



PRESERVING OUR HERITAGE

PO Box 85, Hunters Hill, NSW 2110

www.huntershilltrust.org.au

Hunters Hill Council

1st October 2024

Attention: Director of Planning Steve Kourepis
CC: General Manager Mitchell Murphy

Via email: info@huntershill.nsw.gov.au

**Submission of Objection for Potential Disposal of Land Lot 31 DP 1040602 (527sm)
16C Vernon Street Woolwich**

We refer to Council's Public Notice in The Weekly Times (TWT) dated 4 September, 2024 proposing four parcels of land *surplus to the current or future needs of the Council and the local community and has potential for disposal*. The Hunters Hill Trust does not support this view and is particularly concerned for the sale **Lot 31 DP 1040602 16C Vernon Street**.

Disposal of Remnant Land

Hunters Hill Trust takes the view the disposal of any Council land must be assessed on an individual case by case basis. On this occasion we find these four parcels of remnant land a rather 'odd grouping' given disparity in size. 22-24 Gale Street is only **14sm** while 16C Vernon Street, located on Lane Cove River waterfront, has meterage at **527sm**. This location requires more attention than a matter of a tidying up process.

We are of the understanding Lot 31 DP 1040602 lies largely within the Foreshore Building Line (FBL) which may limit future development of this area however Council did and perhaps continues to consider amalgamation of this land with the Serpentine Road Reserve as reported by Lisa Miscamble (Council Meeting 19 April, 2021) **Item 4.3** ...*to aggregate the part closed with adjoining Council land and dispose of the resultant lot created by subdivision. Preliminary notification to residents has been undertaken and survey work commenced.*

At council's meeting 29 July, 2024 much discussion was held between councillors and staff with regard to an 'existing list' of approximately 50 potential remnant land parcels for disposal. We would hope all are listed on Council's website on the **Land Register** and would appreciate clarity that this is the case? We generally find the sale of remnant land short sighted and certainly not *surplus to the current or future needs of council*. Once it is gone it is gone forever and what does Council then do to stay financial?

Our Position on Lot 31 DP 1040602 16C Vernon Street

We can only assume Lot 31 may have building limitations given it's beneath the FBL and a current survey has seemingly not been provided to residents. The alternative of, selling to an adjoining neighbour, not only denies access by the public, it increases meterage for the purchaser thus continuing to increase their valuable waterfront landholding exponentially into the future.

This particular parcel of land has a 'rich history of its own' having been **compulsorily acquired by Hunters Hill Council in 2005 for \$2,515,000** as a compensation payment to owners of adjoining land. Point 33 - Judgement date 31 May 2005 NSW Court of Appeal states:

'Prior to date of acquisition council classified land Operational (Section 31 LGA 1993) and initiated process to rezone to R2 and may amalgamate subject site with adjoining unformed road reserve to form a residential development site. Some uncertainty exists as to whether this proposal will be supported by local residents or council's Conservation Advisory Panel'.

Twenty years on from this payment, we wonder what Lot 31 land is worth in today's market?

Should the sale of Lot 31 proceed, the Trust is concerned there may still be a likelihood of the scenario playing out again (marrying of 527sm Lot 31 with part of Serpentine Road Reserve) or, perhaps a scenario of providing road reserve access and an opportunity for current owners of Lot 32 to meet a minimum meterage requirement for a new dwelling on land above the Foreshore Building Line?

It is clear this is a valuable asset held by Council that will also grow in monetary value across future years yet, has been allowed to sit idle without any infrastructure, path, stair or signage to encourage public use. The ratepayers of Hunters Hill paid \$2,515,000 in 2005 for this land and it should be retained in Council's hands and made readily available for community use, preserved as an asset of future public benefit.

In Council's Report of 29 July, 2024 Lot 31 16C Vernon Street was described in **Item 4.1 – Clause 3.1.1** *'The land is accessible only by adjoining owner'*. **This information is incorrect.**

An on-site visit clearly demonstrates this tract of land between neighboring property and Serpentine Road Reserve is accessible via Serpentine Rd Road Reserve. Unfortunately, the access has never been improved by Council even though nearby signs point to the **Great North Walk** and **Mornington Reserve** further along the shoreline.

Clause 3.1.2 When assessing 'whether the land is currently used or required for use in the future for community or public recreation purposes' it was reported *'The land is deemed to be cost prohibitive to become an active or passive recreational space'*. **We wonder how this has been assessed and ask that the estimate of costs be made available to the community? We also question the appropriateness of deeming land cost prohibitive given Council spent millions to acquire it.**

Clause 3.1.3. Whether disposal of the land would have an unreasonable adverse effect on the amenity or facilities available to the local community; *Tree Management and Protection provisions under Hunter's Hill Council Local Environmental Plan (LEP) apply to the subject land. Any proposed tree removal on the site, is subject to a Tree Removal Development Application.* **These words tell us nothing other than a permit is required to cut down trees. Surely the effect is it no longer will be available for public access.**

Clause 3.1.4. Whether maintenance of the land is beyond Council's reasonable financial capacity; *'Some of these lands have access issues, which adds to costs with maintenance'*. **The response of 'some of these lands' does not identify the huge disparity between 14sm and 527sm?**

We acknowledge this is a difficult site for maintenance by council staff, as is nearby 'Mornington Reserve'. Such areas, however, are becoming ever more popular with bushwalkers and the public at large as green space becomes more and more difficult to find. Providing a stairway, similar to Woolwich Baths would have been a good start. Public access to the waterfront is very limited in Sydney, and we urge Council, wherever possible, to make our waterfront remnant available to community and visitors.

The Sydney Harbour Foreshores and Waterways Area DCP* (p2) applies to all development proposals and requires that *'public access to and along the foreshore should be increased, maintained and improved.* Part 3-22- (c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land.

Heritage Significance

This land was once part of the Mornington Estate. Mornington House was originally built by Arthur & Ada Muddle in 1906 and adjoins Mornington Reserve. In 1911 a Right-of-Way from Vernon St to Lane Cove River was granted by the Muddle family to Balmain New Ferry Company to justify construction of a wharf. The walk way is still used by the public today. Mornington House (16 Vernon Street) was then bought by Harold Meggitt family in 1918 and children Clive, Florence, George and Henry. Mornington (designed by Hunters Hill architect Henry. E. Budden) remained the family home until the Meggitts sold in 1998/99 to the Porters. An Obelisk was erected in 1931 in memory of George Meggitt (Harold's second son) and can still be found today on a rock, the river end of Serpentine Road, adjacent to Mornington overlooking the Lane Cove River.

The progressive sub division of this land into lots across the years is complex to follow. As with all historic homes on the Peninsular both land and river still provides protected scenic views and vistas for everyone to enjoy.

In this area you can still find old stone steps leading to hidden lanes and pathways which continue to form part of the charm and beauty of Hunters Hill. In Covid-19 many residents and visitors discovered little beaches, such as that below 16C Vernon St, rock ledges or green patches of reserve to sit and take in a view along the river, paddle in a sandy beach or bay. It is what makes Hunters Hill historically unique and of heritage significance.

Conclusion

We consider Public Benefit to be very much about the future and would look to support whatever that may be. However, to characterise remnant land at 16C Vernon Street as surplus to the current or future needs of council and the local community and has potential for disposal, is unacceptable.

We feel the assessment didn't adequately identify whether the land is currently used or required for use in the future for community or public recreation purposes. We identify that the land is indeed accessible by the public and can form no view about being 'cost prohibitive' without details of how this might be measured. A new Survey of this area would have been helpful.

Hunters Hill Trust strongly advocates to keep remnant land in public hands, especially foreshore land in the Sydney Catchment area so future generations of Australians can continue to have access, to enjoy and explore their natural history and inheritance.

We believe the potential disposal of land at 16C Vernon Street Lot 31 DP 1040602 to be short sighted and would ask Council to retain such parcels of land that will be of future value to residents and generations to come.

Yours sincerely

Karyn Raisin
President

Hunters Hill Trust

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