



# Ordinary Meeting

24 April 2023 at 6.00pm



## ORDER OF BUSINESS

- Attendance, Apologies,  
Declarations of Interests
- 1 Confirmation of Minutes
- 2 Business Arising
- 3 Reports
- 4 Other Business

### *Charter of Respectful Behaviour*

- 1. Comments to be "task" focused + Focus on the issue*
- 2. Actively listen + be attentive*
- 3. Allow others to finish their point*
- 4. Deliver solutions based comments*
- 5. Develop your resilience*
- 6. Be informed + ask questions*
- 7. Seek to understand others*
- 8. Be on time + use time wisely*
- 9. Acknowledge differences or personal circumstances*
- 10. Value each other's contributions*



# HUNTER'S HILL COUNCIL

## ORDINARY MEETING OF COUNCIL

### 24 April 2023

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Nil

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Nil

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- |     |                      |     |
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## COMMENCEMENT

The meeting opened with Acknowledgement of Country and Prayer by Rev'd Michael Armstrong at 5.59pm.

## IN ATTENDANCE

The Mayor Zac Miles, Councillor Elizabeth Krassoi, Councillors Ross Williams, Jim Sanderson, Tatyana Virgara, Julia Prieston and Richard Quinn (joined the meeting via Zoom 8.07pm).

## ALSO PRESENT

Mitchell Murphy (General Manager), Maria Kenny (Director Finance, Procurement and Projects), Annie Goodman (Director Community and Customer Services), Samantha Urquhart (Director Infrastructure and Environmental Sustainability), Rosanna Guerra (Director People and Culture), Shahram Mehdizadgan (Acting Director Town Planning), Jacqui Jones (Manager Communication and Events), Mr Ian Harris (Risk Manager), Sarah Jenkins (Minute-Taker), Jade Reed (Recording), Kieran Metcalfe (Strategic Planner for Item 4.17), Trevor O'Neill (for Item 4.18)

## APOLOGIES

No apologies were received.

## DECLARATIONS OF INTEREST

The Mayor called for Declarations of Interest without response.

## CONFIRMATION OF MINUTES

**032/23** RESOLVED on the MOTION of Councillor Krassoi, seconded Councillor Prieston

1. That the Minutes of Ordinary Meeting No. 4516, held on Monday 27 February 2023 be confirmed.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

## TABLING OF PETITIONS

## PROCEEDINGS IN BRIEF

Nil

## ADDRESSES FROM THE PUBLIC

### PROCEEDINGS IN BRIEF

Refer to items 4.17 and 4.18.

## MOVE ITEM

MOVED on the MOTION of Councillor Sanderson, seconded Councillor Williams

1. That at 06:07 pm Item 4.17 be brought forward to be discussed prior to Item 4.1.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krasso	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

CARRIED UNANIMOUSLY

## 4.17 REPORT ON STATUS OF THE LEP AND DCP REVIEW

### PROCEEDINGS IN BRIEF

Ms Heather Armstrong addressed the meeting.

Dr Alister Sharp addressed the meeting on behalf of the Hunters Hill Trust.

An EXTENSION OF TIME for Dr Sharp was moved by Councillor Sanderson, seconded by Councillor Williams and was CARRIED UNANIMOUSLY.

Mr Mitchell Murphy read a statement from Mr Greg Watson.

Ms Karyn Raisin addressed the meeting.

An EXTENSION OF TIME for Ms Raisin was moved by Councillor Williams, seconded by Councillor Prieston and was CARRIED UNANIMOUSLY.

Ms Suzette Zilic addressed the meeting.



An EXTENSION OF TIME for Ms Zilic was moved by Councillor Sanderson, seconded by Councillor Williams and was CARRIED UNANIMOUSLY.

Mr Robert Hayes addressed the meeting.

**RECOMMENDATION**

1. That the report be received and noted.

MOVED on the MOTION of Mayor Miles :

1. That the report be received and noted.
2. That the mayor writes to the Department of Planning and Environment (DPE) and once confirmed, the new DPE Minister to seek a stay of the new E1 zoning until the completion of the LEP/DCP review.

The MOTION lapsed.

**AMENDED MOTION** MOVED by Councillor Williams and SECONDED by Councillor Sanderson

That Council:

1. Receive and Note the Report with the need to acknowledge that:
  - a. The community meeting of 15 March clearly stated the importance of our tree canopy and garden settings;
  - b. The reference to the "Property Strategy and Community Infrastructure Plan" clearly be identified as draft reports.
2. Resolve to formally request the State Government to defer the implementation of the Government's Employment Zone Reforms to enable Council to adequately consult with its community.
3. Planning processes be reviewed and reported back to the Council to ensure that any future State Environmental Planning Policy (SEPP) is reported formally to the Council and allows for adequate community consultation.
4. To make available to the public all non-confidential documentation and correspondence relating to the communication to the department and other relevant bodies.

**033/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson

That Council:

1. Receive and Note the Report with the need to acknowledge that:

- a. The community meeting of 15 March clearly stated the importance of our tree canopy and garden settings;
  - b. The reference to the “Property Strategy and Community Infrastructure Plan” clearly be identified as draft reports.
2. Resolve to formally request the State Government to defer the implementation of the Government’s Employment Zone Reforms to enable Council to adequately consult with its community.
3. Planning processes be reviewed and reported back to the Council to ensure that any future State Environmental Planning Policy (SEPP) is reported formally to the Council and allows for adequate community consultation.
4. To make available to the public all non-confidential documentation and correspondence relating to the communication to the department and other relevant bodies.

RECORD OF VOTING	
For	Against
Councillor Elizabeth Krassoi	Mayor Zac Miles
Councillor Ross Williams	Councillor Julia Prieston
Councillor Jim Sanderson	
Councillor Tatyana Virgara	

The MOTION on being put to the meeting was CARRIED.

## MOVE ITEM

MOVED on the MOTION of Councillor Sanderson, SECONDED Councillor Williams That at 06:08 pm Item 4.18 be brought forward to be discussed prior to Item 4.1.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

CARRIED UNANIMOUSLY

## 4.18 FIGTREE PARK

## PROCEEDINGS IN BRIEF

Ms Heather Armstrong addressed the meeting.

Mr David Salter addressed the meeting.

An EXTENSION OF TIME for Mr Salter was moved by Councillor Prieston, seconded by Councillor Sanderson and CARRIED UNANIMOUSLY.

Dr Alister Sharp addressed the meeting.

An EXTENSION OF TIME for Dr Sharp was moved by Councillor Williams, seconded by Councillor Sanderson and CARRIED UNANIMOUSLY.

Ms Maureen Flowers addressed the meeting.

An EXTENSION OF TIME for Ms Flowers was moved by Councillor Williams, seconded by Councillor Prieston and CARRIED UNANIMOUSLY.

Ms Merilyn Malloch addressed the meeting on behalf of the Hunters Hill Trust.

**RECOMMENDATION**

1. That Council receive and note the report.
2. That Council endorse either:

Option 1:

That Council withdraws the project from the Public Spaces Legacy Program and write to the Department of Planning, Industry & Environment (DPIE) advising them of Council's decision.

Option 2:

That Council proceeds with the project based on a revised design (as attached) that does not require the removal of any prescribed vegetation.

Councillor Williams moved a motion to amend the original recommendations, which was seconded by Councillor Sanderson, as follows:

That Council:

1. Receive and Note the Report.
2. Acknowledges the advice of the Local Planning Panel in their determination that the council needs to consider the project in its prescient context and that the removal of trees is not in the public interest.
3. Recognises the public concern and is to consider all infrastructure components through the Development Application approval process.

4. Maintains all trees or shrubs prescribed or otherwise identified in the previous refused tree removal DA application.
5. Conduct appropriate drainage works, safety fence, and seating under the grant.
6. Reallocate unused Figtree Park funds to works associated with the Priory or Henley Community Centre and access issues with the agreement of the funding body.
7. Not proceed with the demolition of the dwelling on 48 Gladesville Rd.

RECORD OF VOTING	
For	Against
Councillor Ross Williams	Mayor Zac Miles
Councillor Jim Sanderson	Councillor Elizabeth Krassoi
	Councillor Tatyana Virgara
	Councillor Julia Prieston

The MOTION was NOT CARRIED.

MOVED on the MOTION of Councillor Krassoi, seconded Councillor Prieston that:

Council endorse Option 2 being:

That Council proceeds with the project based on a revised design (as attached) that does not require the removal of any prescribed vegetation.

Councillor Quinn joined the meeting 8.07pm.

Councillor Sanderson proposed an AMENDMENT to the MOTION:

That Council proceeds with the project based on a revised design (like that attached) that will not require the removal of all but vegetation that is essential to remove.

There was no seconder and the amendment to the motion lapsed.

**034/23** RESOLVED on the MOTION of Councillor Krassoi, seconded Councillor Prieston

Council endorse Option 2 being:

That Council proceeds with the project based on a revised design (as attached) that does not require the removal of any prescribed vegetation.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams
Councillor Elizabeth Krassoi	Councillor Jim Sanderson
Councillor Richard Quinn	



Councillor Tatyana Virgara	
Councillor Julia Prieston	

The MOTION on being put to the meeting was CARRIED.

## NOTICES OF MOTION INCLUDING RESCISSION MOTIONS

### 3.1 LOCAL PLANNING PANEL APPOINTMENTS

#### PROCEEDINGS IN BRIEF

#### **RECOMMENDATION**

1. That Council convene a Working Party of all Councillors to report and make recommendations to Council in relation to the appointment of additional Independent Expert Members to serve on Council's Local Planning Panel to enable Council to finalise the appointment of additional Local Planning Panel members at an Extraordinary Meeting of Council to be held in April 2023.
2. That the date of the April 2023 Extraordinary Meeting allow time for the Working Party to report prior to the meeting and allow appointment of any new members of Council's Local Planning Panel before 23 April 2023.
3. That the Working Party be authorised to perform its work utilising Council Staff and resources as required to complete its ultimate function, including:
  - (a) assessing the qualifications, expertise, experience and relevant knowledge of the Municipality of Hunter's Hill and its values, of candidates for Independent Expert membership of the LPP against relevant selection criteria;
  - (b) considering any advice provided by Council Officers;
  - (c) shortlisting suitable candidates; and
  - (d) conducting interviews of potential appointees as appropriate.
4. That information about the process of appointment of additional LPP Independent Experts be published on the Council website.

AMENDMENT MOVED on the MOTION of Councillor Williams, seconded Councillor Sanderson :

1. That Council write to the incoming Minister for Planning, requesting that the LOCAL PLANNING PANELS DIRECTION - APPOINTMENT OF NEW MEMBERS, made on 7 December 2022 by the then Minister for Planning the Hon Anthony Roberts, be repealed before it commences:
  - (a) Expressing concern that the most recent list available to Council of Independent Experts approved by the then Minister to serve on Local

Planning Panels (LPPs), in terms of those included in the list, is no different to the list published on 13 May 2021;

- (b) Noting that Council has undertaken a rigorous process to appoint members to its first LPP in February 2018 and to review and appoint further members to its LPP in April 2022, which has led to a high calibre of panel members with heritage expertise and knowledge of the Municipality of Hunter's Hill;
  - (c) Noting that Council currently has six Independent Experts available to serve on its LPP;
  - (d) Noting that as Council has sought expressions of interest (EOI) from approved Independent Experts to serve on its LPP but has only received five EOI, Council will be unable to 'establish a pool comprising at least 15 independent expert members and alternate members' before 24 April 2023, as directed by the then Minister; and
  - (e) Expressing concern that the appointment of so many additional expert pool members and 'requiring LPP members to be rotated regularly to randomise panel membership', will dilute the high skill base of our experts and deliver inconsistent panel decisions.
2. That Council convene a Working Party of all Councillors to report and make recommendations to Council in relation to the appointment of additional Independent Expert Members to serve on Council's Local Planning Panel to enable Council to finalise the appointment of additional Local Planning Panel members at an Extraordinary Meeting of Council to be held in April 2023.
  3. That the date of the April 2023 Extraordinary Meeting allow time for the Working Party to report prior to the meeting and allow appointment of any new members of Council's Local Planning Panel before 23 April 2023.
  4. That the Working Party be authorised to perform its work utilising Council Staff and resources as required to complete its ultimate function, including:
    - (a) assessing the qualifications, expertise, experience and relevant knowledge of the Municipality of Hunter's Hill and its values, of candidates for Independent Expert membership of the LPP against relevant selection criteria;
    - (b) considering any advice provided by Council Officers;
    - (c) shortlisting suitable candidates; and
    - (d) conducting interviews of potential appointees as appropriate.
  5. That information about the process of appointment of additional LPP Independent Experts be published on the Council website.

Councillor Krassoi left the meeting at 08:21pm. Councillor Krassoi returned to the meeting at 08:24 pm.

Councillor Prieston left the meeting at 08:23pm. Councillor Prieston returned to the meeting at 08:25 pm.

RECORD OF VOTING	
For	Against
Councillor Ross Williams	Mayor Zac Miles
Councillor Jim Sanderson	Councillor Elizabeth Krassoi
	Councillor Richard Quinn
	Councillor Tatyana Virgara
	Councillor Julia Prieston

The MOTION was not carried.

MOTION Proposed by Councillor Krassoi:

That the General Manager contact the Department of Planning to express our intention and to seek advice regarding:

1. That Council write to the incoming Minister for Planning, requesting that the LOCAL PLANNING PANELS DIRECTION - APPOINTMENT OF NEW MEMBERS, made on 7 December 2022 by the then Minister for Planning the Hon Anthony Roberts, be repealed before it commences:
  - (a) Expressing concern that the most recent list available to Council of Independent Experts approved by the then Minister to serve on Local Planning Panels (LPPs), in terms of those included in the list, is no different to the list published on 13 May 2021;
  - (b) Noting that Council has undertaken a rigorous process to appoint members to its first LPP in February 2018 and to review and appoint further members to its LPP in April 2022, which has led to a high calibre of panel members with heritage expertise and knowledge of the Municipality of Hunter's Hill;
  - (c) Noting that Council currently has six Independent Experts available to serve on its LPP;
  - (d) Noting that as Council has sought expressions of interest (EOI) from approved Independent Experts to serve on its LPP but has only received five EOI, Council will be unable to 'establish a pool comprising at least 15 independent expert members and alternate members' before 24 April 2023, as directed by the then Minister; and
  - (e) Expressing concern that the appointment of so many additional expert pool members and 'requiring LPP members to be rotated regularly to

randomise panel membership', will dilute the high skill base of our experts and deliver inconsistent panel decisions.

2. That Council convene a Working Party of all Councillors to report and make recommendations to Council in relation to the appointment of additional Independent Expert Members to serve on Council's Local Planning Panel to enable Council to finalise the appointment of additional Local Planning Panel members at an Extraordinary Meeting of Council to be held in April 2023.
3. That the date of the April 2023 Extraordinary Meeting allow time for the Working Party to report prior to the meeting and allow appointment of any new members of Council's Local Planning Panel before 23 April 2023.
4. That the Working Party be authorised to perform its work utilising Council Staff and resources as required to complete its ultimate function, including:
  - (a) assessing the qualifications, expertise, experience and relevant knowledge of the Municipality of Hunter's Hill and its values, of candidates for Independent Expert membership of the LPP against relevant selection criteria;
  - (b) considering any advice provided by Council Officers;
  - (c) shortlisting suitable candidates; and
  - (d) conducting interviews of potential appointees as appropriate.
5. That information about the process of appointment of additional LPP Independent Experts be published on the Council website.

A report and recommendation be brought to the April Council Meeting.

There was no seconder to the MOTION and the MOTION LAPSED.



## COUNCIL REPORTS

## PROCEDURAL MOTION

**035/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

That items 4.2, 4.4, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.14 and 4.16 of the agenda be moved as a block.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

CARRIED UNANIMOUSLY.

## 4.1 PUBLIC GALLERY ATTENDANCE PROTOCOLS

## PROCEEDINGS IN BRIEF

**036/23** RESOLVED on the MOTION of Councillor Virgara, seconded Councillor Krassoi  
That Council:

1. Adopt the Public Gallery Attendance Protocols document attached to this report (Attachment 1).

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams
Councillor Elizabeth Krassoi	Councillor Jim Sanderson
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED.

## 4.2 SUMMARY OF COUNCIL INVESTMENTS AS AT 28 FEBRUARY 2023

## PROCEEDINGS IN BRIEF

**037/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krasso	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY.

**4.3** DEMOLITION OF A STORAGE SHED, ADJACENT TO HENLEY COTTAGE

## PROCEEDINGS IN BRIEF

## RECOMMENDATION

1. That the report be received and noted.

## AMENDMENT TO THE MOTION

Moved by Councillor Williams and seconded by Councillor Sanderson

1. That the report be received and noted.
2. Council consider the moving of the return and earn facility from its current location to Henley Cottage site.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Elizabeth Krasso
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

**038/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson

The AMENDMENT became the MOTION and was CARRIED.

RECORD OF VOTING	
For	Against

Mayor Zac Miles	Councillor Elizabeth Krasso
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

## AMENDED MOTION CARRIED

## 4.4 RISK MANAGEMENT FRAMEWORK

## PROCEEDINGS IN BRIEF

**039/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krasso	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

## MOTION CARRIED UNANIMOUSLY

## 4.5 NOTIFICATION OF PUBLIC EXHIBITION - ADVERTISING SIGNAGE AND "A-FRAMES" ON ROADS AND PUBLIC PLACES ENFORCEMENT POLICY

## PROCEEDINGS IN BRIEF

**040/23** RESOLVED on the MOTION of Councillor Krasso, seconded Mayor Miles

That Council:

1. Endorse the draft Advertising Signage and "A-frames" on Roads and Public Places Enforcement Policy attached to this report (see Attachment 1).
2. Place the endorsed draft Advertising Signage and "A-frames" on Roads and Public Places Enforcement Policy on public exhibition for a period of not less than 28 days, inviting submissions from the public for 28 days.
3. Receive a further report on the draft Advertising Signage and "A-frames" on Roads and Public Places Enforcement Policy that includes consideration of any submissions made within the time allowed, prior to formal adoption.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams

Councillor Elizabeth Krassoi	Councillor Jim Sanderson
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED

#### 4.6 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN FEBRUARY 2023

##### PROCEEDINGS IN BRIEF

**041/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

#### 4.7 REPORT OF LEGAL MATTERS - FEBRUARY 2023

##### PROCEEDINGS IN BRIEF

**042/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY



## 4.8 COUNCILLOR BRIEFINGS AND WORKSHOPS

## PROCEEDINGS IN BRIEF

**043/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.9 MINUTES OF MEETING FOR THE AUDIT, RISK &amp; IMPROVEMENT COMMITTEE HELD ON 7 DECEMBER, 2022

## PROCEEDINGS IN BRIEF

**044/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the Minutes of the Audit, Risk & Improvement Committee meeting held on 7 December, 2022 be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.10 MINUTES OF THE CONSERVATION ADVISORY PANEL HELD 15 FEBRUARY 2023

## PROCEEDINGS IN BRIEF

- 045/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams  
That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.11 MINUTES OF THE ARTS ADVISORY COMMITTEE MEETING HELD 8 MARCH 2023

## PROCEEDINGS IN BRIEF

- 046/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Virgara
1. That the report be received and noted and that recommendations in the report be adopted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.12 MINUTES OF MOVEMENT AND TRANSPORT ADVISORY COMMITTEE MEETING HELD 21 FEBRUARY 2023

## PROCEEDINGS IN BRIEF

**047/23** RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Krassoi

1. That the report be received and noted and that resolutions in the report be adopted.

Note that the minutes to be updated to reflect the presence of Councillor Sanderson.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

4.13 MINUTES OF THE CULTURAL AND EVENTS ADVISORY COMMITTEE MEETING HELD 6 MARCH 2023

PROCEEDINGS IN BRIEF

**048/23** RESOLVED on the MOTION of Councillor Prieston, seconded Councillor Virgara

1. That the report be received and noted and that recommendations in the report be adopted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.14 MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE

## PROCEEDINGS IN BRIEF

**049/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

## 4.15 MINUTES OF HUNTERS HILL LOCAL TRAFFIC COMMITTEE MEETING HELD 16 MARCH 2023

## PROCEEDINGS IN BRIEF

**RECOMMENDATION**

- That the report be received and noted and that resolutions in the report be adopted.

AMENDMENT MOVED on the MOTION of Councillor Sanderson, seconded Councillor Williams that:

1. The Report be received and noted.
2. The resolutions in the report be deferred.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

**050/23**

RESOLVED on the MOTION of Councillor Sanderson, seconded Councillor Williams

The AMENDMENT became the MOTION and was CARRIED.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

THE AMENDED MOTION WAS CARRIED UNANIMOUSLY

#### 4.16 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD 16 MARCH 2023

##### PROCEEDINGS IN BRIEF

**051/23** RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted and that recommendations in the report be adopted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Councillor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

MOTION CARRIED UNANIMOUSLY

##### GENERAL BUSINESS

Councillor Virgara thanked Hunters Hill residents that volunteered on State Election day of 14 March 2023 and those residents who stood for election, notably Heather Armstrong, a long standing member of the Bushland Committee. Councillor Virgara also congratulated Anthony Roberts on his re-election.

QUESTIONS WITH OR WITHOUT NOTICE

Councillor Williams submitted four written questions without notice to the General Manager.

CONCLUSION

The meeting concluded at 9.08pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4517 held on 27 March 2023.

.....  
Councillor Zac Miles  
MAYOR

.....  
Mitchell Murphy  
GENERAL MANAGER

<b>ITEM NO</b>	: 2.1
<b>SUBJECT</b>	: MAYORAL MINUTE: PETER O'MEARA - PAPAL HONOUR
<b>STRATEGIC OUTCOME</b>	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
<b>ACTION</b>	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
<b>REPORTING OFFICER</b>	: MAYOR ZAC MILES

Ref:633704

**PURPOSE**

To acknowledge local resident Peter O'Meara, who received a Papal Honour of the Knight of St Gregory the Great.

**RECOMMENDATION**

1. That the report be received and noted.
2. That a letter of congratulations be forwarded to Peter O'Meara.

**REPORT**

Local resident Peter O'Meara received a Papal Order of Knighthood from the Vatican -The Knight Commander's Cross of the Order of St Gregory the Great, from Pope Francis through Sydney's Archbishop Anthony Fisher OP. This is the fourth highest award that is presented by the Vatican.

The Papal Honour was presented to Peter on the 22 March 2023 surrounded by his family and friends. The award was presented in recognition of his extraordinary legacy as a faithful Catholic layman, his tireless promotion of the Corporal Works of Mercy and his lifetime of service to the Church and the wider community.

As a recently retired chief executive officer of Catholic Cemeteries and Crematoria, Peter's honour recognises more than a decade of tireless advocacy in the corporate and political sphere, advocating the Church's mission in ensuring everyone has a dignified faith-based funeral and burial and access to grief support at a reasonable cost.

**FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact on Council's adopted budget as a result of this report.

**ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

**SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

**RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

**ATTACHMENTS**

There were no attachments to this report.



<b>ITEM NO</b>	: 3.1
<b>SUBJECT</b>	: EXPENDITURE FOR FIGTREE PARK PROJECT
<b>STRATEGIC OUTCOME</b>	: NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PROTECTED AND ENHANCED
<b>ACTION</b>	: MANAGE AND MAINTAIN PARKS AND RESERVES
<b>REPORTING OFFICER</b>	: CR ROSS WILLIAMS

Ref:633730

We the undersigned Councillors wish to move the following Notice of Motion at Ordinary Meeting 4518 on 24 April 2023:

Cr Ross Williams

Cr Jim Sanderson

Date: 13 April 2023

Date: 13 April 2023

### RECOMMENDATION

That the General Manager provide a report to Council, itemising all expenditure and expenditure commitments to date and projected costs to complete the Figtree Park Project. That the report include:

1. The original grant application budget.
2. The approved grant budget.
3. The following expenditure and estimates for the project:
  - (a) the cost of the "Participation/Consultation" processes, noting that contractors were used;
  - (b) the cost of the initial indicative design work;
  - (c) the cost of the Scott Carver more detailed designs, and revisions;
  - (d) The cost of the "3D walk-through" video;
  - (e) The cost of the external arborist reports;
  - (f) The cost of attendance by consultants at meetings with Council and the LPP;
  - (g) The cost of Council staff time and incidentals associated with the scheme (signage, etc); and
  - (h) The cost of services provided but yet to be charged.

4. That this Report be provided to Councillors within two weeks of this meeting of Council.
5. That the Report be publicly available, with redactions limited to commercially sensitive tender information.

## **ATTACHMENTS**

There were no attachments to this report.

<b>ITEM NO</b>	: 4.1
<b>SUBJECT</b>	: ELECTION OF DEPUTY MAYOR
<b>STRATEGIC OUTCOME</b>	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
<b>ACTION</b>	: DELIVER PROFESSIONAL DEVELOPMENT OPPORTUNITIES
<b>REPORTING OFFICER</b>	: MITCHELL MURPHY

Ref:633502

**PURPOSE**

To elect a Deputy Mayor to fill the position, with the period to be determined by the Council.

When a Deputy Mayor is elected by the Council, it shall be done in accordance with the Local Government Act 1993 - S231 and the Local Government (General) Regulation 2005 - Schedule 7.

The Mayor will hand the meeting over to the Returning Officer for the election of a Deputy Mayor.

**RECOMMENDATION**

1. That Council determine the length of the Deputy Mayor term.
2. That Council confirm that the method of voting for the election of Deputy Mayor be open voting, if more than one nomination is received.
3. That Council elect a Deputy Mayor.

**BACKGROUND**

Council resolved at an Extraordinary Meeting on 10 January 2022:

*RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krassoi*

1. *That the term of the Deputy Mayor be until the first ordinary meeting of 2023.*
2. *That open voting be used for the election of Deputy Mayor, if more than one nomination is received.*

As the resolved time period for the current term of the Deputy Mayor has now passed, Council is required to elect a Deputy Mayor for a period to be determined by Council.

**REPORT**

Council is required to determine the term of the Deputy Mayor. (See Attachment 1 - Local Government Act 1993 - S231). The term can be for the Mayoral term or a shorter term. Nominations for election must be made in writing by 2 or more councillors (one of whom may be the nominee), and include the consent of the nominee.

Nomination forms were distributed electronically to Councillors on 18 April and were required to be delivered to the General Manager, as the Returning Officer for the election, by 12 noon on the day of the Ordinary Meeting on 24 April 2023.

Under the Local Government (General) Regulation 2005 - Schedule 7, if more than one Councillor is nominated, the Council must resolve whether the election is to proceed by:

- preferential ballot
- ordinary ballot
- open voting

Ordinary and preferential ballots are secret ballots. Open voting means voting by show of hands.

Should a ballot be required, it is to be conducted in accordance with the procedures contained in Schedule 7.

Council resolved at an Extraordinary Meeting on 10 January 2022 to use open voting for that election of Deputy Mayor. It is recommended in this report that open voting again be used, if more than one nomination is received.

**CONCLUSION**

Nomination forms for the position of Deputy Mayor were distributed to Councillors. The form was required to be completed and returned to the General Manager, as the Returning Officer, prior to the election.

**FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact on Council's adopted budget as a result of this report.

**ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

**SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

**RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

**ATTACHMENTS**

1. Local Government Act 1993 - S231 - Deputy mayor [↓](#)
2. Local Government (General) Regulation 2005 - Clause 394 - Election of mayors by councillors [↓](#)
3. Schedule 7 - Election of mayor by councillors [↓](#)

**Local Government Act 1993****S231 Deputy mayor**

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

**LOCAL GOVERNMENT (GENERAL) REGULATION 2005****Clause 394 Election of mayors by councillors**

If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.

**SCHEDULE 7 ELECTION OF MAYOR BY COUNCILLORS****Part 1 Preliminary****1 Returning officer**

The general manager (or a person appointed by the general manager) is the returning officer.

**2 Nomination**

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

**3 Election**

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause -

**ballot** has its normal meaning of secret ballot.

**open voting** means voting by a show of hands or similar means.

**Part 2 Ordinary ballot or open voting****4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

**5 Marking of ballot-papers**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 of this Regulation as if it were a ballot-paper referred to in that clause.



- (3) An informal ballot-paper must be rejected at the count.

**6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

**7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

**Part 3 Preferential ballot**

**8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

**9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause, **absolute majority**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

**11 Tied candidates**

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

**Part 4 General**

**12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

**13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor is -

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.

<b>ITEM NO</b>	: 4.2
<b>SUBJECT</b>	: TELSTRA LEASE RENEWAL - 22 ALEXANDRA ST, HUNTERS HILL
<b>STRATEGIC OUTCOME</b>	: ECONOMIC GROWTH IS FACILITATED THROUGH COLLABORATION WITH COMMUNITY, GOVERNMENT, SECTOR AND PRIVATE PARTNERS
<b>ACTION</b>	: DELIVER A PROPERTY STRATEGY THAT SUPPORTS LONG-TERM FINANCIAL SUSTAINABILITY AND THE CREATION OF LIVEABLE PLACES
<b>REPORTING OFFICER</b>	: MARIA KENNY

Ref:633363

**PURPOSE**

To approve a five-year lease renewal (with 3 options of 5 years) to Telstra Corporation Ltd, for co-located telecommunications facility on Council's premises at 22 Alexandra Street, Hunters Hill. The lease would commence on 1 June 2023, and would be on similar terms and conditions as the current lease agreement.

**RECOMMENDATION**

1. Council enters into a five-year lease with Telstra Corporation Ltd (with 3 options of 5 years each), for co-located telecommunications facility on Council's premises at 22 Alexandra Street, Hunters Hill on terms as contained within this report.
2. That the General Manager receive delegated authority to execute the Lease Agreement.

**BACKGROUND**

Council has antennae equipment located on the roof of its Town Hall and Administration Building. The use of this roof space is leased on a commercial basis.

The term of the existing lease was 18 years in duration and will expire on 31 May 2023. Under the current Agreement the rental offered was \$22,050 per annum, with 5% annual increase.

**REPORT**

Telstra is seeking to renew the existing agreement under the following terms:

Licence fee:	\$31,000 00 pa gross
Review:	3% per annum
Term:	5 years
Further term:	3 options of 5 years each
Commence:	1 June 2023
Legal costs:	Telstra to reimburse your reasonable legal costs capped to \$1,000.00 plus GST

At **attachment A** is a commercial rental market valuation which was commissioned to benchmark the offer by Telstra, with similar telecommunications leases in the surrounding area.

The valuation confirms that this is reasonable offer in the current market.

The report provides a rental range which is being achieved for similar leases, noting that lower rental income is available for lower density established areas such as Hunters Hill, in comparison with higher density residential areas which service greater population sizes.

The key difference of this lease offer, in comparison to the existing agreement, is that the annual review increase being offered is 3%, instead of 5%. In consideration of evolving diversified technology options that are now available since the inception of the original agreement in 2005, the 3% increase is considered appropriate.

Telstra upon renewal of expired telecommunications leases, as a standard term and condition, are offering 2.5% review terms. Only higher density locations, which are able to generate higher profits for telecommunications providers are now able to achieve 4% or 5% increases.

All other terms and conditions of the existing agreement remains unchanged.

## **CONCLUSION**

It is recommended based on the market valuation and analysis undertaken, that Council accepts Telstra's offer as contained within this report, and renews the lease for 5 years (with 3 by 5 year options).

## **FINANCIAL IMPACT ASSESSMENT**

Discontinuation of the existing lease would impact budgeted revenue until a replacement income source was identified.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

## **SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

## **RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

## **ATTACHMENTS**

1. Rental Market Assessment and Valuation [↓](#)



National Valuation Group Pty Ltd  
ABN 93 658 855 906 ACN 646 874 802

## RENTAL ASSESSMENT

22 Alexandra Street  
HUNTERS HILL NSW 2110 AU



**INSTRUCTIONS BY:** Hunters Hill Council

**ATT:** Maria Kenny

**PREPARED BY:** DANIEL LEWIS  
CERTIFIED PRACTISING VALUER  
Australian Property Institute Member  
Licensed Valuer No. 66351

**INSPECTING VALUER:** ANTHONY DAHER

**DATE OF INSPECTION:** 14 March 2023

**DATE OF ASSESSMENT:** 14 April 2023


**OUR REF:** VQLD 97340 HUNTERS HILL V2

T: (02) 8599 9863 E: [valuers@valuationsnsw.com.au](mailto:valuers@valuationsnsw.com.au)  
W: [www.valuationsnsw.com.au](http://www.valuationsnsw.com.au)

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## EXECUTIVE SUMMARY

<b>Address:</b>	<b>22 Alexandra Street, Hunters Hill NSW 2110</b>
<b>Purpose:</b>	Market Rental Assessment for new lease.
<b>Interest Valued:</b>	Leasehold interest.
<b>Certificate of Title Details:</b>	Lot: 465 DP: 1089713, Lot: 2 DP: 585740, Lot: 2 DP: 615620 Lot: 3 DP: 76902
<b>Registered Owners:</b>	Hunters Hill Municipality Council
<b>Encumbrances:</b>	Certificate of Title not searched, as instructed.
<b>Last Sale Date:</b>	Nil
<b>Zoning:</b>	SP2 Infrastructure
<b>Description of Property:</b>	A co located telecommunications antennae fixed to the roof of the Hunters Hill Town Hall. Equipment, based on the provided specifications includes three H3GA panel antennas (APXV18-206517LS) with corresponding RF screen shrouding and a parabolic antenna affixed to multiple locations on the roof, with conduit leading to an infrastructure box via 450W, 300W and 150W cable trays.
<b>Comments:</b>	A co located telecommunications antennae fixed to the roof of the Hunters Hill Town Hall.
<b>Date of Rental Assessment:</b>	14 April 2023
<b>Date of Inspection:</b>	14 March 2023
<b>Current Market Rental Value:</b>	<b>\$31,000</b> <i>(Thirty-One Thousand Dollars)</i> <i>(Excluding GST)</i>
	<b>VALUATIONS NSW</b>
	
	<b>DANIEL LEWIS AAPI</b> Certified Practising Valuer Australian Property Institute Member Licensed Valuer No. 66351
Our Ref: VNSW 97340 HUNTERS HILL	



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## **INSTRUCTIONS**

Valuations NSW has been instructed by Maria Kenny from Hunters Hill Council to undertake a rental assessment of the co located telecommunications facility erected on Hunters Hill Town Hall located at 22 Alexandra Street, Hunters Hill NSW 2110.

Valuations NSW confirm the client agrees that the signing valuer is not required to inspect the property and has read and understood the commercial risks appended in this report section 11.3 of the API code of conduct.

## **PUPROSE OF RENTAL ASSESSMENT**

The rental assessment is to determine Fair Market Rent for the use of the related antennae equipment to be leased to a third party and Hunters Hill Council.

## **DATE OF INSPECTION**

The inspecting valuer Anthony Daher inspected the property on the 14 March 2023

Daniel Lewis has been provided with the inspecting valuers field notes, leases and photographs and undertaken the rental assessment without the benefit of an inspection. The reader should review the general comments section confirming the commercial risks associated with no valuers inspection.

## **DATE OF RENTAL ASSESSMENT**

As per the provided instructions we have Valued the subject property as of the 14 April 2023

The valuer has been provided with the following documents from the inspecting valuer:-

- Time and date stamped photos of the antennae areas
- Lease
- Survey plan showing location of antennae.
- Comparable evidence.





## SITE DESCRIPTION

The site is Hunters Hill Town Hall. The specific site of the associated co-located equipment and leased area is located on the roof area.



Co Located equipment, based on the provided specifications includes three H3GA panel antennas (APXV18-206517LS) with corresponding RF screen shrouding and a parabolic antenna affixed to multiple locations on the roof, with conduit leading to an infrastructure box via 450W, 300W and 150W cable trays.

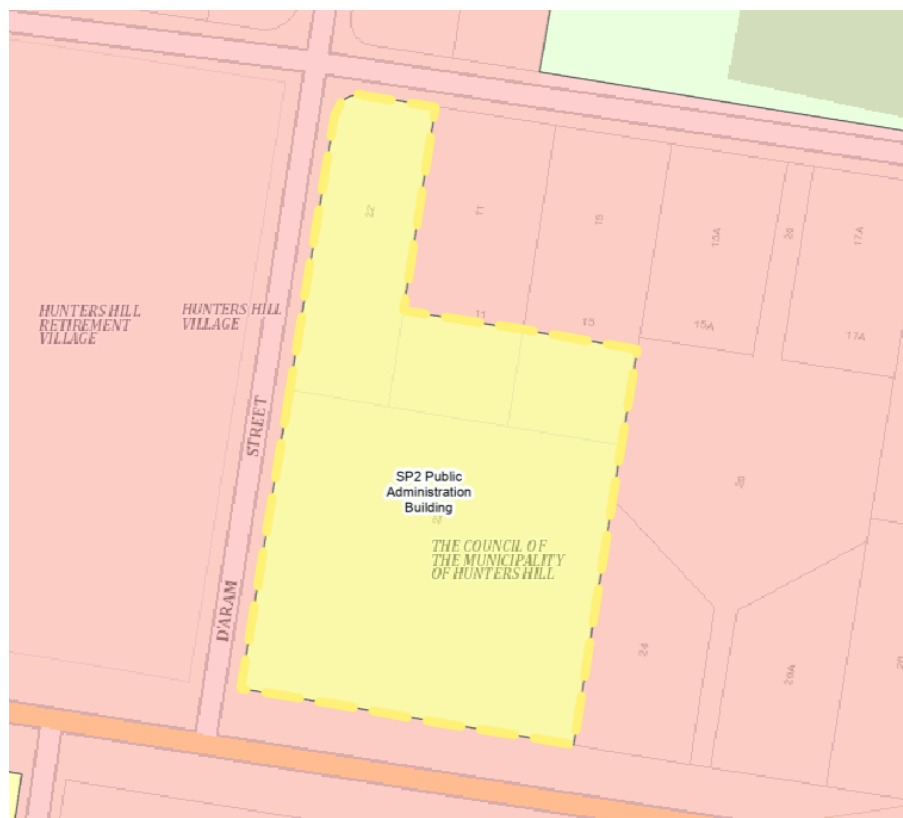
### LEGAL DESCRIPTION (Parent site)

Lot: 465 DP: 1089713, Lot: 2 DP: 585740, Lot: 2 DP: 615620, Lot: 3 DP: 76902



### TOWN PLANNING

The subject site is located within an area zoned SP2 Infrastructure (Public Administration Building) under the provisions of the Hunters Hill Local Environmental Plan 2012.



The purpose of the zone is to provide for infrastructure and related uses, prevent development that is not compatible with or that may detract from the provision of infrastructure and facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

### ENVIRONMENTAL CONSTRAINTS

At the time of inspection, we have not been made aware of any environmental factors or issues regarding potential site contamination, however, if such factors are raised at a later date, then we reserve the right to review the rental assessment.

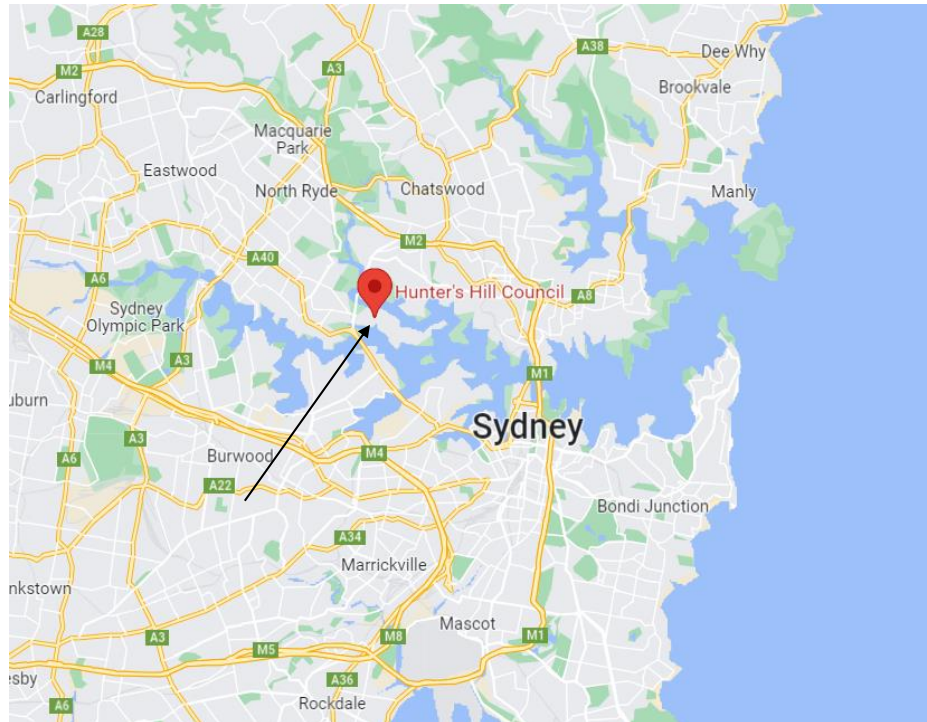
### SERVICES

Standard town services are either connected or available for connection to the site.



## LOCATION

The subject site is located in Hunters Hill which is an established suburb on the outskirts of Sydney City. Hunters Hill is located approximately 7 kilometres northwest of the Sydney CBD. The population of Hunters Hill at the 2021 census was 13,591.



The subject site is situated adjacent to the Twilight Aged Care Hunters Hill Village.

Hunters Hill Shopping Precinct is located within an approximate 1 kilometre radius.

The surrounding development consists of a mix of 'Low Density Residential' zoned dwellings of varying accommodation and age.

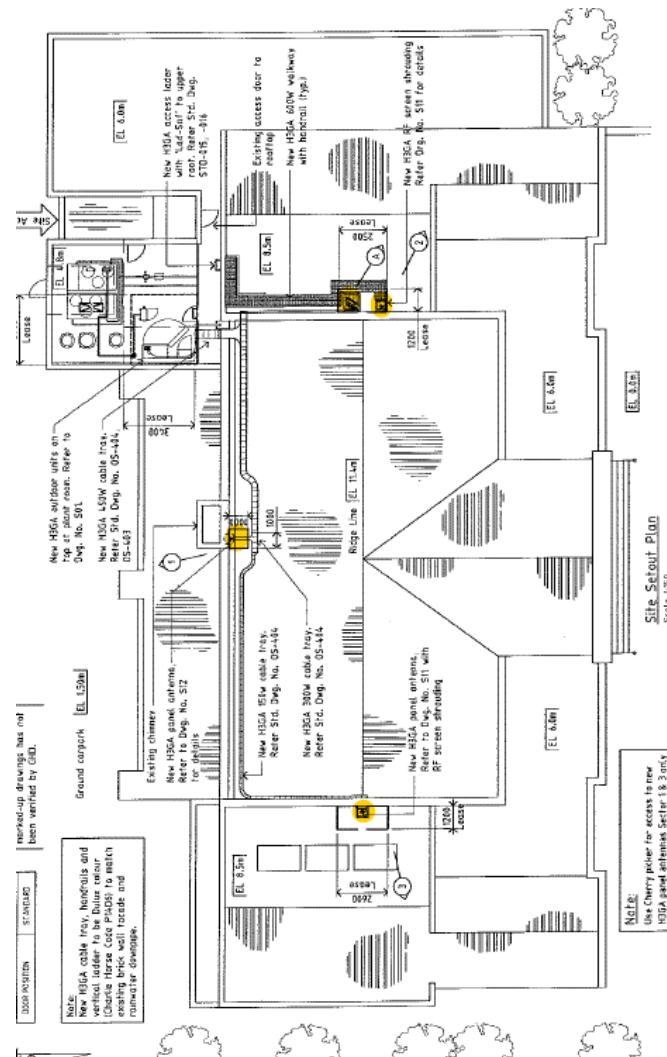
Due to the location, public transport is readily available.

The main access road for the area is the Victoria Road.

Access to the site is available via D'Aram Street and Alexandra Street.

## LEASE AREA

The location of each antenna is shown below in yellow.





## MARKET EVIDENCE

### RENTAL EVIDENCE

Address: 1-7 Jordan Street, Gladesville NSW  
 Rental Per Annum: **\$59,581.56**  
 Commencement Date: 12 July 2024

Commentary:  
 The lease consists of a co-located antenna within the suburb of Gladesville having a reported population of 11,827 people in 2018. The property is owned by The Owners – Strata Plan No. 69134 and leased to Telstra Corporation Limited for a passing rent of \$59,581.56 per annum.

Address: 1-7 Jordan Street, Gladesville NSW  
 Rental Per Annum: **\$40,786.58**  
 Commencement Date: 1 April 15

Comparison Commentary:  
 The lease consists of a co-located antenna within the suburb of Gladesville having a reported population of 11,827 people in 2018. The property is owned by The Owners – Strata Plan No. 69134 and leased to Vodafone Network Pty Ltd. for a passing rent of \$40,786.58 per annum.

Address: 16D Joubert Street, Hunters Hill NSW  
 Rental Per Annum: **\$35,329.64**  
 Commencement Date: 12 November 2019

Comparison Commentary:  
 The lease consists of a co-located antenna within the suburb of Hunters Hill having a reported population of 13,591 people in 2018. The property is owned by David Rainy Macdonald & Sound Investments Pty Limited and leased to Vodafone Network Pty Ltd for a passing rent of \$35,329.64 per annum.

Address: Kotara Park, Abuklea Road, Marsfield NSW  
 Rental Per Annum: **\$33,765.25**  
 Commencement Date: 1 July 2019

Gross Lettable Area:  
 Rental Rate per m<sup>2</sup> of Building Area:  
 Comparison Commentary:  
 The lease consists of a co-located antenna within the suburb of Marsfield having a reported population of 12,614 people in 2016. The property is leased to Telstra and Amplitel for a passing rent of \$33,765.25.



Address: ELS Hall Park, Kent Road, North Ryde  
NSW  
Rental Per Annum: **\$38,835**  
Commencement Date: 1 July 2021  
Gross Lettable Area:  
Rental Rate per m<sup>2</sup> of Building Area:  
Comparison Commentary:  
The lease consists of a co-located antenna within the suburb of North Ryde having a reported population of 10,860 people in 2016. The property is leased to Optus and ATN for a passing rent of \$38,835.

## MARKET COMMENTARY

The Australian Telecommunications sector is unique compared to other utility providers in that over the last two decades customers have been provided with an ever-increasing supply of telecommunications services at a lower unit cost year on year. Profit margins have reduced; however, costs have escalated due to increases in network size, spectrum costs and annual operating costs, most particularly site lease rentals.

In regard to Sydney Metro Telco service facilities, i.e., the subject site, the market is well established with existing providers and infrastructure. As new residential and commercial areas are developed, and new technology becomes available (5G) the perceived profit/population demands higher rents.

SCAX sites, which also provide a guide for rental assessment purposes, are transmission links to a central telephone exchange for Telstra's fixed line network. The facilities generally service remote or geographically isolated communities, with a limited number of customers, where the use of a microwave link is preferred due to topographical constraints or extreme distances where installing a copper cable was impractical. It is considered "dated technology" and is now generally in line with the Commonwealth requirements as a community service.



## RENTAL ASSESSMENT APPROACH

In arriving at a rental assessment for the subject premises, we have investigated and analysed the available leasing evidence within the Hunters Hill area, from which we have drawn our conclusions. We have used the direct comparison approach whereby we have considered similar recent telecommunications leases within similar locations.

In addition to the evidence examined, our investigations have included enquiries to local council property managers (Ryde City Council) who have recently negotiated new leases for fixed and stand-alone telecommunications tower ground leases.

Based on the available rental evidence of both monopole, roof top and lattice facilities the market rental evidence ranges overall from **\$33,765.25** through to **\$59,581.56** depending on the location.

From this market rental evidence **Co-location** passing rentals range from **\$33,765.25** to **\$59,581.56**.

Our analysis of market rental evidence reflects a lower rent is achieved for less populated localities whereby more established residential areas were achieving far higher rents. Hunters Hill is considered a suburb with standard residential density and lesser medium density and high-density development. This confirms the current rent falls towards the lower end range of the body of leasing evidence.

Hunters Hill is a well-established residential suburb with some future residential development likely to increase the population of the Hunters Hill LGA as gentrification continues.

### **Summary**

In relation to the subject property, we consider the current market effective net rental value to be **\$31,000 (Thirty One Thousand Dollars)** per annum net (exclusive of GST and outgoings) based on a five (5) year term with 3 x five (5) year options.



## SUMMARY

After considering all the above factors including the market evidence analysed, I hereby assess the current market rental as at 14 March 2023 excluding GST and outgoing for the premises known as 22 Alexandra Street Hunters Hill NSW to be in the amount of:

**\$31,000**

### **THIRTY ONE THOUSAND DOLLARS PER ANNUM**

Excluding GST and outgoing based on a five (5) year term with 3 x five (5) year options.

A handwritten signature in black ink, appearing to read "Daniel Lewis".

Daniel Lewis AAPI

Certified Practising Valuer

Licensed Valuer No. 66351





## DISCLAIMERS

This rental assessment is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this rental assessment.

The real estate market fluctuates and is likely to demonstrate activity, which cannot be accurately forecast. Except as may be specifically nominated, no liability is extended to the addressee or any other person for events which have occurred or will occur subsequent to the date of rental assessment which may affect the value of the property or properties the subject of this report.

Also, we must state that neither the whole nor any part of this rental assessment report, or any reference thereto may be included in any published document, circular or statement, nor published in part or in full in any way without written approval of Valuations NSW of the format and context in which it may appear.

### **Commercial Risk – Signing valuer - No inspection.**

The signing valuer has been provided an instruction to carry out a rental assessment without an inspection requirement from their client. The valuer has been provided with inspection notes, photos and documents from an inspecting 3<sup>rd</sup> party to the site.

It is assumed that Valuations NSW have confirmed this specific requirement in writing and our rental assessment is based on **no inspection being required for the signing valuer, by the client.**

As per the Australian Property Institute (API) Rules of Professional Conduct, section 11.3 applies to our instruction to provide a valuation of the subject property:

*If the asset is not fully and personally inspected by the Valuer or only subject to a limited or restricted inspection, in accordance with the written instructions from the client or the client representative, the Valuer must disclose in the valuation report, opinion or advice:*

*(a) The extent of the restricted or limited inspection undertaken; and*

*(b) that the property was not personally inspected by the Valuer or only subject to a limited or restricted inspection in accordance with the written instructions from the client or the client's representative; and*

*(c) the effect that non-inspection or a limited or restricted inspection may have on the valuation provided.*

To ensure the valuer has provided full disclosure we make comments below on the API Rules of Professional Conduct.

Part (a) The extent of the limited inspection has been no inspection from the signing valuer. We have however been provided with information from an inspection carried out by Anthony Daher APPI CPV

Part (b) The property was not physically inspected by the signing valuer. Not the leasing evidence in accordance with our instructions from Hunters Hill Council.



Part (c) The effect that non internal inspection has on the valuer is considered moderate to high as there were clear photographs, schematic diagrams and leases provided to the valuer. It is possible the signing valuer's assessment could be incorrect or fall outside 15-25% variance.



## **ENCLOSURES**

**Photographic Appendix**

**Letter of Instruction**

**Hutchison Telecom Drawing Schedule**

**PHOTOGRAPHS:**

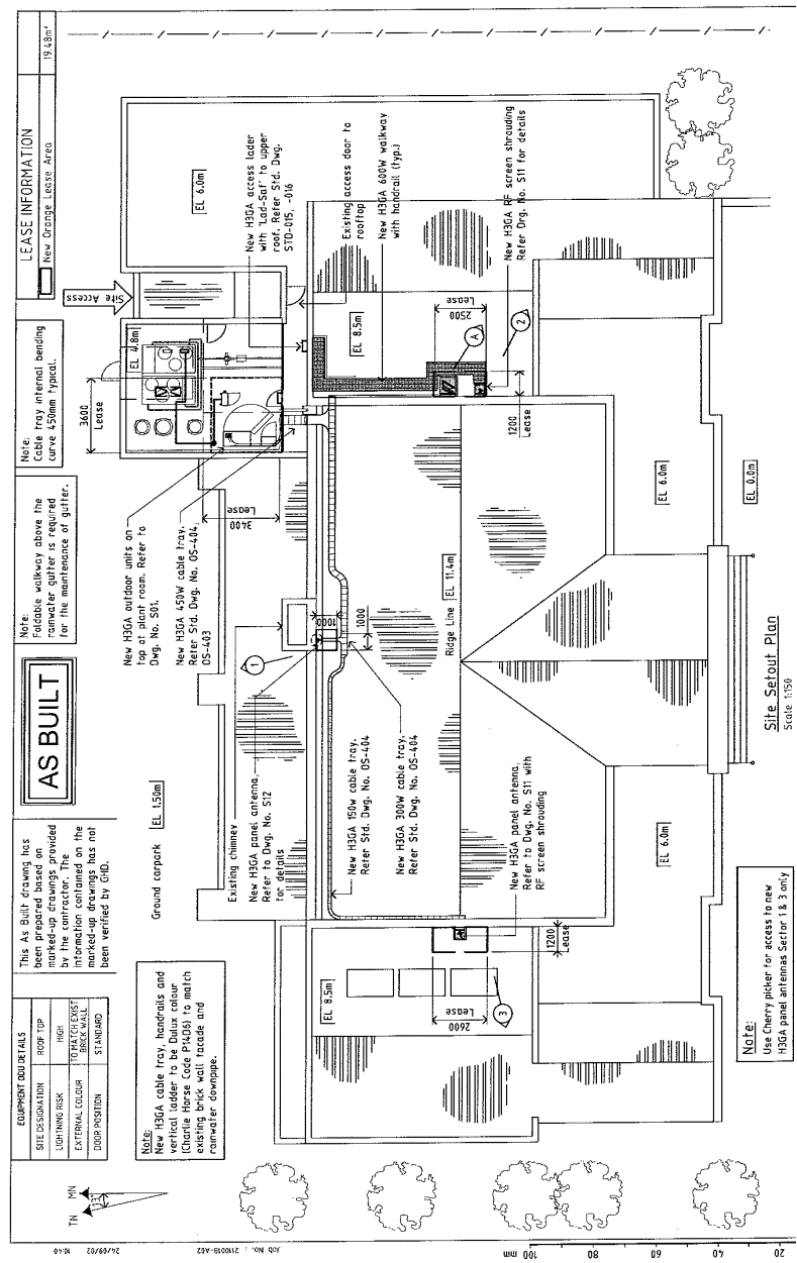
**LETTER OF INSTRUCTION:****VALUATION INSTRUCTION SHEET**

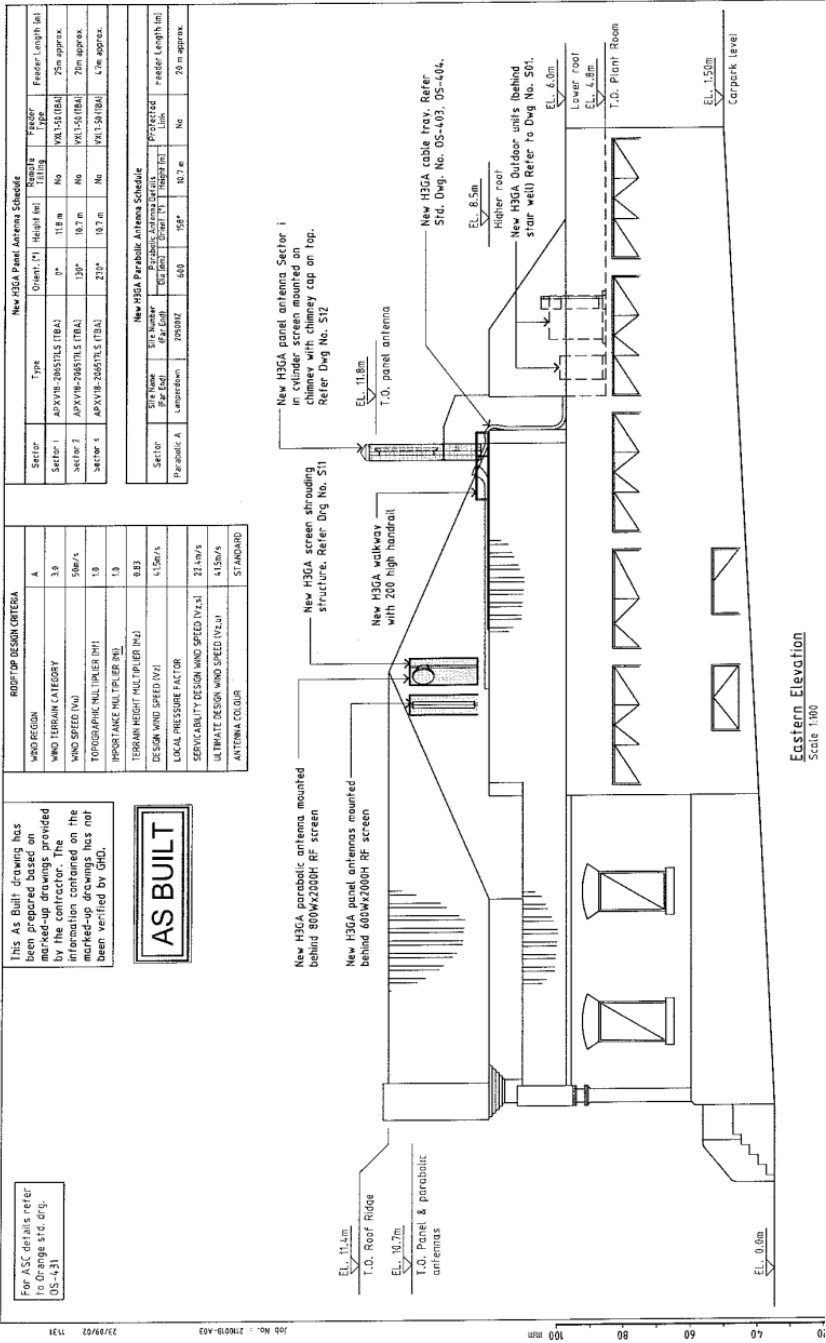
booked

**DATE: #** 06/04/2023  
**VALUER:** No Valuer Yet  
**INVOICE NUMBER:** 97340  
**CLIENT'S NAME:** Maria Kenny  
**COMPANY NAME:**  
**CLIENT'S TEL:** M: (041) 656-6875  
**CLIENT'S EMAIL:** [kennym@huntershill.nsw.gov.au](mailto:kennym@huntershill.nsw.gov.au)  
**INSPECTION DATE/TIME:** 11/04/2023 01:00 PM  
**EXTERNAL/INTERNAL:** Internal  
**PURPOSE:** Rent Review  
**PROPERTY TYPE:** commercial  
**CMV/RETRO:** Current Market  
**VALUATION DATE 1:**  
**VALUATION DATE 2:**  
**REPORT TYPE:** Long Form  
**PROPERTY ADDRESS:** 22 Alexandra Street, Hunters Hill, NSW  
**ESTIMATED VALUE:**  
**FEE:** \$7150 plus GST  
**REPORT PROMISED BY:** 21/03/2023 04:00 PM  
(Client is expecting report on this date)  
**CONTACT FOR ACCESS:**  
**EXPECTATION:**  
**COMMENTS:** Inspection Notes and Images can be provided



Hutchison Telecoms Drawing Schedule:





<b>ITEM NO</b>	: 4.3
<b>SUBJECT</b>	: QUARTERLY BUDGET REVIEW AS AT 31 MARCH, 2023
<b>STRATEGIC OUTCOME</b>	: COUNCIL IS FINANCIALLY SUSTAINABLE
<b>ACTION</b>	: PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG TERM FINANCIAL PLAN
<b>REPORTING OFFICER</b>	: MARIA KENNY

Ref:633445

**PURPOSE**

Under Integrated Planning and Reporting requirements, the Responsible Accounting Officer must prepare a Quarterly Budget Review Statement for Council. Actual results for the quarter are assessed to determine the need for revisions to the original budget.

**RECOMMENDATION**

1. That the report be received and noted.
2. That variations to the FY2022-23 operational and capital budget, as outlined in this report, be adopted.

**BACKGROUND**

Council is required to prepare a Budget Review Statement each quarter, in accordance with Clause 203 (1) of the Local Government (General) Regulation 2021. This report is prepared for the period ending 31 March 2023.

**REPORT**

The Budget is comprised of two components:

- Operational budgets which are recorded in Council's Annual Income and Expenditure Statement.
- Capital budgets, where spend on new and/or asset renewal projects are recorded in Council's Balance Sheet (maintenance of civic assets, and corresponding depreciation costs are recorded in the annual Income and Expenditure Statement).

Council's original budget for FY2022-23 provided for an operational surplus of \$3,222,438 and a net operating deficit result before capital items of (\$1,974,863). The original operational budgeted surplus is inclusive of grant income that was to be recognised this financial year for the expected completion of the Upgrade of Gladesville Reserve project and Public Spaces Legacy Program – Figtree Park.

As a result of revised budget variations for this quarter, it is projected that the net operating surplus from continuing operations of \$3,049,526 reported in the December 2023 quarter is



expected to return an operating deficit of (\$217,021), and a net operating deficit result before capital items of (\$2,228,822).

This change in budget position from a surplus to a deficit result, is primarily due to Council not expecting to complete construction of the Figtree Park and Upgrade of Gladesville Reserve until next financial year.

Changes in the Accounting Standard *AASB 1058 Income for Non-profit Entities* requires that the deferral of any capital grant income received is only recognised when Council is able satisfy contractual performance obligations. Therefore, as at 30 June 2022, capital grant funding received to date, will need to be recognised as a grant liability in the Balance Sheet.

### Income and expense statement

The following adjustments to the budgeted Income and Expense Statement are required:

<b>Movement</b>	<b>Income</b>
<i>Increase</i>	User fees & charges – \$110,000 <ul style="list-style-type: none"> <li>Sporting field hire, works zone, mini skips &amp; construction certificate fee income is forecasted to be higher than originally budgeted.</li> </ul>
<i>Increase</i>	Other Revenues - \$113,000 <ul style="list-style-type: none"> <li>Parking fines (43K) and licence income at Boronia Park (70K) are forecasted to be higher than originally budgeted.</li> </ul>
<i>Increase</i>	Grants and contributions - Operating - \$61,000 <ul style="list-style-type: none"> <li>Council has secured \$559,307 from Transport for NSW for Regional and Local Roads Repair Program for pot hole repairs. \$25,000 will be recognised this financial year, to match the forecasted amount to be spent by 30 June. The remaining balance of the grant will be treated as receipt in advance for income recognition in the next financial year.</li> <li>\$36,000 additional grant funding has been secured for Bushcare Programs.</li> </ul>
<i>Decrease</i>	Grants and contributions - capital – (\$3,346,500) <ul style="list-style-type: none"> <li>Council is forecast to receive 290k additional income from s7.12 contributions.</li> <li>However, \$3.76m of capital grant income from the following projects will be transferred to the balance sheet as a grant liability, as these projects will not be completed until next financial year including Bedlam Bay and Upgrades to Gladesville Reserve.</li> </ul>
<b>Movement</b>	<b>Expenses</b>
<i>Increase</i>	Materials and services – \$90,047 <ul style="list-style-type: none"> <li>26.85k of Bushcare Grant Funding originally budgeted for this financial year was completed just prior to 30 June 2022, and therefore will not been expended this financial year.</li> <li>Council is undertaking a Tree Audit &amp; Register valued at 60k. 39k of these funds can be capitalised, and will be funded through the IT and Software</li> </ul>

**Movement Expenses**

capital program. The scope of this project includes inspection, audit and register of data collected to identify root assessment of mature trees for impact to asset classes such as footpaths, driveway crossings and kerb and gutter.

- An additional 120k funding is required for remedial work associated with the removal of the underground tanks at the former depot site. This variation was required as levels of contamination was found on the site. The additional testing has now been undertaken. Whilst the results did not warrant any further excavation to remediate the site, the re-use of the soil excavated to remove the tanks was not able to be re-used as originally anticipated. The scope of the variation also includes:
  - Removal of water from the pit;
  - Export excavated soil to a waste facility;
  - Import of ENM to fill in the pit.

Upon completion of these works Council will be able to obtain an environmental validation certificate.

- 36k additional grant income secured for Bushcare programs is expected to be expended this financial year.

**Capital Budget**

The following variations in capital program expenditure are required:

- It is forecasted that \$7.7m of the capital program will be carried over to the next financial year. The projects are listed in the report attachment. The final confirmed carry forward figure will be reported to Council in August through the Integrated Reporting & Planning (IP&R) Progress of Delivery Program report.
- As reported above, 39k of the IT Capital Program has been allocated to the Audit & Tree Register project.

**Cash and Investments**

A summary of the movements in the projected cash and investment budget, including funding sources for operating and capital budget variations for this quarter, are included in the report attachment.

**Key Performance Indicators**

Hunters Hill uses the following financial ratios to measure its performance against the benchmarks set by the Office of Local Government (OLG):

Ratio description	Quarterly Commentary
Operating performance ratio	The original budgeted ratio for FY2022/23 was (-12.4%).

Ratio description	Quarterly Commentary
<p>Measures how well operating expenditure is contained within operating revenue (excluding capital grants and contributions).</p> <p>The benchmark set by OLG is greater than zero per cent. Council did not meet the OLG benchmark for the FY2021-22.</p>	<p>This is projected to decrease marginally to (-12%) primarily due to additional income forecasted to exceed budget in fees &amp; charges, other income and operational grants.</p>
<p><b>Own source operating revenue</b></p> <p>Measures the degree to which Council relies on external funding sources such as operating grants and contributions.</p> <p>The ratio indicates that Council generates adequate funds from own source revenues.</p>	<p>In FY2021-22, the ratio achieved was 84.9% which exceeded the benchmark set by OLG is greater than 60 per cent.</p> <p>Council's projected original budget ratio for FY2022/23 was 72.4%. This ratio is projected to decrease slightly from last FY, as Council is expected to receive and recognise additional grant income this financial year.</p>
<p><b>Unrestricted current ratio</b></p> <p>This ratio measures Council's ability to meet its short-term obligations i.e. those which aren't external obligations such as Developer Contributions and special levies.</p> <p>The benchmark set by OLG is greater than 1.5 times.</p>	<p>This ratio indicates that Council is projected to have \$3.00 of unrestricted current assets available to service every \$1.00 of its unrestricted current liabilities.</p>
<p><b>Rates and annual charges outstanding percentage</b></p> <p>Assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts.</p> <p>The benchmark set by OLG is less than 5 per cent for metropolitan Councils.</p>	<p>In FY2021-22, Council did not meet this benchmark (whereas in the previous 3 years this benchmark was met).</p> <p>It is forecasted that the percentage of outstanding rates will decrease to 4% meeting the OLG benchmark. Council has engaged an outsourced debtor provider with a number of customers moving to payment plans.</p>
<p><b>Cash expense cover ratio</b></p> <p>This liquidity ratio indicates the number of month's council can continue paying its immediate expenses without additional cash inflow.</p>	<p>The OLG benchmark is greater than 3 months.</p> <p>It is forecasted that Council will have had the capacity to cover 16.5 months of cash expenditure without additional cash inflows.</p>

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**FINANCIAL IMPACT ASSESSMENT**

The impact on Council's forecasted 2022-23 financial results are included in this report.

**ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

**SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

**RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

**ATTACHMENTS**

1. Quarterly Budget Review Statement [↓](#)

Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 March 2023**

It is my opinion that the Quarterly Budget Review Statement for Hunters Hill Council for the quarter ended 31/03/23 indicates that Council's projected financial position at 30/6/23 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**Signed:** \_\_\_\_\_

**date:** 17-Apr-23

Maria Kenny  
Responsible Accounting Officer

Hunters Hill Council

**Quarterly Budget Review Statement**

for the period 01/01/23 to 31/03/23

**Income & expenses budget review statement**

Budget review for the quarter ended 31 March 2023

**Income & expenses - Council Consolidated**

(\$000's)	Original budget 2022/23	Approved Changes				Revised budget 2022/23	Variations for this Mar Qtr		Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs						
<b>Income</b>											
Rates and annual charges	14,407,203					14,407,203				14,407,203	14,409,656
User charges and fees	934,163				100,000	1,034,163	110,000	1		1,144,163	1,178,376
Other revenues	859,743					859,743	113,000	2		972,743	953,974
Grants and contributions - operating	1,068,227					1,068,227	61,000	3		1,129,227	447,918
Grants and contributions - capital	5,197,301				275,000	5,472,301	(3,460,500)	4		2,011,801	673,924
Interest and investment revenue	222,240					222,240				222,240	178,184
Net gain from disposal of assets	338,767			(265,000)		73,767				73,767	-
						-				-	
<b>Total income from continuing operations</b>	<b>23,027,644</b>	<b>-</b>	<b>-</b>	<b>(265,000)</b>	<b>375,000</b>	<b>23,137,644</b>	<b>(3,176,500)</b>			<b>19,961,144</b>	<b>17,842,032</b>
<b>Expenses</b>											
Employee benefits and on-costs	6,711,643					6,711,643				6,711,643	4,580,740
Materials and services	8,051,394			212,912	70,000	8,334,306	90,047	5		8,424,353	6,137,974
Depreciation and amortisation	3,601,842					3,601,842				3,601,842	2,701,368
Other expenses	1,290,976					1,290,976				1,290,976	1,028,194
Net Loss from disposal of assets	149,350					149,350				149,350	-
						-				-	
<b>Total expenses from continuing operations</b>	<b>19,805,205</b>	<b>-</b>	<b>-</b>	<b>212,912</b>	<b>70,000</b>	<b>20,088,117</b>	<b>90,047</b>			<b>20,178,164</b>	<b>14,448,276</b>
<b>Net operating result from continuing operations:</b>	<b>3,222,438</b>	<b>-</b>	<b>-</b>	<b>(477,912)</b>	<b>305,000</b>	<b>3,049,526</b>	<b>(3,266,547)</b>			<b>(217,021)</b>	<b>3,393,757</b>
Discontinued operations - surplus/(deficit)						-				-	
<b>Net operating result from all operations</b>	<b>3,222,438</b>	<b>-</b>	<b>-</b>	<b>(477,912)</b>	<b>305,000</b>	<b>3,049,526</b>	<b>(3,266,547)</b>			<b>(217,021)</b>	<b>3,393,757</b>
<b>Net Operating Result before Capital Items</b>	<b>(1,974,863)</b>	<b>-</b>	<b>-</b>	<b>(477,912)</b>	<b>30,000</b>	<b>(2,422,775)</b>	<b>193,953</b>			<b>(2,228,822)</b>	<b>2,719,832</b>

Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

**Income & expenses budget review statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

**March Quarterly Review**

1	Construction Certificates	10,000
	Sporting Fields Hire	30,000
	Work Zone fees	30,000
	Mini Skips	40,000
		<u>110,000</u>
2	Parking Fines	43,000
	Lease Income	70,000
		<u>113,000</u>

3	Grants and contributions - operating	
	Regional and Local Roads Repair Program	25,000
	CRIF Gladesville Reserve	10,000
	CRIF Collingwood St Reserve	10,000
	Turtle habitat restoration a long Tarban Creek	8,000
	Mangrove & Coastal Saltmarsh Rehabilitation	8,000
		<u>61,000</u>

4	Grants and contributions - capital	
	Contributions S7.12	290,000
	Bedlam Bay Swim Site	-560,000
	Tarban Creek 'Small' Dog Park (DPIE) reallocated to Buffalo Creek	-218,000
	Public Spaces Legacy Program - Figtree Park	-1,412,500
	Redevelopment of Gladesville Reserve	-1,360,000
	Gladesville Reserve Sporting Light Upgrade	-200,000
		<u>-3,460,500</u>

5	Materials and services.	
	Boronia Park Bushland completed	-20,850
	Greening our city program	-6,000
	CRIF Gladesville Reserve	10,000
	CRIF Collingwood St Reserve	10,000
	Turtle habitat restoration a long Tarban Creek	8,000
	Mangrove & Coastal Saltmarsh Rehabilitation	8,000
	Tree Audit & Register transfer to capital works	-39,103
	Depot removal of underground tank - additional remediation	120,000
		<u>90,047</u>

**December 2022 Quarterly Review**

1	User fees and charges.	
	Mini-skip	75,000
	Work Zones fees	25,000
		<u>100,000</u>
2	Grants and contributions - capital	
	Received new grant funding and contribution for Gladesville Reserve Sporting Lighting Upgrade project	260,000
	All Saints co-contribution	15,000
		<u>275,000</u>
3	Materials and services.	
	Council resolved on 21 November -removal and decommissioning of two underground fuel tanks.	70,000
		<u>70,000</u>
<b>September 2022 Quarterly Review</b>		
1	Net gain from disposal of assets	
	Land Sale - Mount Morris Street	(265,000)
2	Materials and services	
	Landcare Australia	5,938
	Local Council Transition fund	71,269
	LRCI - Street Tree Planting Program	50,853
	Better waste and recycling fund	84,851
		<u>212,912</u>



Hunters Hill Council

**Quarterly Budget Review Statement**

for the period 01/01/23 to 31/03/23

**Capital budget review statement**

Budget review for the quarter ended 31 March 2023

**Capital budget - Council Consolidated**

(\$000's)	Original budget 2022/23	Approved changes				Revised budget 2022/23	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS					
<b>Capital expenditure</b>										
New assets										
- Plant & equipment						-			-	
- Land & buildings						-			-	
- Other						-			-	
Renewal assets (replacement)						-				
- Plant & equipment	149,885	178,000				327,885			327,885	2,833
- Land & buildings, Open Space, Marine Structures	9,637,852	250,685		32,500	405,000	10,326,037	(7,131,785)	1	3,194,252	986,977
- Roads, bridges, footpaths	1,536,715	325,576		374,000		2,236,291	(102,400)	2	2,133,891	1,478,507
- Drainage	481,788					481,788	(470,000)	3	11,788	12,000
Loan repayments (principal)						-			-	
Other expenditure Office Furniture & Equip	150,000	147,000				297,000	39,103	4	336,103	56,923
						-			-	
<b>Total capital expenditure</b>	<b>11,956,240</b>	<b>901,261</b>	<b>-</b>	<b>406,500</b>	<b>405,000</b>	<b>13,669,001</b>	<b>(7,665,082)</b>		<b>6,003,919</b>	<b>2,537,240</b>
<b>Capital funding</b>										
Rates & other untied funding	203,888	105,908		549,000	80,000	938,796	(208,161)	5	730,635	629,205
Capital grants & contributions	8,792,142				325,000	9,117,142	(7,008,897)	6	2,108,245	852,852
Reserves:										
- External restrictions/reserves	540,000			90,000		630,000			630,000	
- Internal restrictions/reserves		482,400		32,500		514,900			514,900	138,083
New loans						-			-	
Receipts from sale of assets										
- Plant & equipment	73,767					73,767			73,767	
- Land & buildings	265,000			(265,000)		-			-	
Other funding Special Rates	2,081,443	312,953				2,394,396	(448,024)	7	1,946,372	917,101
						-			-	
<b>Total capital funding</b>	<b>11,956,240</b>	<b>901,261</b>	<b>-</b>	<b>406,500</b>	<b>405,000</b>	<b>13,669,001</b>	<b>(7,665,082)</b>		<b>6,003,919</b>	<b>2,537,240</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>		<b>0</b>	<b>-</b>

Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

**Capital budget review statement**  
**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes Details**

**Capital expenditure (March 2023 Quarterly Review)**

Renewal assets (replacement)

1	Land & buildings, Open space	
	Boronia Park Pavillion/Amenities	(153,060)
	Collingwood Street - Renewal of seawall	(9,428)
	Joubert Street Reserve - Seawall	(42,692)
	Redevelopment of Gradesville Reserve	(1,500,000)
	Public Spaces Legacy Program - Figtree Park	(4,100,000)
	Bollards Program - LGA	(19,106)
	Bedlam Bay Swim Site (DPIE)	(560,000)
	Bedlam Bay Activation. SV	(20,250)
	Tarban Creek 'Small' Dog Park (DPIE) re-allocated to Buffalo Creek	(218,000)
	Seats Program - LGA	(23,306)
	Signs Program -LGA	(20,318)
	Collingwood Street and Joubert Street north - Retaining walls	(30,085)
	Weil Park Sportsfield Design and Improvement of drainage	(55,540)
	Boronia Park multisports Netball, Pickleball & Basketball	(180,000)
	Gladesville Reserve Sporting Light Upgrade	(200,000)
		<u>(7,131,785)</u>
2	Roads, bridges, footpaths	
	Crown Street Traffic Calming Devices	(102,400)
3	Drainage	
	Flood Study - LGA	(120,000)
	Stormwater upgrade -Woolwich	(350,000)
		<u>(470,000)</u>
4	Other expenditure Office Furniture & Equip	
	Tree Audit & Register	39,103

**Capital funding**

5	Rates & other untied funding	
	Boronia Park multisports Netball, Pickleball & Basketball	(85,511)
	Bedlam Bay Activation. SV	(20,250)
	Crown Street Traffic Calming Devices	(102,400)
		<u>(208,161)</u>
6	Capital grants & contributions	
	Tree Audit & Register	39,103
	Redevelopment of Gradesville Reserve	(1,500,000)
	Public Spaces Legacy Program - Figtree Park	(4,100,000)
	Bedlam Bay Swim Site (DPIE)	(560,000)
	Tarban Creek 'Small' Dog Park (DPIE)	(218,000)
	Gladesville Reserve Sporting Light Upgrade	(200,000)
	Flood Study - LGA	(120,000)
	Stormwater upgrade -Woolwich	(350,000)
		<u>(7,008,897)</u>
7	Other funding Special Rates	

Boronia Park Pavillion/Amenities	(153,060)
Collingwood Street - Renewal of seawall	(9,428)
Joubert Street Reserve - Seawall	(42,692)
Bollards Program - LGA	(19,106)
Seats Program - LGA	(23,306)
Signs Program -LGA	(20,318)
Boronia Park multisports Netball, Pickleball & Basketball	(94,489)
Collingwood Street and Joubert Street north - Retaining walls	(30,085)
Weil Park Sportsfield Design and Improvement of drainage	(55,540)
	<u>(448,024)</u>

**Capital expenditure (December 2022 Quarterly Review)**

## Renewal assets (replacement)

1	Land & buildings, Open space	
	Gladesville Reserve Sporting Light Upgrade	325,000
	Buffalo Creek Basket Ball - reallocation	(100,000)
	Boronia Park multisports Netball, Pickleball & Basketball	180,000
		<u>405,000</u>

## Capital funding

2	Rates & other untied funding	
	Boronia Park multisports Netball, Pickleball & Basketball	80,000
		<u>80,000</u>
3	Capital grants & contributions	
	Gladesville Reserve Sporting Light Upgrade	310,000
	All Saints co-contribution	15,000
		<u>325,000</u>

**Capital expenditure (September 2022 Quarterly Review)**

## Renewal assets (replacement)

1	Land & buildings, Open space	
	Fairland Hall - Ceiling repair	13,500
	19000	<u>19,000</u>
		32,500
2	Roads, bridges, footpaths	
	Gladesville Pedestrian Accessibility Mobiliy Plan	90,000
	Reserve Street Hunters Hill	110,000
	Hight Street Paving	174,000
		<u>374,000</u>

## Capital funding

3	Rates & other untied funding	
	Reserve Street Hunters Hill	110,000
	Hight Street Paving	174,000
		<u>284,000</u>
4	Reserves: external restrictions	
	Gladesville Pedestrian Accessibility Mobiliy Plan	90,000
5	Reserves: internal restrictions	
	Fairland Hall - Ceiling repair	13,500
	Riverglade Reserve Amenities - Solar panel replacement	19,000
		<u>32,500</u>

Hunters Hill Council

**Quarterly Budget Review Statement**

for the period 01/01/23 to 31/03/23

**Cash & investments budget review statement**

Budget review for the quarter ended 31 March 2023

**Cash & investments - Council Consolidated**

(\$000's)	Cash Balance 30-Jun-22	Approved changes				Revised budget 30-Jun-22	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS					
<b>Externally restricted <sup>(1)</sup></b>										
Developer Contributions	1,343,646			(90,000)		1,253,646	470,000	1	1,723,646	1,837,911
Specific Purpose Unexpended Grants	5,267,166			(212,912)	260,000	5,314,254	1,412,500	2	6,726,754	5,420,731
Domestic Waste Management	1,420,295					1,420,295			1,420,295	1,420,295
Other Special Levies	1,028,340	(312,953)				715,387			715,387	1,416,066
						-			-	
<b>Total externally restricted</b>	<b>9,059,447</b>	<b>(312,953)</b>	<b>-</b>	<b>(302,912)</b>	<b>260,000</b>	<b>8,703,582</b>	<b>1,882,500</b>		<b>10,586,082</b>	<b>10,095,003</b>
(1) Funds that must be spent for a specific purpose										
<b>Internally restricted <sup>(2)</sup></b>										
Plant Replacement	489,223	-				489,223			489,223	667,223
Employee Leave Entitlements	757,435					757,435			757,435	757,435
Deposits, Retentions, Bonds	3,199,031					3,199,031			3,199,031	3,435,175
Construction of building	301,347	(55,000)				246,347			246,347	260,047
Office Equipment	261,790	(147,000)				114,790			114,790	210,654
Road reconstruction	259,130	(259,130)				-			-	-
Elections	191,083					191,083			191,083	191,083
Insurance	237,590					237,590			237,590	237,860
Property Reserve	70,645					70,645			70,645	55,671
Sustainability Reserve	223,460					223,460			223,460	223,460
Community initiatives & minor capital works		20,000				20,000			20,000	20,000
Stormwater & marine maintenance reserve		50,000				50,000			50,000	50,000
Council Community building maintenance		50,000		(32,500)		17,500			17,500	17,500
Council work depot - LC	190,000	(100,000)				90,000			90,000	90,000
Other	199,067	(147,041)			15,000	67,026	208,161	3	275,187	183,684
Boronia Park Sporting & Community Facility Fundraising							965,000	4	965,000	965,000
Boronia Park Sporting & Community Facility - Council Contribution							1,734,488	5	1,734,488	1,734,488
<b>Total internally restricted</b>	<b>6,379,801</b>	<b>(588,171)</b>	<b>-</b>	<b>(32,500)</b>	<b>15,000</b>	<b>5,774,130</b>	<b>2,907,649</b>		<b>8,681,780</b>	<b>9,099,279</b>
(2) Funds that Council has earmarked for a specific purpose										
<b>Unrestricted (ie. available after the above Restrictions)</b>	<b>9,355,752</b>	<b>(4,430,645)</b>	<b>-</b>	<b>(549,000)</b>	<b>(375,000)</b>	<b>4,001,107</b>	<b>(391,614)</b>		<b>3,609,492</b>	<b>8,217,357</b>
<b>Total Cash &amp; investments</b>	<b>24,795,000</b>	<b>(5,331,769)</b>		<b>(884,412)</b>	<b>(100,000)</b>	<b>18,478,819</b>	<b>4,398,535</b>		<b>22,877,354</b>	<b>27,411,640</b>

Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

**Cash & investments budget review statement****Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$27,421,067

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 12.4.23

**Reconciliation status**

The YTD cash & investment figure reconciles to the actual balances held as follows:

**\$ 000's**

Cash at bank (as per bank statements)	308,997
Investments on hand	27,112,069
less: unpresented cheques	(Timing Difference) (9,427)
add: undeposited funds	(Timing Difference) -

**Reconciled cash at bank & investments**

27,411,640

**Balance as per QBRs review statement:**

27,411,640

Difference:

0

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes Details****March 2023 Quarterly Review**

Externally restricted

1	Developer Contributions	
	Flood Study - LGA	120,000
	Stormwater upgrade -Woolwich	350,000
		<u>470,000</u>
2	Specific Purpose Unexpended Grants	
	Public Spaces Legacy Program - Figtree Park	1,412,500
		<u>1,412,500</u>
3	Other Special Levies	
	Boronia Park Pavillion/Amenities	153,060
	Collingwood Street - Renewal of seawall	9,428
	Joubert Street Reserve - Seawall	42,692
	Bollards Program - LGA	19,106
	Seats Program - LGA	23,306
	Signs Program -LGA	20,318
	Boronia Park multisports Netball, Pickleball & Basketball	94,489

Collingwood Street and Joubert Street north - Retaining walls	30,085
Weil Park Sportsfield Design and Improvement of drainage	<u>55,540</u>
	448,024

Internally restricted

2	Other	
	Boronia Park multisports Netball, Pickleball & Basketball	85,511
	Bedlam Bay Activation. SV	20,250
	Crown Street Traffic Calming Devices	<u>102,400</u>
		208,161
3	Boronia Park Sporting & Community Facility Fundraising	965,000
4	Boronia Park Sporting & Community Facility - Council Contribution	1,734,488

**December 2022 Quarterly Review**

Externally restricted

1	Specific Purpose Unexpended Grants	
	Gladesville Reserve Sporting Light Upgrade - Grant	260,000
		<u>260,000</u>

Internally restricted

2	Gladesville Reserve Sporting Light Upgrade	
	All Saints co-contribution	<u>15,000</u>
		15,000

**September 2022 Quarterly Review**

Externally restricted

1	Developer Contributions	
	Gladesville Pedestrian Accessibility Mobiliy Plan	(90,000)
2	Specific Purpose Unexpended Grants	
	Landcare Australia	(5,938)
	Local Council Transition fund	(71,269)
	LRCI - Street Tree Planting Program	(50,853)
	Better waste and recycling fund	<u>(84,851)</u>
		(212,912)

Internally restricted

3	Council community building maintenance reserve	
	Fairland Hall - Ceiling repair	(13,500)
	Riverglade Reserve Amenities - Solar panel replacement	<u>(19,000)</u>
		(32,500)

Hunters Hill Council

## Quarterly Budget Review Statement

for the period 01/01/23 to 31/03/23

### Key performance indicators budget review statement - Council specific KPI's

Budget review for the quarter ended 31 March 2023

(\$000's)	Current projection		Original budget 22/23	Actuals prior periods	
	Amounts	Indicator		21/22	20/21
	22/23	22/23			

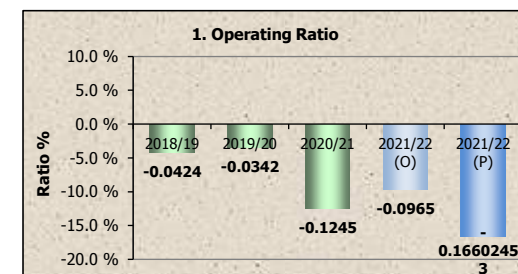
The Council monitors the following Key Performance Indicators:

#### 1. Operating Ratio

Total continuing operating revenue  
(excl. Capital Grants & Contributions)

Less Operating Expenses

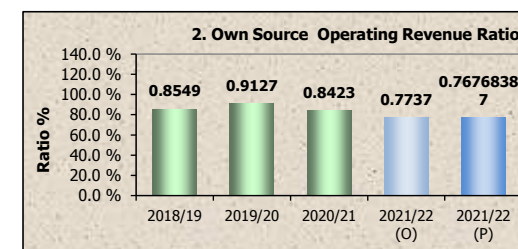
	-2153	-12.0 %	-12.4 %	-13.0 %	-12.5 %
Total continuing operating revenue (excl. Capital Grants & Contributions)	17875				



#### 2. Own Source Operating Revenue Ratio

Total continuing operating revenue  
(less ALL Grants & Contributions)

	16807	84.6 %	72.4 %	84.9 %	84.2 %
Total continuing operating revenue	19877				

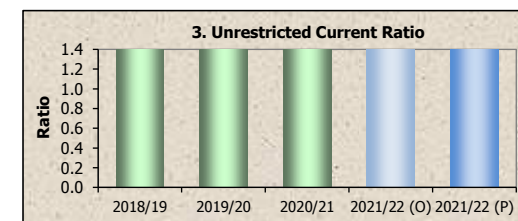


#### 3. Unrestricted Current Ratio

Current Assets Less all External Restrictions

Current Liabilities Less Specific Purpose Liabilities

	13096	3.0	3.0	2.2	3.5
Current Liabilities Less Specific Purpose Liabilities	4407				



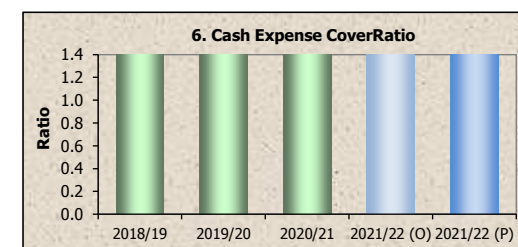
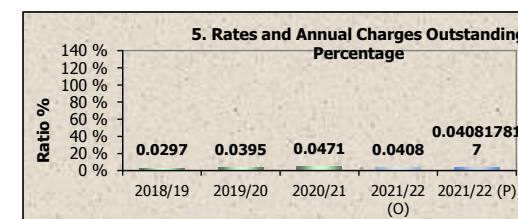
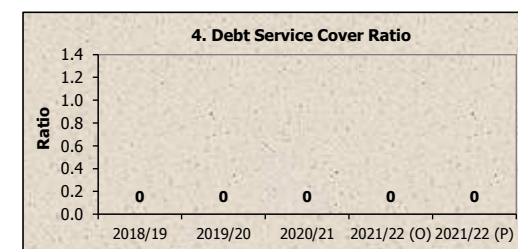
Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

**Key performance indicators budget review statement - Council specific KPI's**

Budget review for the quarter ended 31 March 2023

(\$000's)	Current projection		Original budget 22/23	Actuals prior periods	
	Amounts	Indicator		21/22	20/21
	22/23	22/23			
4. Debt Service Cover Ratio					
Operating Result before capital excluding interest and depreciation/impairment/amortisation	1816	0.0	0.0	0.0	0.0
Principal Repayments (from the Statement of cash Flows) + Borrowing Interest Costs (from the Income Statement)	0				
5. Rates and Annual Charges Outstanding Percentage					
Rates and Annual Charges outstanding	576	4 %	4 %	6 %	5 %
Rates and Annual Charges collectable	14981				
6. Cash Expense CoverRatio					
Current Year's Cash and Cash Equivalents Including All Term Deposits	22877	16.5	9.9	18.5	16.4
Payments from cash flow of operating and financing activities	16615				





Hunters Hill Council

### Quarterly Budget Review Statement

for the period 01/01/23 to 31/03/23

#### Contracts budget review statement

Budget review for the quarter ended 31 March 2023

#### Part A - Contracts listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes
Scott Carver Pty Ltd	Landscape Architecture for Figtree Park Project	69,200	24/08/22		Y	1
Expedite Deployment Pty Ltd	Reconstruct jetty at Kelly's Bush	188,015	01/12/22		Y	
	Decommission of pier of Henleys Baths					
The Civil Experts Pty Ltd	Fuel Tanks removal from Hunters Hill Depot	62,259	02/12/22		Y	2
Paynter Dixon	Construction of Boronia Park Sporting & Community Facility	4,943,964	10/02/23		Y	
Active Green Services	Street Tree Audit & Register	60,000	08/03/23		Y	
Granicus	Upgraded website including server hosting	59,000	24/03/23		Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23

Notes	Details	\$
	Scott Carver	Amended designs Figtree Oak
		18,000

The Civil Experts Pty L Fuel Tanks removal from Hunters Hill Depot - addition: testing, excavated soil and import of ENM fill.	120,000
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Hunters Hill Council

**Quarterly Budget Review Statement**  
for the period 01/01/23 to 31/03/23**Consultancy & legal expenses budget review statement**

Consultancy &amp; legal expenses overview

<b>Expense</b>	<b>YTD expenditure (actual dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	30,426	y
Legal Fees	161,069	y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

<b>ITEM NO</b>	: 4.4
<b>SUBJECT</b>	: SUMMARY OF COUNCIL INVESTMENTS AS AT 31 MARCH 2023
<b>STRATEGIC OUTCOME</b>	: COUNCIL IS FINANCIALLY SUSTAINABLE
<b>ACTION</b>	: PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG TERM FINANCIAL PLAN
<b>REPORTING OFFICER</b>	: MARIA KENNY

Ref:633221

## PURPOSE

The purpose of this report is to provide a summary of the performance of Council's investments as at 31 March 2023.

All investments are undertaken and reported in compliance with the requirements of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's policy on investments.

## RECOMMENDATION

1. That the report be received and noted.

## REPORT

In accordance with Council's Investment Policy, investments are selected with the objective of generating additional income revenue streams, whilst balancing liquidity to meet organisational cash flow requirements.

Term deposits are made across several financial institutions to spread risk, with the majority currently having terms over 180 days to benefit from higher returning interest yields. Council's Investment Policy allows for 10% of its portfolio to be invested with Ministerial Approved Investments with NSW Treasury Corporation. Bonds and Floating Rate Notes are also permissible within defined portfolio institution and credit rating thresholds.

**Table 1** lists the terms and rate of return of all of Council's investments. Council's investment portfolio posted a marked-to-market return of 5.28%pa (0.44% actual) versus the bank bill index benchmark return of 3.39%pa. For the past 12 months, the investment portfolio has returned 1.99%pa versus the benchmark's 2.04%pa.

**Attachment 1** – Investment Summary Report also provides additional detail on the value of accrued interest earnings for each investment holding.

**TABLE 1 - SUMMARY OF COUNCIL'S INVESTMENTS AS AT 31 MARCH 2023**

Institution	Reference	Rating	Principal	Lodged	Matures	Rate
CBA	Term Deposit	AA-	\$1,000,000.00	4-Nov-22	2-Nov-23	4.52%
CBA	Term Deposit	AA-	\$500,000.00	12-Jul-22	12-Jul-23	4.06%
CBA	Term Deposit	AA-	\$1,100,000.00	26-Jul-22	25-Jul-23	4.16%
CBA	Term Deposit	AA-	\$2,000,000.00	29-Nov-22	29-Nov-23	4.34%
CBA	Term Deposit	AA-	\$1,000,000.00	27-Feb-23	27-Feb-24	5.06%
NAB	Term Deposit	AA-	\$1,000,000.00	31-May-21	31-May-23	0.60%
NAB	Term Deposit	AA-	\$1,000,000.00	11-Nov-22	12-Sep-23	4.22%
NAB	Term Deposit	AA-	\$500,000.00	30-Mar-23	3-Apr-24	4.45%
NAB	Term Deposit	AA-	\$1,000,000.00	29-Dec-22	4-Jul-23	4.36%
NAB	Term Deposit	AA-	\$500,000.00	9-Aug-21	9-Aug-23	0.65%
NAB	Term Deposit	AA-	\$2,375,000.00	30-Nov-22	1-May-23	4.00%
AMP	Term Deposit	BBB	\$500,000.00	21-Mar-23	21-Mar-24	4.80%
AMP	Term Deposit	BBB	\$500,000.00	12-Aug-22	11-Aug-23	4.10%
AMP	Term Deposit	BBB	\$500,000.00	7-Sep-22	3-Aug-23	4.20%
AMP	Term Deposit	BBB	\$500,000.00	7-Sep-22	3-Aug-23	4.20%
AMP	Term Deposit	BBB	\$500,000.00	16-Nov-22	16-Nov-23	4.70%
AMP	Term Deposit	BBB	\$500,000.00	18-Oct-22	18-Oct-23	4.65%
AMP	Term Deposit	BBB	\$1,000,000.00	1-Nov-22	1-Nov-23	4.80%
Suncorp	Term Deposit	A+	\$1,000,000.00	1-Jul-22	4-Jul-23	3.95%
ME Bank/BOQ	Term Deposit	BBB+	\$500,000.00	23-Jun-22	22-Jun-23	4.05%
Macquarie	Term Deposit	A+	\$1,000,000.00	29-Sep-22	26-Jun-23	4.32%
Westpac	Term Deposit	AA-	\$1,000,000.00	30-Aug-22	29-Aug-23	4.17%
Westpac	Term Deposit	AA-	\$1,500,000.00	30-Aug-22	29-Aug-23	4.19%
Macquarie	Call	A+	\$2,662,425.82			3.05%
CBA	Bond	AA-	\$1,000,000.00	18-Aug-22	18-Aug-25	4.20%
CBA	FRN	AA-	\$500,000.00	13-Jan-23	13-Jan-28	4.46%

Institution	Reference	Lodged		Month-end	Balance at month-end	Month return
TCorp	Medium Term Growth Fund	2-Jun-21	\$1,500,000.00	June-2021	\$1,515,096.51	1.01%
				July-2021	\$1,538,434.43	1.54%
		9-Aug-21	\$500,000.00	August-2021	\$2,052,149.68	0.79%
				12mths to Sept 22	\$2,026,923.72	-0.73%
				October-2022	\$1,914,569.49	2.10%
				November-2022	\$1,946,107.90	1.65%
				December-2022	\$1,913,711.58	-1.66%
				January-2023	\$1,962,878.00	2.57%
				February-2023	\$1,947,599.03	-0.78%
				Closing Balance	March-2023	\$1,974,643.63
			\$27,112,069.45			
CBA	General	\$308,997.33	31.03.23 Bank Account Balance			
Total		\$27,421,066.78				

Certification – Responsible Accounting Officer

Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2023	5.28%	3.39%	1.89%
Last 3 months	4.59%	3.25%	1.34%
Last 6 months	3.88%	3.11%	0.77%
Financial Year to Date	2.97%	2.63%	0.34%
Last 12 months	1.99%	2.04%	-0.05%

Below is a summary of the total portfolio by credit exposure, maturity terms and investment holdings as at 31 March 2023:

**TABLE 2 – PORTFOLIO TOTAL BY CREDIT EXPOSURE**

Credit Rating Group	Face Value (\$)		Policy Max	
AA	16,283,997	59%	100%	✓
A	4,662,426	17%	60%	✓
BBB	4,500,000	16%	30%	✓
TCm	1,974,644	7%	10%	✓
	<b>27,421,067</b>			

**TABLE 3 – PORTFOLIO TOTAL BY MATURITY TERMS**

	Face Value (\$)		Policy Max	
Between 0 and 1 years	25,421,067	93%	100%	✓
Between 1 and 3 years	1,500,000	5%	60%	✓
Between 3 and 10 years	500,000	2%	40%	✓
	<b>27,421,067</b>			

**TABLE 4 – PORTFOLIO TOTAL BY INVESTMENT HOLDINGS**

	Face Value (\$)	Current Value (\$)
Bonds	1,000,000	1,000,028
Cash	2,971,423	2,971,423
Floating Rate Note	500,000	503,700
Managed Funds	1,974,644	1,974,644
Term Deposit	20,975,000	20,975,000
	<b>27,421,067</b>	<b>27,424,795</b>

**Table 5** below provides a breakdown of our cash balance by internal and external restrictions.

External restrictions refer to funds that are subject to legislative obligations, such as section 7.12 contributions, as well as unspent tied grant funding.

Internal restrictions refer to cash assets defined by Council to cover commitments that are expected to arise in the future, and where it is prudent to hold cash in restrictions to cover these obligations.

**Table 5 - EXTERNAL & INTERNAL RESTRICTIONS**

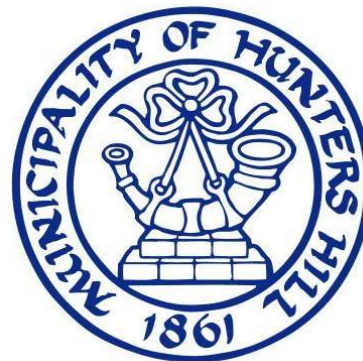
	<b>Actual as at 28 February 2023</b>	<b>Actual as at 31 March 2023</b>
Developer contributions - S7.12	\$1,676,106.19	\$1,699,910.61
Other developer contribution	\$138,000.61	\$138,000.61
Specific purpose unexpended grants	\$5,560,200.00	\$5,420,731.06
Domestic waste management	\$1,420,294.91	\$1,420,294.91
Other special levies	\$1,434,338.52	\$1,416,065.96
<b>Total External Restrictions</b>	<b>\$10,228,940.23</b>	<b>\$10,095,003.15</b>
<b>Internal Restrictions</b>		
Plant and vehicle replacement	\$667,222.99	\$667,222.99
Employee leave entitlements	\$757,435.09	\$757,435.09
Deposits, retentions and bonds	\$3,429,482.12	\$3,435,175.04
Construction of building	\$272,796.57	\$260,046.55
Office equipment & furniture	\$226,179.03	\$210,654.03
Elections	\$191,082.73	\$191,082.73
Insurance reserve	\$237,859.78	\$237,859.78
Open Space	\$44,641.00	\$19,341.03
Traffic & Transport	\$102,400.00	\$102,400.00
Property strategy	\$55,671.22	\$55,671.22
Sustainability Reserve	\$223,460.00	\$223,460.00
Safety & welfare expenses OH&S Incentive	\$42,015.22	\$41,942.58
Other	\$20,000.00	\$20,000.00
Community Initiatives & Minor Capital Works	\$20,000.00	\$20,000.00
Stormwater & marine maintenance reserve	\$50,000.00	\$50,000.00
Community building maintenance reserve	\$17,500.00	\$17,500.00
Council work depot - Lane Cove	\$90,000.00	\$90,000.00
Boronia Park Sporting & Community Facility Fundraising	\$965,000.00	\$965,000.00
Boronia Park Sporting & Community Facility - Council Contribution	\$1,734,488.40	\$1,734,488.40
<b>Total Internal Restrictions</b>	<b>\$9,147,234.15</b>	<b>\$9,099,279.44</b>
<b>Total Restrictions</b>	<b>\$19,376,174.38</b>	<b>\$19,194,282.59</b>

## ATTACHMENTS

1. Investment Summary Report March 2023 [↓](#)







Investment Summary Report  
March 2023



# Hunters Hill Council

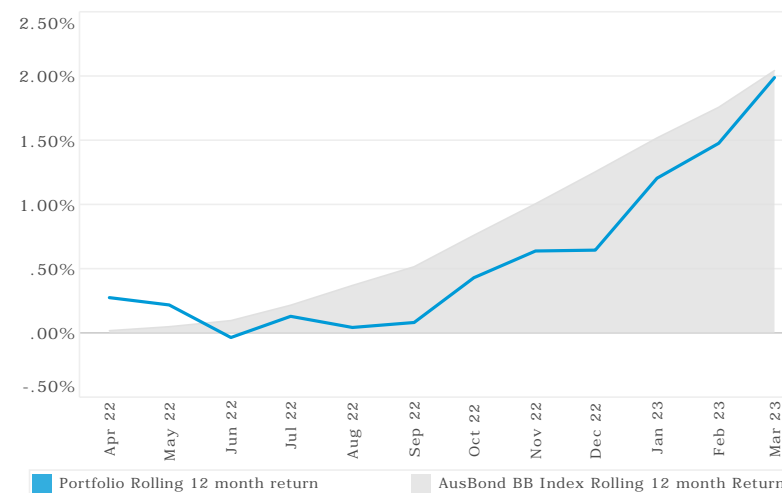
## Executive Summary - March 2023



## Investment Holdings

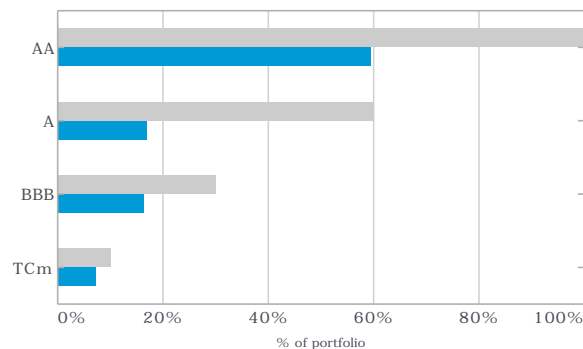
	Face Value (\$)	Current Value (\$)
Bonds	1,000,000	1,000,028
Cash	2,971,423	2,971,423
Floating Rate Note	500,000	503,700
Managed Funds	1,974,644	1,974,644
Term Deposit	20,975,000	20,975,000
	27,421,067	27,424,795

## Investment Performance

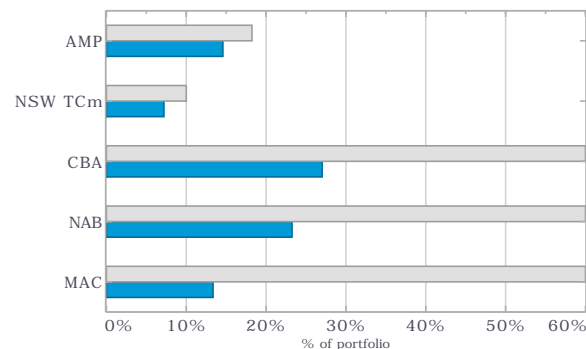


## Investment Policy Compliance

## Total Credit Exposure



## Individual Institutional Exposures



## Term to Maturities

	Face Value (\$)	Policy Max	
Between 0 and 1 years	25,421,067	93%	100% a
Between 1 and 3 years	1,500,000	5%	60% a
Between 3 and 10 year:	500,000	2%	40% a
	27,421,067		

Portfolio Exposure

Investment Policy Limit



## Hunters Hill Council

### Investment Holdings Report - March 2023

Cash Accounts								
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.	Reference
	308,997.33	0.0000%	Commonwealth Bank of Australia	AA-		308,997.33	538227	General
	2,662,425.82	3.4525%	Macquarie Bank	A+		2,662,425.82	540871	Accelerator
	2,971,423.15	3.0935%				2,971,423.15		

Managed Funds								
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
	1,974,643.63	1.3886%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	1,974,643.63	541469	
	1,974,643.63	1.3886%				1,974,643.63		

Term Deposits											
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
1-May-23	2,375,000.00	4.0000%	National Australia Bank	AA-	2,375,000.00	30-Nov-22	2,406,753.42	543600	31,753.42	At Maturity	
31-May-23	1,000,000.00	0.6000%	National Australia Bank	AA-	1,000,000.00	31-May-21	1,005,013.70	541440	5,013.70	Annually	
22-Jun-23	500,000.00	4.0500%	ME Bank	BBB+	500,000.00	23-Jun-22	515,645.21	542890	15,645.21	At Maturity	
26-Jun-23	1,000,000.00	4.3200%	Macquarie Bank	A+	1,000,000.00	29-Sep-22	1,021,777.53	543432	21,777.53	At Maturity	
4-Jul-23	1,000,000.00	3.9500%	Suncorp Bank	A+	1,000,000.00	1-Jul-22	1,029,652.05	542925	29,652.05	At Maturity	
4-Jul-23	1,000,000.00	4.3600%	National Australia Bank	AA-	1,000,000.00	29-Dec-22	1,011,109.04	543677	11,109.04	At Maturity	
12-Jul-23	500,000.00	4.0600%	Commonwealth Bank of Australia	AA-	500,000.00	12-Jul-22	514,627.12	542936	14,627.12	At Maturity	
25-Jul-23	1,100,000.00	4.1100%	Commonwealth Bank of Australia	AA-	1,100,000.00	25-Jul-22	1,130,965.75	543130	30,965.75	At Maturity	
3-Aug-23	500,000.00	4.2000%	AMP Bank	BBB	500,000.00	7-Sep-22	511,852.05	543297	11,852.05	At Maturity	
3-Aug-23	500,000.00	4.2000%	AMP Bank	BBB	500,000.00	7-Sep-22	511,852.05	543298	11,852.05	At Maturity	
9-Aug-23	500,000.00	0.6500%	National Australia Bank	AA-	500,000.00	9-Aug-21	502,092.47	541722	2,092.47	Annually	
11-Aug-23	500,000.00	4.1000%	AMP Bank	BBB	500,000.00	12-Aug-22	513,030.14	543173	13,030.14	At Maturity	
29-Aug-23	1,000,000.00	4.1700%	Westpac Group	AA-	1,000,000.00	30-Aug-22	1,003,655.89	543251	3,655.89	Quarterly	
29-Aug-23	1,500,000.00	4.1900%	Westpac Group	AA-	1,500,000.00	30-Aug-22	1,505,510.14	543250	5,510.14	Quarterly	
12-Sep-23	1,000,000.00	4.2200%	National Australia Bank	AA-	1,000,000.00	11-Nov-22	1,016,301.92	543541	16,301.92	At Maturity	

## Hunters Hill Council

### Investment Holdings Report - March 2023



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
18-Oct-23	500,000.00	4.6500%	AMP Bank	BBB	500,000.00	18-Oct-22	510,510.27	543479	10,510.27	At Maturity	
1-Nov-23	1,000,000.00	4.8000%	AMP Bank	BBB	1,000,000.00	1-Nov-22	1,019,857.53	543506	19,857.53	At Maturity	
2-Nov-23	1,000,000.00	4.5200%	Commonwealth Bank of Australia	AA-	1,000,000.00	4-Nov-22	1,018,327.67	543518	18,327.67	At Maturity	
16-Nov-23	500,000.00	4.7000%	AMP Bank	BBB	500,000.00	16-Nov-22	508,756.16	543560	8,756.16	At Maturity	
29-Nov-23	2,000,000.00	4.3400%	Commonwealth Bank of Australia	AA-	2,000,000.00	29-Nov-22	2,029,250.41	543597	29,250.41	At Maturity	
27-Feb-24	1,000,000.00	5.0600%	Commonwealth Bank of Australia	AA-	1,000,000.00	27-Feb-23	1,004,574.79	543865	4,574.79	At Maturity	
21-Mar-24	500,000.00	4.8000%	AMP Bank	BBB	500,000.00	21-Mar-23	500,723.29	543944	723.29	At Maturity	
3-Apr-24	500,000.00	4.4500%	National Australia Bank	AA-	500,000.00	30-Mar-23	500,121.92	543970	121.92	At Maturity	
20,975,000.00		4.0484%			20,975,000.00		21,291,960.52		316,960.52		

#### Floating Rate Notes

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
13-Jan-28	500,000.00	4.4640%	CBA Snr FRN (Jan28) BBSW+ 1.15%	AA-	500,000.00	10-Jan-23	508,469.75	543689	4,769.75	13-Apr-23	
	500,000.00	4.4640%			500,000.00		508,469.75		4,769.75		

#### Fixed Rate Bonds

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
18-Aug-25	1,000,000.00	4.2000%	CBA Snr Bond (Aug25) 4.20%	AA-	998,770.00	18-Aug-22	1,004,720.79	543167	4,692.74	4.24400%	
	1,000,000.00	4.2000%			998,770.00		1,004,720.79		4,692.74	4.2440%	



## Hunters Hill Council

### Accrued Interest Report - March 2023

Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	(% pa)
<b>Bonds</b>									
CBA Snr Bond (Aug25) 4.20%	543167		1,000,000.00	18-Aug-22	18-Aug-25	0.00	31	3,636.87	4.28%
						0.00		3,636.87	4.28%
<b>Cash</b>									
Commonwealth Bank of Australia	538227					0.00	0	0.00	0.00%
Macquarie Bank	540871					7,664.11	0	7,664.11	3.45%
						7,664.11		7,664.11	3.09%
<b>Floating Rate Note</b>									
CBA Snr FRN (Jan28) BBSW+ 1.15%	543689		500,000.00	13-Jan-23	13-Jan-28	0.00	31	1,895.67	4.46%
						0.00		1,895.67	4.46%
<b>Term Deposits</b>									
AMP Bank	542460		500,000.00	21-Mar-22	21-Mar-23	6,250.00	20	342.47	1.25%
National Australia Bank	541227		500,000.00	30-Mar-21	30-Mar-23	3,000.00	29	238.36	0.60%
National Australia Bank	541440		1,000,000.00	31-May-21	31-May-23	0.00	31	509.59	0.60%
National Australia Bank	543600		2,375,000.00	30-Nov-22	1-May-23	0.00	31	8,068.49	4.00%
Macquarie Bank	543432		1,000,000.00	29-Sep-22	26-Jun-23	0.00	31	3,669.04	4.32%
ME Bank	542890		500,000.00	23-Jun-22	22-Jun-23	0.00	31	1,719.87	4.05%
Commonwealth Bank of Australia	542936		500,000.00	12-Jul-22	12-Jul-23	0.00	31	1,724.11	4.06%
Commonwealth Bank of Australia	543130		1,100,000.00	25-Jul-22	25-Jul-23	0.00	31	3,839.75	4.11%
National Australia Bank	543677		1,000,000.00	29-Dec-22	4-Jul-23	0.00	31	3,703.01	4.36%
Suncorp Bank	542925		1,000,000.00	1-Jul-22	4-Jul-23	0.00	31	3,354.79	3.95%
AMP Bank	543173		500,000.00	12-Aug-22	11-Aug-23	0.00	31	1,741.10	4.10%
AMP Bank	543297		500,000.00	7-Sep-22	3-Aug-23	0.00	31	1,783.56	4.20%
AMP Bank	543298		500,000.00	7-Sep-22	3-Aug-23	0.00	31	1,783.56	4.20%
National Australia Bank	541722		500,000.00	9-Aug-21	9-Aug-23	0.00	31	276.03	0.65%
Westpac Group	543250		1,500,000.00	30-Aug-22	29-Aug-23	0.00	31	5,337.95	4.19%
Westpac Group	543251		1,000,000.00	30-Aug-22	29-Aug-23	0.00	31	3,541.64	4.17%
National Australia Bank	543541		1,000,000.00	11-Nov-22	12-Sep-23	0.00	31	3,584.11	4.22%

## Hunters Hill Council

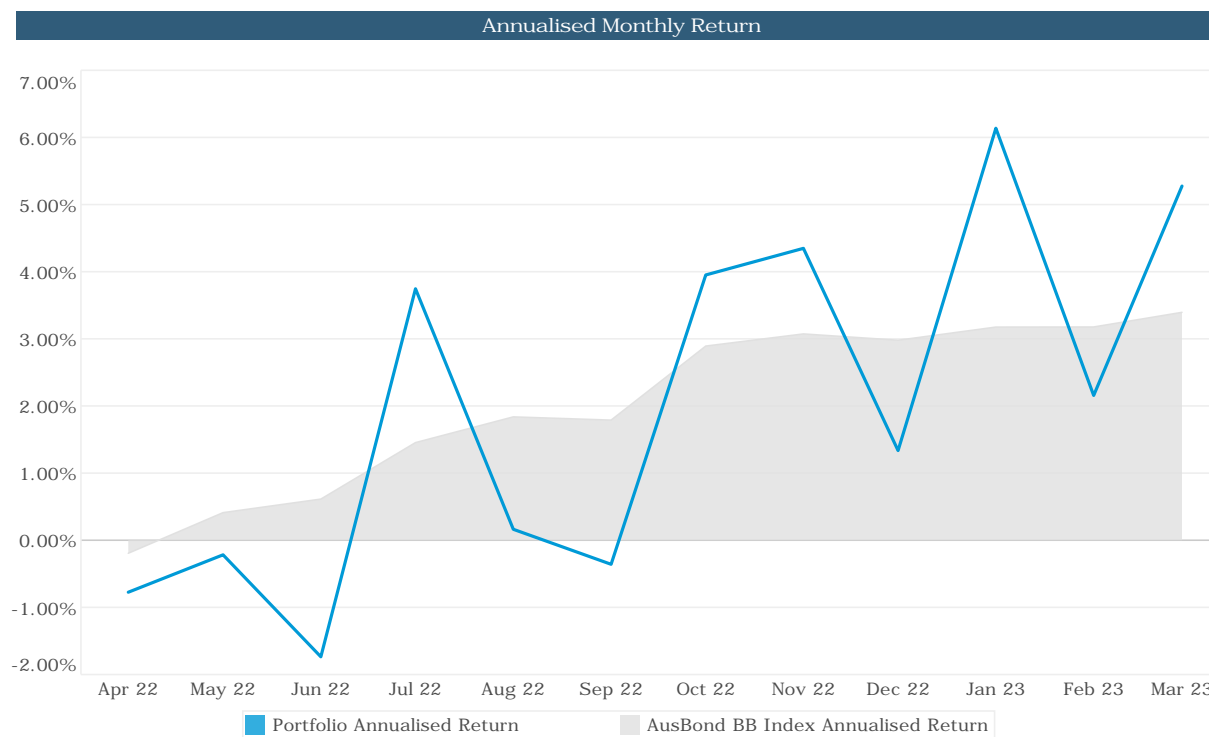
### Accrued Interest Report - March 2023



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	Interest Yield (% pa)
AMP Bank	543479		500,000.00	18-Oct-22	18-Oct-23	0.00	31	1,974.65	4.65%
AMP Bank	543506		1,000,000.00	1-Nov-22	1-Nov-23	0.00	31	4,076.71	4.80%
AMP Bank	543560		500,000.00	16-Nov-22	16-Nov-23	0.00	31	1,995.89	4.70%
Commonwealth Bank of Australia	543518		1,000,000.00	4-Nov-22	2-Nov-23	0.00	31	3,838.90	4.52%
Commonwealth Bank of Australia	543597		2,000,000.00	29-Nov-22	29-Nov-23	0.00	31	7,372.05	4.34%
Commonwealth Bank of Australia	543865		1,000,000.00	27-Feb-23	27-Feb-24	0.00	31	4,297.53	5.06%
AMP Bank	543944		500,000.00	21-Mar-23	21-Mar-24	0.00	11	723.29	4.80%
National Australia Bank	543970		500,000.00	30-Mar-23	3-Apr-24	0.00	2	121.92	4.45%
						9,250.00		69,618.37	3.91%
<u>Grand Totals</u>						<u>16,914.11</u>		<u>82,815.02</u>	<u>3.84%</u>

## Hunters Hill Council

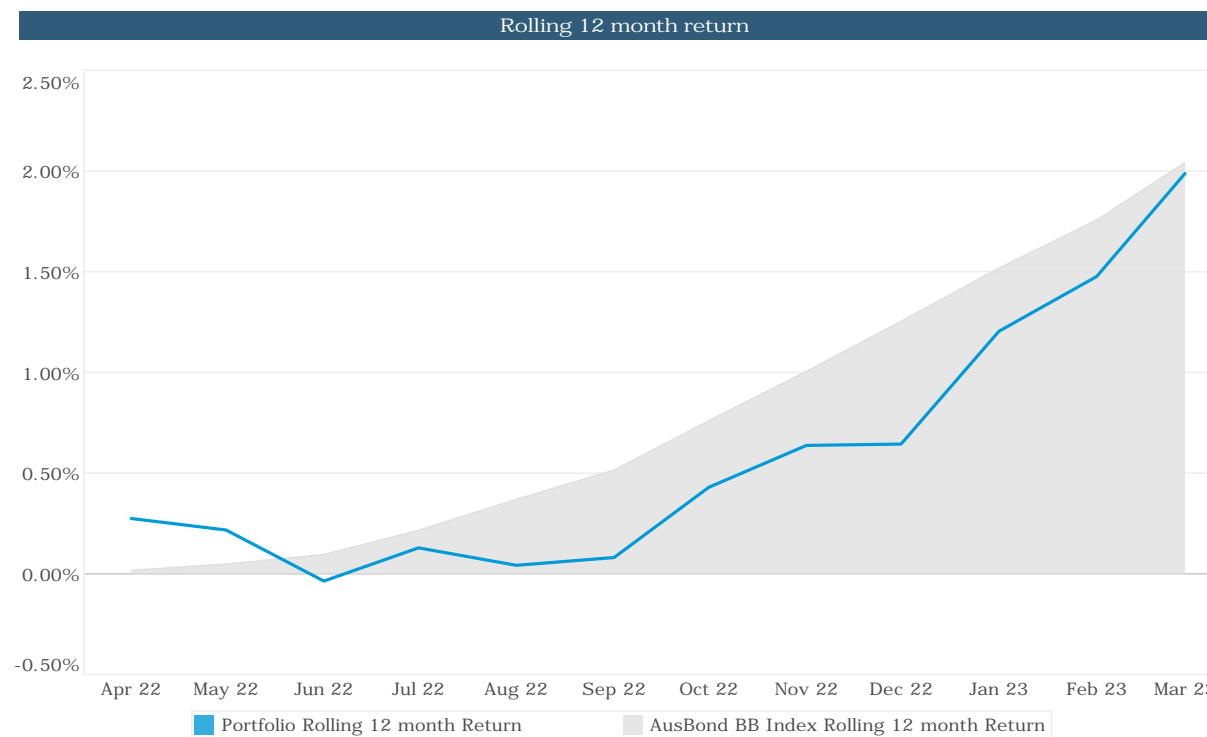
### Investment Performance Report - March 2023



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2023	5.28%	3.39%	1.89%
Last 3 months	4.59%	3.25%	1.34%
Last 6 months	3.88%	3.11%	0.77%
Financial Year to Date	2.97%	2.63%	0.34%
Last 12 months	1.99%	2.04%	-0.05%

## Hunters Hill Council

### Investment Performance Report - March 2023



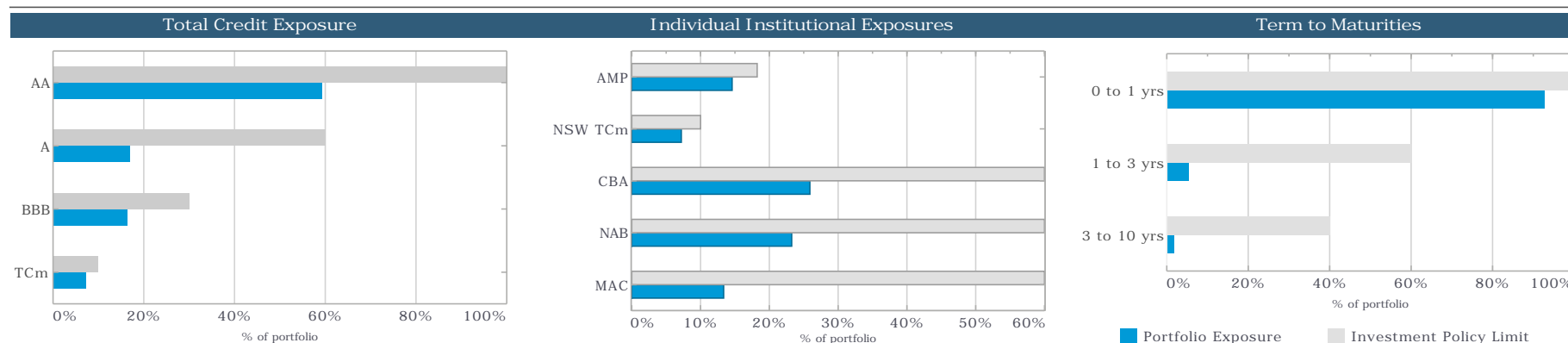
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2023	0.44%	0.28%	0.16%
Last 3 months	1.11%	0.79%	0.32%
Last 6 months	1.92%	1.54%	0.38%
Financial Year to Date	2.22%	1.97%	0.25%
Last 12 months	1.99%	2.04%	-0.05%





## Hunters Hill Council

### Investment Policy Compliance Report - March 2023



Credit Rating Group	Face Value (\$)	Policy Max
AA	16,283,997	59% 100% a
A	4,662,426	17% 60% a
BBB	4,500,000	16% 30% a
TCm	1,974,644	7% 10% a
	27,421,067	

Institution	% of portfolio	Investment Policy Limit
AMP Bank (BBB)	15%	18% a
NSW T-Corp (TCm)	7%	10% a
Commonwealth Bank of Australia (AA-)	27%	60% a
National Australia Bank (AA-)	23%	60% a
Macquarie Bank (A+)	13%	60% a
Westpac Group (AA-)	9%	60% a
Bank of Queensland (BBB+)	2%	18% a
Suncorp Bank (A+)	4%	60% a

	Face Value (\$)	Policy Max
Between 0 and 1 years	25,421,067	93% 100% a
Between 1 and 3 years	1,500,000	5% 60% a
Between 3 and 10 years	500,000	2% 40% a
	27,421,067	

a = compliant  
r = non-compliant

Credit Rating	Current Longest Maturity (years)	Policy Max
BBB+	0.23	1.00 a
BBB	0.97	1.00 a



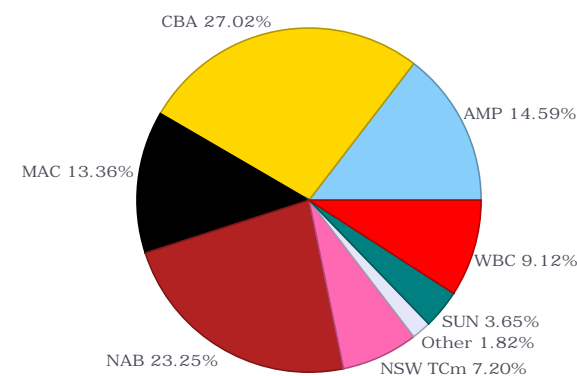
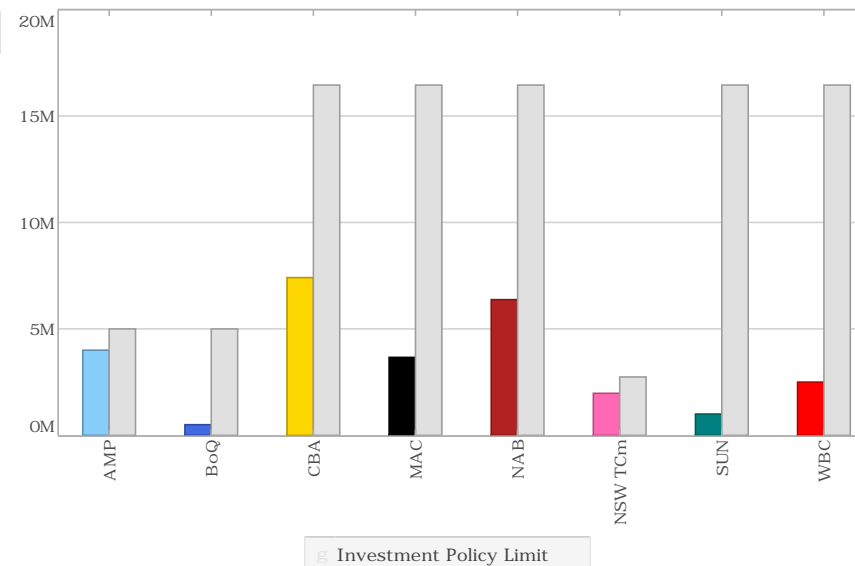
## Hunters Hill Council

### Individual Institutional Exposures Report - March 2023

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	4,000,000	15%	5,000,000	18%	1,000,000
Bank of Queensland (BBB+)	500,000	2%	5,000,000	18%	4,500,000
Commonwealth Bank of Australia (AA-)	7,408,997	27%	16,452,640	60%	9,043,643
Macquarie Bank (A+)	3,662,426	13%	16,452,640	60%	12,790,214
National Australia Bank (AA-)	6,375,000	23%	16,452,640	60%	10,077,640
NSW T-Corp (TCm)	1,974,644	7%	2,742,107	10%	767,463
Suncorp Bank (A+)	1,000,000	4%	16,452,640	60%	15,452,640
Westpac Group (AA-)	2,500,000	9%	16,452,640	60%	13,952,640
	27,421,067				

Individual Institutional Exposure Charts



# Hunters Hill Council

## Cashflows Report - March 2023



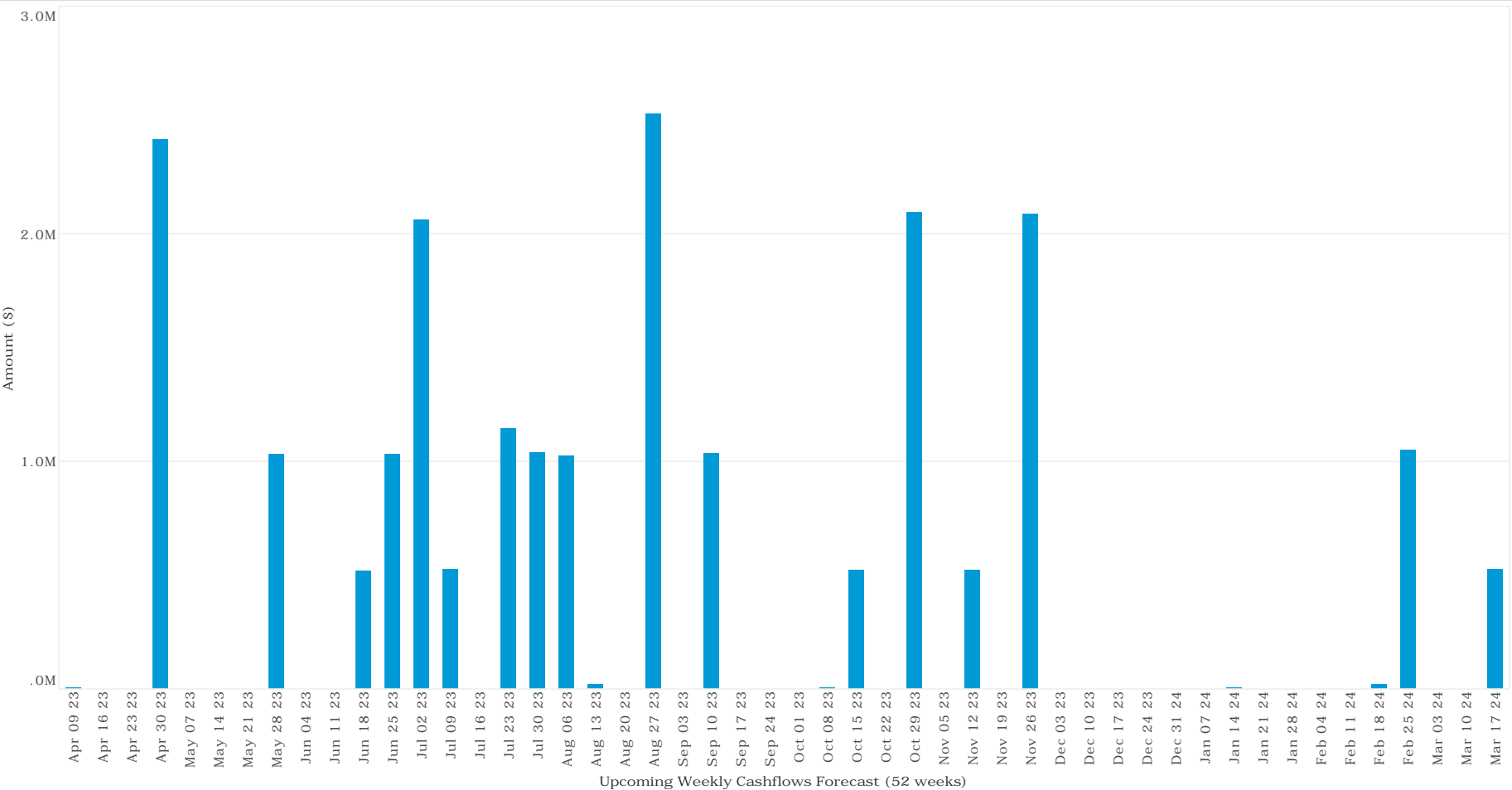
### Actual Cashflows for March 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
21-Mar-23	542460	AMP Bank	Term Deposit	Maturity: Face Value	500,000.00
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	6,250.00
				<u>Deal Total</u>	<u>506,250.00</u>
21-Mar-23	543944	AMP Bank	Term Deposit	Settlement: Face Value	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
				Day Total	6,250.00
30-Mar-23	541227	National Australia Bank	Term Deposit	Maturity: Face Value	500,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	3,000.00
				<u>Deal Total</u>	<u>503,000.00</u>
30-Mar-23	543970	National Australia Bank	Term Deposit	Settlement: Face Value	-500,000.00
				<u>Deal Total</u>	<u>-500,000.00</u>
				Day Total	3,000.00
				Total for Month	9,250.00

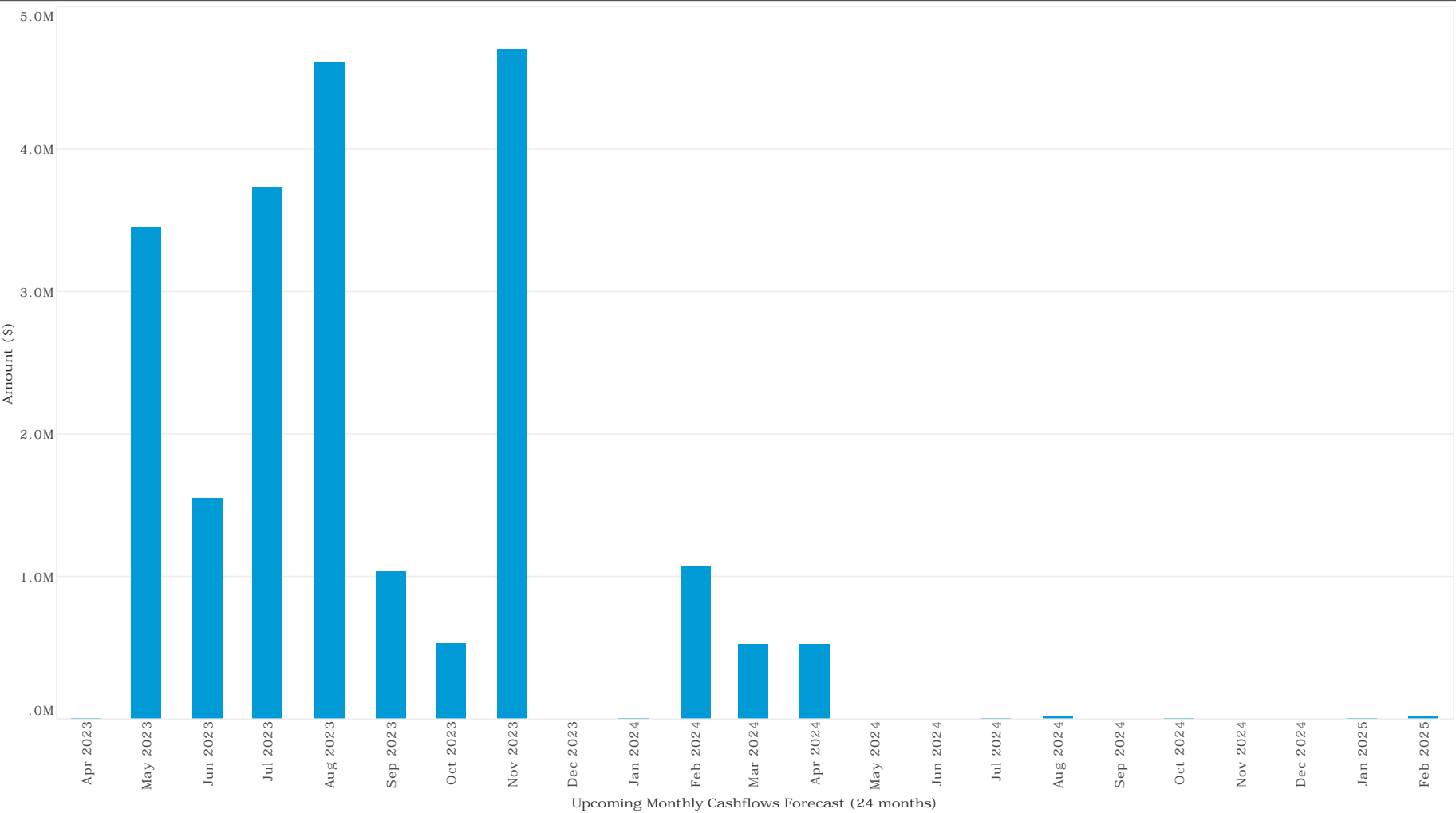
### Forecast Cashflows for April 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
13-Apr-23	543689	CBA Snr FRN (Jan28) BBSW+ 1.15%	Floating Rate Note	Coupon Date	5,503.56
<u>Deal Total</u>					<u>5,503.56</u>
Day Total					5,503.56
<u>Total for Month</u>					<u>5,503.56</u>

Hunters Hill Council  
Cashflows Report - March 2023



Hunters Hill Council  
Cashflows Report - March 2023



<b>ITEM NO</b>	: 4.5
<b>SUBJECT</b>	: HENLEY PRECINCT COMMUNITY MEETING OUTCOMES
<b>STRATEGIC OUTCOME</b>	: PARKS, SPORTSFIELDS AND PLAYGROUNDS SUPPORT INCLUSIVE AND ACCESSIBLE PLAY.
<b>ACTION</b>	: MANAGE AND MAINTAIN PARKS AND RESERVES
<b>REPORTING OFFICER</b>	: ANNIE GOODMAN

Ref:633617

## PURPOSE

The purpose of this report is to provide Council with an update following the Henley Precinct Community Meeting and provide a recommendation about proceeding with a masterplan for the site.

## RECOMMENDATION

1. That the report be received and noted.
2. That Council develop a Henley Precinct Masterplan Project Scope Brief.
3. That Council allocate \$125,000.00 within Council's 2023-24 budget to complete a Henley Precinct Masterplan.
4. That a further report be brought back to Council upon finalisation of the draft Masterplan for Council's consideration.

## BACKGROUND

A Henley Precinct Community Meeting was held on 23 March 2023 to listen to community views and understand key priorities.

This followed the update to the Henley Precinct Plan of Management (PoM) in 2021-2022 which enabled Council to understand the needs of all users of the area.

In addition, the issues relating to the NSW Office of Sport grant for the upgrade to Gladesville Reserve highlighted the importance of developing a masterplan and mapping out future community priorities in conjunction with all stakeholders.

## REPORT

The Henley Precinct Community Meeting provided Council with community views about what is important in the Henley Precinct. Over 100 key stakeholders attended the meeting.

Council wanted to hear about what are the key priorities for the site to ensure that any upgrades are based on community need.

## Outcomes from the Henley Precinct Community Meeting

The attached *Minutes of the Henley Precinct Community Meeting* in conjunction with all of the priorities outlined in the attached *Workshop Notes* provide a significant step in working towards the development of a comprehensive masterplan in conjunction with the local community and key users.

Questions that generated discussion at the Community Meeting included:

- What features are important – what do we love about the area?
- How can the area be better utilised by the community?
- What isn't currently working – what needs to be changed?
- What is an important priority?
- What needs maintenance/ fixing?
- What do we need that we don't currently have?

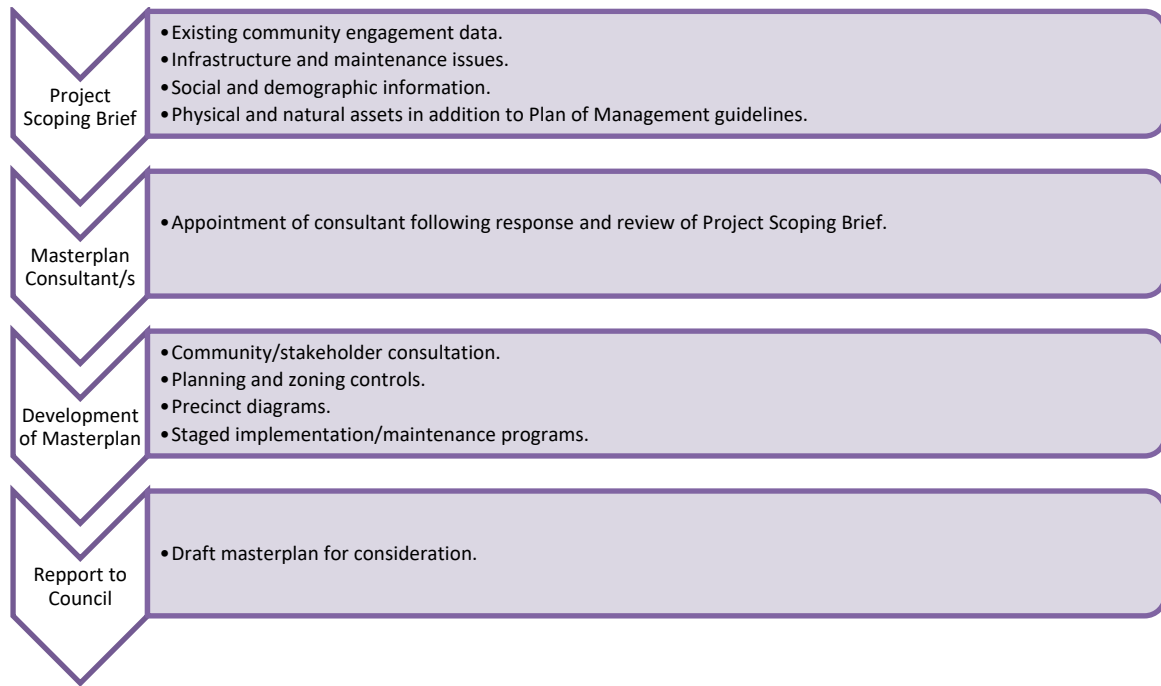
Some of the key issues identified by attendees included:

- Improving accessibility throughout the precinct.
- Upgrading the Henley Community Centre.
- Improving lighting.
- Maintaining and improving bushland which is currently being used as a bike track – look at alternate locations within the precinct for a bike track.
- Improving parking in and around the precinct.
- Installing wayfinding and interpretive signage for users and visitors.
- Securing longer term community licences for existing tenants.
- Improving shade cover for play spaces.
- Maintaining seawalls.
- Providing Indigenous recognition.
- Including sustainability initiatives throughout the precinct.
- Upgrading changerooms for sporting groups – providing female friendly facilities.
- Activating the Henley Community Centre for the broader community.

Incorporating feedback received to date will be vital in the development of a masterplan project scoping brief. The review of community engagement initiatives and data, existing infrastructure and maintenance issues, social and demographic information, natural assets and physical characteristics of the site will be essential in formulating a strategic framework.

This strategic framework (baseline data and analysis) information will then transition into the designing phase (urban design framework, a spatial masterplan and specific initiatives), which will then flow through to detailed strategies (wayfinding, public domain improvements) and implementation plan (priorities, staging and funding).

The process map over page outlines the strategic process.



## CONCLUSION

Developing a masterplan for the Henley Precinct will highlight the community's key priorities in addition to enabling Council to actively seek grants to address issues of connectivity, maintenance, and infrastructure. This in turn will enable a structured, informed and transparent process to be established.

The masterplan process will include further and more detailed community engagement that will guide a masterplan that outlines a staged implementation plan which considers short, medium and long-term goals.

## FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's 2022-23 adopted budget as a result of this report. However, should Council resolve to proceed with a masterplan for the Henley Precinct an additional \$125,000.00 will need to be allocated within Council's 2023-24 budget.

## ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

## SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

## RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.



## ATTACHMENTS

1. Minutes of Henley Precinct Community Meeting [↓](#)
2. Workshop Notes from Henley Precinct Community Meeting [↓](#)

**MINUTES OF THE HENLEY PRECINCT  
COMMUNITY MEETING  
23 MARCH 2023 AT 6.00PM**

**OBJECTIVE:**

Council is working with the community to deliver upgrades to the Henley Precinct based on community feedback.

**DISCUSSION FOCUS:**

Key questions to help generate discussion:

- 1) What features are important – what do we love about the area?
- 2) How can the area be better utilised by the community?
- 3) What isn't currently working – what needs to be changed?
- 4) What is an important priority?
- 5) What needs maintenance/ fixing?
- 6) What do we need that we don't currently have?

**TABLE PRESENTATIONS:**

Table 1:

- Accessibility from the car park, busses and wheelchair access needed.
- Lighting needs upgrading.
- Community Centre needs to cater to all age groups.
- Community Centre building needs upgrading.

Table 2:

- Sporting field and basketball courts were needed.
- Skatepark needs upgrading.
- Multi-lines needed on the courts for varied use.
- Pathways – access and connectivity.
- Crown Street Carpark was mostly empty due to low time parking limit. Could half the area be 12P and half be 4P?
- Community Centre toilets need upgrading.
- Lighting needs upgrading, particularly in the upper carpark.
- Bridge Club had issues in winter, at night, with poor lighting and this was a security/safety issue too.
- Downstairs parking had been taken over due to the Council Depot knock on effect.
- If the interim lawn parking was to continue, please could Council jackhammer some concrete clear for ease of access to the lawn (issue with the bottom of the cars being taken out by the step surface).
- Access to the river was needed in a similar manner to along Gladesville Hospital. A walkway from the car park to the river would be appreciated.

Table 3:

- Waterfront – seawalls need maintenance.
- Reserve requires shade over playground areas.
- Hospital grounds and other areas of neglect require maintenance.
- Bedlam Bay funds assigned to this area.
- Bushland maintenance; Lantana and Madeira Vine control needed.
- Community Centre needs upgrading and improved utilisation.
- Parking 12P not recommended unless residents have an exemption permit.
- Access from the top carpark was poor with excess muddy surfaces when it rains.
- Cleaning of the wharf would be appreciated.
- Garden needs irrigation.
- Recycling station takes up car spaces.
- Council's depot takes up community space.
- Needs better access pathways from North to South.

Table 4:

- Henley is known for its peacefulness and sense of space.
- Could community events benefit from Council's advertising them?
- Ramp from car park was a safety issue as it is slippery and uneven.
- Lighting needs upgrading.
- Heritage and character of building should be kept.
- Security of long-term leases needed.
- Toilets need upgrading.
- Steps to lower carpark need lighting and security.
- Area for small children to play would be appreciated.

Table 5:

- Liked the setting of the Henley Community Centre as a good place for groups to meet.
- Passive and active recreation areas needed.
- Parking and access via the steps from lower carpark are difficult and we have had injuries in the past.
- Longer term leases for community users is needed as it is hard to plan with short term leases.
- Bushland regeneration is needed.
- Disabled access needs upgrading as the parking bay is currently under water.
- Amenities block needs upgrading.
- There needs to be continuity between the areas, e.g. basketball courts and skatepark.
- Lighting needs upgrading.
- Masterplan needed to know who all the users are for better interaction and coordination between stakeholders.

Table 6:

- Community Centre needs upgrading.
- Fields for market days; flea market or monthly market.
- More shade areas needed for BBQ's and tables and chairs.
- Considerations for seniors.

- Access from both carparks is currently very slippery.
- Children's playground needs shaded areas.
- Lighting inadequate and needs upgrading.
- Foreshore tracks would be appreciated.
- Café would be good.

Table 7:

- Back parking couldn't be used at night due to lack of lighting and not accessible.
- Demographic of current users of the centre needs consideration.
- The Community Centre was a good place for people to interact, e.g. Bridge Club.
- Cement path for wheelchair access down to the water would be appreciated.
- Multigenerational and multifunctional were the 2 key words.

Table 8:

- Carpark lighting needs upgrading.
- Security concerns and safety due to the lighting.
- Slippery slopes.
- Henley Community Centre was a special site and important for community use as it met the needs of different generations of people.
- Ventilation needed attention as the carpet was mouldy (and the aircon was leaking).
- Toilets need upgrading.
- Tenants required more security to enable time to apply for various funding.
- Signage required as its not visible to the public.
- Interest in long-term plan for the area.

Table 9:

- Concern for the bushland as it needs fencing off so it can regenerate.
- Bushcare group to be established to look after that.
- Building itself to be upgraded, but not knocked down. Toilets need upgrading.
- Signage is necessary.
- Management plan for the whole site would be good to know.
- Short term leases were questionable.
- Unofficial jump track existed in the bushland, but it would be good to have an area/bike track for young children to play away from the bushland area.
- Playing field to be real grass as the community did not want synthetic surfaces anywhere in the area.
- Balcony along lower side of building flooded.
- Improve lighting along access points.

Table 10:

- Appreciation expressed about living in this area with beautiful spaces.
- Request to keep green spaces usable, but green.
- Sustainability centre needed to keep things local, where local people could bring the things that they don't need anymore.
- How can we share the space with the wider community?
- Bay run could be possible through this area, with a 5km track needed.
- Indigenous recognition – there was a need to share this culture.

- Maintain the community aspect through careful planning.
- Integrate all areas without frustrating neighbours.
- Infrastructure – better connection between the sites.
- Lighting and parking issues already raised.
- Where does all the garbage from the bins end up? In landfill?
- Concern for not overdoing the lighting.
- Expansion of the community garden.

Table 11:

- Request for no artificial grass.
- Request that we not sell the Community Centre. Possibilities include; trading table in the cupboard area with a tool and toy library.
- Change rooms for the footballers was needed for players who use Gladesville Reserve.
- Better parking.
- Need to fix ramp.
- Community Centre kitchen and bathroom needs upgrading.
- Walk through the ramped area – formal footpath would be nice.
- Henley baths – open up and resurrect the pool for young and old.
- Community hall be used for yoga and pilates – indoor exercise.

**GENERAL COMMENTS:**

- Funding for the future? Café opened over the weekends and flea markets here mean that the community can generate income for the centre.
- Suggestion of including the kids by having a silent disco event.
- Request for interpretative signage, to add to the interest of the history of the land.
- Biodiversity of owls and bats needed consideration as there was an opportunity to replace not just trees, but greenery in a layered ecology to accommodate a habitat for all the bushland animals in the area.
- Garbage truck issue with the question of whether council had ever had an engineering report done on the ramp?

**ACTION ITEM:** Engineering assessment required for the ramp and respond to those present regarding this.

- Functioning habitat corridor and connection through the areas. For e.g. a jump area with habitat surrounding it would give some privacy and also a home for the birds.
- Could Council help to formalise the links between the groups that meet at the Centre?
- Were there any plans for council to sell any land in Henley? The answer to this was, No, it was Crown Land and Council had no plans to sell this land.
- Chris Mutton, one of the bushcare workers mentioned that they were resource limited with only 2-3 people look after a huge area. Larger homes coming up sometimes meant trees coming down, so they compensated by looking after the bushland as much as possible. The bike track was not being utilised. Could this be recovered space and the track be moved out of the bushland to above on the northern slope above the oval, perhaps? It was noble to want to provide for the young people but not at the expense of the bushland.
- One resident asked if it was crown land, why was council hiring out the space and making money from that?
- It was requested for a list of the community groups to be circulated with the minutes.

ACTION ITEM: Distribute list of community groups with Minutes of Meeting.

- There was a request for substantial follow up to the meeting with addressing what could be actioned or not, and when that would be possible.

**NEXT STEPS:**

Council will provide feedback regarding the highlights from the evening at the Council Meeting in April. In addition, everyone who had provided an email address when registering for the meeting will be sent a copy of the minutes. We will set up a project page on Council's website dedicated to Henley. The minutes will be included and any other important information, such as the Plan of Management, which has all of the zoning and categorisation within this precinct. This is important as it informs what we can and cannot do.

Developing a masterplan for the area will highlight all the key things discussed this evening and will be helpful, not only for the community, but also for Council as we actively seek grants to address issues of connectivity, pathways, the carpark, etc. We can also actively seek grants for maintenance so that this centre can be better looked after. The driveway and the slope are also of concern so we can target grants that are specific and look at all the priorities that we have talked about.

Regular updates will be via the website, regular newsletters and letter box drops, making sure that we keep in touch with you all so that we are across maintaining this beautiful place for you.

Bushland - Protect + restore *Start a Bushcare Group.*  
 - Move biketrack to grassland.

Community Centre - improve: no need to replace  
*upgrade* esp toilets.

'Community Bridge'  
 not PRIVATE.

*Retain for Bridge etc. 270!*  
 - provides intellectual  
 - allow access to lower carpark.  
 (currently caters for Council machinery).

Don't reclassify  
land to 'Operational'  
 (which would allow construction  
 of incompatible uses)

Fence the bush  
 area (below the  
 playing field).

Create connected Habitat across site.

Regenerate bushland + improve buffers.

Improve lighting along access (carpark  
+ sloping road/path.

Improve parking + access for disability. *+ aged.*

Balcony FLOODS!

*Dev a  
 Management  
 Plan*

Retain real grass for sports field!

RETAIN HAPPY HENS  
 (require lease >> 1yr)



Features:

- peacefulness
- community
- sense of space
- friendly people at the Bridge Club
  - ↳ caters for mature aged people
- building friendships
- the openness

Community Utilisation:

- More promotion by Council about activities conducted.
- Destination or focal point
  - ↳ Reason to visit HCA/centre

CHANGED:

- Length of leases
- more certainty for time + investment in club + garden.
- Vision + Planning: Communication from Council.

1) Safe access down ramp  
+ into club: slippery/uneven surfaces

2) Lighting/security.

~~Public Trust~~

→ Keep the heritage/character of building.

Important Priority:

Security of a Long Term lease  
No Development!

Maintenance:

- Toilets (when club closed)
  - ↳ for gardeners and visitors
- steps to lower carpark
  - ↳ mums + kids.
  - ↳ Lighting

Small children play ground here at the garden area  
and a older ~~pl~~ childrens (school age) Play ground up  
near sport fields.



## + UPGRADE

\* KEEP + MAINTAIN <sup>^</sup> HENLEY COMMUNITY CENTRE

\* KEEP COMMUNITY FEEL eg GARDENS, MARKET DAYS, INTEREST GROUPS

\* PARKING - PROBLEM

\* MORE SHADE AREAS FOR BBQ PLUS TABLES + CHAIRS

\* ANY FUTURE DEVELOPMENT CONSIDER THE USE ALREADY BEING MADE FOR SENIORS N

\* ACCESS FROM <sup>BOTH</sup> <sup>^</sup> CARPARKS - NEED SAFE WALKWAY SEPARATE TO DRIVEWAY

\* CHILDRENS PLAYGROUND - POOR - NO SHADE EQUIPMENT GETS TOO HOT TO USE ON A HOT DAY

\* LIGHTING INADEQUATE IN WHOLE PRECINCT

\* POSSIBLE FORESHORE TRACK FROM WHARF TO HENLEY

\* RELOCATE THE 'RETURN + EARN' FACILITY

---

ON OUR TABLE:

\* ORCHESTRA, BRIDGE, ART GROUP, LOCAL RESIDENTS



# \*Surrounds of the natural environment.

Love the mixed use - Sports

local schools  
bridge  
happy hens  
multi generational.  
all ~~aged~~ groups -

\* priority: aged people  
enjoy the  
facility, social,  
community-oriented

\* high percentage of  
residents are over 50  
and need leisure  
activities

~~£500~~ poop

more parking - must be disability friendly + accessible  
open up the back parking which has been removed.

Under utilization: not enough basketball courts.  
~~not any~~ disability facilities

too split into - let's use the space much better  
together - uniting everyone.

~~the main hall~~  
road entrance needs widening - overall too narrow

Henley shouldn't be looked at in isolation but part  
of the whole of the Hunter's Hill area.

This large community hall needs upgrading + maintenance,  
eg. lighting, etc, windows need looking at,  
have a look at Lane Cove Golf Club proposal for redevelopment  
of clubhouse.

don't hire out for weekends. It should be for  
community use only! (It's not a private facility -  
it's for the residents.)

Improved foreshore walk - wheelchair friendly  
so all residents can enjoy the facility.

The bridge club is so long established, it should be  
able to utilise a community hall for such large  
numbers of players. This is a VERY VITAL  
social outlet and WE LOVE IT!! (<sup>its a</sup> voluntarily run  
bridge club)

We need more money - grants.



Users

- Bridge Club 5x52 weekly
- Happy Hens 3x weekly
- Sydney Community Centre 10x p.w.
- Qtr/mnthly Markets (seasonal)
- Free Market

Daylight times  
not at night

Upgrades

- Lightning
- Car Park
- Paths
- General Utilities/facility

PRIORITY

BRIDGE - TO REMAIN & UTILIZE X2

SUSTAINABLE - GARDEN X2

COMMUNITY SERVICES 65+  
- GARDEN TO 85.

INTERACTION

X GEN. PRESCHOOL.

MARKET

BBQ, FREE MARKETS - FOODS

H. HENS. PEOPLE TOWNTOWN

PARKLANDS - UPGRADE - THIS BUILDING  
- SMALL TO EXISTING.

IMPROVE. THIS BUILDING  
OPEN TO COMMUNITY GROUPS  
CORPORATE BUSINESS - ? CAFE. = RENT.  
CAR PARKING. - X MARKET.

WORKING

ACCESSABLE + + +

CAR PARK

BUILDING.

X BUSES CAN'T COME DOWN RAMP  
WALKERS. WHEELCHAIRS

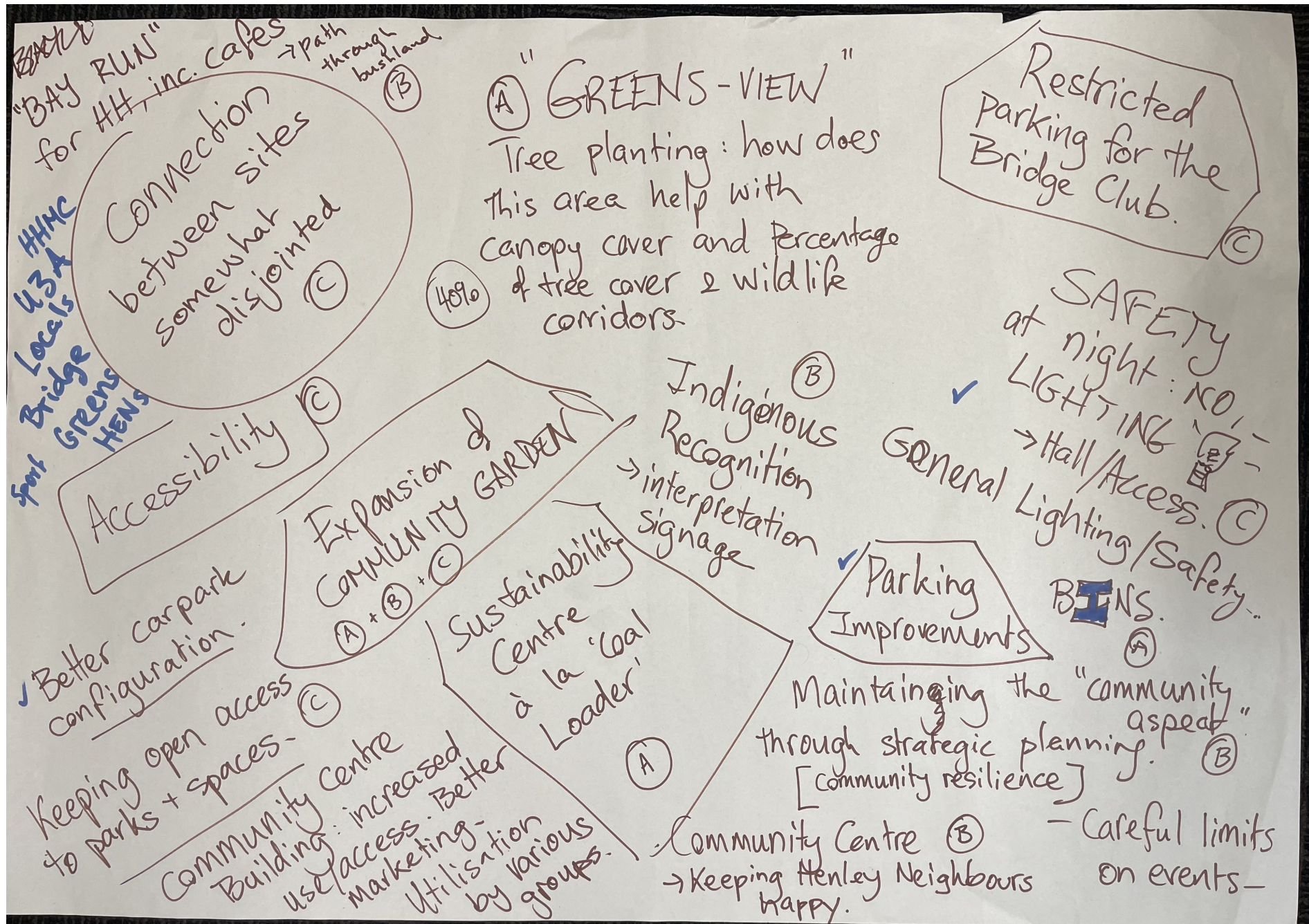
LIGHTING - EVERYWHERE'S  
TRIP HAZARDS.



## PRIORITY / WHO ARE + Noel

- \* BRIAN + KAY : Henley Hens : endorse 50:50 suggestion
  - Carpark <sup>should be</sup> only for 4 hours - restrictions on time - should be shorter to prevent using as commuter carpark eg 8am - to 4pm.
  - Lighting inadequate - road is dark - access road off Crankley is dark at night. if parking area Victoria Rd + Cran St.
  - \* Security concerns - bushes
- \* Tina Building is not fit for purpose
  - Wants facilities here upgraded ie kitchen, toilets, - not meeting health standards
  - \* ~~Com~~ Centre should be used by other groups - alongside bridge use.
  - Parking - difficult issue - should be upgraded
- \* Skate park + netball areas v imp+ for the youth.
- Iain
  - Building fabulous site - should be kept as a bridge club + others to share together.
  - \* Wants ventilation improved - mould ~~on~~ on carpet <sup>there is</sup> water ingress. (short-term)
  - ~~local that building is not fit for purpose~~
  - In future plans we need to maximise this valuable site
- \* Geoff Long term plan
  - Parking is inadequate except for the temporary use of the bowling green site - if it discontinues bridge players will have great problems.
  - Lighting on access road + down to the Com Centre is quite inadequate
- \* Philippa
  - Need for recognition that the bridge clubs are anchor tenants, pay significant lease fees + need long term security than 1 year lease like hens
  - Signage | What's on







Features:

1. Waterfront - Seawalls
2. Reserve
3. Hospital incl. oval,
4. Bedlam Bay
5. Natural Bush
6. Traffic control
7. Community Centre (Pkg), Hens, structure
8. Carriage

Fixing

↓  
Irrigation for  
Crown St  
Garden.

1. Utilisation of Community Centre - ant Bridge (Lane)
- " Pkg. - recycling station
- animal depot under cr
- access paths N/Sth

Maintenance : Crown St - Leases  
Bushland / Lantana, Madeira vine  
- Litter - cleanup

- Support Proposed Upgrade of Sports fields — Basketball/Football  
X 2 — Multi Court lining
- Upgrade Toilets in Community Centre — Skate PARK Upgrade

Maintenance — Upgrade lighting: Top Carpark — to Centre

Maintenance — Works team to re locate — PARKING  
→ (access to bowling green) ○

• Pathways — access: Connectivity

• Crown St CAR PARK —  
1/2 ○ 12 hrs  
1/2 ○ 4 hrs

• Access to water/foreshore from lower car park.  
Walkway



Important → No artificial grass  
 Love → Space / Light (bridge room)  
 Catering to seniors (what about younger people)  
 Ambiance for older people ✓  
 important for bridge players  
 exercise (outside) - (community hall) (pilates/yoga)  
 { Henley green - needs expanding  
 { Night lighting ✓  
 { Better parking ✓  
 { Ramp needs fixing ✓ too steep  
 { Bathrooms → upgrading  
 { Kitchen  
 { Change rooms for players on Gladesville Reserve  
 { Trading table / swap spot  
 !! DONT SELL !!  
 { tool library  
 { toy library

Change  
 Maintenance  
 Don't have



### Not working & needs to be fixed

- \* Drainage
- \* Pathways
- \* Access from carpark below community centre
- \* Amenities block (Gladesville R.)
- \* Access from skatepark to Amenities
- \* Toilets in community Centre
- \* disabled parking
- \* More parking at community Centre
- \* Move Recycling to free up 20+ spaces. Move recycling to more suitable location
- \* Access from top car park

- \* Community Centre for community + volunteer groups
- \* Natural parkland + walkways
- \* Beautiful setting - nice to spend time here
- \* Sporting facilities - active
- \* Recreational use - passive & active

### Better utilisation

- \* Fix the parking & access to parking
- \* Fix the lighting for carparks & footpaths
- \* Longer term leases & licence for community groups to allow better security for groups & future planning.
- \* Improve bushland plantings
- \* Weed control & bushland regeneration
- \* Disabled access & parking
- \* Kitchen



## Important priorities

- Secure <sup>long term</sup> tenure for present + community users
- Amenities block & footpaths
- Carparking & lighting
- Increase capacity of gardens

### What do we need

- Masterplan for all users of precinct - community input
- Co-ordination between users

<https://innominatostrings.com.au>

String orchestra  
web

Please check out for our  
concert on 21 May, (Sun)  
ALL WELCOME !!

<b>ITEM NO</b>	: 4.6
<b>SUBJECT</b>	: NOTIFICATION OF PUBLIC EXHIBITION - LOCAL APPROVALS POLICY
<b>STRATEGIC OUTCOME</b>	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
<b>ACTION</b>	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
<b>REPORTING OFFICER</b>	: JAD DAVIS

Ref:619092

**PURPOSE**

Certain activities require approval from Council under Section 68 of the *Local Government Act 1993 (LG Act)*. Council has previously adopted individual local approval policies for Mobile Food Vending Vehicles and Outdoor Dining Areas.

Any adopted policy that relates to local approvals is automatically revoked at the expiration of 12 months after the declaration of the poll for a Council election.

The purpose of this report is to consolidate the existing policies into a single draft Local Approvals Policy, make housekeeping updates to the existing local approval policies, and provide Council with drafts document for endorsement, in preparation for public exhibition.

**RECOMMENDATION**

That Council:

1. Endorse the draft Local Approvals Policy attached to this report (see Attachment 1).
2. Place the endorsed draft Local Approvals Policy on public exhibition for a period of not less than 28 days, inviting submissions from the public for a period of not less than 42 days from which the draft Local Approvals Policy is placed on public exhibition.
3. Receive a further report on the draft Local Approvals Policy that includes consideration of any submissions made within the time allowed, prior to formal adoption.



**BACKGROUND****165 Amendment and revocation of local policy**

- (4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.*

**158 Preparation of draft local policy for approvals**

- (1) A council may prepare a draft local approvals policy.*  
*(2) A draft local approvals policy is to consist of three parts.*  
*(3) Part 1 is to specify the circumstances (if any) in which (if the policy were to be adopted) a person would be exempt from the necessity to obtain a particular approval of the council.*  
*(4) Part 2 is to specify the criteria (if any) which (if the policy were to be adopted) the council must take into consideration in determining whether to give or refuse an approval of a particular kind.*  
*(5) Part 3 is to specify other matters relating to approvals.*

**160 Public notice and exhibition of draft local policy**

- (1) The council must give public notice of a draft local policy after it is prepared.*  
*(2) The period of public exhibition must be not less than 28 days.*  
*(3) The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.*  
*(4) The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.*

**161 Adoption of draft local policy**

- (1) After considering all submissions received by it concerning the draft local policy, the council may decide—*  
*(a) to amend its draft local policy, or*  
*(b) to adopt it without amendment, or*  
*(c) not to adopt it, except where the adoption of criteria is mandatory.*  
*(2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.*

**REPORT**

Section 68 of the LG Act sets out a range of activities that require Council approval. These activities include engaging in trade or business on community land, such as an Outdoor Dining Area on the footpath and using a standing vehicle for the purpose of selling products in a public place, such as Mobile Food Vending Vehicles.

**Need for a Local Approvals Policy**

Section 89 of the LG Act specifies the factors that Council must take into consideration when determining an application. As the range of activities that require approval is broad, the factors

that must be taken into consideration are also described in broad terms, such as the principles of ecologically sustainable development and the public interest.

Section 89(1)(b) of the LG Act permits Council to consider an application against an adopted Local Approvals Policy that contains criteria that is relevant to a specific application.

A Local Approvals Policy enables Council to quantify and clarify the broad terminology contained within the LG Act into subject related criteria. This provides clarity, consistency and transparency to all parties involved when assessing and determining an application.

### **Previous Local Approvals Policy**

Council has previously adopted individual policies for the approval of Mobile Food Vending Vehicles and Outdoor Dining Areas.

These policies were automatically revoked 12 months after the declaration of the poll for the last Council election in accordance with Section 165(4) of the LG Act.

### **Draft Local Approvals Policy**

A draft Local Approvals Policy (copy attached in Appendix 1) has been prepared in accordance with Section 158 of the LG Act for the following activities that require Council approval:

- Engaging in trade or business on community land – Outdoor Dining Areas
- Using a standing vehicle for the purpose of selling products in a public place - Mobile Food Vending Vehicles

The draft Local Approvals Policy consolidates the existing policies into a single Policy to comply with the requirements of the LG Act. The key amendments to the consolidated Policy include:

- Consolidating, reformatting and restructuring the existing policies to comply with Section 158 of the LG Act, and
- Updating references to legislation and guidelines that have been amended since the Policy was previously adopted by Council, and
- Updating the application process for Outdoor Dining Areas to align with the new Liquor & Gaming NSW requirements that have been amended since the Policy was previously adopted by Council.

### **Public exhibition**

Section 160 of the LG Act requires Council to give public notice of a draft Local Approvals Policy after it is prepared.

The public exhibition must not be less than 28 days. The period during which submissions may be made to the Council must not be less than 42 days after the draft Local Approvals Policy was placed on public exhibition.

### **CONCLUSION**

It is recommended the draft Local Approvals Policy be placed on public notification. It is also recommended a further report on the draft Local Approvals Policy be received that includes consideration of any submissions made within the time allowed, prior to formal adoption.

**FINANCIAL IMPACT ASSESSMENT**

The ongoing administration cost associated with the Local Approvals Policy is projected to be recovered from the applicants.

**ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

**SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter although Mobile Food Vending Vehicles and Outdoor Dining Areas may provide opportunities for people to have access to food and drink in open space and recreation areas.

**RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter. Operators of Outdoor Dining Area and Mobile Food Vending Vehicles are required to hold public liability insurance.

**ATTACHMENTS**

1. Draft - Local Approvals Policy [↓](#)

## HUNTER'S HILL COUNCIL



POLICY NO.	xxx
POLICY TITLE	Local Approvals Policy
STATUS	DRAFT
SERVICE	Public Health and Safety
DOCUMENT ID	xxx

**PURPOSE**

The purpose of this Policy is to supplement the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* by:

- a. Specifying the circumstances in which a person would be exempt from the requirement to obtain a particular approval of Council, and
- b. Specifying the criteria which Council must take into consideration in determining whether to give or refuse an approval, and
- c. Specifying other matters relating to approvals.

**SCOPE**

The Policy applies to Council representatives, employees, and members of the public.

The Policy relates to all land within the Hunter's Hill Local Government Area.

**DEFINITIONS**

<b>Council-owned land</b>	Land that is owned by Council, or Crown land under the care, control and management of Council, and land that is being leased by Council.
<b>Mobile Food Vending Vehicle</b>	Any means of transport, whether self-propelled or not, or designed to be movable from place to place, and which is used for selling food whether on land, sea or air.
<b>Outdoor Dining Area</b>	The area associated with an approved food and drink premises located on land owned by the Council or under Council's care, control and management where Council has issued a permit for the purpose of outdoor dining.
<b>Outdoor Dining Area Approval</b>	The license/ permit given by Council to operate an Outdoor Dining Area under the <i>Local Government Act 1993</i> and <i>Roads Act 1993</i> .



## POLICY STATEMENT

This Policy is called the Hunter's Hill Local Approvals Policy ("Policy").

In the event of an inconsistency between this Policy and the *Local Government Act 1993* or associated Regulations, the *Local Government Act 1993* or Regulations shall prevail to the extent of the inconsistency.

The prior approval of Council is required to carry out certain activities under Section 68 of the *Local Government Act 1993*, including to use a standing vehicle or any article for the purpose of selling any article in a public place and to engage in trade or business on community land.

### Part 1 - Exemptions

The following circumstances are specified as to when a person would be exempt from the necessity to obtain a particular approval of the council.

Activities	Exemptions
Use a standing vehicle or any article for the purpose of selling any article in a public place	Appendix 1 - Mobile Food Vending Vehicles – Section 1
Engage in trade or business	Appendix 2 - Outdoor Dining Areas – Section 1

### Part 2 - Considerations

The following criteria will be taken into consideration in determining whether to give or refuse an approval of a particular kind.

Activities	Criteria
Use a standing vehicle or any article for the purpose of selling any article in a public place	Appendix 1 - Mobile Food Vending Vehicles – Section 2
Engage in trade or business	Appendix 2 - Outdoor Dining Areas – Section 2

### Part 3 - Other matters relating to approvals

#### 3.1 Application for other activities

Applications for all other activities (as described in Section 68 of the *Local Government Act 1993* that are not listed in this Policy are to be on the approved form available on Council's website.

All applications will be assessed in accordance with Section 89 of the *Local Government Act 1993*.

#### 3.2 Lodgement of an application

Applications for activities specified in this Policy must be made on the approved form that is available on Council's website and be accompanied by all information required on the form. Any application that is unclear or illegible may be returned.

All relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges must be paid at the time of lodgement or as specified in the Schedule of Fees and Charges.

#### 3.3 Refund of fees

If an application is withdrawn by an applicant prior to determination, 50% of the application fees will be refunded. No refund will be provided once an application has been determined.

#### 3.4 Variations to criteria

In determining an application, Council's Director – Town Planning or Director - Infrastructure & Environmental Sustainability may choose to vary any criteria referred to in this Policy on a case-by-case basis. Any variations must have regard to the merit of the individual circumstances, the purpose of the Policy and the legislation.

#### 3.5 Determination

When an application is determined, a notice will be issued to the applicant advising whether the application has been refused, approved or approved with conditions.

#### 3.6 Review of determination

A determination can be reviewed under Section 100 of the *Local Government Act 1993*. A request for a review must be made within 28 days after the date of the determination. A determination of a review may not be further reviewed.

#### 3.7 Record of approvals

A record of all approvals is required to be kept in accordance with Section 113 of the *Local Government Act 1993*. The record of approvals may be viewed at Council's office.

#### 3.8 Amendment of an approval

A person to whom an approval is granted or any other person entitled to act on an approval may apply to Council to amend the approval in accordance with Section 106 of the *Local Government Act 1993*.

#### 3.9 Modification or revoking an approval

Council reserves the right to revoke any approval in accordance with Section 109 of the *Local Government Act 1993*. In particular, an approval may be revoked or modified in any of the following circumstances:

- a. If the approval was obtained by fraud, misrepresentation or concealment of facts, or
- b. For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused Council not to have granted the approval (or not to have granted it in the same terms), or
- c. For any failure to comply with a requirement made by or under the *Local Government Act 1993* relating to the subject of the approval, or
- d. For any failure to comply with a condition of the approval.

**RELATED LEGISLATION**

Companion Animals Act 1998  
 Disability Discrimination Act 1992  
 Environmental Planning and Assessment Act 1979  
 Food Act 2003  
 Local Government Act 1993  
 Protection of the Environment Operations Act 1997  
 Roads Act 1993  
 Smoke-free Environment Act 2000  
 Work Health and Safety Act 2011

**POLICY AUTHORITY**

Director – Town Planning

**GETTING HELP**

For interpretations, resolution of problems, and special situations please contact Council's Health and Building Surveyor.

**REVIEW**

This policy is to be reviewed within the first 12 months of each term of Council or as required.

**The next review date is: 2025**

**ADOPTED BY COUNCIL:**

DATE: xx  
 RESOLUTION NO: x

**VERSION CONTROL TABLE**

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
08/07/2002	1.0	265/02	Adoption of Policy	S Kourepis
07/04/2014	1.1	96/14	Updates to Policy	W McGuirk
	1.2		Updates to Policy	

## APPENDIX 1 – MOBILE FOOD VENDING VEHICLES

The purpose of the Mobile Food Vending Vehicle component of this Policy is to:

- a. Encourage Mobile Food Vending Vehicle business to operate in Hunter's Hill, whilst complying with the relevant legislation and Council policies.
- b. Ensure Mobile Food Vending Vehicles operate within approved off-street trading sites in public places.
- c. Ensure the Mobile Food Vending Vehicle complies with the NSW Food Authority's Guideline for Mobile Food Vending Vehicles and that all food sold is safe for human consumption.
- d. Provide guidance for people wishing to operate a Mobile Food Vending Vehicle within the LGA.
- e. Ensure safe operation of Mobile Food Vending Vehicles for staff, patrons and the public.
- f. Ensure the operation of Mobile Food Vending Vehicles do not negatively impact surrounding areas, sensitive land uses and all waste is disposed of appropriately.

### 1. Exempt Criteria

Exemptions under the Policy:

- a. The location and trading conditions specified in 2.4 do not apply to Council approved or operated events.

Note: If you are wishing to trade on land that is privately owned, please contact Council to discuss any specific requirements.

### 2. Assessment Criteria

In determining an application for a Mobile Food Vending Vehicle Approval, Council will consider the following criteria:

#### 2.1 Types of mobile food vending vehicles

##### Category 1 - Food Vans

Menu Items – Food and drinks that do not require a kitchen or further preparation, the exception being the frothing of milk for coffee, the preparation of a milkshake or the serving of frozen dairy products. Food may be pre-packaged, or served directly from its package/ container and does not require re-heating (that is, potentially hazardous food that is already hot).

Examples of food types include tea, coffee, milkshakes, pre-packaged ice cream, soft serve ice cream, pre-heated and pre-packaged pies and sausage rolls, pre-made and pre-packaged sandwiches.

##### Category 2 – Food Trucks

There are no restrictions to the menu for an approved food truck. Potentially hazardous foods may be prepared, cooked and sold from the vehicle. The vehicle can be a mobile kitchen; however, the operator must have access to an approved fixed premises or commercial kitchen (for large scale food preparation and storage). Food types can include pasta, stir fries, sandwiches, burgers, fries, deserts, etc.

The Food Truck shall be no larger than 11 metres long or 2.5 metres wide.

#### 2.2 Fitout

The fitout of a Mobile Food Vending Vehicle is required to comply with the NSW Food Authority's Guidelines for Mobile Food Vending Vehicles (July 2020).

### 2.3 Food safety inspection

- a. The operation of any Mobile Food Vending Vehicle is subject to a satisfactory food safety inspection under the *Food Act 2003* from their home jurisdiction. The inspection must have been conducted within the 12 months prior to the application being made.
- b. If a food safety inspection has not been undertaken within the 12 months prior to the application being made or if the home jurisdiction is Hunter's Hill Council, an appointment must be made with Council staff for an inspection.
- c. Random inspections of Mobile Food Vending Vehicles may be conducted by Council staff during trading times. Any fees associated with these inspections will be charged to the business in accordance with Council's Schedule of Fees and Charges.
- d. Failure to facilitate an inspection or pay the associated fees within the specified time will result in immediate revocation of any approval.

### 2.4 Location and trading conditions

Mobile Food Vending Vehicles will be permitted to trade subject to the following criteria:

#### Category 1 – Food Vans (on-street vending)

- a. Food Vans can operate on streets throughout the LGA, except for the prohibited roads and precincts listed in 2.5.
- b. Food Vans may operate between 7:00 am to 7:00 pm daily.
- c. Food Vans must be parked legally and can trade for no more than 60 minutes in any one location per 24-hour period.
- d. Food Vans may trade onto the footpath area adjoining where they are parked.
- e. Food Vans must not park on the actual footpath or across driveways.
- f. Food Vans are not permitted to trade within 200 metres of a fixed and permanent food outlet.

#### Category 2 – Food Trucks (on-street vending)

- a. The proprietor of a food truck must nominate a space within the LGA that they propose to trade and this will be considered on its merits (i.e. on a case-by-case basis).
- b. Food Trucks may operate between 7:00 am to 7:00 pm daily.
- c. Food Trucks may only park in designated spots that are identified with corresponding signage.
- d. Food Trucks may trade onto the footpath area adjoining where they are parked.
- e. Food Trucks must not park on the actual footpath or across driveways.
- f. Food Trucks are not permitted to trade within 200m of a fixed and permanent food outlet.

#### Category 2 – Food Trucks (off-street vending)

- a. Food Trucks may trade in the following areas, subject to approval, Boronia Park, Weil Park, Buffalo Creek Reserve, Clarkes Point Reserve, and Gladesville Reserve.

- b. Food Trucks may trade on other Council-owned land, subject to application and consideration by Council's Director – Town Planning on a case-by-case basis.
  - c. Food Trucks can operate in the approved location for up to 6 hours within any 24-hour period.
  - d. When entering and exiting a site, the operator of the Food Truck must ensure there is at least one person guiding outside of the vehicle, to ensure a safe passage by warning pedestrians that the vehicle is moving in addition to warning the driver of any dangers.
  - e. Food Trucks must only park within the confines of the approved location.
  - f. Items such as seating, waste bins, signage and menus can be placed outside of the Food Truck within a 5 metre radius.
- 2.5 Prohibited roads and precincts  
Mobile Food Vending Vehicles cannot operate on Victoria Road, Gladesville Road, Pittwater Road, Ryde Road or Burns Bay Road.

### 3 Other matters relating to approvals

#### 3.1 Application process

- a. Each Mobile Food Vending Vehicle is required to have a separate application and approval under Section 68 of the *Local Government Act 1993*.
- b. The application must be made by completing the Mobile Food Vending Vehicle application form that is available on Council's website.
- c. The application must be accompanied by a copy of the latest food safety inspection report from their home jurisdiction (if the home jurisdiction is not Hunters' Hill Council).
- d. An application for a Category 2 – Food Truck must be accompanied by a Management Plan that details the food handling processes, noise controls, waste, ventilation and odour, water (both potable for use and disposal of waste water), cleaning of the vehicle (inside and outside), and pest control.
- e. If approved, Council will issue a Mobile Food Vending Vehicle Approval. The approval will summarise who it has been issued to, the category type of the vehicle, registration of the vehicle, expiry date and any conditions.

#### 3.2 Mobile Food Vending Vehicle Approval term

An approval will take effect from the date stated on the approval and shall remain current for a period of 12 months, or any other time as stated on the approval not greater than 12 months.

If an operator has ceased trading, or does not trade for a period longer than 6 months, Council reserves the right to revoke the approval.

#### 3.3 Display of Mobile Food Vending Approval

A copy of the Mobile Food Vending Approval must be displayed in the vehicle and made available to Council staff upon request.

### 3.4 Transfer of Mobile Food Vending Vehicle Approval

- a. A Mobile Food Vending Vehicle Approval is not transferable.
- b. The new owner of a Mobile Food Vending Vehicle must lodge a new application with the associated paperwork specific to their business and pay the appropriate fee.
- c. Trade from the vehicle is prohibited until a new approval has been given.

### 3.5 Fees and charges

- a. An application for a Category 1 – Food Van does not have an associated fee.
- b. An application for a Category 2 – Food Truck must be accompanied by the fee in Council's Schedule of Fees and Charges.
- c. Any application for an amendment must be accompanied by the fee in Council's Schedule of Fees and Charges.
- d. The fees are payable to Council at the time the application is made. Applications not accompanied by the fee will not be processed and may be returned after five working days should payment not be made.

### 3.6 Parking

Mobile Food Vending Vehicles must comply with the Australian Road Rules and all parking restrictions. This includes not parking on a footpath or across driveways.

### 3.7 Deliveries

Deliveries are not permitted to be made to the Mobile Food Vending Vehicle whilst in position at a trading location. A Mobile Food Vending Vehicle must arrive at the trading location fully equipped to start service.

### 3.8 Sale of liquor

No Mobile Food Vending Vehicle is permitted to utilise a liquor license to sell alcohol to public.

### 3.9 Smoking

In the event that a seated area is provided, the provisions of the *Smoke-free Environment Act 2000* are applicable. This means smoking is not permitted within 10 metres of the Mobile Food Vending Vehicle or within 4 metres of any seated dining area associated with vehicle.

**APPENDIX 2 – OUTDOOR DINING AREAS**

The purpose of the Outdoor Dining Areas component of this Policy is to:

- a. Encourage, develop and implement a consistent approach for Outdoor Dining Areas.
- b. Encourage Outdoor Dining Areas to be provided to existing and new premises that have development consent as a food and drink premises.
- c. Improve the vitality and atmosphere of areas within the LGA, particularly the small neighbourhood centres.
- d. Ensure Outdoor Dining Areas are safe, accessible and that appropriate safety barriers are installed.
- e. Ensure Outdoor Dining Areas do not negatively impact surrounding areas.

**1. Exemptions**

There are no exemptions under this Policy.

**2. Assessment Criteria**

In determining an application for an Outdoor Dining Area Approval, Council will consider the following criteria:

**2.1 Layout**

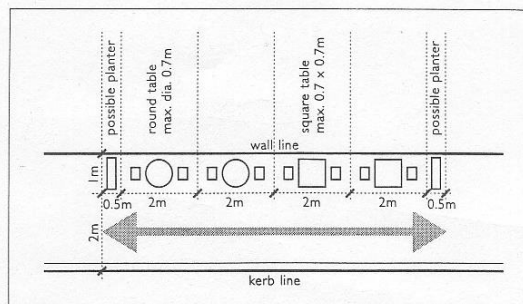
- a. The Outdoor Dining Area must be associated of an existing or new premise that has development consent as a food and drink premises.
- b. The Outdoor Dining Area should be level (slope of not more than 1:50), with an all-weather, non-slip surface that is suitable for tables, chairs and umbrellas.
- c. The Outdoor Dining Area should be located near the indoor part of the restaurant, so there is no conflict between waiting staff and pedestrians using the footpath.
- d. The location of tables, chairs and umbrellas should maintain an unobstructed clear width of at least 2 meters from the kerb to ensure the footpath can be used by pedestrians.
- e. The Outdoor Dining Area must be open, so that they add life on the street. Nuisances such as noise are not permitted to be dealt with by an enclosure or the like.
- f. The Outdoor Dining Area must not hinder the use of existing public transport facilities.
- g. The perimeter of the approved Outdoor Dining Area must be marked by perimeter markers (eg. tactile ground surface indicator or a similar material) approved by Council's Director - Infrastructure & Environmental Sustainability.
- h. Site layout examples for proposed Outdoor Dining Areas are located on the following page.



**Diagram 1**

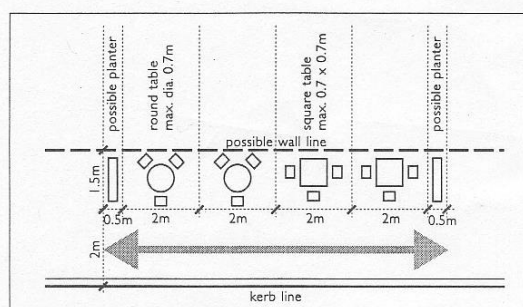
Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

**Diagram 2**

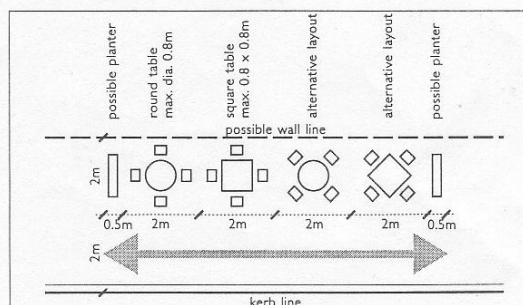
Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

**Diagram 3**

Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table



## 2.2 Design of Furniture

- a. The style of tables, chairs and umbrellas shall complement and not detract from the setting or give rise to conflicts with existing external colour schemes. Colours should be selected to fit in with the existing and adjoining colour schemes.
- b. Tables, chairs and umbrellas must not damage Council-owned land, or be fixed to the pavement, or cause a trip hazard to pedestrians. All furniture must be stowed away wholly within private property when not in use.
- c. The style, size and type of tables, chairs and umbrellas are subject to the approval of Council. In this regard, the items shall be of a high quality and acceptable design. The manufacturer's details and colour scheme, including drawings or photographs, shall be submitted with the Outdoor Dining Area application to ensure that visual qualities are maintained.

## 2.3 Amenity Considerations

- a. Litter bins must be provided as required by Council's Director - Infrastructure & Environmental Sustainability.
- b. The Outdoor Dining Area must be kept clean and tidy at all times. It is the Outdoor Dining Area Approval holder's responsibility to keep Council-owned land clean at all times.
- c. If the Outdoor Dining Area is located close to residential housing, it must not unreasonably impact on properties so as to create a nuisance and/ or offensive noise under the *Protection of the Environment Operations Act 1997*. Council may require an applicant to provide an acoustic assessment report prepared by a qualified acoustic consultant to confirm the proposed Outdoor Dining Area will not create a nuisance and/or offensive noise.
- d. All outdoor lighting must comply with Australian Standard AS 4282-2019 – The Control of the Obtrusive Effects of Outdoor Lighting. Council may require an applicant to provide a report prepared by a qualified engineer to confirm compliance with the standard where outdoor lighting is used.
- e. At no time shall any advertising signage, including an "A-frame" signage be permitted on Council-owned land.
- f. Any heating devices shall be of an approved type and shall be positioned 1 m of any pathway or access route. Details and specifications of proposed heating devices must be submitted with the Outdoor Dining Area application.
- g. The opening hours of the Outdoor Dining Area must be appropriate and not contravene any relevant development consent.
- h. Council may restrict the hours of use for the Outdoor Dining Area to be less than that of any relevant development consent.
- i. The food and drink premises, including the Outdoor Dining Area must be provided with the number of sanitary facilities required to comply with F4D4 of the Building Code of Australia.

## 2.4 Safety Considerations

- a. Ensuring each Outdoor Dining Area is safe for pedestrians and patrons is an important objective of this Policy. The level of risk must be reduced as far as practically possible.
- b. The Outdoor Dining Area must be protected by a tested impact barrier system. Existing features (eg. trees, poles, walls etc) that are determined by Council's Director - Infrastructure

& Environmental Sustainability to be of equal or greater vehicle stopping capacity may be used to protect an Outdoor Dining Area.

- c. The impact barrier system must be set back from the kerb in order to minimise the possibility of a snag or obstruction hazard to cyclists and allow people to exit vehicles.
- d. The impact barrier system must not unduly impede pedestrian use of the footpath.
- e. The area immediately behind the impact barrier system should be free of seating so that any impact by a vehicle will not endanger patrons.
- f. Outdoor dining furniture shall not impede any line of sight that would create any situation where driver or pedestrian vision is unreasonably restricted.
- g. Council's Director Infrastructure & Environmental Sustainability will assess each situation given the site features, history of the locality, potential vehicle speed and obstructions. All proposals will be assessed against these objectives and relevant Australian Standards on a case-by-case basis.

### 3 Other matters relating to approvals

#### 3.1 Approval process

The use of Council's footpath as an Outdoor Dining Area requires two separate applications and approvals under different legislation.

Development consent is required under the *Environmental Planning and Assessment Act 1979* and an Outdoor Dining Area Approval is required under Section 68 of the *Local Government Act 1993* and Section 125 of the *Roads Act 1993*.

##### Development consent

Development consent is required under Section 4.2 of the *Environmental Planning and Assessment Act 1979* to operate a food and drink premises and an associated outdoor dining area. This Policy does not address the development application process. Please contact Council staff to discuss the development application process.

##### Outdoor Dining Area Approval

An Outdoor Dining Area Approval is required under Section 125 of the *Roads Act 1993* and Section 68 of the *Local Government Act 1993* to use the Council-owned land. This application process is outlined in 3.2 of this Policy.

#### 3.2 Application process

- a. Each Outdoor Dining Area requires an application and approval under Section 68 of the *Local Government Act 1993* and Section 125 of the *Roads Act 1993*.
- b. The application must be made by completing the Outdoor Dining Area application form that is available on Council's website. Development consent must have been obtained before an Outdoor Dining Area application is made. It is the applicant's responsibility to obtain development consent prior to lodging an Outdoor Dining Area application.
- c. If a temporary liquor license boundary change is required on a footpath or road, Council will notify Liquor and Gaming NSW and NSW Police upon lodgment of the Outdoor Dining Area application.

NSW Police will conduct compliance checks on the venue and advise Council and Liquor and Gaming of the outcome. Liquor and Gaming NSW will conduct compliance checks on the venue and advise Council and NSW Police of the outcome.

Prior to the Outdoor Dining Area Approval being issued, Council will notify Liquor and Gaming NSW to finalise the temporary liquor license boundary change.

- d. The Outdoor Dining Area application is assessed by Council staff against this Policy and once the Outdoor Dining Area has received in-principle agreement, all required traffic impact barrier systems are required to be installed at the applicant's expense.
- e. If approved, Council will issue an Outdoor Dining Area Approval and install the perimeter markers. The approval will summarise who it has been issued to, approved hours of operation, layout of furniture, the expiry date and any conditions.

### 3.3 Trial period

The first twelve (12) months of the Outdoor Dining Area Approval are considered to be a trial period, after which the Outdoor Dining Area Approval may be revoked or amended if deemed necessary by Council's Director – Town Planning. The following criteria will be taken into consideration:

- a. if the operator repeatedly fails to comply with the conditions of Outdoor Dining Approval or development consent; or
- b. to account for any altered local environmental conditions.

### 3.4 Outdoor Dining Area Approval term

The Outdoor Dining Area Approval is valid for a period of five (5) years from the date of issue.

### 3.5 Display of Outdoor Dining Area Approval

A copy of the Outdoor Dining Area Approval must be displayed in the front window of the premises to which it relates at all times.

### 3.6 Transfer of an Outdoor Dining Area Approval

Development consent is issued to the property and "runs with the land" in the event the associated food and drink premises is sold or transferred. Further development consent is not required to be obtained if no modifications to the original consent are proposed by the new owners.

A current Outdoor Dining Area Approval can be transferred to the new owner of the associated food and drink premises if the business is sold or transferred.

The new business owner must notify the Council using the Outdoor Dining Area modification application form that is available on Council's website and pay the administration fee in Council's Schedule of Fees and Charges.

### 3.7 Fees and charges

- a. Any application for an Outdoor Dining Area application must be accompanied by the fee in Council's Schedule of Fees and Charges.
- b. The damage deposit in Council's Schedule of Fees and Charges is payable after the application has been assessed and in-principle agreement is provided by all parties, but prior to the Outdoor Dining Area Approval being approved.

The cost to repair any damage, as determined by Council's Director – Infrastructure & Environmental Sustainability to Council-owned land will be deducted from the damage deposit.

- c. The Outdoor Dining Area fee in Council's Schedule of Fees and Charges is payable every 12 months (in advance) after the Outdoor Dining Area Approval is issued.
- e. Any application for an amendment (including a request to change business owner's details) must be accompanied by the fee in Council's Schedule of Fees and Charges.
- f. Applications that are not accompanied by the fee will not be processed and may be returned after five working days if payment is not received.
- g. The cost of installing any required traffic impact barrier systems is required to be paid for by the applicant. Council acknowledges there is a community benefit to installing the traffic impact barrier systems and will waive payment of the first Outdoor Dining Area fee. The application fee is still payable.

### 3.8 Sale of liquor

An on-premises licence under the *Liquor Act 2007* is required to be obtained if alcohol is sold.

An on-premises licence for a restaurant only allows alcohol to be sold or supplied with or ancillary to the service of meals to the public.

A primary service authorisation can be obtained to allow alcohol to be sold without meals in a restaurant. This can be obtained as part of a licence application for a new restaurant or as an additional trading entitlement. Where a primary service authorisation allows alcohol to be sold without meals, meals must still be available at all times.

### 3.9 Animals

Animals, excluding assistance animals (as defined under the *Disability Discrimination Act 1992*), in Outdoor Dining Areas are subject to the provisions of the *Food Act 2003* and the *Companion Animal Act 1998*. This requirement relates to the responsibilities attached to food handling and it is the responsibility of the licensee to comply with the requirements of relevant legislation.

### 3.10 Smoking

The *Smoke-free Environment Act 2000* prohibits smoking in a seated dining area, within 4 metres of a seated dining area, on a licensed premise, restaurant or café, or within 10 metres of a food stall.

Agreements to lease Outdoor Dining Areas will contain smoke-free clauses. Appropriate non-smoking signage must be prominently displayed in Outdoor Dining Area. Outdoor Dining approval holders are responsible for enforcing the smoking restrictions and any non-compliance in the Outdoor Dining Area.

If there are continuous breaches, penalties may apply in accordance with Section 626(3) of the *Local Government Act 1993* and the Outdoor Dining Area Approval may not be renewed, or it may be revoked.

Note: The *Smoke-free Environment Act 2000* defines *smoke* to mean "use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour".

**3.11 Public liability insurance**

All businesses operating an Outdoor Dining Area must have current public liability insurance with a minimum coverage of \$20,000,000.

<b>ITEM NO</b>	: 4.7
<b>SUBJECT</b>	: MEDIA POLICY - FOR ADOPTION
<b>STRATEGIC OUTCOME</b>	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
<b>ACTION</b>	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
<b>REPORTING OFFICER</b>	: JACQUI JONES

Ref:632079

**PURPOSE**

The purpose of this report is to provide Council with a final document, following a public exhibition period, to review and adopt in relation to interaction with the media.

**RECOMMENDATION**

That Council:

1. Adopt the Media Policy document attached to this report (see Attachment 1), as exhibited.

**BACKGROUND**

The NSW Office of Local Government developed the Model Media Policy. The Hunter's Hill Council Draft Media Policy follows the model code. Council resolved at an Ordinary Meeting held on 27 February 2023 to place the Draft Media Policy on public exhibition.

**REPORT**

The Model Media Policy was developed to provide a framework to assist councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances the council's reputation.

Council's Draft Media Policy was publicly exhibited from 2 March 2023 to 30 March 2023.

The public exhibition period was promoted via:

- Council's website
- eNews (weekly email newsletter)
- Social media (Facebook and Instagram)

One submission was received.

**Submission on the draft policy**

The submission received during the public exhibition period stated that the draft policy was most helpful in terms of Councillors and Staff and how they relate to the media.

However, the submission also suggested that the policy should be extended to include standards not only for Council Staff and Councillors, but for all persons who engage with Council media, especially social media.

The submission is attached to this report (see Attachment 2).

### **Response to submission**

The Media Policy applies to engagement between Council officials and the media. It does not apply to social media use. Council has a separate Social Media Policy, adopted in February 2022, which is based on the Office of Local Government Model Social Media Policy.

### **CONCLUSION**

The Media Policy reflects best practice in the local government sector. It is designed to ensure consistent, accurate and professional interactions with the media and to assist Council in keeping the community informed through effective media engagement.

It is recommended that Council adopt the document (see Attachment 1) as exhibited.

### **FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact arising from Council consideration of this matter.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

### **SOCIAL IMPACT ASSESSMENT**

Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.

### **RISK ASSESSMENT**

The Media Policy provides Council with a robust framework for the administration and management of interactions with the media.

It helps ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances Council's reputation.

It also sets standards of conduct for all Council officials who are required to interact with media in their official capacity.

### **ATTACHMENTS**

1. Draft Media Policy - For Adoption [↓](#)
2. Draft Media Policy - Public exhibition submission [↓](#)





## HUNTER'S HILL COUNCIL



POLICY NO.	xxx
POLICY TITLE	Media Policy
STATUS	DRAFT - NOT YET ADOPTED
SERVICE	Communications and Events
DOCUMENT ID	xxx

**PURPOSE**

The purpose of the policy is to provide a framework to assist Council when dealing with the media and to ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances Council's reputation.

**SCOPE**

The Policy applies to Councillors, Council staff and delegates of the Council.

**DEFINITIONS**

<b>Council official</b>	means councillors, members of staff and delegates of the Council (including members of committees that are delegates of the Council).
<b>Media Coordinator</b>	means a person appointed under clauses 2.1 and 2.2 of this policy.
<b>media</b>	means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.
<b>personal information</b>	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
<b>social media</b>	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia.

## POLICY

### 1. Principles

- 1.1 We, the Councillors, staff, and other officials of Hunter's Hill Council, are committed to upholding and promoting the following principles of media engagement:

<b>Openness</b>	We will ensure that we promote an open exchange of information between our council and the media.
<b>Consistency</b>	We will ensure consistency by all Councillors and staff when communicating with the media.
<b>Accuracy</b>	The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.
<b>Timeliness</b>	We will ensure that we respond to media enquiries in a timely manner.

### 2. Administrative framework for engagement with the media

#### Appointment and role of the Media Coordinator

- 2.1 The General Manager will appoint the Manager Communications and Events to be the Council's Media Coordinator.
- 2.2 The General Manager may appoint more than one Media Coordinator. A Media Coordinator should be a suitably qualified member of staff.
- 2.3 The Media Coordinator's role is to:
- be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes
  - be responsible for preparing all media statements prior to their release
  - liaise with relevant staff members within the organisation where appropriate.
  - ensure that media statements are approved by the Mayor and/or General Manager prior to their release
  - develop and/or approve media training and/or induction to be provided to relevant staff and/or Councillors
  - maintain a record of all media enquiries and responses
  - ensure that media organisations and their representatives are treated professionally, equally and without bias
  - ensure that media enquiries are dealt with promptly
  - provide guidance to Councillors approached by the media for comment to avoid communication of misinformation, and
  - ensure that all media releases are published on the Council's website.

### 3. Who can engage with the media

#### The General Manager

- 3.1 The General Manager is the official spokesperson for the Council on operational and administrative matters.
- 3.2 The General Manager may delegate to other Council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).

#### The Mayor

- 3.3 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the *Local Government Act 1993*).
- 3.4 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 3.5 The Mayor may delegate their role as spokesperson to other Councillors where appropriate, (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

#### Councillors

- 3.6 As a member of the governing body and as a representative of the community, Councillors are free to express their personal views to the media.
- 3.7 When engaging with the media Councillors:
- must not purport to speak for the Council unless authorised to do so.
  - must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so)
  - must uphold and accurately represent the policies and decisions of the Council
  - must not disclose Council information unless authorised to do so, and
  - must seek information and guidance from the General Manager or Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 3.8 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 3.9 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager or Media Coordinator.

#### Council Staff

- 3.10 Council staff must not speak to the media about matters relating to the Council unless authorised by the General Manager or Media Coordinator to do so.
- 3.11 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Media Coordinator.

3.12 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.

3.13 If authorised to speak to the media, Council staff:

- must uphold and accurately represent the policies and decisions of the Council
- must not disclose Council information unless authorised to do so by the General Manager or Media Coordinator, and
- must seek information and guidance from the General Manager or Media Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks

3.14 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the General Manager or Media Coordinator.

#### **Tone**

3.15 All media engagement by Council officials must be conducted in a professional, timely and respectful manner.

#### **Induction and training**

3.16 The Council must provide training to Council officials who engage or are authorised to engage with the media.

3.17 Media engagement training will be provided to Councillors as part of their induction or refresher training or as part of their ongoing professional development program.

#### **Councillors' questions about media engagement**

3.18 Councillors must direct any questions about their obligations under this policy to the General Manager or Media Coordinator.

### **4. Standards of conduct when engaging with the media**

4.1 Council officials must comply with the Council's code of conduct when engaging with the media in an official capacity or in connection with their role as a council official.

4.2 Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:

- a) are defamatory, offensive, humiliating, threatening, or intimidating to other council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety

- e) contains content about the Council, council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information
- g) breaches the privacy of other council officials or members of the public
- h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses, or solicits commercial products or business.

## **5. Use of media during emergencies**

- 5.1 During emergencies, such as natural disasters or public health incidents, the Manager Communications and Events will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.2 Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.
- 5.3 Training on media engagement during emergencies will be provided to Councillors and relevant staff and other Council officials.

## **6. Media engagement in the lead up to elections**

- 6.1 This policy does not prevent the Mayor or Councillors who are candidates at a council or any other election from providing comment to the media in their capacity as candidates at the election.
- 6.2 Any media comment provided by the Mayor or Councillors who are candidates at a council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the Council or with Council resources.

## **7. Records management requirements**

- 7.1 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the *Government Information (Public Access) Act 2009*. These records must also be managed in accordance with

the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

## RELATED POLICIES/PROCEDURES

### Relevant legislation and guidance:

*Local Government Act 1993*

*Work Health and Safety Act 2011*

*Government Information (Public Access) Act 2009*

*State Records Act 1998*

### Related Council policies:

Social Media Policy

Communication Policy

Code of Conduct

## POLICY AUTHORITY

The policy authority is the General Manager.

## GETTING HELP

Please contact the General Manager or Manager Communications and Events.

## REVIEW

This policy to be reviewed once per term of Council.

**Next review date is: April 2025**

## ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx

RESOLUTION NO: x

## VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES
June 2006		263/06	Original policy adopted.
March 2020			Minor amendments to position titles.
February 2023			Review to align with the NSW Office of Local Government Model Media Policy.

**From:** [Michael Armstrong](#)  
**To:** [Customer Service](#)  
**Cc:** [Mitchell Murphy](#)  
**Subject:** Media Policy - submission  
**Date:** Thursday, 30 March 2023 8:33:58 PM

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To Whom It May Concern:

Many thanks for this DRAFT policy, which I believe is most helpful in terms of Councillors and Staff and how they relate to the media.

My submission however is to extend the policy to include standards not only for Council Staff and Councillors, but for all persons who engage with HHMC Media, especially social media.

Noting the ruling of the Australian High Court in September 2021, the onus for organisations to manage media extends beyond their “employees” to all persons who participate, especially on social media.

This policy needs to therefore be extended to include standards of behaviour and expectations for the wider public. There should also be clarity around what occurs if they are breached, such as removal of comments and banning.

The policy also needs to clearly define who moderates social media, and what authority they have to make decisions. The policy should also include provision for what occurs when the moderator is not available – you may note that on most media outlet pages now comments get turned off when a moderator is not available.

As someone who has been defamed and mocked on a Hunters Hill Municipal Council social media page, and my Parish also as part of that, I feel that this current policy is a good start, but needs to take on board the rulings of the Australian High Court, and also ensure the safety and care of both employees and the general public. Having good mechanisms in place also allows for a greater level of participation because people feel safe enough to do so.

Sincerely,

Rev'd Michael Armstrong.

The Rev'd Michael Armstrong  
Rector, Anglican Parish of Hunters Hill  
*On Wallumatta Country*  
(St Mark's and All Saints')  
2 Ambrose Street, Hunters Hill NSW 2110  
Mob: [REDACTED]  
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Facebook: [www.facebook.com/anglicanhuntershill/](https://www.facebook.com/anglicanhuntershill/)  
Instagram: [www.instagram.com/anglican.hunters.hill/](https://www.instagram.com/anglican.hunters.hill/)  
Web: [www.aphh.com.au](http://www.aphh.com.au)



Live Stream: [www.aphh.com.au/all-saints-live](http://www.aphh.com.au/all-saints-live)

<b>ITEM NO</b>	: 4.8
<b>SUBJECT</b>	: COUNCILLOR AND STAFF INTERACTION POLICY - FOR ADOPTION
<b>STRATEGIC OUTCOME</b>	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
<b>ACTION</b>	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
<b>REPORTING OFFICER</b>	: MITCHELL MURPHY

Ref:632082

## PURPOSE

The purpose of this report is to provide elected members with a final document of the Councillor and Staff Interaction Policy to review and adopt, following a public exhibition period.

## RECOMMENDATION

That Council:

1. Adopt the Councillor and Staff Interaction Policy attached to this report (see Attachment 1) as exhibited.

## BACKGROUND

The Office of Local Government developed the Model Councillor and Staff Interaction Policy.

The Hunter's Hill Council Draft Councillor and Staff Interaction Policy follows the model code.

Council resolved at an Ordinary Meeting held on 27 February 2023 to place the Draft Councillor and Staff Interaction Policy on public exhibition.

## REPORT

The Councillor and Staff Interaction Policy represents what is considered to be best practice in the sector. It is designed to make it easier for staff and elected officials to understand what is expected of them in their respective roles. The policy also clarifies the role of the General Manager as the conduit of information between key positions within Council.

The Draft Councillor and Staff Interaction Policy was publicly exhibited from 2 March 2023 to 30 March 2023.

The public exhibition period was promoted via:

- Council's website
- eNews (weekly email newsletter)
- Social media (Facebook and Instagram)

No submissions were received.

If adopted, the Policy will operate to supplement the provisions of Council's adopted Codes of Conduct.

## **CONCLUSION**

It is recommended that the Councillor and Staff Interaction Policy (see Attachment 1) be adopted, as exhibited.

## **FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact on Council's adopted budget as a result of this report.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

## **SOCIAL IMPACT ASSESSMENT**

The adoption of this Policy is likely to improve communication channels between Councillors, the General Manager and other Staff. This should improve the quality of consultation and decision-making throughout Council.

## **RISK ASSESSMENT**

If adopted, the implementation of this Policy will provide clear directions with respect to appropriate interactions between Councillors and Staff. It should be noted that both Staff and Councillors should be aware of the responsibilities under this Policy and be aware that any breach may be dealt with under Council's Code of Conduct.

## **ATTACHMENTS**

1. Councillor and Staff Interaction Policy - For Adoption [↓](#)

## HUNTER'S HILL COUNCIL



POLICY NO.	Xxx
POLICY TITLE	Councillor and Staff Interaction Policy
STATUS	DRAFT – NOT YET ADOPTED
SERVICE	MANAGEMENT AND COUNCIL SUPPORT
DOCUMENT ID	

**PURPOSE**

The purpose of the policy is to:

- Provide a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised Staff.
- Complement and be read in conjunction with the Hunter's Hill Council Code of Conduct (the Code of Conduct).
- Facilitate a positive working relationship between Councillors, as the community's elected representatives, and Staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and Staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

**SCOPE**

- This Policy applies to all Councillors and Council Staff.
- This Policy applies to all interactions between Councillors and Staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

- This Policy applies whenever interactions between Councillors and Staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.
- This Policy does not confer any delegated authority upon any person. All delegations to Staff are made by the General Manager.
- Clause 3.1(b) of the Code of Conduct provides Council officials must not conduct themselves in a manner that is contrary to a Council's policies. A breach of this Policy will be a breach of the Code.

## POLICY STATEMENT

### 1. Policy Objectives

The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and Staff defined by mutual respect and courtesy
- b) enable Councillors and Staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure Councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide Councillor interaction with, Staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by Councillors and Staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

## 2. Principles, roles and responsibilities

- a. Several factors contribute to a good relationship between Councillors and Staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- b. The Council's governing body and its administration (being Staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- c. Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a Councillor is as follows:
  - i. to be an active and contributing member of the governing body
  - ii. to make considered and well-informed decisions as a member of the governing body
  - iii. to participate in the development of the integrated planning and reporting framework
  - iv. to represent the collective interests of residents, ratepayers and the local community
  - v. to facilitate communication between the local community and the governing body
  - vi. to uphold and represent accurately the policies and decisions of the governing body
  - vii. to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor
- d. The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- e. It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- f. Council commits to the following principles to guide interactions between Councillors and Staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
Considerate and respectful	Councillors and Staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between Councillors and Staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of seven (7) people.

Accountable and measurable	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data
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- g. Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:
- i. responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding
  - ii. Staff are not accountable to them individually
  - iii. they must not direct Staff except by giving appropriate direction to the General Manager by way of a Council or Committee resolution, or by the Mayor exercising their functions under section 226 of the LGA
  - iv. they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of Staff in the exercise of their functions
  - v. they must not contact a member of Staff on Council-related business unless in accordance with this Policy
  - vi. they must not use their position to attempt to receive favourable treatment for themselves or others.
- h. The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council Staff need to understand:
- i. they are not accountable to individual Councillors and do not take direction from them. They are accountable to the General Manager, who in turn is accountable to the Council's governing body
  - ii. they should not provide advice to Councillors unless it has been approved by the General Manager
  - iii. they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
  - iv. they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
  - v. they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

### 3. The Councillor Request System

- a. Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- b. Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- c. The General Manager may identify Council support Staff (the Councillor support officer) under this Policy for the management of requests from Councillors.
- d. Councillors can use the Councillor requests system to:
  - i. request information or ask questions that relate to the strategic position, performance or operation of the Council
  - ii. bring concerns that have been raised by members of the public to the attention of staff
  - iii. request ICT or other support from the Council administration.
- e. Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the General Manager or Staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.
- f. Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- g. The General Manager or the Staff member authorised to manage a Councillor request will provide a response prior to the next scheduled Councillor briefing or within 28 calendar days (whichever period is shorter). Where a response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.
- h. Councillors are required to treat all information provided by Staff appropriately and to observe any confidentiality requirements.
- i. Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.
- j. Where a Councillor is unsure of confidentiality requirements, they should contact the General Manager, or the Staff member authorised to manage their request.
- k. The General Manager may refuse access to information requested by a Councillor if:
  - i. the information is not necessary for the performance of the Councillor's civic functions, or
  - ii. the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
  - iii. the General Manager is prevented by law from disclosing the information, or
  - iv. if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of Staff time and resources.



- l. Where the General Manager refuses to provide information requested by a Councillor, they must act reasonably. The General Manager must advise a Councillor in writing of their reasons for refusing access to the information requested.
- m. Where a Councillor's request for information is refused by the General Manager on the grounds referred to under paragraph (iii) of clause 3(k), the Councillor may instead request the information through a resolution of the Council by way of a notice of motion.
- n. Where a Councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of Staff time and resources the Council may, on the advice of the General Manager, resolve to limit the number of requests the Councillor may make.
- o. A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

#### **4. Access to Council Staff**

- a. Councillors may directly contact members of Staff that are listed at Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise Councillors promptly of any changes.
- b. Councillors can contact Staff listed at Schedule 1 about matters that relate to the Staff member's area of responsibility.
- c. Councillors should as far as practicable, only contact Staff during normal business hours.
- d. If Councillors would like to contact a member of Staff not listed on Schedule 1, they must receive permission from the General Manager.
- e. If a Councillor is unsure which authorised Staff member can help with their enquiry, they can contact the General Manager who will provide advice about which authorised Staff member to contact.
- f. In some instances, the General Manager or a member of the Council's executive leadership team will direct a Council Staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- g. A Councillor or member of Staff must not take advantage of their official position to improperly influence other Councillors or members of Staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

#### **5. Councillor Access to Council Buildings**

- a. Councillors are entitled to have access to the Council Chamber, Committee Room, Mayor's office (subject to availability) and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- b. Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

## 6. Appropriate and inappropriate interactions

- a. Examples of appropriate interactions between Councillors and Staff include, but are not limited to, the following:
  - i. Councillors and Council Staff are courteous and display a positive and professional attitude towards one another
  - ii. Council Staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
  - iii. Council Staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
  - iv. Council Staff, including Council's executive team members, document Councillor requests via the Councillor requests system
  - v. Council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
  - vi. Councillors and Council Staff feel supported when seeking and providing clarification about Council related business
  - vii. Councillors forward requests through the Councillor requests system and Staff respond in accordance with the timeframes stipulated in this Policy
- b. Examples of inappropriate interactions between Councillors and Staff include, but are not limited to, the following:
  - i. Councillors and Council Staff conducting themselves in a manner which:
    - 1. is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
    - 2. constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
  - ii. Councillors approaching Staff and Staff organisations to discuss individual or operational Staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - iii. Staff approaching Councillors to discuss individual or operational Staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
  - iv. subject to paragraph (ii) of clause 3(k), Staff refusing to give information that is available to other Councillors to a particular Councillor
  - v. Councillors who have lodged an application with the Council, discussing the matter with Staff in Staff-only areas of the Council
  - vi. Councillors being overbearing or threatening to Staff
  - vii. Staff being overbearing or threatening to Councillors

- viii. Councillors making personal attacks on Staff or engaging in conduct towards Staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
  - ix. Councillors directing or pressuring Staff in the performance of their work, or recommendations they should make
  - x. Staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- c. Where a Councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the Councillor's access to staff.
  - d. Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

## Schedule 1 – Authorisation Staff contacts for the Mayor and Councillors

1. Clause 4(a) of this Policy provides that the Mayor and Councillors may directly contact members of Staff that are listed below. The General Manager may amend this list at any time.
2. The Mayor and Councillors can contact Staff listed below about matters that relate to the Staff member's area of responsibility.
3. The Mayor and Councillors should as far as practicable, only contact Staff during normal business hours.
4. If the Mayor and Councillors would like to contact a member of Staff not listed below, they must receive permission from the General Manager.
5. If the Mayor or a Councillor is unsure which authorised Staff member can help with their enquiry, they can contact the General Manager who will provide advice about which authorised Staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team will direct a Council Staff member to contact the Mayor and Councillors to provide specific information or clarification relating to a specific matter.

Position
ALL Directors
Director People and Culture (matters relating to appointment and review of General Manager)
Committee Secretaries (limited to business relating to the applicable committee or advisory group)
Executive Assistant to the General Manager and Mayor
Executive Governance Officer
Manager Communications and Events
Events Coordinator
Communications Officer

## RELATED POLICIES/PROCEDURES

Hunter's Hill Council Code of Conduct  
 Hunter's Hill Council Procedures for the Administration of the Code of Conduct  
 Hunter's Hill Council Access to Information Policy

## POLICY AUTHORITY

Council

## GETTING HELP

Please contact the General Manager

## REVIEW

This policy to be reviewed once per term of Council.

**Next review date is: February 2025**

## ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx  
 RESOLUTION NO: xx

<b>ITEM NO</b>	: 4.9
<b>SUBJECT</b>	: FRAUD AND CORRUPTION PREVENTION POLICY 2023
<b>STRATEGIC OUTCOME</b>	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
<b>ACTION</b>	: IMPLEMENT THE ACTIONS FROM THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)
<b>REPORTING OFFICER</b>	: ROSANNA GUERRA

Ref:633107

## PURPOSE

The purpose of the Fraud Prevention and Corruption Prevention policy is to protect the integrity, security and reputation of Council and its employees.

This policy forms part of a suite of documents that draw together the relevant initiatives, strategies and controls for encouraging ethical behaviour and combating fraud and corruption.

Consistent with Council's Fraud and Corruption Prevention Strategy, this policy incorporates the Audit Office of NSW's fraud control framework. This framework is acknowledged as best practice by State and Local Government organisations.

The Fraud Prevention and Corruption Prevention policy aims to:

- Outline Council's fraud and corruption prevention, detection and response initiatives adopted by Council.
- Promote the awareness of risks relating to fraud and corruption to Council officials' employees and third-parties;
- Develop appropriate strategies and internal controls to minimise losses due to fraud, and corruption to Council.

## RECOMMENDATION

1. That the report be received and noted.

## BACKGROUND

A review of the fraud and corruption framework should be completed every two years and was included in the 2022/23 internal audit plan agreed to the Audit, Risk & Improvement Committee. The objectives of the audit were to assess the effectiveness of Council's fraud and corruption framework to provide assurance that:

- Strategies and controls are in place to minimise the risk and incidence of fraud and corruption by staff and volunteers that are aligned to Council's circumstances and specific risks.
- Council's fraud and corruption prevention strategies and policies are supported by a comprehensive and contemporary framework.
- There is adequate understanding and awareness of the fraud and corruption framework.

Internal Audit last performed a health check review of Council's fraud & corruption framework in 2019 where the overall framework was working effectively but required several improvements for enhancing the framework.

In the 2023 audit, it was found that there have been strong improvements in staff awareness since the last review in 2019. This was assessed through a risk management workshop and an independent staff survey (conducted by our NSROC internal auditor)

It was reported that Council has provided regular fraud awareness training along with the refreshment of the Code of Conduct. However, the Fraud and Corrupt Conduct Prevention Policy and the Plan required a review to ensure they reflect current standards.

A rating of **Good** was assigned based on observations regarding staff awareness, improvements made to third party management and the informal communications such as staff newsletters.

Following the risk assessment workshop facilitated by Council's Manager Risk and Insurance, and the NSROC internal audit, the Fraud and Corruption Plan has been developed, and the attached policy and guidelines were updated to reflect current standards.

## REPORT

Hunter's Hill Council is committed to good governance and ethical behaviour. A key element of any good governance framework is an effective fraud and corruption prevention policy and plan.

Fraud and corruption is a risk that all corporate and public Sector businesses are exposed to. Hunter's Hill Council does not tolerate any fraudulent or corrupt behaviour, as this is contrary to Council's core values, Code of Conduct Policy and Standards considered unlawful.

The Fraud and Corruption Prevention policy applies to all Council activities, and to all Council Officials and workers, as well as any third-party providers.

Council's plan for fraud and corruption prevention focuses on the following broad areas:

1. **Creating a culture of ethical behaviour** across all areas of the organisation through strong leadership, education and training.

2. **Incorporating the management of fraud and corruption risks** into the broader Enterprise Risk Management framework whereby such risks are regularly identified, analysed, monitored and reviewed regularly.
3. **Developing and implementing a strong internal control framework** with a focus on preventing and detecting fraud and corruption.
4. **Promoting and encouraging the reporting and investigation** of suspected fraud or corruption.

## CONCLUSION

Hunter's Hill Council is committed to fostering and maintaining the highest standards of ethical behaviour by establishing a policy where fraud and corruption is not tolerated.

Employees and Councillors are encouraged to report suspected cases of fraud or corruption. The General Manager, or in his absence, the Director People & Culture in her capacity as the Public Interest Disclosure Officer, will investigate all cases of reported fraud or corruption.

The Protected Disclosure Act 1994 protects individuals against liability or reprisal when making a genuine complaint or report.

## FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

## ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

## SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

## RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

## ATTACHMENTS

1. Fraud and Corruption Prevention Policy 2023 [↓](#)
2. Fraud and Corruption Strategy and Guidelines [↓](#)

**HUNTER'S HILL COUNCIL**

POLICY NO.

POLICY TITLE

Fraud and Corruption Prevention Policy

STATUS

Council / Internal

SERVICE

Corporate Governance

DOCUMENT ID

**1. PURPOSE**

Hunter's Hill Council is committed to fostering and maintaining the highest standards of ethical behaviour by establishing a policy where fraud and corruption is not tolerated.

The purpose of the Fraud Prevention and Corruption Prevention Policy is to protect the integrity, security and reputation of Council and its employees.

This policy forms part of a suite of documents that draw together the relevant initiatives, strategies and controls for encouraging ethical behaviour and combating fraud and corruption. Consistent with the Fraud and Corruption Prevention Strategy, this policy incorporates the Audit Office of NSW's fraud control framework. This framework is acknowledged as best practice by State and Local Government organisations.

This policy aims to:

- Outline Council's fraud and corruption prevention, detection and response initiatives adopted by Council.
- Promote the awareness of risks relating to fraud and corruption to Council officials' employees and third-parties;
- Develop appropriate strategies and internal controls to minimise losses due to fraud, and corruption to Council.

**2. SCOPE**

Fraud and corruption is a risk that all Corporate and Public Sector businesses are exposed to. Hunter's Hill Council does not tolerate any fraudulent or corrupt behaviour, as this is contrary to Council's core values, Code of Conduct Policy and Standards considered unlawful.

This policy applies to all Council activities, and to all Council Officials and workers, as well as any third-party providers.

Members of the public are expected to support Council's commitment to preventing and addressing fraudulent or corrupt behaviour by reporting it to the appropriate authority.



### 3. DEFINITIONS

<b>Corruption</b>	Corruption is defined in Section 8 and 9 of the Independent Commission Against Corruption Act 1988. This definition describes corrupt conduct as: <ul style="list-style-type: none"> <li>behaviour of any person, including a Council official, that affects or may affect the honest or impartial exercise of official functions by any public official;</li> <li>dishonest or partial exercise of official functions by a Council official;</li> <li>any conduct by a Council official that breaches public trust.</li> </ul>
<b>Council Officials</b>	Defined as per the Code of Conduct as "Councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16 of Council's Code of Conduct, council advisers".
<b>Fraud</b>	Defined as a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events includes: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception (Audit Office NSW).
<b>Third parties</b>	Are those engaged in business with Council. For the purposes of this policy they are expected to comply with this policy in accordance with the Statement of Business Ethics.
<b>Workers</b>	For the purpose of this policy include all persons engaged to act on behalf of Hunter's Hill Council in an official capacity including staff members, contractors, consultants, sub-contractors and sub-consultants and volunteers.

### 4. RESPONSIBILITIES

**Council** will adopt a Fraud and Corruption Prevention Strategy. The following staff will have key responsibilities:

**Director People and Culture** is responsible for:

- Maintenance of an ongoing Internal Audit function in line with the program approved by the Audit Risk Improvement Committee (ARIC);
- Auditing and monitoring compliance with internal controls;
- Management reviews to check compliance;
- Regularly conducting fraud risk assessments;
- Implementation of strategies to prevent or minimise the opportunity for fraud and corruption in Council activities;
- Implementation of formal procedures for investigation of allegations of dishonest, corrupt or fraudulent behaviour;
- Prompt reporting of any matter to appropriate authorities, if the General Manager has a suspicion that there has been fraud and corruption;

Commitment to taking appropriate action in accordance with the Code of Conduct, this policy and strategy;

- Provision of training to all staff on their obligations under this and associated policies such as the Code of Conduct;
- Implementation and management of a complaints handling process that allows whistle-blowers to make complaints anonymously

Council's **Executive Leadership Team** are responsible for:

- Review and endorsement of this and other policies to ensure that Council officials and employees are

- aware of their responsibilities in combating fraud;
- Fostering an environment in which fraudulent and corrupt activity is discouraged.
- Participating in regular fraud and corruption prevention training and awareness

All **Council Officials, Employees and Third-Party Providers** are expected to:

- Actively comply with policies and procedures relating to fraud and corruption prevention
- Participate in fraud and corruption prevention training relevant to their role, as identified by their manager

A detailed framework has been developed to ensure these actions are implemented. These are documented in the Fraud and Corruption Prevention Strategy and Plan.

### **Disciplinary Action**

Where employees are proven to have engaged in corrupt and/or fraudulent activity, they may be subject to disciplinary action including in-house sanctions, termination of employment, and/or legal action.

Where Councillors are suspected and/or found to have engaged in corrupt and/or fraudulent activity, Council will take appropriate action including referral of the matter to the Office of Local Government, Police, Ombudsman or ICAC in addition to any other in-house sanctions and/or legal action that maybe required.

Third-Party Providers, Contractors and Volunteers who are suspected and/or found to have engaged in corrupt and/or fraudulent activity may be subject to internal sanctions and possible legal action.

## **5. REFERENCES – LEGISLATION AND COUNCIL POLICIES**

- Hunter's Hill Council Fraud and Corruption Prevention Strategy
- Hunter's Hill Council and Corruption Action Plan
- Hunter's Hill Council Statement of Business Ethics
- Hunter's Hill Council Code of Conduct Policy, Standards of Conduct, and Complaints Procedure
- Hunter's Hill Council Public Interests Internal Reporting Policy and Procedure
- Hunter's Hill Council Gifts and Benefits form
- 'Better Practice Guide: Fraud Control – Developing an Effective Strategy' - Audit Office of NSW 1994 (updated June 2012)
- Fraud Control Improvement Kit – Managing your Fraud Control Obligations - Audit Office of NSW (February 2015)
- Fraud Control – Current Progress and Future Directions 2005 (updated October 2011)
- AS 8001-2008 – Fraud and Corruption Control – Standards Australia
- Fraud controls in local councils – Audit Office of NSW (June 2018)
- Managing corrupt conduct during the COVID-19 outbreak – ICAC NSW (April 2020)
- Corruption and integrity in the NSW public sector: an assessment of current trends – ICAC NSW (December 2018)
- Strengthening Employment Screening Practices in the NSW Public Sector - ICAC NSW (February 2018)

## **6. AUTHORISATION AND REVIEW**

The policy authority is the General Manager.

### **Next review date:**

This policy is to be reviewed in 2025 or with any changes to relevant legislation or best practice standards.

**7. DOCUMENT VERSION CONTROL**

Issue Date	Version	Resolution No.	Key Changes	Author
12.02.07	1.0	31/07	Policy adoption	B. Smith
14.05.18	1.1	123/18	Policy update	R. Guerra
30.03.23	1.2		Aligned with NSW Audit Office best practices.  Style and formatting changes in responsibilities and finance to align with current Council templates	R. Guerra

HUNTER'S HILL COUNCIL POLICY REGISTER



## Fraud and Corruption Prevention Strategy



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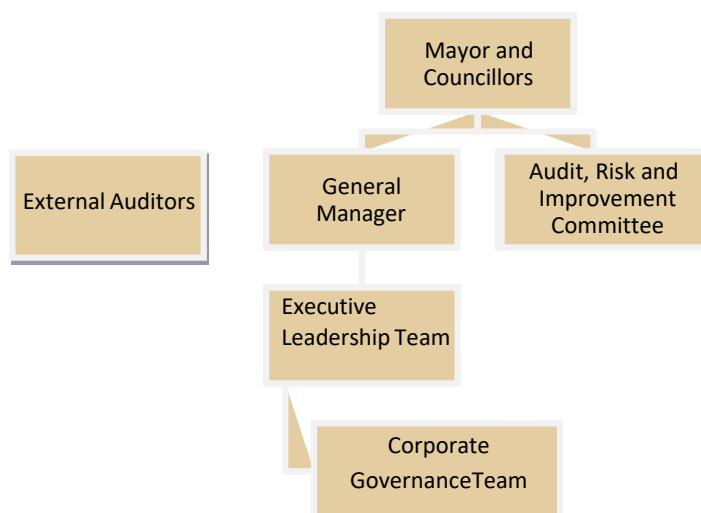
## 1. Introduction

This strategy paper forms part of a suite of documents designed to prevent fraud and corruption within the Hunter's Hill Council. This document has been drafted to incorporate the NSW Audit Office's 'strategic management framework' and 'ten attributes of fraud control within the themes of prevention, detection and response' (refer **Appendix C**). Where these attributes directly relate to one or more controls in the framework.

This document is not considered to be a standalone document and should be read in consultation with the Hunter's Hill Council Fraud and Corruption Prevention Policy and Plan. Key terms are defined in **Appendix A**.

### 1.1 Hunter's Hill Council Fraud and Corruption Control Roles and Responsibilities

Hunter's Hill Council clearly defines the roles and responsibilities of all Council Officials, Employees and Third Parties in Fraud and Corruption Prevention. Key roles include:



Key responsibilities of the above positions include:

Mayor and Councillors	<ul style="list-style-type: none"> <li>Provides strategic direction to the General Manager and Senior management.</li> </ul>
External Auditors	<ul style="list-style-type: none"> <li>Must report any matters of concern that they may discover in conducting their external audit</li> </ul>
Audit and Risk Improvement Committee	<ul style="list-style-type: none"> <li>Responsible for advice and overview of the progress of the Fraud and Corruption Prevention Strategy and Policy</li> </ul>



General Manager	<ul style="list-style-type: none"> <li>Has ultimate responsibility for managing fraud and corruption risks within the Council</li> <li>Reporting obligations (relating to corrupt or fraudulent dealings) to state regulators such as ICAC, OLG and the NSW Ombudsman</li> </ul>
Executive Team and Department Managers	<ul style="list-style-type: none"> <li>Championing adherence to Council's Code of Conduct, the Fraud and Corruption Prevention Strategy and Policies as well as all relevant Council Policies and Procedures</li> <li>Supporting and promoting management of fraud and corruption risks as well as internal controls</li> <li>Leadership in adherence to internal controls relating to identified fraud and corruption risks</li> <li>Implementing recommendations arising from fraud and corruption detection systems as well as internal audits</li> <li>Supporting fraud and corruption awareness programs for Councillors and staff</li> <li>Supporting the continued operation of Council's Audit, Risk and Improvement Committee (ARIC)</li> <li>Fostering a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.</li> <li><b>Director People &amp; Culture only:</b> Disclosure Coordinator for the purpose of the <i>Public Interest Disclosure Act 1994</i></li> </ul>
Corporate Governance Team	<ul style="list-style-type: none"> <li>The Director People &amp; Culture, is Council's nominated fraud prevention manager and is responsible for the Fraud and Corruption Prevention Strategy, including the response to any fraud or corruption incident.</li> <li>The team is made up of key stakeholders across Council including the Director Finance, Procurement &amp; Projects and the Manager Risk and Compliance. The team is responsible for Council's internal audit functions and recommends improvements to reduce the risk of fraud and corruption and reoccurrence.</li> </ul>

In addition to the above specific responsibilities, the following parties have broader responsibilities and obligations relating to Fraud and Corruption Prevention:

- All Council officials, Employees and Third-Party providers** have a responsibility and an obligation to report cases of suspected fraud or corrupt conduct either through Council's internal reporting framework in accordance with Council's Public Interest Disclosures Policy and Procedure, or directly to the relevant external agency.
- All Council officials, Employees and Third-Party providers** are responsible for behaving honestly and in accordance with Council's Code of Conduct and other Council policies.



- **All third parties** engaged in business with Council are expected to observe Council's Statement of Business Ethics, comply with Council policies and refrain from engaging in fraudulent and corrupt conduct.
- **Residents, customers and members of the public** are encouraged to support Council's commitment to preventing and addressing fraudulent or corrupt behaviour by reporting suspicious behaviour and suspected fraud and corruption to the General Manager or appropriate authority.

## 1.2 Hunter's Hill Council Fraud and Corruption Control Framework

Prevention	Detection	Response
Audit, Risk and Improvement Committee oversight, Council oversight		
Executive and line management functions		
<ul style="list-style-type: none"> <li>• Risk assessment;</li> <li>• Internal controls;</li> <li>• Plans and Policy;</li> <li>• Gap analysis and performance assessment;</li> <li>• Third-party due diligence;</li> <li>• Building and maintenance of an ethical culture (including Code of Conduct, Gifts &amp; Benefits);</li> <li>• Communications and awareness;</li> <li>• Proactive data analytics</li> </ul>	<ul style="list-style-type: none"> <li>• Framework for fraud and corruption reporting;</li> <li>• Public Interest Disclosures;</li> <li>• Post transaction review;</li> <li>• Budgetary controls including management accounting reporting and Manager/Director review;</li> <li>• Retrospective data analytics to identify trends;</li> <li>• Internal and External Audit</li> </ul>	<ul style="list-style-type: none"> <li>• Investigation protocols (internal and external investigations);</li> <li>• Incident Register (within Content Manager);</li> <li>• Disciplinary procedures;</li> <li>• External reporting (relevant agencies);</li> <li>• Recovery through prosecution/civil action;</li> <li>• Recovery through insurance;</li> <li>• Post incident control review</li> </ul>





## 2. Prevention

Prevention controls reduce the risk of fraud and corruption. Controls may be specific to a process, transaction or they can be holistic such as fraud and corruption awareness training and due diligence.

The objectives of prevention controls are to ensure:

- All Council Officials and Employees have an awareness of fraud and corruption risks
- A fraud risk assessment is performed which quantifies the level, nature and form of the risks to be managed
- procedures to be undertaken to assist in the management of fraud and corruption
- Council Officials, Employees and third parties have access to information to assist them in understanding fraud and corruption and their obligations
- Customers, the community and suppliers understand that the Council has a zero tolerance for fraud and corruption
- Council Officials, Employees, Third Parties and members of the public understand that Council has zero tolerance for fraud and corruption.

### 2.1 Fraud and corruption awareness training for staff and Councillors

The primary purpose of fraud and corruption awareness training is to assist in the prevention and detection of fraud by raising the general level of awareness amongst all Council Officials and Employees. Council has the following processes in place to ensure awareness of Council's position in respect to fraud and corruption:

- Induction training that includes elements of fraud and corruption;
- Code of Conduct Training (delivered face-to-face and/or online) to ensure an understanding of ethical behaviour expected in the workplace and the types of activities that may constitute fraudulent or corrupt behaviour and Council's response to this type of activity;
- Online training focusing on conflicts of interest and gifts and benefits;
- Public interest disclosures general awareness training for staff and management training for PID Officers and Coordinator;
- Council's Fraud and Corruption Prevention Policy and Strategy is readily available;

### 2.2 Risk assessment

The fraud and corruption risk assessment will be conducted in accordance with the Fraud and Corruption Prevention Action Plan and coordinated by the Manager, Risk and Compliance. Identified fraud and corruption risks, internal controls and proposed risk treatment action plans will be documented and recorded in Council's Risk Register.

Council will continue to periodically assess fraud and corruption risks as part of an enterprise-wide approach to risk management. As resources and budget permit, Council will identify high fraud and corruption risk areas and activities and conduct a more detailed risk assessment involving key staff in each section.



Council's Risk Register will be reviewed annually to ensure that additional fraud and corruption risks are identified as they emerge and that Council's operations and functions, particularly those with a high predisposition to fraud and corruption, are subject to ongoing and effective internal controls.

### **2.3 Gap analysis and performance assessment**

Council's Corporate Governance team undertakes a regular gap analysis of the fraud and corruption prevention initiatives and methods in use.

### **2.4 Third-party due diligence**

Council ensures that all stakeholders and suppliers are aware of our commitment to ethical behaviour. The Statement of Business Ethics sets out our position on fraud and expected standards of behaviour in business relationships with external parties. The Statement of Business Ethics is published on Hunter's Hill Council website, along with the Fraud and Corruption Prevention Strategy and Policy and Code of Conduct Policy.

Similarly, we implement specific internal controls relating to third parties, such as segregation of duties and development of policies relevant to those parties. We provide a copy of the Statement of Business Ethics, setting out expected standards of behaviour and mutual obligations of all parties, to our stakeholders and suppliers.

Third party management also covers managing staff conflicts of interest. The Code of Conduct and the Conflicts of Interest Policy set out how staff should manage conflicts of interest, including secondary and multiple employment.



## **2.5 Building and maintenance of an ethical culture**

Hunter's Hill Council is committed to employing staff that support our ethical values. This process starts during recruitment, with pre-employment screening to verify information supplied by candidates on their resumes and applications, as well as background checks (Police and Working with Children) for high risk positions. Staff are required to provide written acknowledgement of the Code of Conduct on commencement. This process continues during induction with mandatory learning modules in Code of Conduct, Conflicts of Interest, Gifts and Benefits as well as Secondary Employment.

Hunter's Hill Council embraces a leadership-driven ethical culture, with clearly defined roles and responsibilities for the General Manager and Executive Leadership Team in championing and overseeing ethical staff conduct. This includes participation in regular communications and training relating to Fraud and Corruption Prevention.

Exit interviews are conducted, including enquiries as to whether fraud or corruption caused the resignation of the employee or whether there are any fraud and corruption risks requiring management attention.

## **2.6 Communications and awareness**

Council's Governance and Leadership Team periodically communicate to Council Officials and Employees outlining core and relevant components of the Code of Conduct, including Fraud and Corruption Prevention. These communications will periodically remind staff of their role and obligations in Hunter's Hill Council no-tolerance stance on fraudulent and corrupt conduct.

## **2.7 Proactive data analytics**

Hunter's Hill Council requires Council Officials, Employees and Third-Party providers to report known or suspected fraud or unethical behaviour. Similarly, members of the Public and other stakeholders are strongly encouraged to report any suspicions they may have. The Director People & Culture maintains a database to record all incidents of fraud, including actions taken and the outcomes. This database is regularly reviewed to identify any emerging or systemic issues that need attention.



### 3. Detection

Council recognises that despite a comprehensive fraud and corruption control plan, it is possible that fraud and corruption may still occur. Council has adopted strategies aimed at mitigation of fraud and corruption risks.

The objectives of detection controls are:

- policies, systems and procedures are in place to encourage the reporting of suspect behaviours;
- fraud and corruption notification systems give the complainant the opportunity to report the suspect behaviours anonymously;
- protection under Public Interest Disclosures;
- policies, systems and procedures give equal opportunities to managers, staff, contractors, consultants and customers to notify Council of suspect behaviour; and
- how data is monitored to ensure that irregularities are identified and investigated.

#### 3.1 Framework for fraud and corruption reporting

Council will conduct periodic analysis of management accounting reports to identify trends indicative of fraud and corruption. Similarly, high risk departments such as Finance and IT and other key areas provide detailed reports on the effectiveness of risk controls within their portfolio. The analysis of management reports is the responsibility of all managers and will be informed by the fraud and corruption risk assessment and fraud and corruption awareness training. Examples of the types of management accounting reports that can be utilised to identify indicators are:

- monthly actual expenditure against budget reports;
- monthly actual revenue against budget reports;
- reports comparing revenue against prior periods.

#### 3.2 Public Interest Disclosures

Hunter's Hill Council has implemented a robust disclosure system to meet its various legal obligations. Internal reporters are protected against reprisals and encouraged to access the professional support services they may need as a result of the reporting process (such as stress management, counselling services or legal advice).

Internal reports can be made to the Disclosure Coordinator, a nominated Disclosure Officer, the General Manager or the Mayor in accordance with the Public Interest Disclosures Policy and Procedure.

Recognising that the fear of reprisal is present for staff and members of the public wishing to make a disclosure, whistle-blowers may ask that the Corporate



Governance Team keep their identity, or information that is likely to lead to their identification, confidential.

Generally, this information cannot be disclosed without consent. Hunter's Hill Council may be required to report the information to an external regulatory body (such as ICAC). In line with the Privacy Act 1988 and the Corporations Act 2001, Hunter's Hill Council will take all possible steps to protect the identity of the complainant. If it is impossible to prevent the complainant's identity from becoming common knowledge, the organisation will also take all necessary steps to protect them from reprisal. Where the complainant has additional concerns, they will be encouraged to make a disclosure to an independent agency such as ICAC or similar.

### **3.3 Post transaction review**

Hunter's Hill Council will also periodically conduct post-transaction reviews to identify fraud and corruption. A program for conducting post-transaction reviews will be considered during the fraud and corruption risk assessment and the internal audit program.

### **3.4 Budgetary controls including management accounting reporting and Manager/Director review**

To ensure financial controls also cover fraud and corruption, Council has implemented several budgetary controls including financial delegations, monthly budget meetings (with a focus on significant financial variances) and incorporation of fraud and control measures into the Council's business plan.

### **3.5 Retrospective data analytics to identify trends**

To support its proactive data analytics, the Hunter's Hill Council incorporates data analytics as part of its annual report on the implementation of the fraud control framework. This includes broad details of any identified fraud that has occurred and actions that have been taken to prevent similar incidents occurring again.

### **3.6 Internal and External Audit**

**Internal Audits** - Council recognises that internal audit complements internal assessment of fraud and corruption related risks and controls. Council has developed a program of internal audits through NSROC to provide assurance that internal controls are implemented and are effective in achieving the desired objectives including the prevention and detection of fraud and corruption. Internal audits will be conducted or coordinated by the Internal Auditor with consideration of the fraud and corruption risk assessments, fraud and corruption incidents (either at Council or similar entities) and the results of previous internal audits. The Audit, Risk and Improvement Committee approves the annual internal Audit Plan and will monitor the results and implementation of approved recommendations arising from internal audits.



**External Audits** - These primarily provide assurance that financial statements reflect our position at the end of the financial year. The external audit process includes:

- Test a sample of Council's internal controls
- Observe processes being performed
- Make enquiries of key staff within Council
- Examine financial and accounting documents and tangible assets
- Obtain written confirmation of certain items, and
- Review Internal Audit reports and recommendations

#### 4. Response

Response strategies ensure that any suspected fraud or corruption is investigated thoroughly, and appropriate action taken.

Objectives of the response controls are to ensure:

- procedures and other appropriate support (including training, where required) is provided to staff undertaking investigation activity on behalf of the Council;
- investigation actions undertaken are consistent with the principles of procedural fairness and natural justice;
- where appropriate expertise is not available internally, then external assistance will be sought;
- all investigations consider what improvements can be made to policies, systems and procedures within the organisation;
- Council Officials and Employees understand that fraud and corruption will not be tolerated and that perpetrators will face disciplinary action;
- Council has policies, which clearly identify the nature of suspect actions, which may require reporting to the NSW Police and the NSW ICAC.

##### 4.1 Investigation protocols (internal and external investigations)

**Preliminary assessment** - When an allegation of fraud is made against a Council Official, Employee or Third Party ('the respondent'), the Director People & Culture will manage the preliminary assessment in accordance with internal procedures. If the preliminary assessment substantiates the alleged fraudulent or corrupt activity, they may recommend referral to an external investigative body. The complainant will be advised of the decision and any actions that will be taken. When further action is to be taken, the respondent may also be notified.

**Full investigation** – will be conducted by an appropriately qualified external investigator. During any investigation, the Director People and Culture will be involved to ensure the disciplinary policies are properly followed and to ensure that any personal issues affecting the staff members involved are properly addressed.



#### **4.2 Incident Register (within Content Manager)**

As previously noted, the Director People and Culture will maintain an incident register in Content manager to capture all incidents of fraud and corruption. This will be reviewed regularly, identifying emerging trends to inform future iterations of the strategy.

#### **4.3 Disciplinary procedures**

Any breach of the Council policies or procedures will be considered as serious and disciplinary action may follow. The disciplinary process will be conducted in accordance with applicable legislation, guidance and the principles of natural justice.

#### **4.4 External reporting (relevant agencies)**

**Reporting to ICAC** - Under S. 11 of the *ICAC Act 1988*, the General Manager is required to report corrupt conduct or any matter that the General Manager suspect concerns or may concern corrupt conduct to the ICAC. The General Manager must also respond to any referral requiring the Council to investigate or take other specified action.

**Reporting to Police and other regulators** - The General Manager (subject to the requirements of ICAC) may report to Police or other regulators, any circumstances in which there is evidence giving rise to a suspicion on reasonable grounds, of fraud or corruption.

Where an allegation of fraud has been investigated and substantiated, the matter may be reported to Police for investigation. For matters not involving ICAC, the General Manager has the discretion of reporting to Police, unless exceptional circumstances warrant not reporting the matter. Any decision by the General Manager to not report a reasonable suspicion of fraudulent or corrupt conduct to Police will be documented.

#### **4.5 Recovery through prosecution/civil action**

Council will actively pursue the recovery of any money or property lost through fraud or corruption, provided there is a strong prospect of a net benefit from such action.

Civil action for the recovery may, at the discretion of the General Manager, extend to seeking a Garnishee Order or the appointment of a Trustee in Bankruptcy to the estate of the person against whom an order for restitution has been obtained but not satisfied.

#### **4.6 Recovery through insurance**

Council's insurance largely reflects the risks posed to Council and its operations including fraud and corruption and the applicable policies are in place.



#### 4.7 Post incident control review

Where fraud or corruption is detected, the Manager Risk and Compliance will review the adequacy of the internal control environment (particularly those controls directly relevant to the incident) and consider whether improvements are required. Where improvements are required, these should be implemented as soon as practicable.

The Manager Risk and Compliance is responsible for ensuring that the internal control environment is reassessed and for ensuring that the recommendations arising out of this assessment are implemented. A summary of recommendations for the modification of the internal control environment should be provided to the Director, Finance, Procurement & Policy and the Manager of the team concerned.

### 5. Implementation

The successful implementation and the achievement of Council's Fraud and Corruption Control Strategy and Action Plan objectives relies heavily on:

- The provision of effective staff and Councillor education and training
- Dissemination of regular communications from the General Manager and Executive Team reminding staff of their obligations and responsibilities
- Development of all internal controls and measures in keeping with legislative requirements

### 6. Monitoring and Review

Subject to advice from the Manager Risk and Compliance, the Audit and Risk Improvement Committee will monitor the Fraud and Corruption Prevention Policy and Strategy as well as all associated systems to ensure effective ongoing implementation and improvement. ARIC's priorities are to:

- Identify specific work areas where implementation of some elements of the Fraud and Corruption Prevention Policy and Strategy may need modification or improvement;
- Identify elements of the Fraud and Corruption Prevention Policy and Strategy that may need attention across the entire organisation;
- Provide input into the development of a targeted plan for improving implementation of the Fraud and Corruption Prevention Policy and Strategy;
- Monitor the ongoing extent of the implementation of the Fraud and Corruption Prevention Policy and Strategy across all areas within Council;
- Identify resourcing requirements and ensure that the anti-fraud and anti-corruption human resources are appropriately senior and skilled for the role and that they have a sufficient allocation of time to discharge their responsibilities;
- Ensure Council meets its legislative obligations.

#### Strategy and Action Plan review

The Fraud and Corruption Prevention Strategy, Policy and Action Plan will be reviewed every two years by the Director People & Culture to ensure it remains current and effective.





## APPENDIX A – Definitions

**Corruption and corrupt conduct** are defined in the *Independent Commission Against Corruption* ('ICAC') Act 1988 (sections 7, 8 and 9) as:

- Conduct of any person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- Any conduct of a public official or former public official that involves the misuse of information or material acquired during a public official's functions whether for his or her benefit or for the benefit of any other person.

Additionally, corrupt conduct can also be the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, obtaining or offering secret commissions, collusive tendering practices, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and any one of the following:

- A criminal offence
- A disciplinary offence
- A situation where there are reasonable grounds for dismissal of a staff member
- A situation where there are reasonable grounds for or dispensing with or termination the services of a Council Official, Contractor, Consultant or Volunteer.

**Council officials** are Councillors, members of staff of a Council, Administrators, Council Committee members, delegates of council and, for the purposes of clause 4.16 of Council's Code of Conduct, Council advisers.

**Employees** include all persons engaged to act on behalf of Hunter's Hill Council in an official capacity including staff members, contractors, consultants, sub-contractors and sub-consultants as well as volunteers.

**Fraud** is defined in *AS 8001 - 2008 Fraud and Corruption Control* as dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

Fraud may include:

- theft
- manipulation of financial records
- unlawful use of, or obtaining property, equipment materials or services by deception



- False invoicing
- Theft of cash/receipts
- False expense reimbursement
- False claims for hours worked or overtime
- Failure to submit annual leave/long service leave forms
- Providing false or misleading information or failing to provide information where there is an obligation to do so
- Creating or using false/forged documents
- Wrongful use of information or confidential information.

**NSW ICAC** is the NSW Independent Commission Against Corruption.

**Misconduct** is a conduct by a Council official or Employee, which constitutes a ground for disciplinary action whilst acting in their official capacity on behalf of the Hunter's Hill Council; where such conduct contravenes Council's Code of Conduct.



## APPENDIX B – The ten attributes of fraud control

Attribute		Theme
Attribute one	Leadership	Prevention
Attribute two	Ethical framework	Prevention, Detection, Response
Attribute three	Responsibility structures	Prevention, Detection, Response
Attribute four	Policy	Prevention
Attribute five	Prevention systems	Prevention
Attribute six	Fraud awareness	Prevention, Response
Attribute seven	Third party management systems	Prevention, Response
Attribute eight	Notification systems	Detection, Response
Attribute nine	Detection systems	Detection
Attribute ten	Investigation systems	Response

## APPENDIX C - References

- Hunter's Hill Council Code of Conduct Policy, Standards of Conduct, and Complaints Procedure
- Hunter's Hill Council Public Interests Internal Reporting Policy and Procedure
- Hunter's Hill Council Statement of Business Ethics
- Hunter's Hill Council Gifts and Benefits Procedure
- *'Better Practice Guide: Fraud Control – Developing an Effective Strategy'* - Audit Office of NSW 1994 (updated June 2012)
- *Fraud Control Improvement Kit – Managing your Fraud Control Obligations* - Audit Office of NSW (February 2015)
- *Fraud Control – Current Progress and Future Directions 2005* (updated October 2011) - Audit Office of NSW (February 2015)
- *AS 8001-2008 – Fraud and Corruption Control* – Standards Australia
- *Fraud controls in local councils* – Audit Office of NSW (June 2018)
- *Managing corrupt conduct during the COVID-19 outbreak* – ICAC NSW (April 2020)
- *Corruption and integrity in the NSW public sector: an assessment of current trends and events* – ICAC NSW (December 2018)
- *Strengthening Employment Screening Practices in the NSW Public Sector* - ICAC NSW (February 2018)

## Related Documents

- Fraud and Corruption Prevention Policy
- Fraud and Corruption Prevention Action Plan

ITEM NO	: 4.10
SUBJECT	: MANAGING CONFLICTS OF INTEREST FOR COUNCIL RELATED DEVELOPMENT
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: KIERAN METCALFE

Ref:633145

## PART 1: PRELIMINARY

### 1. PURPOSE

The purpose of this policy is to manage potential conflicts of interest and increase transparency at all stages of the development process for Council-related development.

### 2. APPLICABILITY

This policy applies to Council-related development and development submitted by Councillors and Council Staff.

### 3. DEFINITIONS

3.1 In this policy:

**Application** means an application for consent under Part 4 of the Act to carry out development. This includes an application for a complying development certificate and an application to modify a development consent.

**Council** means Hunters Hill Council.

**Council-related development** means development for which the Council is the applicant developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

*Note: Council-related development applications do not include development applications which includes development on public roads managed by Council, such as driveway for a dwelling house across a footpath or other minor works.*

**Development process** means application, assessment, determination, and enforcement.

**The Act** means the *Environmental Planning and Assessment Act 1979*.

3.2 A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

3.3 Notes included in this policy do not form part of the policy.

*Note: This policy does not apply to activities under Part 5 of the Act and Review of Environmental Factors (REF)*

## **PART 2: DEVELOPMENT APPLICATIONS SUBMITTED BY COUNCILLORS OR COUNCIL STAFF**

### **4. AIM**

This Part aims to manage potential conflicts of interest and increase transparency at all stages of the development process for Councillor and Council Staff related development to ensure:

- 4.1 impartial and comprehensive development assessment of development applications submitted by Councillors; or Council Staff; or relatives of Councillors or Staff; and
- 4.2 development applications in which Councillors or Council Staff have a pecuniary or other interest are independently assessed, free of any influence or bias.

### **5. MANAGEMENT CONTROLS AND STRATEGIES**

- 5.1 The management controls outlined in Clause 5.2 apply to development where the applicant or land owner is:
  - a) a Councillor (or their relative); or
  - b) a member of Council Staff (or their relative) who is principally involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act 1979*.
  - c) a member of Council Staff who is not involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act 1979*, however, public submissions are received by way of objection to the application.
- 5.2 Development applications for specified applications under this Part shall be managed as follows:
  - a) The assessment of an application and/or modification of an application must be undertaken by an Independent Town Planning Consultant.
  - b) The application be determined by the Hunters Hill Local Planning Panel in accordance with the Minister for Planning's Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (unless excluded under the Minister's Direction).

- 5.3 Where an application and/or modification is made by a member of Council Staff (including any relatives); who is not involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act 1979* and no public submissions are received by way of objection to the application, the application may be assessed by Council staff and the Director of Town Planning may determine the application under delegated authority.

### **PART 3: DEVELOPMENT APPLICATIONS SUBMITTED BY COUNCIL**

#### **6. Aim**

This Part aims to manage potential conflicts of interest and increase transparency at all stages of the development process for Council-related development.

#### **7. MANAGEMENT CONTROLS AND STRATEGIES**

7.1 The following management controls apply to:

- a) The assessment of an application for Council-related development (Development Application):
  - The assessment of an application and/or modification of an application must be undertaken by an Independent Town Planning Consultant.
- b) The determination of an application for Council-related development:
  - By the Hunters Hill Local Planning Panel in accordance with the Minister for Planning's Local Planning Panel Direction – Development Applications and Applications to Modify Development Consents under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (unless excluded under the Minister's Direction).
  - Council applications with a Capital Investment Value (CIV) of more than \$5 million are required to be determined by the Regional Planning Panel in accordance with State Environmental Planning Policy (Planning Systems) 2021.
- c) The regulation and enforcement of approved Council-related development:
  - By a private certifier.
- d) Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process.

7.2 The management strategy for the following kinds of development is that no management controls need to be applied:

- a) Commercial fit outs and minor changes to the building façade,
- b) Internal alterations or additions to buildings that are not a heritage item,
- c) Advertising signage,
- d) Minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services); or
- e) Development where the Council might receive a small fee for the use of their land.

## **8. IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF LEVEL RISK AND DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS**

8.1 Development applications lodged with Council that are Council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment.

8.2 The General Manager is to:

- a) Assess whether the application is one in which a potential conflict of interest exists;
- b) Identify the phase(s) of the development process at which the identified conflict of interest arises;
- c) Assess the level of risk involved at each phase of the development process, and;
- d) Determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 7 of the policy and the outcome of the General Manager's assessment of the level of risk involved as set out clause 8(2)(c) of the policy, and;

*Note: The General Manager could determine that no management controls are necessary in the circumstances.*

- e) The proposed management approach for the proposal in a statement that is to be published on the NSW Planning Portal.

## **9. DECLARATIONS OF CONFLICT OF INTEREST**

Where a staff member, team within Council, or a Councillor, is party to a development application as applicant and/or land owner, the person(s) must advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to. Declarations must be made when submitting an application via the NSW Planning Portal.

### **RELATED POLICIES**

CPFM1 - Related Party Disclosures Policy  
GOV Pol.15 - Enterprise Risk Management Policy  
CPFM3 - Procurement and Contract Management Policy  
CORP.S.21 - Access to Information and Access to Information held by Council  
CORP.S.6 - Code of Administrative Good Conduct  
615201 – Hunter's Hill Council Code of Conduct  
CPCG3 - Procedures for the Administration of the Model Code of Conduct Policy  
CORP.S15 – Conflict of Interest Policy  
CORP.S.1 – Council Charter  
CPPB1 - Policy for Disposal of Council Land  
378395 - Fraud and Corruption Prevention Plan  
378397 - Fraud and Corruption Prevention Guidelines

CORP.S.24 - Fraud Prevention and Control Policy  
CPFM2 - Investment Policy  
CORP.S.17 - Internal Reporting

## **POLICY AUTHORITY**

The Policy Authority is the General Manager.

## **GETTING HELP**

Assistance in the interpretation and implementation of this policy can be obtained from the Director of Town Planning.

## **TO BE REVIEWED**

This policy is to be reviewed every four years or with any material changes to relevant legislation, Office of Local Government Guidelines, Council policies or organisational structure.

## **RECOMMENDATION**

1. That the report be received and noted.

## **ATTACHMENTS**

1. Environmental Planning and Assessment  
Amendment (Conflict of Interest) Regulation  
2023 [↓](#)





New South Wales

## Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP  
Minister for Planning

### Explanatory note

The objects of this Regulation are—

- (a) to update a definition of *council-related development application* to exclude development applications in relation to public roads, and
- (b) to permit certain conflict of interest guidelines to be updated from time to time, and
- (c) to correct a cross-reference, and
- (d) to provide that the proposed amendments do not apply to existing development applications.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.16(11), 10.13, the general regulation-making power and 10.15 and Schedule 1, clause 21.

Section 3 of this Regulation is made under a Henry VIII provision.

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Published LW 2 March 2023 (2023 No 95)

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023 [NSW]

## Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023*.

### 2 Commencement

This Regulation commences on 3 April 2023.

### 3 Amendment of Environmental Planning and Assessment Act 1979 No 203

#### Schedule 1 Community participation requirements

Insert “, other than a public road within the meaning of the *Local Government Act 1993*” after “development on land” in clause 9B(2), definition of *council-related development application*, paragraph (b).

### 4 Amendment of Environmental Planning and Assessment Regulation 2021

#### (1) Section 66A, heading

Omit “ss 4.16(11)”. Insert instead “s 4.16(11)”.

#### (2) Section 66A(2), definition of “conflict of interest policy”

Insert “, as in force from time to time” after “NSW planning portal” in paragraph (b).

#### (3) Schedule 6 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and section numbering—

## Part Provisions consequent on Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

### Amendments do not apply to existing development applications

An amendment made by the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* does not apply to a development application made but not finally determined before the commencement of the amendment.

<b>ITEM NO</b>	: 4.11
<b>SUBJECT</b>	: DEVELOPMENT APPLICATIONS DETERMINED BY THE LOCAL PLANNING PANEL IN MARCH 2023
<b>STRATEGIC OUTCOME</b>	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
<b>ACTION</b>	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
<b>REPORTING OFFICER</b>	: SHAHRAM MEHDIZADGAN

Ref:631505

**PURPOSE**

This report provides the outcome of determinations of Applications referred to the Local Planning Panel (LPP) in March 2023.

The role of the Local Planning Panel is to determine Development Applications where submissions (10 and over) have been received and/or a Clause 4.6 (variation to Hunters Hill Local Environmental Plan 2012) has been received.

Panel Members:

Mr Peter Webber      Chair  
Mr Peter Watts  
Ms Sheridan Burke  
Dr Meredith Sheil

All reports presented to the LPP as shown below are available on the Council's website  
<http://www.huntershill.nsw.gov.au/lpp>

**RECOMMENDATION**

1. That the report be received and noted.

**REPORT OF MEETING HELD 17 MARCH 2023**

Summary of determinations:

<b>Development Application No.</b>	2022-0178	<b>Zone</b>	R2 Low Density Residential
<b>Premises</b>	22 Lyndhurst Crescent, Hunters Hill		
<b>Applicant</b>	Nick Mavrakis	<b>Date Lodged</b>	29 September 2022
<b>Assessing Officer</b>	Rean Lourens	<b>Determination Date</b>	17 March 2023

Proposal	Alterations and additions to existing dwelling, including updates to landscaping.	
FINAL DETERMINATION		
That a “Deferred Commencement” consent be granted pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979. The development consent as contained in Schedule 2 shall not operate (or be issued) until such time as the matters contained in Schedule 1 are finalised to the satisfaction of Council.		
Schedule 1		
1. Amended paint scheme		
A more recessive paint scheme facing the river is to be selected. An amended external finishes schedule must be submitted to the satisfaction of Council that reflects this change.		
2. Amended Landscape Plan		
The Landscape Plan should be amended to include the following:		
<ul style="list-style-type: none"><li>• An additional tree, Angophra Costata, to be planted facing the waterway on the lawn area.</li><li>• Replacement of the front Japanese Maple with a Frangipani.</li></ul>		
The Amended Landscape Plan must be submitted to the satisfaction of Council.		
Schedule 2		
GEN0 GEN1		
GEN3		
Drawing Number	Drawn By	Plan Dated
Proposed First Floor Plan, Dwg DA02, Rev B	Weir Phillips Architects	30/01/2023
Proposed Ground Floor Plan, Dwg DA03, Rev A	Weir Phillips Architects	21/09/2022
Proposed Lower Ground Floor Plan, Dwg DA04, Rev A	Weir Phillips Architects	21/09/2022
Proposed Roof Plan, Dwg DA05, Rev A	Weir Phillips Architects	21/09/2022
Proposed North & South Elevation, Dwg DA09, Rev B	Weir Phillips Architects	30/01/2023
Proposed West Elevation, Dwg DA10, Rev A	Weir Phillips Architects	21/09/2022
Proposed East Elevation, Dwg DA11, Rev A	Weir Phillips Architects	21/09/2022
Proposed Section, Dwg DA12, Rev A	Weir Phillips Architects	21/09/2022
External Finishes, Dwg DA13, Rev B	Weir Phillips Architects	30/01/2023
Cover Page, Dwg DA_01, Rev 02	Wyer & Co	12/01/2023

Site Plan, Dwg DA_02, Rev 02	Wyer & Co	12/01/2023
Front Garden, Dwg DA_03, Rev 02	Wyer & Co	12/01/2023
Rear Garden, Dwg DA_04, Rev 02	Wyer & Co	12/01/2023

GEN5 GEN6 GEN7 GEN20 GEN21 GEN22

PCC0 PCC1 (\$4778) PCC3 (\$5000) PCC5 (\$13651) PCC8 PCC11 PCC12 (A468280) PCC13 PCC15 PCC16 PCC17 PCC18 PCC20 PCC21 PCC32 PCC 40 PCC42 PCC46 PCC47 PCC48 PCC49 PCC53 PCC55 PCC57 PCC65 PCC76

PCW0 PCW1 PCW2 PCW3 PCW4 PCW5

DEM0 DEM1 DEM3 DEM4 DEM6 DEM7 DEM8 DEM9 DEM11 DEM12 DEM13 DEM15

CON0 CON1 CON2 CON3 CON4 CON5 CON7 CON9 CON11 CON17 CON20 CON21 CON23 CON28 CON40 CON41 CON43 CON44 CON45 CON47 CON51 CON52 CON53 CON54 CON55 CON59

POC0 POC1 POC2 POC4 POC7 (Landscape Plan (prepared by Wyer & Co, dwg no DA01-04, dated 31 August 2022)) POC8 POC13, POC14 POC16 POC17 POC24 POC25, POC28 POC60 POC75

Record of Voting

For	Against
Peter Webber	
Sheridan Burke	
Peter Watts	
Meredith Sheil	

<b>Development Application No.</b>	2022-0104-Review	<b>Zone</b>	B4 Mixed Use; RE1 Public Recreation
<b>Premises</b>	Figtree Park, Hunters Hill		
<b>Applicant</b>	Samantha Urquhart Hunters Hill Council	<b>Date Lodged</b>	16 February 2023
<b>Assessing Officer</b>	Mat Phillips	<b>Determination Date</b>	17 March 2023
<b>Proposal</b>	Review of determination		

**DECISION**

The Panel was asked to review Pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, (EPAA 1979), the determination of the LPP 19<sup>th</sup> December 2022 to refuse Development Application No. DA 2022-0104 for the removal of trees to facilitate the upgrade of Fig Tree Park.

Amended documentation submitted to support the Applicant's request was reviewed on site by the panel, and submissions heard from a number of residents, councillors and the Mayor.

The panel confirmed the determination of the LPP of 19<sup>th</sup> December 2022 to refuse the application on the grounds that:

1. It is not in the public interest;
2. The information provided in the DA did not sufficiently provide the strategic planning context for the DA that might have contextualised the implications of the tree removal including:
  - a. the strategic relationship of the commercial zoning of the adjacent land along Gladesville Road adjacent to the park;
  - b. the cumulative effect of piecemeal decisions e.g. the previously approved application to demolish 48 Gladesville Road;
  - c. the absence of any information being provided regarding the "offset strategy to be imposed as a condition of consent," particularly given 6 trees are proposed to replace 21 removed;
  - d. the timing of the development and the lack of clarity of the approval status and public consultation process of the various documents tabled;
3. The proposal is contrary to the objectives of the current Plan of Management for the park which include "retaining and maintaining existing trees and vegetation" and appears to anticipate improved accessibility in a treed and very relaxed park character;
4. The park is a major public asset within a heritage conservation area, but no assessment of the heritage significance of the park and its features has been provided in preparing the facilities upgrade;

**ADVISORY NOTE**

Further concerns/recommendations raised by the Panel include:

In consideration of any future DA for the upgrade of Figtree Park, including the removal of trees – pertinent information for the Planning Panel should include the matters identified in its refusal and:

- Summary of Councils strategic planning intentions for the area, relevant heritage assessment and conservation policy and regulations, pertaining to this location and setting;
- Reason / justification for removal of each tree proposed within the context of an approved plan and offset strategy;
- Identification of any potential negative impacts of the tree removal (individual and cumulative) on the heritage and conservation of the park and surrounds (including as raised through the public consultation process);

- Detail of the measures taken to mitigate these effects. (This may include measures such as siting of pathways structures and services to avoid the need for tree removal, planting of additional replacement trees as so forth);
- A clear timeline and results of the public consultation and Council approval processes for the park redevelopment;
- If planting of additional trees is proposed as part of these mitigation measures, it would be pertinent to show (diagrammatically) the over-all impact on the tree canopy and shade area of the park as compared to existing.

#### Record of Voting

For	Against
Peter Webber	
Sheridan Burke	
Peter Watts	
Meredith Sheil	

#### ATTACHMENTS

There were no attachments to this report.

<b>ITEM NO</b>	: 4.12
<b>SUBJECT</b>	: DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN MARCH 2023
<b>STRATEGIC OUTCOME</b>	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
<b>ACTION</b>	: ALL BUILDING WORK COMPLIES WITH COUNCIL REGULATIONS
<b>REPORTING OFFICER</b>	: SHAHRAM MEHDIZADGAN

Ref:631507

**PURPOSE**

This report provides the outcome of determinations of Development Applications referred to the Development Control Unit (DCU) in March 2023.

The role of the Development Control Unit is to determine any development application that receives two (2) or more objections (where that development application is not referred to the Local Planning Panel or other consent authority).

All reports presented to the DCU as shown below are available on the Council's website <http://www.huntershill.nsw.gov.au/dcu>.

**RECOMMENDATION**

1. That the report be received and noted.

**REPORT OF MEETING HELD 21 MARCH 2023**

<b>DEVELOPMENT APPLICATION NO</b>	: 2022-0056
<b>PROPOSAL</b>	: Alterations and additions to existing centre.
<b>PROPERTY</b>	38 Earl Street, Hunters Hill
<b>APPLICANT</b>	Con Kakakios
<b>OWNER</b>	Mr C and Mrs M Kakakios
<b>DATE LODGED</b>	: 27 April 2022
<b>REPORTING OFFICER</b>	Michelle Penna



**DECISION**

The Development Control Unit considered the request from Scott Barwick and decided that the sill height of 1.6 meters is adequate in regards to privacy and the obscure glazing is not necessary, the condition is to be deleted.

The Development Control Unit resolved that development application 2022-0056 for the construction of alterations to the existing child care centre and increase in number of children to 50 at No.38 Earl Street, Hunters Hill be approved, subject to the following conditions:

GEN0 GEN1

GEN3:

<b>Drawing Number</b>	<b>Drawn By</b>	<b>Plan Dated</b>
Site Plan & Roof Plan, DA01, issue A	Artiva Architects	7 December 2021
Site Analysis Plan, DA02, issue A	Artiva Architects	7 December 2021
Area Calculation Plan, DA03, issue A	Artiva Architects	7 December 2021
Floor Plans, DA11, issue B	Artiva Architects	7 December 2021
Elevations, DA21, issue A	Artiva Architects	7 December 2021
Sections, DA31, issue A	Artiva Architects	7 December 2021
Solar Access Study 8am & 9am, Drawing No.41, issue A	Artiva Architects	8 September 2022
Solar Access Study 10am & 11am, Drawing No.42, issue A	Artiva Architects	8 September 2022
Solar Access Study 12pm & 1pm. Drawing No.43, issue A	Artiva Architects	8 September 2022
Solar Access Study 2pm & 3pm, Drawing No.44, issue A	Artiva Architects	8 September 2022
Solar Access Study 4pm, Drawing No.45, issue A	Artiva Architects	8 September 2022
Survey Plan, S-20816X-1	Kevin Brown & Associates Pty Ltd	19 November 2003

Document(s)	Dated
Traffic and Parking Assessment prepared by Hemanote Consultants	21 September 2022
Plan of Management	March 2022
Acoustic Review	20 September 2022

GEN5 GEN6 GEN7 GEN20 GEN22 GEN23

GEN freeform conditions

#### OPERATING HOURS

The operating hours of the child care centre is Monday to Friday, 7am – 6.30pm.

#### MAXIMUM NUMBER OF CHILDREN

The maximum number of children permitted on the site is 50 children.

PCC0 PCC1(\$280) PCC3(\$2250) PCC5 PCC13 PCC15 PCC20 PCC21 PCC32 PCC76 PCW0 PCW1 PCW4  
DEM0 DEM1 CON0 CON1 CON2 CON3 CON4 CON5 CON7 CON9 CON18 CON21 CON23 CON24 POC0  
POC1 POC2 PCC76

#### ATTACHMENTS

There were no attachments to this report.

<b>ITEM NO</b>	: 4.13
<b>SUBJECT</b>	: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN MARCH 2023
<b>STRATEGIC OUTCOME</b>	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
<b>ACTION</b>	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
<b>REPORTING OFFICER</b>	: SHAHRAM MEHDIZADGAN

Ref:631512

**PURPOSE**

The purpose of this report is to advise of Development Applications determined under delegated authority for the period March 2023.

**RECOMMENDATION**

1. That the report be received and noted.

**DELEGATED AUTHORITY**

In accordance with Section 327 of the Local Government Act 1993, authority is hereby delegated to the Director, Development and Regulatory Services to exercise and perform those powers, duties and functions in line with the authority and limitations of that position. These include approval and refusal of Development Applications as per Section 10 of Hunter's Hill Council Delegations of Authority.

**REPORT**

Type of Report	S8.2 Review	Inspection Date	
Development Application No.	2021-1280-Review	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	J. Hill	Value	\$1,550,479.00
Premises	<b>No. 8 North Parade, Hunters Hill</b>	Landscaped Area	Complies
Classification (NCC)	1a Building, 10a Garage,	Date lodged	03/01/2022
Assessing Officer	Rean Lourens	Determination Date	07/03/2023
Proposed Development	Alterations and Additions		

Recommendation	Approval (subject to conditions)
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Type of Report	Delegated Authority	Inspection Date	
Development Application No.	DA2022-0003	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Gary O'Riley	Value	\$50,000
Premises	<b>1 Passy Avenue, Hunters Hill</b>	Landscaped Area	N/A
Classification (BCA)	10b	Date lodged	01/03/2022
Assessing Officer	Rean Lourens	Determination Date	01/03/2023
Proposal	Demolition of existing pool and construction of new pool and coping		
Determination	Approval (subject to conditions)		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2022-0140	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Jennifer Hill	Value	\$875,920
Premises	<b>9 Ellesmere Avenue, Hunters Hill</b>	Landscaped Area	50%
Classification (BCA)	1a	Date lodged	14/10/2022
Assessing Officer	Rean Lourens	Determination Date	14/03/2023
Proposal	Alterations to an existing dwelling and the addition of a first floor.		
Determination	Refused		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2022-0185	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Matthew Fung	Value	\$1,112,698
Premises	<b>26 Dick Street, Henley</b>	Landscaped Area	62%
Classification (BCA)	1a	Date lodged	13/10/2022
Assessing Officer	Rean Lourens	Determination Date	20/03/2023
Proposal	Alterations and Additions to Existing Dwelling		
Determination	Approval (subject to conditions)		

Type of Report	Delegated Authority	Inspection Date	29/11/2022
Development Application No.	DA2022-0154	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Shona McElroy	Value	\$50,000.00
Premises	<b>6 Tiree Avenue, Hunters Hill</b>	Landscaped Area	50.2%
Classification (BCA)	1A	Date lodged	02/09/2022
Assessing Officer	Michael Brewer	Determination Date	09/03/2023
Proposal:	Alterations and additions to an existing single storey dwelling		
Determination:	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2021-1101-1	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Edward Natour	Value	\$1,170,950

Premises	<b>15 Centenary Avenue, Hunters Hill</b>	Landscaped Area	N/A
Classification (BCA)	1a Dwelling	Date lodged	03/01/2023
Assessing Officer	Rean Lourens	Determination Date	01/03/2023
Proposal	s4.56 modification - minor internal and external modifications and reduction of extent of glazing		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	
Development Application No.	DA2022-0242	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	YES
Applicant	Melissa Neighbour	Value	\$20,000.00
Premises	<b>15 Mary Street, Hunters Hill</b>	Landscaped Area	56.9 %
Classification (BCA)	10a	Date lodged	06/01/2023
Assessing Officer	Innthujan Selvaratnarajah	Determination Date	17/03/2023
Proposal	Alterations and additions to residential development		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA 2023-0019	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Mr Colin Burns	Value	N/A
Premises	<b>23 Ferdinand Street Hunters Hill</b>	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	08/02/2023
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	07/03/2023
Proposal	Removal of one (1) tree		

Determination	Approve removal of one (1) tree with the planting of one (1) replacement tree										
Tree 1 – <i>Celtis</i> sp. (Hackberry)											
<ul style="list-style-type: none"><li>• Medium-size specimen of low landscape significance</li><li>• Poor structural condition with the failure of the terminal stem presumably due to storm damage</li><li>• <i>Celtis</i> spp. (Hackberry species) are not covered by Council’s tree management controls when under 10m due to their weed status</li><li>• Specimen appears to be approximately 8-10m in height</li><li>• Application proposes tree removal due to the damaged branch</li><li>• Application is supported due to impact of the failure on structural condition of the tree</li><li>• Replacement planting required to maintain the canopy cover in the suburb</li></ul>											
The following trees may be removed:											
<table><tr><td>Tree</td><td>Location</td><td>Comments</td></tr><tr><td>Tree 1 <i>Celtis</i> sp. (Hackberry)</td><td>Front garden</td><td>Storm damaged specimen</td></tr></table>				Tree	Location	Comments	Tree 1 <i>Celtis</i> sp. (Hackberry)	Front garden	Storm damaged specimen		
Tree	Location	Comments									
Tree 1 <i>Celtis</i> sp. (Hackberry)	Front garden	Storm damaged specimen									
The following replacement planting is required:											
<table><tr><td>Location</td><td>Minimum container size at purchase</td><td>No. of replacement plants required</td><td>Replacement tree Species</td></tr><tr><td>Within the property</td><td>25L</td><td>1</td><td><i>Glochidion ferdinandi</i> (Cheese Tree) or <i>Waterhousea floribunda</i> (Weeping Lillypilly) or <i>Harpullia pendula</i> (Tulipwood)</td></tr></table>				Location	Minimum container size at purchase	No. of replacement plants required	Replacement tree Species	Within the property	25L	1	<i>Glochidion ferdinandi</i> (Cheese Tree) or <i>Waterhousea floribunda</i> (Weeping Lillypilly) or <i>Harpullia pendula</i> (Tulipwood)
Location	Minimum container size at purchase	No. of replacement plants required	Replacement tree Species								
Within the property	25L	1	<i>Glochidion ferdinandi</i> (Cheese Tree) or <i>Waterhousea floribunda</i> (Weeping Lillypilly) or <i>Harpullia pendula</i> (Tulipwood)								
<p><b>Note 1:</b> Please contact Council’s Tree &amp; Landscape Consultant if you would like to nominate an alternate replacement species</p> <p><b>Note 2:</b> The replacement trees should be located at sufficient distance as to minimise conflict with adjacent structures when fully mature.</p>											

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA 2022-0225	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Ms Tiziana Tringalr	Value	N/A
Premises	<b>1 Viret Street, Hunters Hill</b>	Garden Area	N/A

Classification (BCA)	N/A	Date lodged	15/02/2023
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	10/03/2023
Proposal	Removal of one (1) group of trees		
Determination	Approve removal of one (1) group of trees with the planting of one (1) replacement tree.		
Tree Group 1 – <i>Cupressus</i> sp. (Cypress species) <ul style="list-style-type: none"><li>• Mature specimens located in front garden on high side of retaining wall</li><li>• Moderate landscape significance</li><li>• Application proposes tree removal as the trees are causing distress to neighbours and are blocking drains</li><li>• Based on their potential mature size (subject trees have not attained their mature dimensions), the trees are considered to be an inappropriate species for the location</li><li>• Application is supported due the potential mature size of the species and inappropriate location</li><li>• Replacement planting required to maintain the canopy cover in the suburb</li></ul>			
The following trees may be removed:			
Tree	Location	Comments	
Tree Group 1 <i>Cupressus</i> sp. x3 (Cypress species)	Front garden	In appropriate location	
The following replacement planting is required:			
Location	Minimum container size at purchase	No. of replacement plants required	Replacement tree Species
Within the property	300mm	3	<i>Muarray paniculata</i> (Murraya)  Continuation of existing Murraya planting located to the south of the trees
<b>Note 1:</b> Please contact Council’s Tree & Landscape Consultant if you would like to nominate an alternate replacement species			
<b>Note 2:</b> The replacement trees should be located at sufficient distance as to minimise conflict with adjacent structures when fully mature.			

## ATTACHMENTS

There were no attachments to this report.





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<b>ITEM NO</b>	: 4.14
<b>SUBJECT</b>	: REPORT OF LEGAL MATTERS - APRIL 2023
<b>STRATEGIC OUTCOME</b>	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
<b>ACTION</b>	: ALL BUILDING WORK COMPLIES WITH COUNCIL REGULATIONS
<b>REPORTING OFFICER</b>	: SHAHRAM MEHDIZADGAN

Ref:633030

**PURPOSE**

The purpose of this report is to update Council on legal matters. These matters are generally with the Land and Environment Court.

**RECOMMENDATION**

1. That the report be received and noted.

**REPORT**

Attached are Status Reports provided by Council's Legal Advisors – HWL Ebsworth

**ATTACHMENTS**

1. Report of Legal Matters - April 2023 [↓](#)

Hunters Hill Council  
Confidential Status Report  
April 2023



CURRENT/ PENDING MATTERS						
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST
1151389	HHC ats Coral Sea Estates Pty Ltd – LEC 2022/00317582 – 39 Alexandra Street, Hunters Hill	Jane Hewitt/ Philip Brown	Class 1 Appeal – Deemed refusal for the fit out and change of use of the ground floor commercial tenancies within the approved development of the subject site, first floor addition at the southern portion of the first-floor level, including business signage 5-8 staff, 7am – 10pm hours, seating for 58 patrons (48 onsite, 10 on footpath) majority of the built form within where the restaurant is proposed has already been approved by Council.	1/11/2022	Conciliation took place on 17 March 2023 before Commissioner Horton.  Following conciliation conference, the applicant provided a list of updated material it intended to provide, the applicant did this over the following few weeks.  Resumed conciliation conference took place on 6 April 2023.  Conciliation adjourned to online Court on 24 April 2023 and listed before Commissioner Horton on 26 April 2023. If no settlement reached s 34 conciliation likely will be terminated.	\$27,445.00
1154611	HHC ats Linda Josephine Minassian and Alan Docherty – Class 1 – LEC 2022/00325544 – 28 Martin Street, Hunters Hill	Philip Brown	Class 1 Application – Deemed refusal for application for alterations and additions of existing dwelling (including roof, colours, and landscaping).	17/11/2022	Without Prejudice meeting occurred on site 10 December 2022. Listed for s 34AA conciliation/ hearing 6 and 7 March 2023. Matter resolved by way of s 34 agreement. Judgment delivered 8 March 2023:  <a href="https://www.caselaw.nsw.gov.au/decision/186b54598adbdef886bfd17d">https://www.caselaw.nsw.gov.au/decision/186b54598adbdef886bfd17d</a>	\$16,097.00
1159655	HHC ats JMH Perea - Class 1 - LEC 2022/00366739 – 44A Barons Crescent, Hunters Hill	Philip Brown	Class 1 Application – Council's actual refusal for application for swimming pool.	14/12/2022	Statement of Facts and Contentions filed. Mark Adamson – Town Planner. Catriona McKenzie – Arborist. Site Inspection took place Thursday 19 January 2023. S 34AA listed for 8 and 9 June 2023. Still awaiting amended plans.	\$6,120.00
1161243	HHC ats Con & Mary Kakakios - Class 1 - LEC 2022/00382176 – 26 Farnell Street, Hunters Hill	Philip Brown	Class 1 Application – Council's deemed refusal for construction of Child Care facility for 39 children with basement parking and hours of 7am-6pm Monday-Friday.	3/01/2023	Site inspection took place on 19 January 2023. SOFAC filed. Conciliation Conference listed for 15 June 2022.	\$7,230.00

<b>ITEM NO</b>	: 4.15
<b>SUBJECT</b>	: COUNCILLOR BRIEFINGS AND WORKSHOPS
<b>STRATEGIC OUTCOME</b>	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
<b>ACTION</b>	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
<b>REPORTING OFFICER</b>	: MITCHELL MURPHY

Ref:633595

**PURPOSE**

The purpose of this report is to provide an update on the most recent Councillor Briefing held 17 April 2023.

**RECOMMENDATION**

1. That the report be received and noted.

**BACKGROUND**

At the Ordinary Council Meeting held on 9<sup>th</sup> March 2015, on the motion of Clr Bird and seconded by Clr McLaughlin, it was resolved (058/15) unanimously that:

1. *The agenda for Councillor Workshops and Briefings conducted prior to an Ordinary Meeting to be published and made available to the public along with the Business paper.*
2. *Members of the public be allowed to speak at Ordinary Meetings on topics that have been discussed prior to the meeting during Councillor Workshops and Briefings.*
3. *The PROCEDURE IN WORKSHOPS' section of The Hunters Hill Code of Meeting Practice should state:*
  - a. *'there should be no opinion and debate on issues and projects.'*
  - b. *'Questions should aim to clarify facts and not elicit opinion.'*
4. *A brief summary of issues discussed by included in a formal report to council lreport*

Agenda for Monday, 17 April 2023:

Topic	Speaker	Notes
2023/2024 Budget	Director of Finance	Director of Finance provided high level overview of the draft 2023/2024 Council budget.  The budget and operational plan will be tabled at the Ordinary Council

		Meeting of 22 May, seeking endorsement from elected members to place on public exhibition prior to seeking formal adoption at the Ordinary Council Meeting of June 26.
Waste strategy update	Director, Infrastructure & Environmental Sustainability	<p>Director, Infrastructure &amp; Environmental Sustainability gave a presentation to Councillors:</p> <ul style="list-style-type: none"> <li>- highlighting the key findings of completed trials pertaining to waste management of food organics;</li> <li>- explaining the challenges of a waste alliance with neighbouring Councils;</li> <li>- outlining the context/key action steps of regional waste strategy and aligned targets.</li> </ul>
Bedlam Bay swim site update	Director, Infrastructure & Environmental Sustainability	Elected members were provided an update on the project. Council officers are liaising with various stakeholders about required planning consent and a further update will be provided in due course.
Update (major projects): <ul style="list-style-type: none"> <li>• Boronia Park</li> <li>• Figtree Park</li> <li>• Gladesville Reserve</li> </ul>	<p>General Manager</p> <p>Director, Infrastructure &amp; Environmental Sustainability</p>	<p>Boronia Park: Paynter Dixon expected to commence site establishment early next month.</p> <p>Figtree Park: Business paper to award head contractor (following tender process) for works to be tabled at Ordinary Council Meeting of 24 April.</p> <p>Gladesville Reserve: Tender assessment will be finalized by 21 April. It is proposed Extraordinary Council Meeting will be held on 1 May to award contract for works.</p>
Business Papers, April Council Meeting	General Manager and Directors	General Manager and Directors gave a summary of key agenda items/business papers (for information purposes) that will be tabled at Ordinary Council Meeting, 24 April.
Councillor Requests	General Manager and Directors	Councillor Requests are matters raised by elected members with the General Manager's office for

explanation or action, generally standard operational issues. The GM/Director provided an overview and responded to questions about the most recent requests.

General Business

All

- Matter raised by Cr Williams about waste collection delays in Collingwood St;
- Council has been chosen as a finalist in the 2023 NSW Local Government Excellence Awards (Category: People, Workplace, Wellbeing);
- Discussion about 2023 local Anzac Day march/service.

## CONCLUSION

A 'brief' summary of issues discussed at a Councillor Workshop or Briefing be included as a report to Council.

## FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

## ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

## SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

## RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

## ATTACHMENTS

There were no attachments to this report.

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<b>ITEM NO</b>	: 4.16
<b>SUBJECT</b>	: MINUTES OF HUNTERS HILL LOCAL TRAFFIC COMMITTEE MEETING HELD 16 MARCH 2023
<b>STRATEGIC OUTCOME</b>	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
<b>ACTION</b>	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
<b>REPORTING OFFICER</b>	: SAMANTHA URQUHART

Ref:633164

**PURPOSE**

To provide Council with the Minutes and Recommendations from the Hunters Hill Local Area Traffic Committee Meeting held 16 March 2023.

**RECOMMENDATION**

- That the report be received and noted and that resolutions in the report be adopted.

**BACKGROUND**

The Hunters Hill Local Area Traffic Committee held a meeting on 16 March 2023.

**REPORT**

The following are recommendations from the Committee for Council's consideration.

**3.1 ERNEST STREET HUNTERS HILL - PROPOSED PARKING RESTRICTIONS**

- That a 'No Stopping' zone be installed from the south side of the garage of 34 Alexandra Street to the existing white line north of the pedestrian access of No.1 Ernest Street by way of yellow line marking, as shown at Attachment 2.
- That a 'No Stopping' zone be installed from the existing white line south of the gate of No.3 to the side boundary with No.5 by way of yellow line marking, as shown as shown at Attachment 2.

**3.2 169 PITTWATER ROAD - PROPOSED 'NO STOPPING' ZONE**

- That a 'No Stopping' zone be installed opposite 169 Pittwater Road which is an access road adjacent and separated to trafficable road of Pittwater Road, as shown below.



Proposed: Install 'No Stopping' zone opposite 169 Pittwater Road

### 3.3 59 THE POINT ROAD, WOOLWICH - PROPOSED WORK ZONE

- That a 10m work zone from 7am to 6pm Monday – Friday and 8am to 1pm Saturday be installed adjacent to 59 The Point Road for 8 weeks from Tuesday 25 April 2023, as shown at Attachment 3.

### 3.4 WORK ZONES DELEGATION

- That the Committee delegates to Council the approval of work zones on local roads subject to notifications to the Local Area Traffic Committee and the agencies on the committee
- That the Committee approve work zones on State and Regional roads by exception by way of an email granting approval.

## CONCLUSION

The Hunters Hill Local Area Traffic Committee is a technical advisory group that provides recommendations for Council's consideration.

## FINANCIAL IMPACT ASSESSMENT

At the date of writing this report, there were no foreseeable financial impacts on Council arising from Council's consideration of this matter.

## ENVIRONMENTAL IMPACT ASSESSMENT

At the date of writing this report, there were no foreseeable environmental impacts on Council arising from Council's consideration of this matter.



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**SOCIAL IMPACT ASSESSMENT**

The recommendations in this report are likely to improve overall social outcomes through greater community safety.

**RISK ASSESSMENT**

At the date of writing this report, there were no foreseeable risks to Council arising from Council's consideration of this matter

**ATTACHMENTS**

1. Attachment 1- Minutes of March Local Traffic Committee [↓](#)
2. Attachment 2- Ernest Street [↓](#)
3. Attachment 3- 59 The Point Road [↓](#)

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MINUTES OF HUNTERS HILL LOCAL AREA TRAFFIC  
COMMITTEE

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held 16 March 2023

## COMMENCEMENT

The meeting opened at 10:33 am.

## IN ATTENDANCE

Cr Richard Quinn	Chairperson
Sgt Leonie Abberfield	Ryde Police Command Area
Ms Vicky Walker	Transport for New South Wales
Mr Ben Cantor	Busways
Mrs Samantha Urquhart	Director Infrastructure and Environmental Sustainability

## ALSO PRESENT

Ms Suzi Wessels	Outgoing Committee Secretary
Ms Nancy Lask	Incoming Committee Secretary

## APOLOGIES

Leanne Stathakis  
Valerie Stamper  
Mary Zhang  
Mohamad Badarani (on leave)

## DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

## CONFIRMATION OF MINUTES

- 032/23** RESOLVED on the MOTION of Vicky Walker, seconded Ben Cantor  
That the Minutes of Hunters Hill Local Area Traffic Committee of previous Meeting  
held on 1/12/2022 10:30:00 AM be adopted.

## UPDATES FROM PREVIOUS MEETING

**Crown Street – Proposed Traffic Calming Measures**

This issue will be going to the next Movement and Transport Advisory Committee meeting where those residents who made submissions would be invited to voice their concerns.

**NYE 2023 Plan**

A working group has been formed and would begin meeting in April to discuss an efficient plan of management that took into consideration lessons learned from the previous events. Once there was a working draft, it will be presented to the committee for consideration and input.

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MINUTES OF HUNTERS HILL LOCAL AREA TRAFFIC  
COMMITTEE

---

held 16 March 2023

## REPORTS

## 3.1 ERNEST STREET HUNTERS HILL - PROPOSED PARKING RESTRICTIONS

## PROCEEDINGS IN BRIEF

Residents in this narrow road were finding exiting their properties difficult as cars are being parked right on their entrances. Since this was a safety issue, a “no stopping” sign would enable easy access, including for ambulances and emergency services as there were many elderly residents in this area. Public consultation and an onsite meeting with the residents had yielded no objections to the proposed changes.

**033/23** RESOLVED on the MOTION of Clr Quinn, seconded Vicky Walker

1. That a ‘No Stopping’ zone be installed from the south side of the garage of 34 Alexandra Street to the existing white line north of the pedestrian access of No.1 Ernest Street by way of yellow line marking, as shown on the diagram at Attachment 1.
2. That a ‘No Stopping’ zone be installed from the existing white line south of the gate of No.3 to the side boundary with No.5 by way of yellow line marking, as shown on the diagram at Attachment 1.

## 3.2 169 PITTWATER ROAD - PROPOSED 'NO STOPPING' ZONE

## PROCEEDINGS IN BRIEF

Residents had noted that there was constrained access to their property as they used the laneway for exiting and entering. Cars parked in the laneway restricted safe ingress and egress to their property, which had become problematic. Public consultation was undertaken and no residents’ objections were received.

**034/23** RESOLVED on the MOTION of Clr Quinn, seconded Vicky Walker

1. That a ‘No Stopping’ zone be installed opposite 169 Pittwater Road which is an access road adjacent and separated to trafficable road of Pittwater Road, as shown at Diagram 1.

## 3.3 59 THE POINT ROAD, WOOLWICH - PROPOSED WORK ZONE

## PROCEEDINGS IN BRIEF

This work zone commences on 28/03/2023 for 8 weeks. Residents had been notified and there were no objections.

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MINUTES OF HUNTERS HILL LOCAL AREA TRAFFIC  
COMMITTEE

---

held 16 March 2023

**035/23** RESOLVED on the MOTION of Cllr Quinn, seconded Vicky Walker

1. That a 10m work zone from 7am to 6pm Monday – Friday and 8am to 1pm Saturday be installed adjacent to 59 The Point Road for 8 weeks from Tuesday 28 March 2023, as shown at Diagram 1 below.

**3.4** GENERAL BUSINESS

Given that the Local Traffic Committee does not meet every month, it was requested that Council staff have delegation to approve the work zone permits for the sake of efficiency and expediency. Council could delegate approval for the work zones on local roads and inform the Committee of the decision. However, for Regional and State roads, approval from the Local Area Traffic Committee was required. This could be done by exception through an email approval process by the Committee.

**036/23** RESOLVED on the MOTION of Ben Cantor, seconded Sgt Abberfield

- 1) That the Committee delegates to Council the approval of work zones on local roads subject to notifications to the Local Area Traffic Committee and the agencies on the committee
- 2) That the Committee approve work zones on State and Regional roads by exception by way of an email granting approval.

## ROAD WORKS AND BUS ROUTES

It was requested that if Council had any road works planned that would affect a Bus Route or a Bus stop, that the required 28-days-notice for a detour and 14-days-notice for the closure of a bus stop be observed. These could be forwarded directly to Ben Cantor at Busways or notifications emailed to [busapproval@transport.nsw.gov.au](mailto:busapproval@transport.nsw.gov.au)

## DRAFT INTEGRATED TRANSPORT STRATEGY

Cllr Quinn noted that the Movement and Transport Advisory Committee were working on this document and the next iteration of the draft would be circulated to the committee.

Any reduction of speed limits or shared zones in the proposal needed to be itemised separately and sent to Vicky Walker at Transport for NSW as there was much paper work involved in making those changes, including approval from the Minister.

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MINUTES OF HUNTERS HILL LOCAL AREA TRAFFIC  
COMMITTEE

---

held 16 March 2023

The meeting closed at 10:52am.

I confirm that these Minutes are a true and accurate record of Hunters Hill Local Area Traffic Committee Meeting held on 16 March 2023.

.....  
CHAIRPERSON



— Proposed 'NO STOPPING' zone with 'yellow' line marking

## WORKS ZONE APPLICATION FORM


**LODGEMENT AND PAYMENT OF APPLICATION: You can lodge and pay for your application via:**

**Email:** [customerservice@huntershill.nsw.gov.au](mailto:customerservice@huntershill.nsw.gov.au)

A tax invoice will be sent via email for payment when your application has been accepted by Council Payment MUST made within three (3) working days of receipt of invoice and can be paid using credit card  
Credit card payment details outlined on tax invoice



**Council:** Hunters Hill Council, 22 Alexandra Street, Hunters Hill  
8.30am-4.30pm, Monday-Friday – **Payment by CHEQUE OR CARD**



**Mail:** Hunters Hill Council, PO BOX 21 Hunters Hill NSW 2110 – **Payment by CHEQUE ONLY**

Please note: Your application will **NOT** be processed until **FULL** payment has been received.  
If paying by CREDIT CARD, an additional 0.53% processing fee will apply

**OFFICE USE ONLY: Customer Service Officer**

CSO Name:	CSO Signature:	Date:
Fee Paid:	Receipt No:	Event No:

**Fees and Charges – Please retain your receipt as proof of lodgment of the application**

See Council's [Fees & Charges](#)

**NOTE:** Submission and/or payment of this application does not guarantee approval.

**About Construction Works Zone**

Please see Terms and Conditions for unsuitable locations

1. A Construction Works Zone is that portion of a public road in which a motor vehicle may stand only if the vehicle is engaged in construction work in or near the zone.
2. Construction Works Zone is provided to facilitate the efficient operation of construction


**Documents To Be Supplied:**

<input checked="" type="checkbox"/>	A Copy of Public Liability Insurance. Minimum \$20 Million
<input checked="" type="checkbox"/>	Traffic Control Plan, must be certified by an accredited RMS ticket holder
<input checked="" type="checkbox"/>	Plan of work zone.
<b>N/A</b>	<del>Resident notification letter and responses. Only required if proposed work zone affects neighbouring properties</del>

**Development Application Details:**


Is there a current Development Application (DA) lodged with the council for this property?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
DA Number:	DA20211131	CC/ CDC Number:	C220028-01/02	
Residential Development	<input checked="" type="checkbox"/>	Commercial Development	<input type="checkbox"/>	

Owner: Service Delivery – Roads  
Last Revised July 2021

<b>Applicant details</b> BERLINA HOMES PTY LTD (T/A BERLINA PROJECTS)					
Title:	MR	Surname:	MARUNCIC	First Name:	LUKE
Address:	UNIT 1/27 TOOHEY RD WETHERILL PARK			Postcode:	2164
Contact Number:	(02) 9756 0034				
Email Address:	ADMIN@BERLINA.COM.AU				
Signature:					Digitally signed by Luke Maruncic Date: 2023.02.17 07:55:12+11'00'

<b>Site Location</b>			
Site No.	59	Street Name:	THE POINT RD
Suburb:	WOOLWICH	Postcode:	2110

<b>Work Zone Details</b>			
Length	10m	Minimum 10m.	
Duration	8 WEEKS	Minimum initial duration 8 weeks Maximum initial duration 26 weeks Please see <a href="#">fees and charges</a>	
Start Date	17/02/23	End Date	14/02/23
		Please note application process is 4-6 weeks	

<b>Terms and Conditions Declaration</b>	
I hereby state that I have read and understand the Works Zone Terms and Conditions. I verify that I have provided the documents: <ul style="list-style-type: none"> <li>Public liability insurance (minimum \$20 Million) must be provided indemnifying Hunters Hill Council</li> <li>Plan or sketch of proposed work zone</li> <li>Traffic Control Plan, must be certified by an RTA Red/Orange ticket holder</li> </ul>	
Applicant Signature:	 <div>         Digitally signed by Luke Maruncic          Date: 2023.02.17 07:55:05+11'00'       </div>
Date:	17/02/23

Owner: Service Delivery – Roads  
 Last Revised July 2021

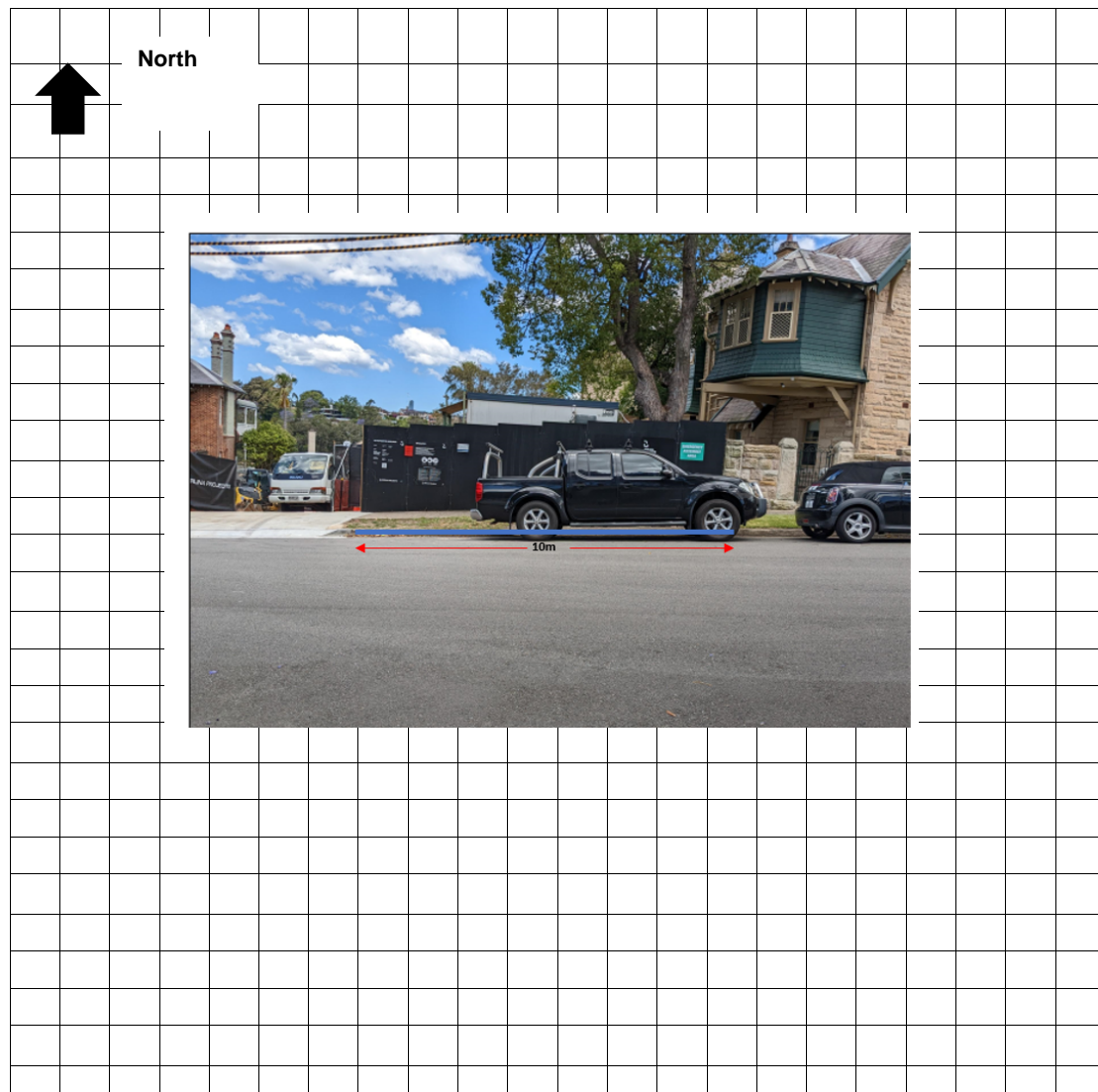


**PLAN / SKETCH DETAILS REQUIRED ON PLAN**

- Proposed work zone and its length (m)
- Property Boundaries,
- Construction driveway
- Road width(m)
- Nearest street intersection (m)
- Any parking restrictions (parking, Bus zones, No Stopping etc.) adjacent and opposite site
- Any street furniture, power poles, trees, bus shelters, etc. which may obstruct the work zone

NB: Separate applications must be made for the following activities within the proposed work zone area:

- Application to stand plant
- Application for Construction Hoarding Permit
- Skip Bin on Nature Strip Permission
- Trim any part of a tree



Owner: Service Delivery – Roads  
Last Revised July 2021

**TERMS AND CONDITIONS**

- A Construction Works Zone permits a vehicle to park in the parking lane only to make deliveries or pick up goods. Occupation of/craning over the footpath area or traffic lane is subject to approval of separate applications to Council.
- The Applicant/Plant operator shall comply with Australian Standard AS1742.3 Traffic Control Devices for works on roads.
- A permit may be required for tree/vegetation pruning adjacent to the work zone
- The applicant shall undertake to comply with the conditions and requirements of Work Cover Authority NSW and Council Policies
- A copy of Public Liability Insurance must be provided indemnifying Hunters Hill Council, to a value of no less than \$20 million, against claims from accidents associated with the Construction Works Zone.
- Unless varied due to specific circumstances, the works zone will be timed to operate from 7am - 6pm Monday to Friday and 8am – 1pm Saturday, or as per construction work hours permitted by relevant construction approval.

**Expiry of Work zone**

At the expiry of the approved Work Zone period, the applicant must notify Council in writing that the Work Zone is no longer required and state the reasons why (e.g. building work is completed). The applicant must provide 7 days' notice if the signs are required to be removed prior to the Expiry Date.

If payment for approved work zone which is based on per lineal metre/per week is not received within two (2) weeks of the date of the letter approval the application will be deemed to have lapsed.

**Construction Works Zone application process:**

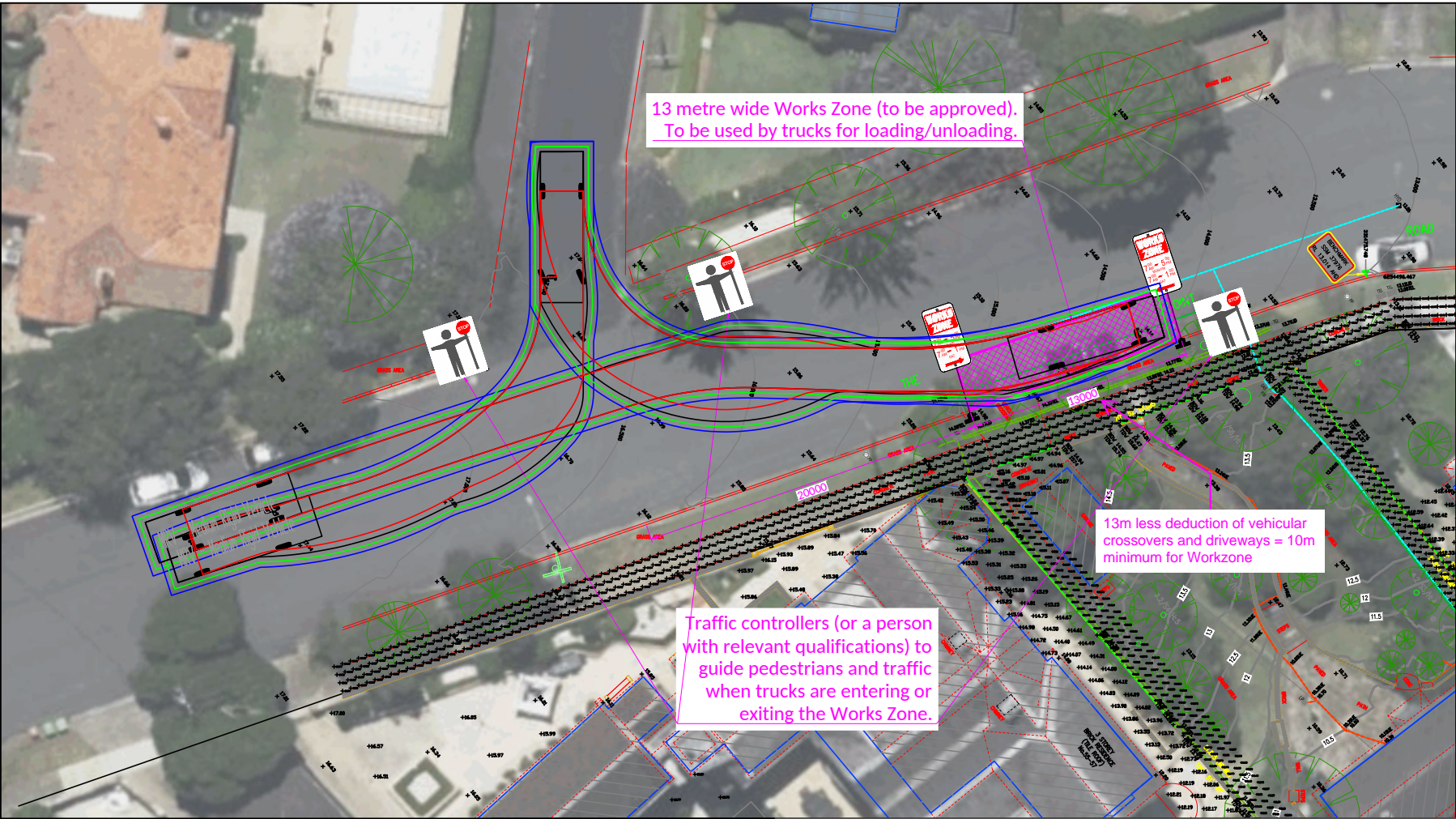
1. The application will be considered by the Hunters Hill Traffic Committee. The process will generally take between four (4) to six (6) weeks.
2. A Construction Works Zone has a minimum initial period of 8 weeks and a maximum initial period of 26 weeks. Please note renewal fees apply.
3. Once a determination has been made, you will be advised in writing of the outcome of this application, including, as may be applicable, any conditions to the Work Zone and the applicable installation fee.
4. If your application is approved, the zone will only become active after signs have been installed by Council. Signs will be installed after payment of the Works Zone has been received and may take up to 2 weeks.
5. The Works Manager is authorized to approve extensions of the Construction Works Zone approval after the initial period, if circumstances warrant such action.

**Construction Works Zone Conditions / Site unsuitable for approval:**

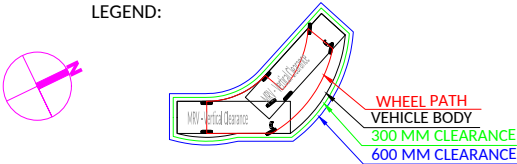
The following locations are unsuitable for designation as a 'Works Zone':

- Narrow roads where a 3m travel lane is not able to be maintained
- Where any of the following restrictions are signposted - No Stopping, No Parking, Bus Zone, Mail Zone, Taxi Zone
- Within the statutory 20 metres on the approach side or 10 metres on the departure side of a pedestrian crossing or bus stop unless parking is otherwise normally permitted
- Within the statutory 10 metres of an intersection unless parking is otherwise normally permitted
- On a hill or curve where the view of the Construction Zone is not clear for at least 50 metres


Owner: Service Delivery – Roads  
Last Revised July 2021



LEGEND:



22020 201921-1 220322.dwg

			59 The Point Road Woolwich NSW 2110	SCALE 1:300@A4
Dwg No 22020/04	Rev. A	08/04/2022	CTMP Path analysis - MRV (Medium rigid vehicle)	
Client: Nick and Maryam Messina				
PO Box 215 Bondi NSW 2026   ph:+61 (0)2 9332 2024   fax: +61 (0)2 9332 2022   mob: +61 (0)414 978 067   email: o.s@tefconsult.com.au   www.tefconsult.com.au				



MECON Insurance Pty Ltd  
A.B.N 29 059 310 904  
AFSL 253106

www.mecon.com.au

22 April 2022

Policy Number: AP-284854

### CERTIFICATE OF CURRENCY

Dear Sir/Madam

This is to certify that the undermentioned policy is current to the due date shown below.

**Type of Insurance:** Annual Project  
**Insured Name:** Berlina Homes Pty Ltd Trading as Berlina Projects & Buildpac  
Australia Pty Ltd  
**Territorial Limit:** Within New South Wales  
**Current Period of Insurance:** 20 April 2022 to 20 April 2023 at 4pm local time  
**Business Details:** Residential builder including medium density and commercial projects including project management but only for the manual activities they engage in on a building site and not for their professional duties performed on that site for a fee

#### Interested Party:

#### Section 1 - Material Damage

<b>1.02 Maximum Project Value</b>	\$1,000,000 E.E.E.
<b>1.03 Principal Supplied Materials</b>	\$250,000 E.E.E.
<b>1.04 Existing Structures</b>	Not Covered
<b>1.05 Contractors Plant, Tools and Re-useable Equipment</b>	\$20,000 E.E.E.
<b>1.06 Variations and Escalation</b>	\$250,000 E.E.E.
<b>1.07 Removal of Debris</b>	\$127,000 E.E.E.
<b>1.08 Professional Fees</b>	\$125,000 E.E.E.
<b>1.09 Expediting Costs</b>	\$62,500 E.E.E.
<b>1.10 Mitigation Costs</b>	\$62,500 E.E.E.

E.E.E. means each and every event

#### Section 2 - Public Liability

<b>6.01 Public Liability</b>	\$20,000,000 E.E.O.
<b>Sub Limits</b>	
<b>6.02 Products Liability</b>	\$20,000,000 A.O.P.I.
<b>6.03 Vibration Weakening or the Removal of Support</b>	\$20,000,000 A.O.P.I.
<b>6.04 Property in Care, Custody and Control</b>	\$100,000 A.O.P.I.
<b>Contractors Pollution Liability</b>	\$500,000 A.O.P.I.

E.E.O. means each and every occurrence

A.O.P.I. means in the aggregate of all occurrences in any one period of insurance

#### INSURER

#### PERCENT

<b>AIG Australia Limited (AIG), ABN 93004727753, AFSL 381686</b>	100.00%
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This Certificate of Currency is issued as a matter of information only and provides no rights to the holder. It does not amend, extend or alter the cover provided by the Policy. It is only a summary of the cover provided by the Policy. (Reference must be made to the current Policy wording and Schedule for full details). It is current at the date of issue only.

Transaction Ref: 573313





MECON Insurance Pty Ltd  
A.B.N 29 059 310 904  
AFSL 253106

[www.mecon.com.au](http://www.mecon.com.au)

Yours Faithfully

Tony Cai

*This Certificate of Currency is issued as a matter of information only and provides no rights to the holder. It does not amend, extend or alter the cover provided by the Policy. It is only a summary of the cover provided by the Policy. (Reference must be made to the current Policy wording and Schedule for full details). It is current at the date of issue only.*

Transaction Ref: 573313

	<b>TRAFFIC GUIDANCE SCHEME</b>		This Traffic Guidance Scheme is drawn to AS1742.3 and RMS TCAWS Manual 6.0  This Traffic Guidance Scheme has been designed by a PWZTMP qualified person. Modifications to this TGS must be approved by a person holding a PWZTMP accredited person. It also be supported by a TMP or Risk Assessment. An ITCP qualified person may vary the positioning of signs and devices provided.  PLAN NOT TO SCALE
	DATE: <b>12/04/2022</b>		
	LOCATION CUSTOMER: <b>55 THE POINT ROAD, WOOLWICH</b>	NAME: <b>Bridget Diggins</b> Licence No: <b>TCT0011034</b>	
TCP No.: <b>INTERMITTENT STOPPING AND PEDESTRIAN MANAGEMENT</b>			

**Legend**

- Bollard
- Cone
- Pedestrian Tape
- Safety Barrier
- Safety Zone
- Work Area

PWZTMP Person: **Bridget Diggins**

Signature:

Certificate No: **TCT0011034**

Date: **12/04/2022**

**Note:**

1. All work vehicles to be parked on workside of the roadway
2. Work vehicle movements will be under the direction of Traffic Control.
3. A designated Traffic Controller will stop traffic when Work Vehicle are entering/exiting the work zone
- NO WORK SITE VEHICLE ARE TO COMMENCE REVERSING UNTIL DIRECTED BY A DESIGNATED TRAFFIC CONTROLLER
4. Traffic Controllers to ensure that the work area is fenced off at all times. If a walkway cannot be provided pedestrians to be guided to use other footpath and may need all traffic to be stopped to assist with safe crossing.
6. Traffic Controllers to Stop/Slow traffic around the work area.
7. Traffic Controllers are to ensure they use radios

<b>TGS MODIFICATIONS (ON SITE)</b>																																							
MODIFIED BY: _____  Name: _____  Signature: _____  Cert No.: _____  Amendments Required ? Y/N	* All sign spacing & taper lengths are in accordance with Australia Standards AS 1742.3 & RMS TCAWS manual 6.0. Distances between signs may vary due to on-site constraints (e.g. parked vehicles/vegetation etc. [plan not to scale]) * Traffic Controller to conduct Stop/Slow procedures or intermittently stop motorists to assist with work vehicle movements as required. * Radio contact maintained at all times between work crew and traffic controllers for confirmation of all truck movement to and from site. * Supervisor to monitor site and ensure delays or queues are not forming - contact maintained with TMC at all times * Traffic Controller are to assist pedestrian around work area as required - Pedestrian signs to be installed as required	<div style="border: 1px solid black; padding: 2px; display: inline-block;">  PEDESTRIANS         </div> <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 5px;">  PEDESTRIANS         </div> <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 5px;">           USE OTHER FOOTPATH         </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Speed Limit</th> <th>Merge Taper Length</th> <th>Lateral Taper Length</th> <th>Buffer Length</th> </tr> <tr> <td>45 or Less</td> <td>15</td> <td>15</td> <td>30</td> </tr> <tr> <td>46 to 55</td> <td>30</td> <td>15</td> <td>30</td> </tr> <tr> <td>56 to 65</td> <td>60</td> <td>30</td> <td>30</td> </tr> <tr> <td>66 to 75</td> <td>115</td> <td>70</td> <td>30</td> </tr> <tr> <td>76 to 85</td> <td>130</td> <td>80</td> <td>40</td> </tr> <tr> <td>86 to 95</td> <td>145</td> <td>90</td> <td>40</td> </tr> <tr> <td>96 to 105</td> <td>160</td> <td>100</td> <td>50</td> </tr> <tr> <td>Greater Than 105</td> <td>180</td> <td>110</td> <td>50</td> </tr> </table> <p style="font-size: 0.7em;">Based on As 1742.3 &amp; RMS TCAWS MANUAL 6.0</p>	Speed Limit	Merge Taper Length	Lateral Taper Length	Buffer Length	45 or Less	15	15	30	46 to 55	30	15	30	56 to 65	60	30	30	66 to 75	115	70	30	76 to 85	130	80	40	86 to 95	145	90	40	96 to 105	160	100	50	Greater Than 105	180	110	50
Speed Limit	Merge Taper Length	Lateral Taper Length	Buffer Length																																				
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Greater Than 105	180	110	50																																				

SIGN SPACING	
ESTIMATE SPEED OF TRAFFIC (D)	DIMENSION RANGE
40km	
50km	15-50m
60km	45-60m
70km	70m
80km	80m
90km	90m
100km	100m

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<b>ITEM NO</b>	: 4.17
<b>SUBJECT</b>	: MINUTES OF MEETING FOR THE AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 29 MARCH, 2023
<b>STRATEGIC OUTCOME</b>	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
<b>ACTION</b>	: IMPLEMENT THE ACTIONS FROM THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)
<b>REPORTING OFFICER</b>	: MARIA KENNY

Ref:633361

## PURPOSE

The purpose of this report is to provide Council with the Minutes of the Audit, Risk and Improvement meeting held on 29 March, 2023.

The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and advice to Council on risk management, internal control, governance and external accountability.

At this meeting, the Committee received and reviewed the Internal Audit Report - Fraud and Corruption Review. Overall, the internal control framework was rated as good.

## RECOMMENDATION

1. That the Minutes of the Audit, Risk & Improvement Committee meeting be received and noted.

## ATTACHMENTS

1. Minutes of Meeting 29 March 2023 [↓](#)

## MINUTES OF AUDIT RISK AND IMPROVEMENT COMMITTEE

held 29 March 2023

## COMMENCEMENT

The meeting opened at 2pm.

## IN ATTENDANCE

Mozammel Ali	Chairperson (Independent)
Mark Dickinson	Independent Member
Jose Herrera-Perea	Independent Member

## ALSO PRESENT

Mr Mitchell Murphy	General Manager
Ms Maria Kenny	Director Finance, Procurement & Projects
Mr Ian Harris	Manager Risk & Compliance
Mr Luke Malone	External Audit
Ms Susan Leahy	Internal Audit
Ms Jade Reed	Manager Digital and Customer Information (for Agenda item 3.4)

## APOLOGIES

No apologies were received.

## DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

## CONFIRMATION OF MINUTES

RESOLVED on the MOTION of Mr Dickinson, seconded Chairperson Ali  
That the Minutes of Audit Risk and Improvement Committee of previous Meeting held on 7/12/2022 12:00:00 AM be adopted, with the omission in the attendees list corrected.

## REPORTS

## 3.1 EXTERNAL AUDIT MATTERS

## PROCEEDINGS IN BRIEF

External auditor (EA) provided an overview of key focus areas and the timetable for the completion of the FY2022/23 external audit.

This year's audit will focus on:



## MINUTES OF AUDIT RISK AND IMPROVEMENT COMMITTEE

held 29 March 2023

- Infrastructure, property, plant and equipment (IPPE), depreciation and asset remediation including assessment of risks relating to completeness of asset registers, valuations and disclosures in the financial report.
- Purchasing, payables and payroll including assessing risks related to non-compliance of policies, incorrect classification of transactions, fraud and error.
- Treasury (cash investments) including verifying and obtaining third party confirmations of all cash balances.
- IT General Controls – Specifically relevant to financial reporting and the introduction of new Finance System Microsoft Dynamics.
- Review of Cyber security risk assessments, and safeguards in place, that would prevent a material misstatement to Council's financial statements.
- Rates and annual charges and receivables including:
  - Review of systems and controls for rates and annual charges, user charges and fees, interest and investment revenue and grants and contributions;
  - Sample testing of invoicing and cash receipting;
  - Verifying material grants revenue and obligations under grant agreements.

The Committee further discussed and noted the following items:

- EA confirmed that the findings and implementation status of the recommendations from last year's Internal Audit Review of Cybersecurity will be considered and incorporated as part of the scope of the external audit. EA also confirmed that Council's risk assessment of cybersecurity arrangements for 3<sup>rd</sup> party software providers will also be reviewed.
- The distinction between the application of income recognition for operational and capital grants was also discussed.

RESOLVED on the MOTION of Mr Herrera-Perea, seconded Chairperson Ali

That the report be received and noted.

### 3.2 INTERNAL AUDIT REPORT - FRAUD AND CORRUPTION REVIEW

#### PROCEEDINGS IN BRIEF

Internal Auditor (IA) provided an overview of the findings of the review. Overall, the internal control framework was rated as Good.

The recommendations of the Review included the need to update the Fraud and Corrupt Conduct Prevention Policy and Plan.

IA noted that there have been improvements in staff awareness, and overall control framework since the last review in 2019.

The Committee received the report, and queried and requested the following information and follow-up actions:

## MINUTES OF AUDIT RISK AND IMPROVEMENT COMMITTEE

held 29 March 2023

- In contrast to the low survey responses, IA noted that the workshop was well represented with the General Manager (GM) and Directors (or their delegate) in attendance.
- Increasing workshop frequency was discussed, with the view of ensuring policy and practices are embedded within the organisation. GM advised this could regularly feature at the monthly staff Town Hall meetings.
- IA advised to further embed fraud awareness culture, the workshop and survey findings could be published on the staff Intranet site.
- The recommendation and management's response relating to Volunteer training was discussed. Director Finance, Procurement & Projects (DFPP) advised the level of training was determined by assessing the risk profile, as against the resources available to the organisation.

RESOLVED on the MOTION of Mr Herrera-Perea, seconded Chairperson Ali

1. That the fraud and corruption internal audit report be received and noted.

### 3.3 INTERNAL AUDIT STATUS REPORT

#### PROCEEDINGS IN BRIEF

Contracts with 6 vendors have been established for internal audit review services across the shared service.

The Integrated Planning & Review (IP&R) opening meeting will be held at Hunters Hill in early April.

IA also advised that Risk Managers across the shared service recently held a meeting. The meeting was well received, and it is intended that these meetings be held every 6 months.

RESOLVED on the MOTION of Mr Dickinson, seconded Chairperson Ali

That the report be received and noted with respect to the 2022/23 internal audit plan.

### 3.4 INTERNAL AUDIT RECOMMENDATION STATUS REPORT

#### PROCEEDINGS IN BRIEF

Two recommendations relating to Procurement and Privacy Management Risk Assessments have been completed. It was noted, however, that the actions emanated from the risks assessments still need to be completed and monitored by management.

## MINUTES OF AUDIT RISK AND IMPROVEMENT COMMITTEE

held 29 March 2023

For future reports, it was requested that the IA's report include commentary regarding which recommendations are expected to be completed in the quarter ahead.

Cybersecurity recommendations:

MDCI provided an overview on the progress of the implementation of these recommendations.

The committee requested further information regarding Recommendation 3.2 – Essential 8, and queried the completion date for Recommendation 1.5.

The Committee have requested the following items be actioned for future reporting:

- An additional table be provided on the status of the individual specific Essential 8 items.
- That, comparison and analysis be provided on Council's progress as against the findings and recommendations of the recent Audit NSW Performance Audit.

RESOLVED on the MOTION of Mr Dickinson, seconded Chairperson Ali

1. That this report and the status of the previous recommendations raised by internal audit be received and noted.

3.5 STANDING ITEM - GOVERNANCE AND CONTROL FRAMEWORK, LEGISLATIVE COMPLIANCE & BUSINESS IMPROVEMENT.

PROCEEDINGS IN BRIEF

Since the last reporting period, four policies were reviewed and tabled to Council for resolution.

The legislative requirements which are included in the Office of Local Government (OLG) compliance calendar for quarter 3 of FY2023 have been completed.

The complaints recorded since the last reporting period have primarily related to service matters. There have been no other new emerging trends, in the wider community or for specific Council projects, regarding risk issues or internal control framework deficiencies.

The Committee queried the complaints reporting methodology, including how complaints were classified. DFPP advised complaints were defined in accordance with Council's Customer Service charter and Complaints Management policy.

RESOLVED on the MOTION of Mr Dickinson, seconded Chairperson Ali

1. That the report be received and noted.

## MINUTES OF AUDIT RISK AND IMPROVEMENT COMMITTEE

held 29 March 2023

## 3.6 STANDING REPORT - RISK MANAGEMENT AND CONTINUOUS IMPROVEMENT

## PROCEEDINGS IN BRIEF

Manager Risk & Compliance and GM advised that the Risk Appetite Statement had been updated and presented to Council, with an additional focus on cybersecurity risks.

There was a general discussion regarding risk appetite definitions, including measurement framework for consequences. Training was also discussed, including methods to measure how effective risk training is, and whether learnings from training have promulgated throughout the organisation.

A sample risk register template from the pulse software was included as an attachment to the Standing Report. The committee agreed that a high-level summary of high and medium residual risk rating items be presented to the Committee (and not the full risk register).

The Committee also reviewed the progress of the Continuous Risk Improvement Program (CRIP) recommendations. The committee discussed the timing of the risk register training, recommending that the ongoing status is replaced with an end date.

RESOLVED on the MOTION of Mr Dickinson, seconded Chairperson Ali

1. That the report be received and noted.

The meeting closed at 4:13pm.

I confirm that these Minutes are a true and accurate record of Audit Risk and Improvement Committee Meeting held on 29 March 2023.

.....  
CHAIRPERSON

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<b>ITEM NO</b>	: 4.18
<b>SUBJECT</b>	: MINUTES OF THE CONSERVATION ADVISORY PANEL HELD 15 MARCH 2023
<b>STRATEGIC OUTCOME</b>	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
<b>ACTION</b>	: PROVIDE QUALITY TECHNICAL HERITAGE ADVICE TO RESIDENTS, DEVELOPERS, DCU, AND THE LAND AND ENVIRONMENT COURT
<b>REPORTING OFFICER</b>	: KATHLEEN HIGGINS

Ref:631515

**PURPOSE**

The purpose of this report is to provide Council with the Minutes of the Conservation Advisory Panel (CAP) Meeting held on 15 March 2023.

The purpose of CAP is to consider and advise Council staff on any matter of environmental heritage referred to the advisory committee by staff including building and development proposals and plans or policies referred by Council or the General Manager

**RECOMMENDATION**

That the report be received and noted.

**ATTACHMENTS**

1. CAP Minutes 15 March 2023 [↓](#)

## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

**COMMENCEMENT**

The meeting opened at 4.05pm.

**PANEL MEMBERS IN ATTENDANCE**

Clr Ross Williams	Chairperson, Councillor
Clr Jim Sanderson	Councillor
Ms Lucy Creagh	Hunters Hill Trust
Ms Bronwyn Doutreband	Community Representative
Mr Michael Lehany	Heritage Landscape Architect
Mr Robert Moore	Representative of the Institute of Architects
Ms Helen Temple Berry	Community Representative
Mr Shahram Mehdizadgan	Council staff – Acting Director Planning
Ms Kathleen Higgins	Council staff - Heritage Adviser

**ALSO PRESENT**

Mr Brian McDonald	Private citizen. (Former Panel member)
(Arrived at 4.42 pm and left at 5.30 pm)	

**APOLOGIES**

No apologies were received.

**DECLARATIONS OF INTEREST**

Councillor Sanderson declared an interest in Item 3.2 – 8 Dick Street, Henley

Councillor Sanderson left the meeting at 6 pm.

**CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of Conservation Advisory Panel of previous Meeting held on 15 February 2023 be adopted. Moved by Ms Helen Temple Berry, seconded by Clr Jim Sanderson.

**BUSINESS ARISING****2.1 DISCUSSIONS WITH KIERAN METCALFE REGARDING LEP REVIEW****PROCEEDINGS IN BRIEF**

Minutes of the Conservation Advisory Panel held on 15 March 2023. This is page 1

## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

Kieran gave an outline of his experience, and of the LEP and DCP project. He noted that the aim with the DCP is to make it easier to use and to reduce ambiguity.

Kieran advised the scoping report for the LEP review has not yet started. These current discussions are very early in the process. The draft program anticipated that the LEP would be finalised by the end of this year. He noted that Council will need to work within the State Government's timeframe. He also noted that more time has been allowed for community input and that this could affect the timeframe.

Kieran commented that he understood the Heritage of HH is very important. He said it is 'Ingrained in HH and what it is' as a suburb. With this in mind, he was looking to strengthen the LEP and improve its outcomes.

The Panel noted this, that the LEP provides an opportunity to improve heritage outcomes rather than to just be a housekeeping LEP. The importance of the LEP and DCP must clearly articulate how heritage must be protected was noted. The opportunity to strengthen and improve the LEP and DCP should be taken – rather than just having a housekeeping LEP.

Some of the things touched on as examples included:

The importance of maintaining gardens and tree canopies – and not just the built form – is critical to the conservation of Hunters Hill heritage values. Informal gardens and mature trees received special mention.

High fences and hedges are not conducive to a friendly community.

The expectation that houses (including heritage items) can be altered and added to in order to accommodate every expectation of owners, is resulting in the cumulative loss of heritage values across HH. It may be that the owner needs to buy a different house or change their expectations in keeping with the existing character of the area in which they live. The desire to capitalise on the value of the property must be balanced with the broad community benefit in protecting the character of the area.

There needs to be a broader consideration than just meeting the technical development standards.

It is a concern that in the review of the LEP and DCP that the Department of Planning must be satisfied. The Department does not seem to understand the importance of protecting the heritage values and character of Hunters Hill. This can also be the case with applicants for new work.

The protection of the character of Hunters Hill has strengthened heritage values.

The DCP reaches out to the audience of owners, designers, and the like. It is important that the controls are clear and consistently applied.

The *ICOMOS Burra Charter* must form the basis for the DCP objectives and controls.

## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

There need to be clear prohibitions to particular type of work.

There is a significant disconnect between the existing HH planning controls for new development, including additions, in the LEP and those in the DCP which has very targeted goals and detailed requirements to conserve our character and heritage values. This is because precedence is given to the quantitative provisions of the LEP (easily measurable as absolutes) rather than the DCP which includes qualitative controls that seek to protect character, heritage gardens and landscapes.

As 70/75% of HH is a Conservation Area, there is need for a very strong link between the two instruments that cross reference and embed specific requirements of the DCP into the LEP. This will aid planning advice and decision making and reduce "tick box" Heritage and Environmental impacts Statements by consultant planners and heritage advisors.

Too much development approved is not harmonious with the character of the Hunters Hill and sets a bad precedent.

There is a real concern that the current application of the planning provisions is eroding the character of Hunters Hill.

The heritage provisions need to be strengthened.

A constant concern is the frequent adverse impact on the landscape/garden qualities of sites. In particular, when development is pushed very close to the side boundaries. It was suggested that landscaping should remain 50% for sites away from the foreshore and 60% for sites on the foreshore but with the 33% discount for hard surfaces, including pools less than 40 square metres, removed.

The provision of substantial areas of deep soil planting is crucial.

Better controls are needed for gardens.

Historic gardens are being lost. In part, because gardens have not been listed in the heritage schedule of the LEP.

The lack of new tree plantings is a concern. Large tree canopies are a crucial feature of Hunters Hill.

Heritage impact statements submitted are very often inadequate.

Heritage buildings are not just the front façade but the whole building.

Minimum side setbacks must be increased particularly next to heritage items. Height controls and bulk and scale requirements need to be reduced next to heritage items.

Garages should not be built prominently next to adjacent to historic buildings and setbacks increased in these circumstances.



## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

Mention was made of the need to identify “contributory” buildings and afford them some status because of the valuable role they play in quietly preserving intact streetscapes and identified individual heritage items.

John Cole’s briefing to Councillors on LEP and DCP controls was very useful. A definition of what the character of Hunters Hill is required, as in DCP no. 15.

The concept must be “houses set in gardens” – rather than “buildings surrounded by landscaping”.

Minimum side setbacks must be increased.

The extent of excavation violates the natural landscape and water table. And has issues of sustainability. Perhaps look at Woollahra controls.

Artificial turf is not appropriate for the gardens of Hunters Hill. It must be considered as hard paving and not deep soil. It is also environmentally unsound.

Tall hedges on boundaries are not acceptable. The creation of “green walls” is not appropriate. Perhaps consider prohibition of Leyton Conifers.

Heritage inventory sheets are needed.

Brian McDonald made the following comments:

- The current controls do not sufficiently protect deep soil garden areas.
- There is a disconnect between the LEP and DCP. As the LEP is a standard template it makes it more important to have a strong DCP.
- An important component of the DCP is to have a section on the character of Hunters Hill – why Hunters Hill is important and how it is to be protected.
- Walls of garage doors is eroding the character of hunters Hill.
- Carports should not be built forward of the building.
- The current DCP is not strong enough in describing how infill development should be designed. Infill is a major unaddressed issue in HH.
- Zoning misfits are a problem. This can result in large scale development immediately adjacent to much smaller scale heritage items. Another example is the rezoning of land along Ryde Road to R3 (medium density).
- It is important to map contributory buildings within conservation areas.
- The DCP is light-on with regard to its infill controls for conservation areas. Graphics would be very useful.
- The DCP is light-on with regard to controls for how to add to heritage items and contributory buildings on conservation areas.
- The desire for mega-mansions is an issue.
- The Panel has been the only line of defence against poor development for many years.
- One of the things that the DCP does do is acknowledge the role of CAP. This must be retained.
- Driveways descending into basement garages detract from the streetscape.
- Woollahra DCP has excavation provisions would be useful to look at.

## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

- Leighton green hedges must not be allowed.

**RECOMMENDATION**

That the Panel advise its preliminary comments to the Acting Director, Development and Regulatory Services, for consideration in the process of reviewing the *Hunters Hill Local Environmental Plan 2012* and *Hunters Hill Development Control Plan*.

The Panel also requested that Kieran address the Panel at a future date as he progresses with the LEP and DCP project.

**REPORTS**

## 3.1 5.30 PM PRE-DA 34 FIGTREE ROAD, HUNTERS HILL

## PROCEEDINGS IN BRIEF

Attendees Halina Rubinstein, GSA Planning  
Greg Hendy, Urban Revolutions  
Vince McHale, Owners

## Comments of the Panel

- It must be demonstrated that the existing house does not warrant retention, and that the new house would make an equal or greater contribution than the existing house.
- The lack of a heritage report is a concern.
- The extent of excavation is a concern.
- Landscaping requirements must be satisfied.
- The robust design is quite different to the design in the streetscape.
- The big square entrance and chunky blade walls on the east elevation also don't seem to fit in with the character of the streetscape. But rather would result in a building uncomfortable in the streetscape.
- Contemporary design is acceptable but it must be sympathetic to the character of the conservation area.
- New buildings must blend in rather than stand out.
- It would be useful to include a design statement in the heritage impact statement.
- The shallowness of the pitch of the roof is a concern. The roof is an important element to get right.
- The wall heights can be reduced by lowering ceiling heights.
- The Panel requested a site visit.
- The large gum tree on the boundary must be retained.

**RECOMMENDATION**

That the Panel advise its preliminary comments to the Acting Director, Development and Regulatory Services for consideration.

Minutes of the Conservation Advisory Panel held on 15 March 2023. This is page 5

## MINUTES OF CONSERVATION ADVISORY PANEL

held 15 March 2023

Councillor Sanderson left the meeting at 6 pm.

3.2 6.05 PM DA2023-0023 - 8 DICK STREET, HENLEY

## PROCEEDINGS IN BRIEF

Attendees Graham McKee, Environmental and Planning Lawyer  
Graham Brooks, Heritage Architect  
Linda Govenlock and Paul Mahony, Owners

## Comments of the Panel

- It is a concern that part of the original roof is proposed to be removed. The whole of the main roof must be retained as it is a key architectural feature of the house.
- It was queried if the lift could be moved further back. The applicant advised that this would be very expensive and is some sense cost prohibitive.
- The relationship between the old and new is very awkward.
- The large addition behind the main roof is a concern.
- The addition must be located behind the main roof form.
- A pavilion extension approach, rather than the currently proposed approach of pushing the new addition into the main body of the original building, is recommended. The form and presentation of the heritage item, and in particular its main roof, must be maintained. The design of the additions must defer to the heritage item in the choice of siting, form, bulk/scale, details, materials and colours/finishes. The heritage significance of the item is otherwise at risk of adverse impact. How the proposed additions will engage with the existing listed house is of critical importance.
- The proposed addition does not respect the existing house.

**RECOMMENDATION**

That the Panel advise its preliminary comments to the Acting Director, Development and Regulatory Services, for consideration in the assessment of the development application.

The meeting closed at 6.50 pm.

The next meeting is on Wednesday 19 April 2023.

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<b>ITEM NO</b>	: 4.19
<b>SUBJECT</b>	: MINUTES OF THE BUSHLAND MANAGEMENT ADVISORY COMMITTEE HELD ON 13 MARCH 2023
<b>STRATEGIC OUTCOME</b>	: NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PROTECTED AND ENHANCED
<b>ACTION</b>	: IMPLEMENT BUSHCARE PROGRAMS WHICH CONSERVE FLORA, FAUNA AND ECOLOGICAL COMMUNITIES
<b>REPORTING OFFICER</b>	: JACQUI VOLLMER

Ref:633050

**PURPOSE**

The purpose of this report is to provide Council with the Minutes of the Bushland Management Advisory Committee held 13 March 2023.

**RECOMMENDATION**

That the Minutes be received and noted.

**FINANCIAL IMPACT ASSESSMENT**

There is no direct financial impact on Council's adopted budget as a result of this report.

**ENVIRONMENTAL IMPACT ASSESSMENT**

There is no direct environmental impact on Council arising from Council consideration of this matter.

**SOCIAL IMPACT ASSESSMENT**

There is no direct social impact on Council arising from Council consideration of this matter.

**RISK ASSESSMENT**

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

**Minutes of the Bushland Management Advisory Committee held 13 March 2023.****COMMENCEMENT**

The meeting opened at 2.30pm.

**IN ATTENDANCE**

Clr Ross Williams	Chairperson
Clr Jim Sanderson	Councillor
Bob Hayes	Friends of Boronia Park
Brigid Dowsett	Tarban Creek Action Group and Ferdinand Street Reserve
Sally Gaunt	Tarban Creek Action Group
Liz Hinton	Friends of Kellys Bush
Heather Armstrong	Friends of Buffalo Creek Reserve and GNW
Jacqui Vollmer	Bushland Management Officer
Cathy Merchant	Community Representative
Michael Shilman	Bushcare Co-ordinator

**ALSO PRESENT**

Annie Goodman	Director, Community and Customer Services
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**APOLOGIES**

Bev Debrincat	Bedlam Bay and Tarban Creek Bridge
John Harper	Riverglade Bushcare
Jenny Craigie	Collingwood Street Reserve
Chris Mutton	Friends of Gladesville Reserve and Betts Park
Clr Tatyana Virgara	Councillor
Cynthia Banham	Community Representative

It is with deep sadness that this Committee recognises the passing of long-time bushcare volunteer John Anschau. He was a founding member of the Friends of Betts Park and Gladesville Reserve, starting the bushcare group in early 2005, and was the group's representative on this Committee.

**Declarations of Interest**

The Chairperson called for Declarations of Interest without response.

**CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of Bushland Management Advisory Committee of previous Meeting held on 14/11/2022 12:00:00 AM be adopted, moved by Brigid Dowsett and seconded by Bob Hayes.

## BUSINESS ARISING

### 2.1 BUSINESS ARISING

- Committee asked for an update on the Villa Maria (1-3 Mary Street) DA, which is currently subject to assessment. The question was raised whether it will be lodged with the Local Planning Panel again.
- Proposed amendment to previous minutes that “the Committee be notified of potential “public” land sales” only.
- The question was raised whether the 30-35% tree canopy cover target was sufficient.
- The question was raised regarding the process for removal of two trees on Ryde Road.
- Annie Goodman advised that Council will be reviewing the existing bushland budget and will be applying for larger grants.

The Committee recommends:

1. That Council will notify this Committee of potential Council land sales, so that they can be considered in relation to biodiversity corridors, protection of tree canopy and other ecological values (moved by Jim Sanderson and seconded by Sally Gaunt).
2. That Council provide a report as to an appropriate target for tree canopy cover for the Municipality of Hunters Hill (moved by Heather Armstrong and seconded by Brigid Dowsett).

## REPORTS

### 3.1 TREE AUDIT UPDATE

Jacqui Vollmer reported the following Council actions to the Committee:

- Council has engaged a contractor/consultant to undertake a complete street tree audit on street trees only at this stage. It will involve a comprehensive assessment with an i.d. of botanical and common names, location and photo of the trees.
- The contractor/consultant will provide Council with an interactive map/dashboard which will enable Council to pinpoint each street tree. It will then have a brief description and photo of the tree once you click on it. Hopeful this can be integrated onto the website as well.
- Contractor will also provide a budgetary model for maintenance/replacement. This will enable Council to budget for tree works, maintenance and removals over the next few years.

- There is already IMG video footage of every street in the LGA. Mohamad Badarani Manager Assets and Design, had this done and it shows defects associated with trees and their roots.
- Council is looking to prepare a tree management policy and tree replacement policy within this year.
- Jacqui Jones, Communications Manager has engaged a printing company to work the format of a draft tree management brochure (which includes including frequently asked questions), which will be available soon.
- Council is seeking advice on best approach to Significant Tree Register (STR) nominations. Dependent on budgets and what comes from the street tree audit, Council may be able to reduce the nominated number to only trees that qualify or meet the criteria which will lower costs. It is likely that at this stage nothing will be done on the STR until next financial year.

The Committee provided the following feedback:

- It was suggested that Council needs to identify and map private trees as the next stage.
- The timeline for the Council actions is completion by December 2023.
- Trees in Barons Crescent are being removed without replacement trees being planted i.e. there is no compliance with DA conditions.
- In some instances trees removed are being replaced with shrubs or recognised weed trees.
- It was suggested that the Significant Tree Register be sorted before the street tree audit undertaken.
- There is a need for conditions of consent put in place and enforced for protection of street trees adjoining developments.
- It was suggested that the tree management brochure include no whipper snipping up to trees.

The Committee recommends:

1. That Council provide a timeline to the Committee for the delivery of the street tree program (moved by Heather Armstrong and seconded by Jim Sanderson).
2. That Council updates the Significant Tree Register and Council completes an audit of trees on other public land (e.g. bushland and parks) and private land (moved by Ross Williams and seconded by Heather Armstrong).

### 3.2 LEP AND DCP REVIEW IN RELATION TO BUSHLAND

Annie Goodman provide an overview of the LEP and DCP review. Jacqui Vollmer provided the following information on screen:

- Administrative review/housekeeping particularly with regard to Heritage.
- The focus is on amending clear omissions and better align documents to existing plans and strategies.
- Restructure the DCP to improve usability for the community and Council staff.
- Both LEP and DCP will be on public exhibition later this year – August-September 2023.
- Align LEP with the Parramatta River Masterplan. Draft LEP has included PRCG LEP model clauses for stormwater management and water sensitive urban design, waterways and riparian land, and foreshore development.
- There have been proposed amendments to include in aims biodiversity corridors and an Ecologically Sustainable Development (ESD) aim/objective has been added.
- PRCG model zoning provisions and model clauses for DCP should be included in the DCP review.

The Committee also provided the following feedback:

- It was noted the importance of the Significant Tree Register to be updated and included in the LEP.
- It was suggested that the DCP include a register of appropriate tree species that can be planted i.e. review current species list.
- It was suggested to strengthen the protection of trees through the DA process.
- There was discussion around a 2022 SEPP paper and prescribed new zonings that not all Councils have to comply with, and questions around when this new SEPP takes effect.
- The question was raised why the LEP review isn't comprehensive, new zones may be inappropriate and Council is required to review the LEP after 5 years.

The Committee recommends:

1. That the LEP and DCP review consider the recommended plantings listed in the DCP with the aim of better supporting biodiversity corridors, tree canopies and other ecological values (moved by Jim Sanderson and seconded by Bob Hayes).
2. That the biodiversity corridor mapping be retained in the LEP (moved by Cathy Merchant and seconded by Brigid Dowsett).



### 3.3 REPORTS FROM BUSHCARE GROUPS

- Tarban Creek Action Group reported Madeira Vine that needs to be controlled in Upper Tarban Creek Reserve to prevent spread to saltmarsh and mangroves in Tarban Creek.
- Michael Shilman reported that he will distribute the bushcare program flyers to community centres, coffee shops etc in April. He believes that with the increase in humidity, weeds such as Morning Glory are spreading rapidly and core bushland could be lost in 3 to 5 years.
- It was requested that the contractors at Buffalo Creek Reserve use the “scrape and paint” method on Madeira Vine. This request has been made.
- Tarban Creek Action Group also requested that with increased weed growth, the bushland and mowing budgets be increased.
- Friends of Boronia Park reported increased weed growth and losing areas previously worked to weed regrowth. The spread of Spanish Moss in the LGA was also highlighted.
- Friends of Kellys Bush requested that the nature strip along Nelson Parade be whipper snapped regularly to prevent spread of weeds into the bush.

The Committee recommends:

That Council increase the bushland budget so that biodiversity targets can be achieved including a 4 hour increase per fortnight for the Bushcare Co-ordinator.

## OTHER BUSINESS

### 4.1 OTHER BUSINESS

- It was requested that Jacqui provide a written report for each report item for future meetings.
- The question was raised why a tree was felled on Council land at the end of Park Road/Barons Crescent intersection.
- The proposed Boronia Park and Buffalo Creek hazard reduction burns are in the current Bushfire Risk Management Plan and annual works program.
- Peter Mallesch also sadly passed away recently. Peter was a long-time member of the Riverglade Reserve Bushcare Group.

The meeting closed at 4.15pm.

I confirm that these Minutes are a true and accurate record of Bushland Management Advisory Committee Meeting held on 13 March 2023.

.....  
CHAIRPERSON

#### **ATTACHMENTS**

There are no attachments to this report.

**7.1 : Response to Councillor Questions at the Conclusion of the Previous Council Meeting**  
**COUNCILLOR : CR ROSS WILLIAMS**

During General Business of the previous Council Meeting held 27 March 2023, Councillor Ross Williams provided questions without notice (under the current Code of Meeting Practice referred to as Questions with Notice), which were accepted.

The General Manager has nominated the Director, Infrastructure and Environmental Sustainability to respond to questions 1, 2 and 3 and the Director, Community and Customer Service to respond to question 4 under S. 3.16 of the Code of Meeting Practice, which states:

The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

**RECOMMENDATION**

**QUESTION 1: OUTSIDE THE MAIN GATE TO THE SCHOOL ON PITTWATER ROAD IS A RETAINING WALL THAT NEEDS REPAIR AND A TRIP HAZARD ADJACENT TO THE FOOTPATH REMOVED. WILL COUNCIL BE REPAIRING THIS SIGNIFICANT TRIP HAZARD?**

RESPONSE: To be provided verbally by the Director, Infrastructure and Environmental Sustainability.

**QUESTION 2: FOLLOWING THE COUNCIL'S RELEASE OF THE DISABILITY INCLUSION ACTION PLAN A RESIDENT IN THE AREA USING A MOTORISED WHEELCHAIR HAS RAISED CONCERNS AS TO ACCESS TO BUS STOPS AT:**

- 1. THE CORNER OF PARK AND HIGH STREETS BOTH IN THE WEST AND EASTBOUND LOCATIONS.**
- 2. BARONS CRESCENT NEAR MYERS AVENUE.**
- 3. BARONS CRESCENT NEAR GAZA STREET - THIS STOP HAS RECENTLY BEEN RENOVATED BY THE COUNCIL BUT IT STILL DOES NOT MEET ACCESSIBILITY STANDARDS FOR WHEELCHAIR ACCESS.**

**FOOTPATH BETWEEN THE NURSING HOME AND PARK ROAD NEEDS REPAIR TO ENABLE WHEELCHAIR ACCESS.**

RESPONSE: To be provided verbally by the Director, Infrastructure and Environmental Sustainability.

**QUESTION 3: IT HAS BEEN BROUGHT TO MY ATTENTION BY A RESIDENT THAT THE CAR PARK ADJACENT TO THE VICTORIA ROAD BUS STOP ALTHOUGH THE SIGNAGE HAS BEEN CHANGED IT STILL LEAVES THE 3-HOUR ZONE THAT DOES NOT ALLOW ENOUGH TIME FOR RESIDENTS TO USE IT AND GO TO THE CITY AND RETURN.**

**IT HAS BEEN REQUESTED THAT THE 3-HOUR LIMIT BE EXTENDED TO 4 HOURS.**

RESPONSE: To be provided verbally by the Director, Infrastructure and Environmental Sustainability.

**QUESTION 4: THE BUSHLAND MANAGEMENT ADVISORY COMMITTEE HAS REQUESTED COUNCIL TAKE ACTION TO REMOVE SPANISH MOSS FROM THE MUNICIPALITY'S TREES. CURRENTLY, THE PROBLEM IS AT A TIPPING POINT WITH NUMEROUS STREET TREES AND PRIVATE VEGETATION INFECTED.**

**COUNCIL NEEDS TO DEVELOP A STRATEGY FOR ITS REMOVAL BEFORE IT ESCALATES TO A POINT WHERE OUR TREE CANOPY IN PARTICULAR IS OVERWHELMED.**

**THE COMMUNITY WOULD NOT WANT OUR TREES AND RESERVES COVERED TO THE EXTENT OF THE IMAGE TAKEN IN RYDE.**

RESPONSE: To be provided verbally by the Director, Community and Customer Service.

#### **ATTACHMENTS**

There are no attachments to this report.

## COUNCIL IN COMMITTEE OF THE WHOLE

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Committee of the Whole to consider confidential matters, if those matters involve:

- a) personnel matters concerning particular individuals; or
- b) the personal hardship of any resident or ratepayer; or
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- d) commercial information of a confidential nature that would, if disclosed;
  - i. prejudice the commercial position of the person who supplied it, or
  - ii. confer a commercial advantage on a competitor of the council, or
  - iii. reveal a trade secret, or
- e) information that would, if disclosed, prejudice the maintenance of law; or
- f) matters affecting the security of the council, councillors, council staff or council property; or
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- h) an item of Aboriginal significance on community land,

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider the following confidential matters.

## RECOMMENDATION

1. THAT pursuant to Section 10A subsection 2 of the *Local Government Act, 1993* (as amended) the following item on the agenda for the Ordinary Council meeting be dealt with in Committee of the Whole for the reasons specified below:

### 8.1 Figtree Park Upgrade

Item 8.1 is confidential in accordance with s10A(2)(d)i and (d)ii of the *Local Government Act* because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.