



PRESERVING OUR HERITAGE

PO Box 85, HUNTERS HILL, NSW 2110
www.huntershilltrust.org.au

Mayor & Councillors
Hunters Hill Council
22 Alexandra Street
Hunters Hill

27 February 2024

Cc: General Manager, Director Town Planning

Dear Mayor and Councillors

Re: Objection to the proposed sale of the Road Reserve adjacent to 13 Euthella Avenue

The Hunters Hill Trust **objects in the strongest possible terms**, on behalf of its membership and the broader community, **to the recommendation, passed by resolution in closed session at the Council Meeting on 27 November 2023 in relation to Item 8.2** at:

- 8.2.1 for the proposed 'application to close the Road Reserve adjacent to 13 Euthella Ave Hunters Hill, under the NSW Roads Act 1993'
- 8.2.3 in order to progress with the recommendation for 'the sale of the Road Reserve for a **minimum consideration** as contained in the valuation report at attachment 1', but which was not available to the community. (while the 'attachment 1' referred to at 8.2.3 has not been included in the publicly available papers for the meeting held on 27 November 2023, a valuation was included in the business paper of Council meeting 10 February 2020 for the purposes of the lease of the land at that time, to the adjoining property (13 Euthella Ave) for an amount of \$20,000 per annum or \$385 per week for the 834 square metres of land.)

We note that 8.2.2 - the requirement that 'public notices be provided in accordance with the NSW Roads Act of 1993, Local Government Act 1993 and the Hunter's Hill Council Policy for Disposal of Council Land' has, as yet, not appeared to have taken place.

BY WAY OF BACKGROUND

We draw Council's attention to **Item number 4.6 of the 10 February 2020 Council meeting - subject: Leasing of road reserve adjacent to 13 Euthella Avenue Hunters Hill** under the strategic outcome that 'Council is Financially Sustainable'.

The purpose of the paper was to consider and recommend a five-year lease to the owners of 13 Euthella Avenue of land totalling approximately 834 sqm adjacent to 13 Euthella Avenue, Hunters Hill (the Road Reserve) under the NSW Roads Act 1993 for an amount of \$20,000 per annum (excl. GST) and subject to annual CPI adjustments.

We include the background provided for this paper below and draw your attention to **the direct approach by the owner of 13 Euthella Ave to purchase the road reserve**. We also note that there was a valuation report attached to this report and included in the Council papers. (**See Attachment 1 Valuation Report from 2020**).

Report Background item number 4.6 of the 10 February 2020 council meeting copied below for ease of reference.

BACKGROUND The Road Reserve, which is the subject of this report comprises of a rectangular strip of land adjacent to 13 Euthella Avenue, Hunter's Hill. The land is not accessible to the general public and in general is maintained by the adjacent owner, being 13 Euthella Avenue. The total Road Reserve area is approximately 834 square metres. See attached Valuation Report for details of the Road Reserve at Attachment 1. **Council received a request from the owner of 13 Euthella Avenue, Hunter's Hill to purchase this Road Reserve**, however there are a number of matters that need to be considered before a decision on this request can be made. In the interim leasing the Road Reserve to 13 Euthella Avenue, Hunter's Hill would be appropriate.

TRUST COMMENT ON ACCESS TO THE LAND

Again, we draw Council's attention to the report (copied below), provided at item number 4.6 of the 10 February 2020 council meeting of the lease. **We dispute** one of the statements in this report and also argued by the valuer **that the site is only accessible from 13 Euthella Avenue** and that the owners of 13 Euthella are the 'only practical users of the site'. Historically this piece of land was able to be accessed by a set of stairs from the end of Joubert Street and the valuer has noted that there is potential use by 'the properties at 10 Euthella Ave and 2 Joubert Street provided a right of way can be obtained for access. The parcel has a cliff section at the Joubert Street (northern boundary) that could be accessed from Joubert Street by stair or mechanical access.' We note that the Valuation was prepared for Council by Ross Sheerin AAPI, Registered Valuer & Property Consultant on 8/12/2019

Photos of the stair access now blocked with a no admittance sign and the original historic plaque noting access.



Report item number 4.6 of the 10 February 2020 council meeting copied below for ease of reference.

REPORT A lease agreement has not been in place previously for this particular Road Reserve. Council received a rental valuation of \$20,000 per annum (excluding GST) in December 2019. The owner agreed to this valuation. Whilst the Road Reserve is an extensive piece of land it should be noted that the area to be leased is landscaped open space, **only accessible from 13 Euthella Avenue**, Hunter's Hill. As part of the lease, the 13 Euthella Avenue owners will be required to maintain the area and will not be able to remove any trees or landscaping without Council's approval. In addition, no structures will be allowed on the Road Reserve.

TRUST COMMENT TO POSSIBLE SALE OF THE LAND

We object to the sale of this land, as remnant areas of foreshore that could be made available to the public are scarce and important for biodiversity. However, if the land were to be sold, it should be done through an open and transparent process to achieve the best economic return for the community. **The Trust disputes the position of Council that the land is only of value to the adjoining owner at 13 Euthella Avenue.** As the land adjoins the end of Joubert Street it would be possible with modern technology to gain access to the site from this location. It would be achievable to have level or near-level car access from Joubert St, with living areas (and magnificent views) beneath in a building that cascades down the slope (in the manner of 16, 18 and 20, The Avenue, Linley Point, viewable from the path below Hunters Hill High School, or Figtree Bridge).

TRUST ALTERNATIVE PROPOSITION

The Trust advocates for this important remnant piece of land to be kept in public hands and not be sold at all but preserved for public access and maintenance of an important natural rocky outcrop and wildlife habitat. There is potential for future increased public access from lands retained by the Department responsible for roads which should be investigated. Historically there was access by stairs from Joubert Street and, as a continuation of Joubert Street it can provide public access to the waterfront adjacent to Tarban Creek Bridge. (**Attachment 2 - see attached photos and maps**)

The Hunters Hill Trust draws Council's attention to the **Council's own DCP** referred to in the valuation that the Council obtained for the purposes of the lease of the land:

'There may be argument that the subject land may also be of significant public benefit providing vision of a natural rocky outcrops along the street, green space and access to Tarban Creek foreshore to the public. These types of outcrops are a significant feature throughout the Municipality and have often been the subject of conditions of retention in developments in the area. Hunters Hill Council consolidated DCP 2013 mentions the significance of rocky outcrops.'

CONCLUSION

In conclusion, **we recommend in the strongest possible terms that the Council should reclaim this land (currently leased to 13 Euthella) and return the land to public foreshore access**, at least by the end of the current lease arrangement. Concurrently, Council should investigate the opportunity to provide access through the retained lands of the Department of Transport that could readily provide access to this land under the bridge in a similar manner to that provided on the opposite side of Tarban Creek.

Note photos below of the area under the bridge on the Joubert street side, adjacent to the road reserve land, and the public walkway on the Tarban Creek side.



From the available information, we place, on the public record, our strong objection to the Council's secrecy in progressing this item by way of closed session, the use of processes to enable direct dealings with adjacent landowners to acquire public land and the lack of any true opportunity for community engagement on the future of this land.

We remind Council of their ethical duty to serve the community with the highest standards of integrity and benefit to the broader community, both now and into the future. **The land should not be sold for the proposed minimum consideration. It should be retained in public hands for the benefit of current and future generations.** This is a rare remnant of foreshore land that Council should be fighting to retain to help combat climate change and public access to trees and green spaces as the pressures increase from population and density.

The Trust is, as ever, willing to assist Council in progressing discussions and planning for ideas and projects that deliver public benefit.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Raisin'.

Karyn Raisin
President
Hunters Hill Trust

Attachments 1 & 2:

VALUATION APPROACH

The highest and best use of the subject is considered to be for residential development as part of a single land holding. Accordingly I have analysed the sales of R2 zoned properties in the area.

For the purpose of the report the direct comparison approach based on a assessed land rate per square metre has been used. The land on its own has no development potential and is limited in use due to the location of the easement though the parcel.

We have previously analysed the lease of waterfront land leased by Transport NSW through Roads and Maritime Services . Rents for domestic leases are calculated on a rate per square metre of occupation. These wetland rates are subject to review annually to reflect the latest statutory land values. The Service has rental rates for the different precinct around Sydney. The subject lies within Precinct 4 , Sydney Harbour Northwest. Each precinct has allocated a "wetland "Rate of \$23.63 per square meter. Since these areas are below mean high watermark we consider the rate is inferior to what would be expected of a elevated land parcel with views and road access. We would consider a rate of \$23.67 per square meter appropriate for the subject land.

As a check a potential yield of 3 % capitalization indicates a value of \$750,600 which falls within our range of value

Based on our analysis of comparable sales land component and given the location of the site we have adopted a **rate of \$3000** per square meter and applied a discount of 70% due to the limited users of the land and the limited use with easements.

Our calculations are as follows:

Rental by capitalisation rate

1. 834square meters @ \$3000 psm.	\$ 2,502,000
Discounted by 70% for the purpose of limited use, limited parties	\$ 1,751,400
Assessed value	\$ 750,600
Rental Capitalisation rate 3 %	\$ 22,518
Less provision for maintenance	\$ 3,000
Balance	\$ 19,518 PA

Calculation by Roads and Maritime Services wetland rate

Land Area 834 m2 @ \$23.67 m2 (wetland rate)	\$ 19,740PA
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SALES EVIDENCE

<u>Address</u>	<u>Date</u>	<u>Sale Price</u> <u>Strata Unit</u> <u>\$/m²</u>	<u>Comments</u>
3 Reiby Rd Hunters Hill	06/2019	\$5,450,000	An original four bedroom two bathroom dwelling located on Hunters Hill peninsula .Total land area 962 square meters. North facing with pontoon. Some noise affectation from Fig tree bridge. Land component assessed at \$5197 per square meter.
1 Euthella Ave Hunters Hill	03/2019	\$3,470,000	A brick veneer 1970s dwelling comprising three bedrooms , two bathrooms, double garage. High set on inferior waterfront location .Total land area 657.7 Square meters. Land component assessed at \$4561 per square meter.
5C Woolwich Rd Woolwich	09/2019	\$6,350,000	Contemporary dwelling Comprises five bedrooms, 5 bathrooms, five car garage .Building area approx. 520 square meters ,total land area 1188 square meters. Land component assessed at \$4100 per square meter.
17 Lloyd Ave Hunters Hill	09/2019	\$5,860,000	An 19602 "Sydney School" designed 4 bedroom dwelling located on north facing waterfront allotment. Total land area 866.5 square meters. Land component assessed at \$5090 per square meter
8 Euthella Ave Hunters Hill	12/2019	\$2,800,000	A tri level dwelling house with pool . Good views. Land area 432 square metres. Land assess at \$3200 m2
35 Bonnefin Rd Hunters Hill	12/2018	\$4,900,000	A architect designed and built two level dwelling house with pool . Good river views. Land area 1114 square metres. Land assess at \$2800 m2

The above sales reflect the following rate range for land **\$2800 /M2 - \$5197/** per square meter

LOCATION

The subject land is located upon the Hunters Hill peninsula, being approximately ten (10) kilometres from the Sydney Central Business District.

The subject is a south east facing property with an aspect to Tarban Creek .

Surrounding development comprises single residential dwellings.

Location Map



Aerial View
Indicative only of subject land

