road  
Kurrajong Heights

### Background

We purchased this property in 2003 with the intention of developing a rural agri-tourism business to further development of the existing rose farm and to provide us with a retail outlet for the fruit from our orchard.

In the early 1960s this site operated as a farmgate outlet and then at various changes in ownership through the 80s-90s it operated as a coffee shop, arts and craft centre, produce stall and tourist facility.

At the time of the purchase we understood that an approved Development Application existed on the property. We have recently been informed that although there had been an approved DA it had been granted for only a limited time. We now hope to rectify this situation.

### Current Status

After purchasing the property we renovated and redeveloped the existing rose farm that now supplies field grown, fragrant roses to a number of florists across Sydney as well as direct to the public from our shop on this property. We have also further developed our orchard with new plantings. In addition to apples we now grow cherries, berries, figs, feijoa, passionfruit and citrus to take advantage of the opportunity of being able to sell direct to the public.

We have developed the shop that existed on the property into a café supplying homemade snacks and coffee, real-fruit ice-cream, field-grown roses and fresh seasonal fruit from our orchard and other local suppliers.

We employ local schoolchildren and university students in the shop and also UWS horticulture students on the farm. We regularly host Japanese students who travel to Australia specifically to experience fruit and flower farming.

The business is known as Tutti Fruitti and has become a regular stop for many who use Bells Line of Road as well as attracting visitors on day trips. Customers can relax in the extensive garden areas and purchase roses and local produce direct from the farmer. We provide tours of the rose farm and orchard to garden clubs, senior citizens groups and other social clubs.



### Facilities Provided

- Retail outlet selling our own farmgate produce and roses as well as local products, coffee and light snacks
- Seating for 40 people in rose courtyard, verandah and customer gardens
- Parking for 15 vehicles at front of shop - additional overflow and staff parking also available behind shop (up main driveway)
- Coolroom for roses
- Toilet facilities for customers
- Rose farm consisting of over 4000 rose bushes
- Waratah, berries, citrus and other fruit trees
- Extensive natural bush surrounds with views across National Park

### Current Operation

We currently open to the public Friday, Saturday and Sunday as well as public holidays and school holiday periods. We offer group tours of the rose farm and orchard which can be arranged for any day of the week.

We would like to apply for this DA to cover trading up to 7 days a week 9am till 6pm so that we can allow for future demand as required.

Our staffing levels fluctuate as this is a very seasonal tourist area. Typically during the winter months we would operate with only 1-2 staff and during the summer months this would increase to 3-4 staff each day.

### Signage

We have a sign directly out the front of the shop that highlights what is available at our facility. Location of this sign is marked 'TF' on Plan A. This sign measures 1.8m across and 1.2m high and stands 1.2m off the ground.



We would also like to locate another permanent sign on the east boundary of our property to give further visibility to drivers approaching from the Richmond-Windsor direction. The sign would be the same size as this one but would be mounted 2m from the ground to clear the bordering trees.

### Summary

Tutti Fruitti has now become central to our farming enterprises and we feel that it is becoming something of a landmark to the users of Bells Line of Road.

Our goal is to continue developing this facility while preserving the natural bushland and garden settings where our customers can relax and enjoy their rural experience.

### Diagrams

- A Site Plan  
Covering complete property area
- B Overview of Tourist Facility Area  
Covering customer access areas
- C Floor Plan  
Scale diagram of retail outlet interior

### Photos

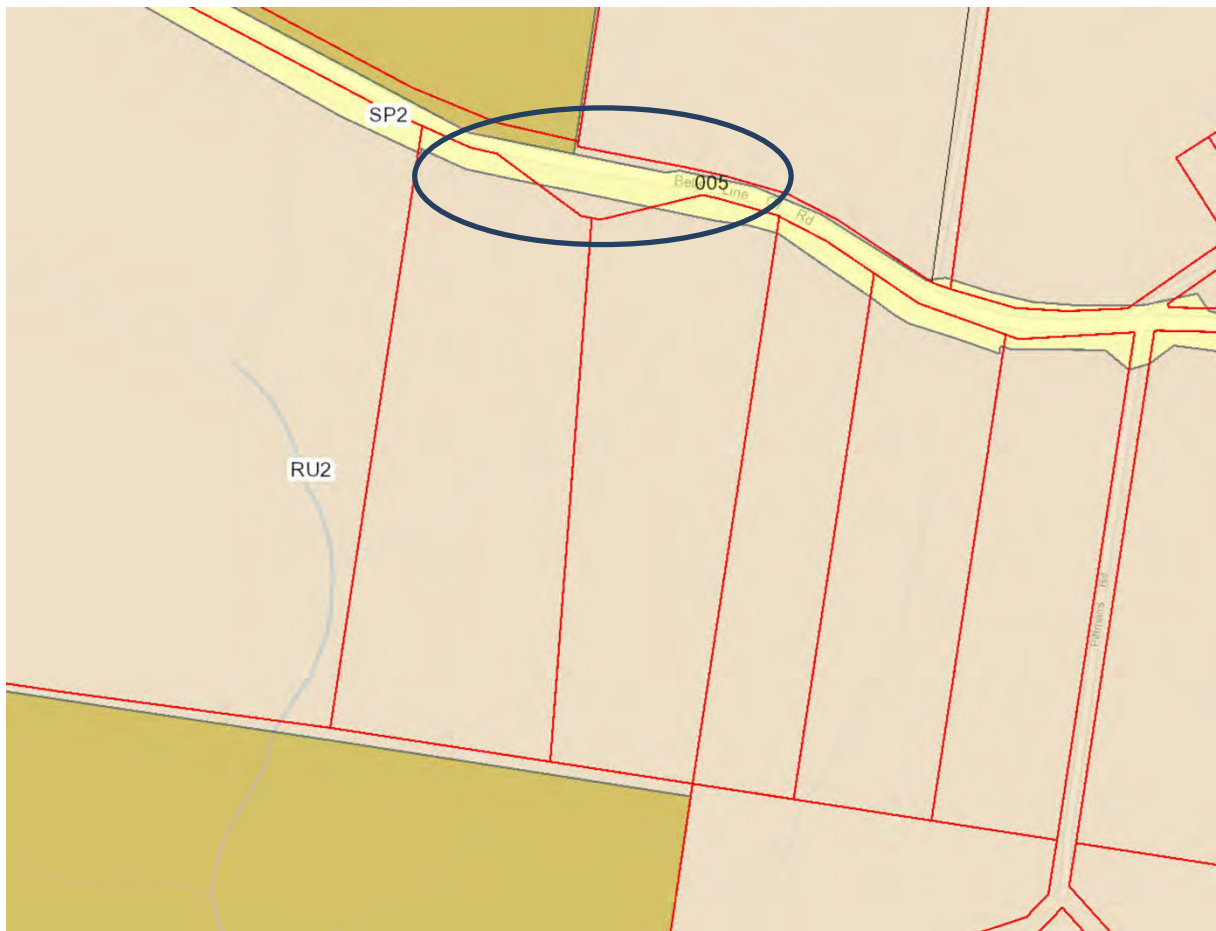
Bonnie Doon farmgate outlet  
Photo provided by previous owner dated 1964

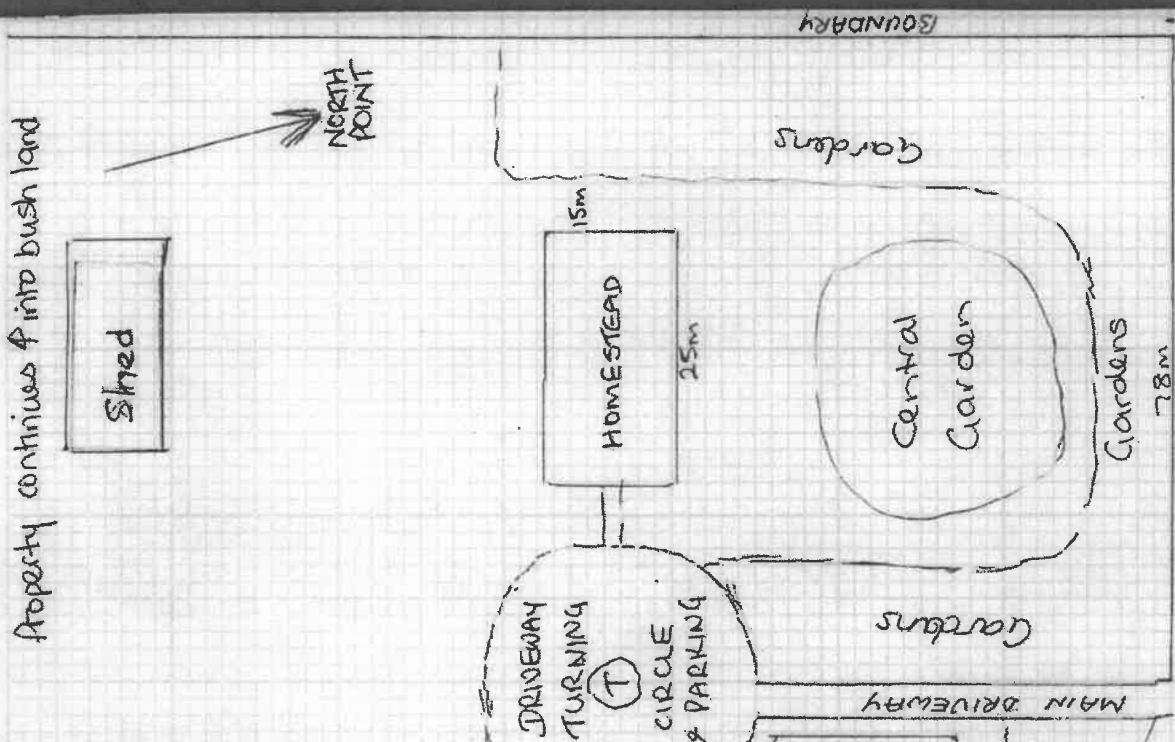
### Brochure

Tutti Fruitti brochure

## Annexure 7

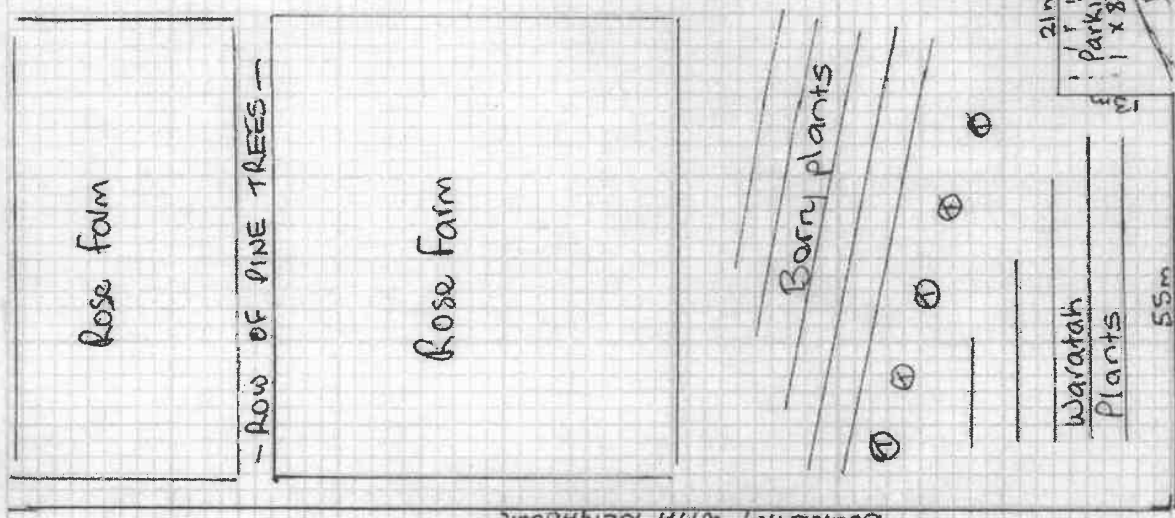
### LEP Map for Land Zoning for Subject Area





**SITE PLAN (A)**  
 1917 BELLS LINE OF RD  
 KURRATONG HEIGHTS  
 KEY TO SYMBOLS

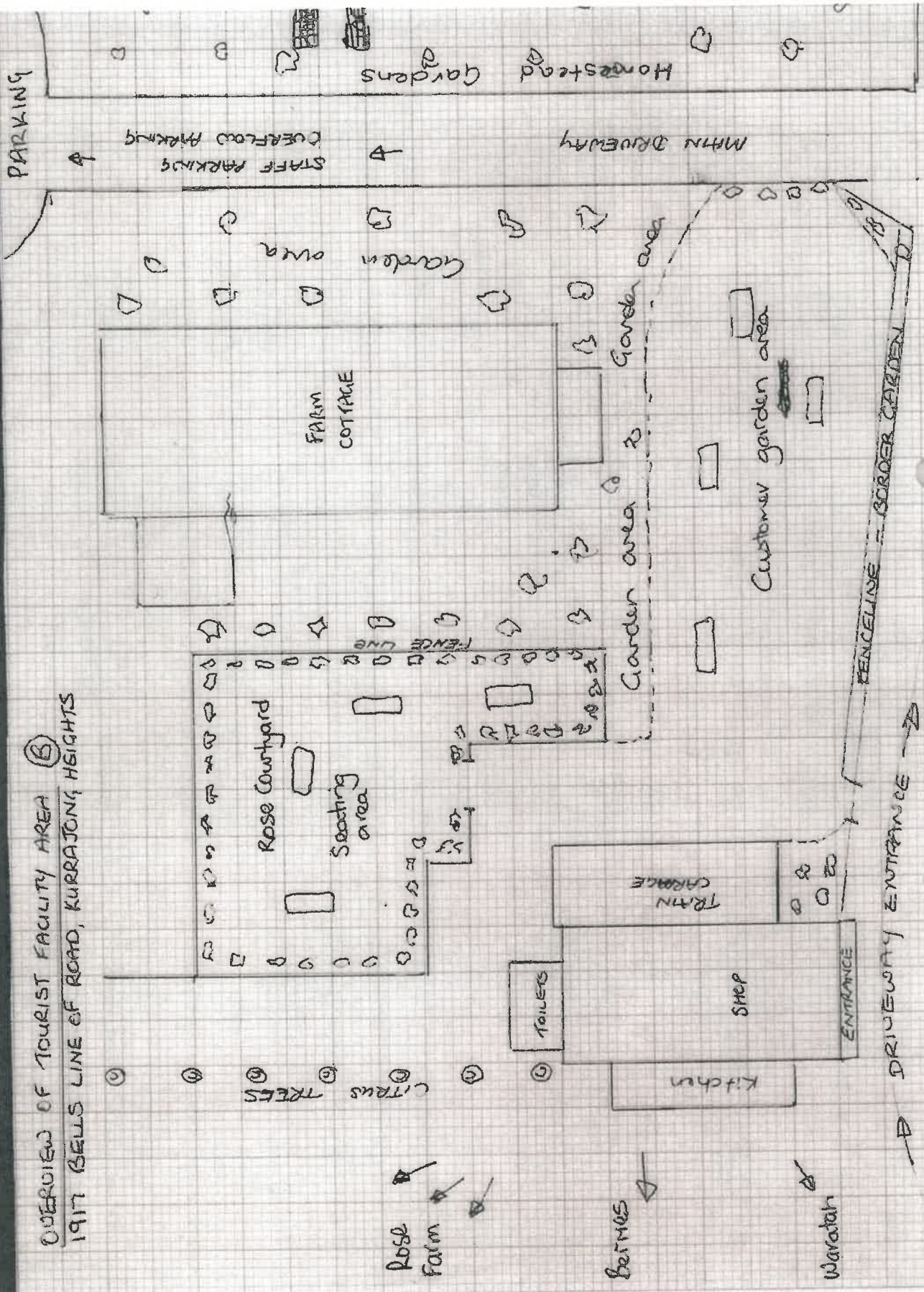
- outdoor tables
- Ⓣ Fruit Trees/Tree
- \* Toilets
- Ⓢ Septic
- Ⓛ Tutti Fruitti sign



— BELLS LINE OF ROAD — BELLS LINE OF ROAD —



OVERVIEW OF TOURIST FACILITY AREA (B)  
 1917 BELLS LINE OF ROAD, KURRATONG HEIGHTS





# Annexure 8

## NSW SIX Maps for Subject Area







**Annexure 9**

**Grant of Land Purchased by Conditional Sale**

**v.7586-198**

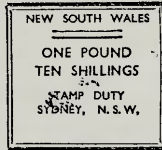


O.C.P.  
 Since 1 Feb., '09

No 19.58/2259

State of New South Wales.

[LAND GRANT]



CANCELLED R  
 REGISTER BOOK  
 VOL. 7586 FOL. 198

GRANT OF LAND PURCHASED BY CONDITIONAL SALE.

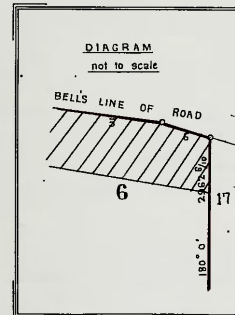
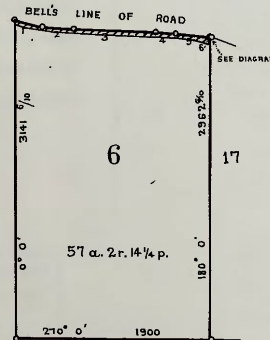
G.P. 1937/11  
 WINDSOR

ELIZABETH the SECOND, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.—  
 To All to whom these Presents shall come, Greeting:—

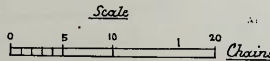
Whereas CHRISTINA BELING a Widow of Bell's Line Road Bilpin in Our State of New South Wales

(hereinafter called the GRANTEE ) claims to be entitled to the Parcel of Land hereinafter described in virtue of an Original Conditional Purchase of the same applied for on the eighteenth day of June 1937

under the provisions of the Crown Lands Consolidation Act, 1913 as amended and a certificate of compliance with the conditions applicable to such purchase has been issued And Whereas the sum of eighty six pounds seven shillings and eight pence being the purchase money payable for the said Land has been duly paid into the Office of the Treasurer of Our said State And all things required by law to be done to entitle the GRANTEE to a Grant of the fee simple of the said Land subject to the Reservations and Exceptions hereinafter contained have been done and performed ~~How know~~ That for and in consideration of the said sum for and on Our behalf well and truly paid into the Treasury of Our said State before these Presents are issued and of all and singular the premises WE HAVE GRANTED and for Us Our Heirs and Successors DO HEREBY GRANT unto the GRANTEE her Heirs and Assigns Subject to the Reservations and Exceptions hereinafter contained ALL THAT Piece or Parcel of Land in Our said State containing by admeasurement fifty seven acres two roods fourteen perches and one quarter of a perch be the same more or less situated in the County of Cook and Parish of Burralow Portion 6 as shown in plan catalogued No. C.1672-1507 in the Department of Lands



| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| 1    | 105° 20' 25" | 272 7/10 |
| 2    | 94° 22' 30"  | 306 1/10 |
| 3    | 92° 4' 40"   | 803 5/10 |
| 4    | 93° 35'      | 200      |
| 5    | 91° 6' 35"   | 327 9/10 |
| 6    | 108° 33' 25" | 47 1/10  |



As per Plan hereon With all the Rights and Appurtenances whatsoever thereto belonging ~~On~~ ~~held~~ unto the GRANTEE her Heirs and Assigns for ever ~~Prohibited Nevertheless~~ AND WE DO HEREBY RESERVE AND EXCEPT unto Us Our Heirs and Successors all minerals which the said Land contains with full power and authority for Us Our Heirs and Successors and such person or persons as shall from time to time be authorised by Us or Them to enter upon the said Land and to search for mine dig and remove the said minerals And also all such parts and so much of the said Land as may hereafter be required for public ways in over and through the same to be set out by Our Governor for the time being of Our said State or some person by him authorised in that respect with full power for Us Our Heirs and Successors and for Our Governor as aforesaid by such person or persons as shall be by Us Them or him authorised in that behalf to make and conduct all such public ways And the right of full and free ingress egress and regress into out of and upon the said Land for the several purposes aforesaid or any of them In Testimony Whereof We have caused this Our Grant to be Sealed with the Seal of Our said State

Witness Our Trusty and Well-beloved Lieutenant-General SIR ERIC WINSLOW WOODWARD, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, Commander of Our Most Excellent Order of the British Empire, Companion of Our Distinguished Service Order, Knight of the Venerable Order of St. John of Jerusalem, Governor of Our State of New South Wales and its Dependencies in the Commonwealth of Australia, at Sydney in Our said State, this thirty first day of October in the seventh year of Our Reign and in the year of Our Lord one thousand nine hundred and fifty-eight.

RECORDED and ENROLLED in the Registrar General's Office, at Sydney, in New South Wales, this *nineteenth* day of *November* 19*71*.

*Jawatson*  
 Registrar General.

Attention is hereby directed to the provisions of Section 272 of the Crown Lands Consolidation Act, 1913, relating to transfer.

*AV 1110-37 L1-10-0 B/R 30270*

*To 383245*

*Judith Ann Stones of Bilpin, Married Woman*  
 is now the registered proprietor of the land within described.  
 See TRANSFER No. *4283245* dated *14th December 1959*  
 Entered *9th August 1960*  
*Jawatson*  
 REGISTRAR GENERAL

~~*Ronald Stuart Kilpatrick of Liverpool, Boatmaker and Maxwell Stuart Kilpatrick of Cabramatta, Draughtman as joint tenants*~~  
 are now the registered proprietors of the land within described.  
 See TRANSFER No. *M193024* dated *1st March 1971*  
 Entered *20th April 1971*  
*Jawatson*  
 REGISTRAR GENERAL

*To m 193024*

*REG. GEN 24-3-1983*

*m 1193025*

No. *M193025* MORTGAGE dated *1st March 1971*  
 to *Norman Minera Gibson of Cabramatta, Cabramatta*  
*Ordinary*  
 Entered *20th April 1971*  
*Jawatson*  
 REGISTRAR GENERAL

*To K458304*

*Harold George Spencer of Baulkham Hills, Miller and Charles Henry Spencer his wife*  
 are now the registered proprietors of the land within described.  
 See TRANSFER No. *K458304* dated *1st September 1966*  
 Entered *30th September 1966*  
*Jawatson*  
 REGISTRAR GENERAL

NEW CERTIFICATES OF TITLE ISSUED ON *D.P. 582878*  
 NO DEALING TO BE REGISTERED WITHOUT REFERENCE TO SURVEY DRAFTING BRANCH.

*This deed is cancelled as to part*  
 New Certificates of Title have issued on *14-4-1976*  
 for lots in deposited Plan No. *582878* as follows:  
 Lots *1 & 4* Vol. *13024* Folios *142, 143* respectively.  
*Jawatson*  
 REGISTRAR GENERAL

*M 30*

No. *K458305* MORTGAGE dated *1st September 1966*  
 to *Norman Minera Gibson of Cabramatta, Cabramatta*  
 Entered *20th September 1966*  
*Jawatson*  
 REGISTRAR GENERAL

The residue of land in this title comprises proposed road being lots *2 & 3* in *D.P. 582878*  
*Jawatson*  
 REGISTRAR GENERAL

That part of the land shown as hatched black in the plan hereon being Lot 10 in D. P. 237512 is subject to the restrictions on user imposed by Section 27 E (6) Main Roads Act, 1924-1967 See No. L758309 Entered 18th March 1970

*Jawatson*  
 REGISTRAR GENERAL

*Sim m 193023*

MORTGAGE No. *K458305* has been discharged  
 See *M193023* Entered *20th April 1971*  
*Jawatson*  
 REGISTRAR GENERAL

*M193025 Mortgage T387144 Discharge is regarding residue being lots 2 and 3 in deposited Plan No. 582878. Registered 23-3-1983*  
*Jawatson*  
 REGISTRAR GENERAL

*REG. GEN 24-3-1983*

REGISTERED PROPRIETOR *The Council of the Shire of Hawkesbury as regards the residue being Lots 2 and 3 in D.P. 582878*  
 Registered *23-3-1983*  
*Jawatson*  
 REGISTRAR GENERAL

*REG. GEN 24-3-1983*

*REG. GEN 24-3-1983*

*Ronald Stuart Kilpatrick of Liverpool, Boatmaker and Maxwell Stuart Kilpatrick of Cabramatta, Draughtman as joint tenants are now the registered proprietors of the land within described See Transfer No M193024 dated 1st March, 1971. Entered 20th April, 1971*  
*Jawatson*  
 REGISTRAR GENERAL

*Handwritten notes and signatures at the bottom of the page, including '458305', 'D.P. 237512', 'M193023', 'T387144', 'D.P. 582878', '13024', '142', '143', '23-3-1983', and various initials.*

**Annexure 10**  
**Notice of Public Hearing**





## **HAWKESBURY CITY COUNCIL**

**([HTTPS://WWW.HAWKESBURY.NSW.GOV.AU](https://www.hawkesbury.nsw.gov.au))**

# **NOTICE OF PUBLIC HEARING - RECLASSIFICATION OF LAND - LOT 2 & 3 DP 582878 - 1913 & 1905 BELLS LINE OF ROAD, KURRAJONG HEIGHTS**

Council must hold a public hearing so that the community's views can be heard about a proposal to reclassify Lot 2 & 3 DP 582878 - 1913 & 1905 Bells Line of Road, Kurrajong Heights from community to operational land.

**The Public Hearing is scheduled for Wednesday 7 October 2020 at 5:30 pm**

The hearing will be chaired by an independent person from Locale Consulting.

Due to current social distancing requirements, the hearing will be held online using the Zoom platform.

Interested persons need to register with Council by **Friday 2 October 2020** to:

- virtually attend or listen to the hearing
- make a submission at the hearing

via the this link (<https://publichearinglots2and3dp582878.eventbrite.com.au>).

Registered participants will be provided guidelines to participate in the Public Hearing.

Should you have any enquiries with respect to this matter, please contact Strategic Planning Manager on (02) 4560 4604 or Strategic Land Use Planning Coordinator on (02) 4560 4544 or [email enquiries \(mailto:council@hawkesbury.nsw.gov.au\)](mailto:council@hawkesbury.nsw.gov.au).

Details of the proposed Reclassification of Land are provided below:

## **Reclassification of Public Land to “Operational Land”**

### **Affected Properties:**

Land known as Lots 2 and 3 in DP 582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights.

### **Proposed Amendment:**

Reclassification of the current public lands being Lots 2 and 3 in DP 582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights to “operational land” by amending *Hawkesbury LEP 2012*, Schedule 4 Classification and Reclassification of Public Lands.

### **Explanation:**

These properties are under the control of Council and classified as “community land”.



The land is currently part zoned RU2 Rural Landscape and SP2 Infrastructure and is used for a combination of extensive agriculture (orchards) and informal parking/access in association with a restaurant at 1917 Bells Line of Road, Kurrajong Heights. In addition the building encroaches onto part of the land subject to reclassification.

In response to certain matters required by the Department of Planning's LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan, dated 5 October 2016 and the Department of Planning's A guide to preparing local environmental plans the following information is provided.



### **What is the current and proposed classification of the land?**

The land is currently classified as "community land" and is proposed to become "operational land".

### **What is the reason for the planning proposal being prepared and the land being reclassified? What are the merits of the proposal?**

It is considered that Lots 2 and 3 in DP 582878 are no longer required for road purposes. Council has no strategic or operational plan to use Lots 2 and 3 for road purposes.

The owners of 1917 Bells Line of Road, Kurrajong Heights have submitted a development application to Council seeking approval to use Lots 2 and 3 for a restaurant and ancillary vehicle access and parking.

A merit of the proposed reclassification to "operational land" is that, it will allow Council the opportunity to consider the above mentioned development application.

### **What is the nature of Council's ownership or interest in the land?**

Records indicate that Hawkesbury City Council has been the owner of Lots 2 and 3 in DP 582878 since 23 March 1983.

### **How and when the interest was first acquired?**

On 18 March 1970 plans of acquisition were registered under the *Main Roads Act* Section 27E (6), Registered dealing L758309.

DP 582878 was registered on 19 March 1976 with a notation that 'Lots 2 and 3 are intended to be used for future road purposes and there is no objection to their being shown as a road after acquisition by Dept. Main Roads'.

On 23 March 1983, the properties (Lots 2 and 3 in DP 582878) were transferred to Hawkesbury City Council through dealing T387144.

### **Why did Council acquire an interest in the land?**

For future widening of the Bells Line of Road by the Department of Main Roads, now known as Roads and Maritime Services or Transport for NSW.

### **What is the justification/explanation as to why such interests are being extinguished?**

In 2010, verbal advice was received from the then named Roads and Traffic Authority that they had no immediate intentions to acquire the land for road widening purposes. The owner of the land adjoining Lots 2 and 3 has expressed an interest in purchasing these lots. As Council has no future intentions to utilise the land for community purposes, reclassifying the land and selling it would be a viable option as it will also

relieve Council of any ongoing maintenance issues of these properties.

**Are there any agreements over the land, if so, what is their duration, terms, controls. Is there an agreement to dispose of the land?**

There are no agreements over the land aside from dealing L758309, which may remain on the titles if the land were sold.

**What is the magnitude of any financial gain or loss from the reclassification and the type(s) of benefit that could arise?**

The land is currently zoned RU2 and SP2 and the reclassification will not change these zones. It is currently estimated that the reclassification to operational land might allow Council to sell the land at the current market rate. Given that the adjoining land owners orchard and car park is already on the land it is likely that there will only be one prospective purchaser to sell the land to.

**What asset management objectives are being pursued? What is the manner in which they will be achieved and the type of benefits Council wants? How will Council benefit financially?**

The reclassification of the subject land will enable Council to sell these lands that is no longer required for road purposes and is deemed surplus to Council's needs. It is anticipated that the proceeds from the sale would be spent on infrastructure and/or services within the Hawkesbury local government area.

**Is there or has there been an agreement for the sale or lease of the land? If so what are the basic details of any such agreement and, if relevant, when does Council intend to realise its asset?**

There is currently no agreement for the sale or leasing of the land to any parties now or any time in the future. Council has only received an interest to purchase the subject land but no negotiations or agreements have been entered into by either parties yet.

**How is the reclassification to be exhibited and considered by Council? What is required in plan making under the Environmental Planning and Assessment Act 1979?**

The planning proposal was exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993* and respective Regulations as well as the provisions of Department of Planning's LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan, dated 5 October 2016.

Following the public hearing held in relation the proposed reclassification in accordance with the provisions of the above mentioned Acts, Regulations and Practice Note, Council will then consider any submissions made concerning the proposed reclassification and the report of the public hearing.

Council may, at any time, vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason.

If it does so, Council will forward a revised planning proposal to the Minister for Planning. Further community consultation is not required unless the Minister so directs.

If the planning proposal is to precede Council and Department of Planning, Industry and Environment staff will make arrangements for the drafting of the local environmental plan to give effect to the planning proposal.

The Minister for Planning may, following completion of community consultation:

- (a) make a local environmental plan (with or without variation of the proposals submitted by Council) in the terms the Minister considers appropriate, or
- (b) decide not to make the proposed local environmental plan.



If the Minister for Planning does not make the proposed local environmental plan or defers the inclusion of a matter in a proposed local environmental plan, the Minister may specify which procedures under the Environmental Planning and Assessment Act 1979 Council must comply with before the matter is reconsidered by the Minister.

*Page ID: 161693*



# localé consulting

**T** 0419 700 401

**A** 1/27 River Street Woolgoolga NSW 2456

**P** PO Box 53 Woolgoolga NSW 2456

**E** [info@localeconsulting.com.au](mailto:info@localeconsulting.com.au)

**W** [www.localeconsulting.com.au](http://www.localeconsulting.com.au)