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**Ryde - Hunter's Hill Flora and Fauna Preservation Society**

Member of Nature Conservation Council of N.S.W.

**P.O. Box 2127  
Boronia Park 2111**

Mr Barry Smith,  
General Manager,  
Hunters Hill Council Town Hall,  
Alexandra St, Hunters Hill, 2110.

21.10.13

Dear Mr Smith,

Re: Gladesville Shopping Village precinct Development Application (DA 2013-1036)  
("GSDA")

We refer to recent discussions with you in relation to the GSV DA, and thank you for providing the Society with information pertaining to Council's public land assets in a document entitled "**Public Land Inventory 1992**".

We note that the aforementioned document, provided by Council as part of the public consultation process, predates the *Local Government Act 1993* (NSW) ("**LGA**") and does not reflect any of the changes required by that Act.

It is our understanding that any public land vested in Council as at 1 July 1993 that fell within the transitional provisions contained in Schedule 7, clause 6 of LGA were automatically classified as "community land". Given the Society's historical knowledge of the municipality, we are concerned that parcels of land the subject of, and surrounding, the GSV DA may be misappropriated and/or improperly dealt with by reason of improper or unlawful classification.

Council is no doubt aware that the Society is a member of the Nature Conservation Council of NSW and, as such, is concerned, amongst other things, with the protection and proper management of public land within the Hunters Hill municipality. We are unable to obtain any assurance, from the documentation you have provided, that community land has been duly protected in accordance with the LGA.

We are therefore seeking clarification in relation to the parcel or parcels of land that Council is planning to sell, lease or license to the developer of the Gladesville Shopping Village, together with information in relation to public lands immediately surrounding the parcels of lands affected by GSV DA.

The Society is requesting a written response to the following questions. Given that there are two development applications currently on exhibition within the Gladesville Village precinct which may contain public land we seek a response within 14 days:

1. Since 1993, which parcels of public land within the area covered by the GSV DA have been classified or reclassified as “operational”?
2. What Public Hearings were held as part of any classification or reclassification process identified in (1) above and when? What public notification process occurred?
3. Could the Society please be provided with any final reports and/or Council resolutions that recommended, and/or resulted in, the classification or reclassification of public land within the GSV DA as “operational”?
4. What other land holdings does Council have that are outside the subject land under the GSV DA, but within the area covered by the former Hunters Hill Local Environment Plan (Gladesville Village Centre) 2010?
5. What is the current land classification of any public land holdings identified in 4 above? If “operational”, when and how did classification or reclassification occur? If classified as “community”, how have they been categorized?
6. What was the date of sale of the two land parcels (Flagstaff Street Carpark) that now form part of the current “Coles” development?
7. How was motion 418/11, Draft LEP 2012 - Section 64 submission to Department of Planning and Infrastructure (Meeting 28.11.11) acted upon by Mayor Quinn and yourself with specific regard to Point 1(a) and Point 3?
8. Was the property at 10 Cowell St., Gladesville removed from the exhibition of the Draft Hunters Hill Council LEP 2012 due to “a technical or procedural nature” arising from adoption of the Local Environment Plan and Development Control Plan for the Gladesville Village Centre and the subsequent need for Planning Proposal (Department Ref: PP\_2010\_Hunte\_001\_00)?
9. What consideration did Council give to the advice by Tom Gellibrand in the Gateway Determination dated 22.4.2010 regarding the need for any public hearings?

9. Did a Public Hearing accompany the rezoning of 10 Cowell St, Gladesville from 5(A) Special uses - Civic purpose to 3(a) General Business in 2000?

10. What were the conditions of any leases over 10 Cowell St. and how were they authorized? Was a Plan of Management prepared to authorize the lease?

11. Has Council undertaken any current, independent studies of prospective social and community need, including traffic feasibility studies, in relation to the use of public land which could guide any dealings, commercial or otherwise, in relation to any of the public land holdings identified in (1) and (4) above?

The Society is concerned that Council's actions have created the perception of a lack of transparency and disregard for due process, particularly in relation to the management and development of public land within the municipality, for commercial gain.

We seek reassurance that Council has understood its responsibilities under relevant legislation for management of public land and has adhered to the requirements of all relevant legislation.

Yours sincerely,

Cathy Merchant  
President  
RHHFFPS

cc Mayor Quinn, Deputy Mayor Sheil and Councillors Mclaughlin, Miles, Astridge, Bennett and Bird.

The Hon. Brad Hazzard, Minister for Planning and Infrastructure.

The Hon. Don Page, Minister for Local Government.

Mr Richard Li, Gladesville Village Action Group.

Ms Robyn Christie, Hunters Hill Trust.