



Ordinary Meeting

25 March 2024 at 6.00pm



ORDER OF BUSINESS

Prayer by Pastor Alejandro Grancha

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

25 March 2024

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Nil

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Nil

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COMMENCEMENT

The meeting opened with Acknowledgement of Country and Prayer at 6pm.

IN ATTENDANCE

The Mayor Zac Miles, Deputy Mayor Elizabeth Krassoi, Councillors Ross Williams, Jim Sanderson, Richard Quinn and Julia Prieston.

ALSO PRESENT

General Manager Mitchell Murphy, Director Finance and Corporate Strategy, Maria Kenny, Director Community & Customer Services, Annie Goodman, Director Infrastructure and Environmental Sustainability, Samantha Urquhart, Director of Town Planning, Steve Kourepis, Director of People and Culture, Rosanna Guerra, Manager of Communications, Shery Demian, Jade Reed (recording) and Suzi Wessels (minute-taker).

APOLOGIES

Councillor Tatyana Virgara

DECLARATIONS OF INTEREST

Councillor Quinn declared an interest in Item 4.15, the interest being in relation to Councillor Quinn being in the employ of St Joseph's College, and the registered speaker Mr Sidgreaves being his brother in law.

Mayor Zac Miles declared an interest in Item 4.8, due to a partnership in a commercial building discussed in the DCU meetings.

CONFIRMATION OF MINUTES

002/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Prieston That the Minutes of Ordinary Meeting No. 4528, 18 December 2023 be confirmed.

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

The MOTION was CARRIED unanimously.

003/24 RESOLVED on the MOTION of Deputy Mayor Krassoi, seconded Councillor Prieston

That the Minutes of Extraordinary Meeting No. 4529, 19 February 2024 be confirmed.

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

The MOTION was CARRIED unanimously.

MAYORAL MINUTES & REPORTS

2.1 MAYORAL MINUTE: VALE LANG WALKER

PROCEEDINGS IN BRIEF

004/24 RESOLVED on the MOTION of Mayor Miles, seconded Councillor Quinn

1. That the report be received and noted.
2. That a letter of condolence be forwarded to Lang Walker's family.

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

The MOTION was CARRIED unanimously.

2.2 MAYORAL MINUTE: VALE MAUREEN O'BRIEN

PROCEEDINGS IN BRIEF

005/24 RESOLVED on the MOTION of Mayor Miles, seconded Deputy Mayor Krassoi

1. That the report be received and noted.
2. That a letter of condolence be forwarded to Maureen O'Brien's family.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Elizabeth Krassoi	

Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

2.3 MAYORAL MINUTE: VALE FATHER KEVIN BATES OAM SM

PROCEEDINGS IN BRIEF

006/24 RESOLVED on the MOTION of Mayor Miles, seconded Councillor Quinn

1. That the report be received and noted.
2. That a letter of condolence be sent to Fr Kevin's family.

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

The MOTION was CARRIED unanimously.

2.4 MAYORAL MINUTE: VALE MICHAEL O'ROURKE AM

PROCEEDINGS IN BRIEF

007/24 RESOLVED on the MOTION of Mayor Miles, seconded Councillor Quinn

1. That the report be received and noted.
2. That a letter of condolence be forwarded to Professor Michael O'Rourke's family.

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

The MOTION was CARRIED unanimously.

2.5 MAYORAL MINUTE: VALE PETER ASTRIDGE

PROCEEDINGS IN BRIEF

008/24 RESOLVED on the MOTION of Mayor Miles, seconded Deputy Mayor Krassoi

1. That the report be received and noted.
2. That a letter of condolence be forwarded to Peter Astridge's family.

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

The MOTION was CARRIED unanimously.

2.6 MAYORAL MINUTE: HUNTERS HILL RESIDENTS RECOGNISED IN THE AUSTRALIA DAY 2024 HONOURS LIST AND COUNCIL'S LOCAL AUSTRALIA DAY AWARDS

PROCEEDINGS IN BRIEF

009/24 RESOLVED on the MOTION of Mayor Miles, seconded Councillor Williams

1. That the report be received and noted.
2. That a letter of congratulations be forwarded to Mr David William Hynes (AM).

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

The MOTION was CARRIED unanimously.

ADDRESSES FROM THE PUBLIC

NIL

COUNCIL REPORTS.

- 010/24** MOVED on the MOTION of Councillor Williams, seconded Councillor Prieston
That at 6.22pm Item 4.15 be brought forward to be discussed prior to Item 4.1.

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

The MOTION was CARRIED unanimously.

4.15 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON THE 21 DECEMBER 2023
PROCEEDINGS IN BRIEF

Danny Sidgreaves addressed the meeting.

Councillor Quinn left the meeting at 06:36 pm (prior to the vote).

RECOMMENDATION

That the Minutes be received and noted.

An AMENDMENT was moved by Clr Ross Williams seconded by Clr Jim Sanderson that:

1. That the Minutes be received and noted.
2. Adopt the recommendations with the exception of 3.3
3. The matter be referred back to staff to ensure a holistic approach is taken in regards to both the north and south side of Gladesville Road and the relationship with the new pedestrian crossing.
4. That the matter be brought back to Council with a report.

- 011/24** RESOLVED on the amended MOTION of Councillor Williams, seconded Councillor Sanderson

1. That the Minutes be received and noted.
2. Adopt the recommendations with the exception of Item 3.3 of the minutes.

3. The matter be referred back to staff to ensure a holistic approach is taken in regards to both the north and south side of Gladesville Road and the relationship with the new pedestrian crossing.
4. That the matter be brought back to Council with a report.

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

The MOTION was CARRIED unanimously (noting that Cllr Quinn was absent for the vote).

Councillor Quinn returned to the meeting at 06:47 pm.

4.1 1A GALE STREET PLANNING PROPOSAL

PROCEEDINGS IN BRIEF

RECCOMENDATION

1. That Council supports the recommendations set out below:
 - (A) Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* to amend Hunters Hill Local Environmental Plan 2012 by including a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.
 - (B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
 - (C) Note that following public exhibition, the Planning Proposal would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal to that exhibited.
 - (3) To not proceed with the Planning Proposal.
 - (D) Delegate authority to the General Manager to make amendments to the Planning Proposal that:
 - (1) Are minor and do not alter the intent; or

- (2) Are required in order to comply with the Gateway Determination.

An AMENDMENT was moved on the MOTION of Councillor Sanderson, seconded Councillor Williams

1. That Council supports the recommendations set out below:
 - (A) Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* to amend Hunters Hill Local Environmental Plan 2012 by including a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.
 - (B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
 - (C) Note that following public exhibition, the Planning Proposal would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal to that exhibited.
 - (3) To not proceed with the Planning Proposal.
 - (D) Delegate authority to the General Manager to make amendments to the Planning Proposal that:
 - (1) Are minor and do not alter the intent; or
 - (2) Are required in order to comply with the Gateway Determination.
2. That Council report this matter to the community in news items on Council website and newsletters.

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

The AMENDMENT on being put to the meeting was LOST.

012/24 RESOLVED on the MOTION of Deputy Mayor Krassoi, seconded Councillor Prieston

1. That Council supports the recommendations set out below:

- (A) Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* to amend Hunters Hill Local Environmental Plan 2012 by including a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.
- (B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
- (C) Note that following public exhibition, the Planning Proposal would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
- (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal to that exhibited.
 - (3) To not proceed with the Planning Proposal.
- (D) Delegate authority to the General Manager to make amendments to the Planning Proposal that:
- (1) Are minor and do not alter the intent; or
 - (2) Are required in order to comply with the Gateway Determination.

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

The MOTION was CARRIED.

4.2 QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER, 2023

PROCEEDINGS IN BRIEF

- 013/24** RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krasso
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.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Elizabeth Krasso	
Councillor Ross Williams	
Councillor Jim Sanderson	

Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.3 PROGRESS REPORT ON DELIVERY PROGRAM AND OPERATIONAL PLAN FOR THE 6 MONTH PERIOD 01 JULY - 31 DECEMBER 2023

PROCEEDINGS IN BRIEF

014/24 RESOLVED on the MOTION of Deputy Mayor Krasso, seconded Councillor Prieston

1. That the report be received and noted.

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

The MOTION was CARRIED unanimously.

4.4 HUNTERS HILL MUSIC 2024

PROCEEDINGS IN BRIEF

015/24 RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krasso

1. That Council supports the Hunters Hill Music Society 2024 season by waiving the hire fee for the Hunters Hill Town Hall on 24 March, 14 July, 22 September and 15 December 2024, in the amount of approximately \$3500.
2. That Hunters Hill Music Society be required to pay a bond of \$1000 for each concert event.
3. That Hunters Hill Music Society be required to pay a fee to cover the cost of the Hunters Hill Town Hall following the events in the amount of \$180 for each concert event.
4. That any after-hours call-outs to Council Officers during the event will be charged at \$160 per hour, minimum one hour, as per Council's fees and charges.
5. That Hunters Hill Music Society be required to acknowledge Council's sponsorship of the season in its marketing collateral.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Elizabeth Krasso	

Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.5 2024 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

PROCEEDINGS IN BRIEF

016/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Williams

1. That the report be received and noted.
2. That Council approves that the Mayor and General Manager attend 2024 National General Assembly in Canberra from 3- 5 July 2024.

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

The MOTION was CARRIED unanimously.

CARRIED MOTION

017/24 RESOLVED on the MOTION of Deputy Mayor Krassoi, seconded Councillor Prieston that Items 4.6 to 4.16 (excluding Item 4.15) be passed in block.

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

The MOTION was CARRIED unanimously.

Mayor Miles left the meeting at 07:20 pm so as to be absent for any potential discussion on Item 4.8. Deputy Mayor Krassoi presided over the meeting in his absence.

4.6 HUNTERS HILL LOCAL PLANNING PANEL AND SYDNEY NORTH PLANNING PANEL - INTERIM APPOINTMENT OF MEMBERS

PROCEEDINGS IN BRIEF

018/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That Council reappoint the following LPP members for the period from 28 February 2024 to 30 June 2024:

LPP Member	Role
Mr Peter Tomasetti SC	Alternate Chair
Mr Peter Watts	Expert Member
Mr John McInerney	Expert Member
Ms Anne Warr	Expert Member
Mr Barry Buffier	Community Representative

2. That Council write to the outgoing members of the Local Planning Panel to thank them for their two terms at Hunter's Hill Council.
3. That Council reappoint the following members of the Sydney North Planning Panel (SNPP) for the period from 28 February 2024 to 30 June 2024:

SNPP Member	Role
Mayor Zac Miles	Permanent Member
Mr David Logan	Permanent Member
Mr Barry Buffier	Alternate Member

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.7 SEXUAL HARASSMENT PREVENTION POLICY AND COUNCIL'S OBLIGATIONS UNDER 'POSITIVE DUTY'

PROCEEDINGS IN BRIEF

019/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING

For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.8 DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN DECEMBER 2023

PROCEEDINGS IN BRIEF

020/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.9 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN DECEMBER 2023 AND JANUARY 2024

PROCEEDINGS IN BRIEF

021/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.10 REPORT OF LEGAL MATTERS - JANUARY 2024

PROCEEDINGS IN BRIEF

022/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.11 SUMMARY OF COUNCIL INVESTMENTS AS AT 31 DECEMBER 2023

PROCEEDINGS IN BRIEF

023/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.12 SUMMARY OF COUNCIL INVESTMENTS AS AT 31 JANUARY 2024

PROCEEDINGS IN BRIEF

024/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.13 COUNCILLOR BRIEFINGS AND WORKSHOPS

PROCEEDINGS IN BRIEF

025/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.14 MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 13 DECEMBER 2023

PROCEEDINGS IN BRIEF

026/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the Minutes be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

4.16 MINUTES OF THE ARTS ADVISORY COMMITTEE HELD ON 31 JANUARY 2024

PROCEEDINGS IN BRIEF

027/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. That the Minutes be received and noted.

RECORD OF VOTING	
For	Against
Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	

Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously (noting that the Mayor was absent).

Mayor Miles returned to the meeting at 07:25 pm.

COUNCIL IN COMMITTEE OF THE WHOLE

MOVED on the MOTION of Councillor Quinn, seconded Councillor Sanderson

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the *Local Government Act, 1993* (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Committee of the Whole for the reasons specified below:
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.

8.1 Tree vandalism matter

Item 8.1 is confidential in accordance with s10A(2)(e) of the *Local Government Act* because it contains information that would, if disclosed, prejudice the maintenance of law.

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.

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

The MOTION was CARRIED unanimously.

REPORT OF COUNCIL IN COMMITTEE

The Mayor advised that during closed session, one resolution was passed:

1. That the report be received and noted.

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

CONCLUSION

The meeting concluded at 7.42pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4530 held on 26 February 2024.

.....
Councillor Zac Miles
MAYOR

.....
Mitchell Murphy
GENERAL MANAGER

ITEM NO	: 2.1
SUBJECT	: MAYORAL MINUTE: PARLIAMENTARY INQUIRY INTO IMPACT OF THE ROZELLE INTERCHANGE
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:689712

PURPOSE

To advocate on behalf of the Hunters Hill community for improvement to local traffic on Victoria Road, which has been impacted by the Rozelle Interchange.

RECOMMENDATION

1. That the report be received and noted.
2. That the Mayor seeks any opportunity to provide a statement at the Parliamentary Inquiry hearing scheduled on 23 and 24 April 2024, to voice our community's concern about the impacts of the Rozelle Interchange on local traffic.

REPORT

The Rozelle Interchange has had significant knock-on effects on local traffic in our municipality; Victoria Road being the main city-bound thoroughfare for many travelling in and out of our community.

I wrote to the Minister for Roads, John Graham MLC on 7 March 2024, seeking an urgent meeting with him and I'm awaiting confirmation. I requested the Department immediately review the traffic congestion on Victoria Road and implement solutions to improve the situation. I have attached the letter to this report, which includes some of my suggestions of how the situation can be improved now. This includes:

- Investigate and review improvements to the timings of the four (4) light signals on Victoria Road between Westbourne Street and Park Avenue in Drummoyne and ensure they correlate with new traffic flow patterns to prioritise local traffic over those exiting from toll roads.
- Improved awareness of the toll-free tunnel from Iron Cove Bridge to the ANZAC Bridge to encourage motorists who don't need to be on Victoria Road to use this alternative and faster route.

- Review the hours of operation for the bus lane on Victoria Road from Gladesville to the entrance point of the Stage 3B tunnel at Rozelle.
- Restore the bus lane to the far-Left hand lane, utilising the space for more traffic flow into the interchange and eliminating duplication.

As you may be aware, the NSW Legislative Council is holding a Parliamentary Inquiry into the impacts of the Rozelle interchange. I have urged the community to make submissions to the Committee holding the Inquiry with their concerns, while they were seeking feedback.

Submissions have now closed. I will also be seeking leave to provide a statement to the Hearing on 23 and 24 April, to ensure the problems on Victoria Road are strongly communicated and to insist on immediate solutions to resolve the traffic congestion.

Last Monday 18 March, I attended a community meeting at Drummoyne held by our neighbouring Canada Bay Council. A number of our community members from Hunters Hill and Gladesville were present and gave their feedback directly to Howard Collins, Coordinator-General of Transport NSW.

Transport for NSW has been publishing data on the Rozelle Interchange website to show traffic time in peak hour. The data suggests it now takes three times longer to travel from the Gladesville Bridge to the ANZAC Bridge on Victoria Road in peak hour, than it does from Beverly Hill to Rozelle on the new motorway.

It's not fair that our community suffers the consequences of the poor implementation of this road infrastructure; we must find and implement a regional solution to this ongoing problem.

ATTACHMENTS

1. Correspondance to Minister for Roads regarding Rozelle Interchange - Mayor of Hunters Hill [↓](#)

**OFFICE OF THE MAYOR OF HUNTERS HILL**

7 March 2024

The HON John Graham MLC

Minister for Roads

231 Elizabeth Street

SYDNEY NSW 2000

office@graham.minister.nsw.gov.au

RE: ROZELLE INTERCHANGE

I'm writing to you to seek an urgent meeting and request that your Department immediately reviews the traffic congestion generated on Victoria Road as a result of the new Rozelle Interchange and to implement solutions to improve the situation.

We have been patiently waiting for teething issues to be resolved since the Interchange opened in December, but it is clear now that the implementation of this project has been flawed in achieving its original goal of relieving traffic congestion on our roads. Statements made to the media prior to the opening of the Interchange were that traffic would be reduced by 50 per cent on Victoria Road. This could not be further from the reality.

The Rozelle Interchange has created chaos on and off peak and, at times, both City-bound and returning to the North West. The traffic gridlock cannot continue- it is affecting our community here and communities in Ryde, Lane Cove, Drummoyne and the Inner West. They can't get to work, they can't get their kids to school on time, and they can't move freely on what is meant to be a main thoroughfare for most of their journeys.

Data published by Transport for NSW on the Rozelle Interchange website* shows that in peak hour at 8.30am, it now takes an average of 3 times longer for residents of our municipalities to get to Rozelle than those travelling all the way from King Georges Rd, Beverly Hills to Rozelle.

Town Hall, 22 Alexandra Street, Hunters Hill, 2110
mayor@huntershill.nsw.gov.au | 0435 785 168
ABN 75 570 316 011



OFFICE OF THE MAYOR OF HUNTERS HILL

On Tuesday 20 February, what would have been a 5-minute trip on this part of Victoria Road, prior to the opening of the Interchange, took more than 55-minutes for commuters. It is clear any benefits from this new road infrastructure comes at the expense of communities in the North West and Inner Wests' access to the road network.

The state of Victoria Road is now unacceptable. I am sure that our community can work with your Department to resolve some of these pressing problems.

I welcome the recent announcement by the NSW Legislative Council of a Parliamentary Inquiry into the impact of the Rozelle Interchange on 7 February 2024, and that Portfolio Committee No. 6 – Transport and the Arts, will investigate the matter.

As the committee will be reporting on the planning, design and development of the Rozelle Interchange project and its impact on traffic flow, including the prioritisation of traffic from toll roads, including WestConnex over local traffic, I will be encouraging the community to make submissions to this Inquiry.

In the meantime, we request the Department implement the following immediately to alleviate the pressure caused by the Rozelle Interchange:

- Investigate and review improvements to the timings of the four (4) light signals on Victoria Road between Westbourne Street and Park Avenue in Drummoyne and to ensure they correlate with new traffic flow patterns to prioritise local traffic over those exiting from toll roads
- Improved awareness of the toll-free tunnel from Iron Cove Bridge to the ANZAC Bridge to encourage motorists who don't need to be on Victoria Road to use this alternative and faster route
- Review the hours of operation for the bus lane on Victoria Road from Gladesville to the entrance point of the Stage 3B tunnel at Rozelle.
- Restore the bus lane to the far-Left hand lane, utilising the space for more traffic flow into the interchange and eliminating duplication.

Town Hall, 22 Alexandra Street, Hunters Hill, 2110
mayor@huntershill.nsw.gov.au | 0435 785 168
ABN 75 570 316 011

**OFFICE OF THE MAYOR OF HUNTERS HILL**

I again request a meeting with you or a senior representative with Transport for NSW to discuss the community's concerns in more detail. I will make myself available at any time which is convenient to you.

I look forward to hearing from you.

Regards,

Zac Miles

Mayor of Hunters Hill

CC. Premier Chris Minns

Minister Trudi Mares

Councillor Scott Bennison (Mayor of Lane Cove)

Councillor Michael Megna (Mayor of Canada Bay)

Councillor Sarkis Yedelian (Mayor of Ryde)

Councillor Darcy Byrne (Mayor of Inner West)

*<https://www.transport.nsw.gov.au/projects/current-projects/rozelle-interchange>

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mayor@huntershillnsw.gov.au | 0435 785 168
ABN 75 570 316 011

ITEM NO	: 4.1
SUBJECT	: FAIRLAND HALL PLANNING PROPOSAL
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: IMPLEMENT RECOMMENDATIONS FROM THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)
REPORTING OFFICER	: KIERAN METCALFE

Ref:688788

PURPOSE

The purpose of this report is to facilitate Council's consideration of a Planning Proposal to reclassify the C.A. Fairland Hall (located at 14 Church Street Hunters Hill, Lot 92 DP 666674) from Community land to Operational land. This would be achieved by amending Hunters Hill Local Environmental Plan 2012 (LEP) by listing the land within Schedule 4 of the LEP.

The proposed changes enacted by the Planning Proposal would assist in rectifying existing encroachments on the northern section of the site and discharge the interests registered over the site.

The Planning Proposal would be the first stage in Council's desire to rectify the existing encroachments on the land. Subsequent to adoption of the Planning Proposal, it is intended that the land would be subdivided to sell the northern portions of the site to the adjoining landowners.

RECOMMENDATION

1. That Council supports the recommendations set out below:

- (A) Forward the attached Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*. The planning proposal would seek to amend Hunters Hill Local Environmental Plan 2012 by including C.A. Fairland Hall (14 Church Street Hunters Hill, Lot 92 DP 666674) within Schedule 4 of the LEP.
- (B) Subject to (A) above, advise the Department of Planning, Housing and Infrastructure that Council will not be seeking to be authorised as the Local Plan Making Authority.
- (C) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
- (D) Delegate authority to the General Manager to make amendments to the Planning Proposal that:
 - (1) Are minor and do not alter the intent; or

- (2) Are required in order to comply with the Gateway Determination.

BACKGROUND

At its Ordinary Meeting of 28 August 2023 Council Resolved:

- 1. That Council authorise the preparation and lodgement of the planning proposal to reclassify the land at 14 Church Street, Hunters Hill from community land to operational land,*
- 2. That Council receive a further report following preparation, lodgement, and receipt of advice from the Local Planning Panel concerning the planning proposal.*

For: Mayor Zac Miles, Deputy Mayor Elizabeth Krassoi, Councillor Richard Quinn, Councillor Tatyana Virgara, Councillor Julia Prieston.

Against: Councillor Ross Williams, Councillor Jim Sanderson.

The attached Planning Proposal has been prepared in relation to Item 1 and Part Item 2 of the above Resolution.

In addition to the above, this matter was reported to the Hunters Hill Local Planning Panel (LPP) meeting of 28 February 2024. As a result of its consideration of this matter the LPP Resolved:

- 1. The Hunters Hill Local Planning Panel advises Council that it supports the recommendations set out below, for the reasons set out in the Council's report:*
 - a) Amend Schedule 4 to include Fairland Hall as Operational Land; and*
 - b) Discharge any interests registered over the site.*

For: Chairperson Lesley Finn, Mr David Logan, Mr Chris Young, Ms Virginia Wise.

Against: Nil.

The above LPP consideration addresses the balance of Item 2 of the above Resolution.

DISCUSSION

Site Description

The subject property, legally defined as Lot 92 DP 666674, is located at 14 Church Street Hunters Hill and commonly known as C.A. Fairland Hall. The property has an area of approximately 1,258 m² and is:

- Categorised as Community Land under the *Local Government Act 1993*, and
- Zoned R3 – Medium Density Residential under the LEP.

The site is topographically split into a higher southern and lower northern section by a sandstone cliff. The current topography resulted from quarrying activities on the northern part of the property. The quarry created a sheer cliff that traverses through the middle of the property from east to west.

The height of the cliff is approximately 10 metres, with no access available from the top of the cliff (street level) to the lower areas in the north.

The southern section of the site contains the C.A. Fairland Hall, that is currently utilised by Hunter's Hill Council as a community facility, and a playground.

The northern section of the site is landlocked and currently used by the adjoining neighbours (9 and 11 The Avenue) as part of the gardens at the rear of the dwellings. The encroachments occupy an area of approximately 650m² and include fencing, garden shed, a chicken shelter and chicken run, timber garden beds, garden walls, and stone steps.



Figure 1: Location Map (Source: Nearmap)

The site is currently owned by Hunter's Hill Council, after it was appointed as trustee of the Hunters Hill Men & Boys Club Fund. The property was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the *Dormant Funds Act 1942* (DF Act) (copy in Attachment 3 of the attached Planning Proposal) for community purposes. A Caveat (Ref: K649485) was registered with the Registrar General of New South Wales in April 1967 (copy in Attachment 4 of the attached Planning Proposal). The Caveat forbids the registration of any dealings affecting the land that is not consistent with the duties of the registered proprietors as trustees of the Hunters Hill Men & Boys Club Fund. Council is therefore not in a position to sell the land under the registered interests.

Council sought legal advice on the options to rectify the current situation and it was recommended that the land be reclassified to enable the sale of the land.

Strategic Alignment (Strategic merit)

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission (GSC) finalised the Greater Sydney Region Plan – A Metropolis of Three Cities, as the NSW Government’s metropolitan plan for Sydney.

The Region Plan repositions Sydney as a metropolis of three cities, being the Western Parkland City, Central River City and Eastern Harbour City (within which The Hunters Hill Municipality is located). The Region Plan presents a strategy for managing growth, change, and infrastructure delivery over the next 40 years and establishes policy directions to achieve identified goals and principles, with each direction underpinned by actions.

The planning proposal does not give effect to any objectives or actions identified in the Greater Sydney Region Plan.

North District Plan

The North City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The planning proposal does not give effect to any objectives or actions identified in the Northern District Plan 2056.

Hunters Hill Local Strategic Planning Statement

The Planning Proposal responds to Council’s endorsed Local Strategic Planning Statement (LSPS). The LSPS is a 20-year plan to manage land use growth and change in the Hunters Hill LGA until 2040 in light of community aspirations and broader economic, social and environmental matters that influence our daily lives. It sets out the strategic planning priorities for managing growth and change and will be a guide for land use planning and infrastructure delivery in the area.

Although while the proposed reclassification will not give effect to the endorsed local strategic planning statement, it is not inconsistent with the implementation plan tasks.

State Environmental Planning Policies (SEPPs)

SEPPs are environmental planning instruments which implement planning at a State level. Applicable SEPPs are required to be considered in relation to planning proposals. The subject Planning Proposal has been assessed against potentially applicable SEPPs within the Planning Proposal report attached to this report and within Table 1 below.

Table 1: Assessment against relevant SEPPs

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in Non-Rural Areas	Applicable	Consistent with the provisions of this SEPP as no vegetation removal will result from the reclassification.
Chapter 3 – Koala habitat protection 2020	Not Applicable	Not Applicable
Chapter 4 – Koala Habitat Protection 2021	Not Applicable	Not Applicable
Chapter 6 – Water Catchments	Applicable	<p>The provisions apply to land within the Sydney Harbour Catchment. The provisions require development to maintain a Neutral or Beneficial Effect on the water quality of the harbour.</p> <p>It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.</p>
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable Housing	Applicable	The proposal will not alter housing affordability in the area as no housing will be removed from the housing market.
Chapter 3 – Diverse Housing	Applicable	The proposal will not alter housing diversity as no housing will be lost

		or added to/from the housing market.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Not Applicable	Not Applicable
Chapter 3 – Aboriginal Land	Not Applicable	The site has not been identified as Aboriginal Land under the Policy provisions.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, Petroleum Production and Extractive Industries	Not Applicable	The proposed reclassification will not alter the land uses on the site.
Chapter 3 – Extractive Industries in Sydney Area	Not Applicable	The proposed reclassification will not alter the land uses on the site.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applicable	<p>A review of the Policy provisions did not identify any impacts from the proposed reclassification of land on the surrounding infrastructure.</p> <p>This includes any impacts on the electricity substation located to the east of the site and the nearby Burns Bay Road.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal Management	Not applicable	The site is not located within the Coastal Zone.
Chapter 3 – Hazardous and Offensive Development	Not applicable	The proposal will not alter the zoning of the site to permit hazardous or offensive development.

Chapter 4 – Remediation of land	Applicable	The site has been used for community and residential purposes for an extended period and no change to current land use is proposed.
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As detailed within Table 1 above, the proposal is generally consistent with the applicable SEPPs.

Section 9.1 Ministerial Directions

The Minister for Planning has issued Directions to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning, Housing and Infrastructure on or after the date the particular direction was issued and commenced. The consistency of the Planning Proposal with these Ministerial Directions is detailed in Table 2 below.

Table 2 – Consistency of the Planning Proposal with Section 9.1 Ministerial Directions

No.	Direction	Consistency
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	The planning proposal does not give effect to any objectives or actions identified in the Greater Sydney Region Plan or the North District Plan 2056.
1.2	Development of Aboriginal Land Council land	Not applicable
1.3	Approval and Referral Requirements	The proposal will not result in concurrence from the Minister or referral authorities.
1.4	Site Specific Provisions	The proposal will not result in any provisions that will require specific land uses to be undertaken on the site.
1.4A	Exclusion of Development Standards from Variation	The proposal includes a reclassification only and will not exclude any future development on the site from the provisions of Clause 4.6 of the LEP.
Focus area 2: Planning systems – Placed based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14	Implementation of Greater Macarthur 2040	Not applicable
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16	North West Rail Link Corridor Strategy	Not applicable
1.17	Implementation of the Bays West Place Strategy	Not applicable
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19	Implementation of the Westmead Place Strategy	Not applicable
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable
1.21	Implementation of South West Growth Area Structure Plan	Not applicable
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable
Focus area 2: Design and Place [This Focus Area is blank within the Directions]		
Focus area 3: Biodiversity and Conservation		
3.1	Conservation Zones	Not applicable
3.2	Heritage Conservation	<p>The site is not heritage listed or identified as having Aboriginal heritage significance. The site is however located within the Hunters Hill Conservation Area No 2 - The Peninsula Significance: Local.</p> <p>The proposal will not alter the heritage significance of the area as the proposed reclassification will not alter the built environment. The proposal is therefore considered</p>

		consistent with the Ministerial Direction.
3.3	Sydney Drinking Water Catchments	The site is located outside of the local government areas identified in the Ministerial Direction.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5	Recreation Vehicle Areas	Not applicable
3.6	Strategic Conservation Planning	The proposal is consistent with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 as no vegetation removal will result from the reclassification. It is therefore considered that the proposal will not impact on the biodiversity values of the area.
3.7	Public Bushland	Not applicable
3.8	Willandra Lakes Region	Not applicable
3.9	Sydney Harbour Foreshores and Waterways Area	The provisions apply to land within the Sydney Harbour Catchment. The provisions require development to maintain Neutral or Beneficial Effect on the water quality of the harbour. It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.
3.10	Water Catchment Protection	The site is located outside of any water catchment areas.
Focus area 4: Resilience and Hazards		
4.1	Flooding	The site is not identified as flood prone.
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	The site is not identified as bushfire prone land.
4.4	Remediation of Contaminated Land	The site has been used for community and residential for an extended period.
4.5	Acid Sulfate Soils	The site is identified within land affected by Class 5 Acid Sulfate Soils. As the proposal will not result in any excavation, the proposal will not result in adverse impacts.
4.6	Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure		

5.1	Integrating Land Use and Transport	The proposal does involve the rezoning of land.
5.2	Reserving Land for Public Purposes	The proposed reclassification will not alter the land available for public purposes in the foreseeable future. The C.A. Fairland Hall will continue to be utilised by community groups, while the sale of the land to the north is not currently used for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable
5.4	Shooting Ranges	Not applicable
Focus area 6: Housing		
6.1	Residential Zones	The proposal will not reduce the type or number of housing available in Hunters Hill.
6.2	Caravan Parks and Manufactured Home Estates	The proposal will not impact on manufactured home villages.
Focus area 7: Industry and Employment		
7.1	Business and Industrial Zones	Not applicable
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production		
9.1	Rural Zones	Not applicable
9.2	Rural Lands	Not applicable
9.3	Oyster Aquaculture	Not applicable
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Site analysis and requirements (Site specific merit)

The site specific merit of the proposal is considered under the following headings.

Tree loss and landscape strategy

The proposal will not result in the removal of any vegetation.

Bushfire

The site is not mapped as bushfire prone land.

Heritage conservation

The site is not heritage listed or identified as having Aboriginal heritage significance. The site is however located within the Hunters Hill Conservation Area No 2 - The Peninsula Significance: Local.

The proposal will not alter the heritage significance of the area as the proposed reclassification will not alter the built environment or the heritage character of the area.

Archaeological conservation

The proposal will not result in the change to the built environment and will therefore not disturb any Aboriginal items or places.

Social Impact and Community Needs

The proposal will not alter the use of the site. The C.A Fairland Hall and playground will continue to be utilise for community purposes for the foreseeable future. The future sale of the northern portion of the site will not affect the operation of the community facilities.

Economic Impact

The proposal will not have a direct economic impact as no changes to the land use is proposed.

Infrastructure Servicing

The proposal will not impact on existing services as the northern part of the site is currently not connected to infrastructure. The proposal will result in the amalgamation of the northern part of the site and the adjoining residential lots, which will provide access and connection to services in The Avenue Road.

Drainage and Flooding

No flooding issues have been identified for the site.

Other Matters

Advice from the Local Planning Panel

This matter was reported to the Hunters Hill LPP meeting of 28 February 2024. As a result of its consideration of this matter the LPP Resolved:

1. The Hunters Hill Local Planning Panel advises Council that it supports the recommendations set out below, for the reasons set out in the Council's report:

- a) Amend Schedule 4 to include Fairland Hall as Operational Land; and*
- b) Discharge any interests registered over the site.*

For: Chairperson Lesley Finn, Mr David Logan, Mr Chris Young, Ms Virginia Wise.

Against: Nil.

Public Exhibition

Council would place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

Community consultation would be commenced with placing a public notice in the local newspapers (where relevant) and on the website of the Hunters Hill Council and/or the Department of Planning, Housing and Infrastructure and access to all relevant documents in Council administration offices in Hunters Hill. In addition, adjoining landowners will be notified in writing.

Public Hearings

Councils must hold a public hearing when reclassifying public land from community to operational. A public hearing would be held in relation to this Planning Proposal during the public exhibition stage, following Gateway Determination.

Local Plan Making Authority

A Local Plan Making Authority (LPMA) is responsible for making the LEP as identified by the Gateway Determination. This may be the Minister for Planning and Public Spaces (or delegate) or the relevant Council.

As this planning proposal relates to the reclassification of Council Owner land, this report recommends that Council advise the Department of Planning, Housing and Infrastructure that Council will not be seeking to be authorised as the LPMA. This is intended to ensure an additional level of objectivity in the progression of this Planning Proposal, should it proceed.

Referrals

To date, the Planning Proposal has not been referred to any agencies, or technical specialists representing Council. It is expected that this referral and advisory process will be undertaken during the exhibition and ongoing assessment stage of the Planning Proposal as required.

CONCLUSION

The *Local Government Act 1993* requires all public land to be classified as either community or operational. Community land is land Council makes available for use by the public, for example as parks or sports grounds. Operational land is land which facilitates the functions of Council and may not be open to the public, for example a works depot or a Council pound. This classification also determines land management and dealings: community land requires a plan of management and must not be sold, exchanged, or otherwise disposed of by a Council. There are no such special restrictions on Council powers to manage, dispose or change the nature of operational land.

The entire site containing C.A. Fairland Hall is identified as Community Land that reflects the use of the hall for community purposes. However, the northern portion of the site is currently land locked and utilised by the adjoining residential land as open space. The reclassification of the land will facilitate the rectification these encroachments and also discharge the interest registered over the site.

Should Council endorse the attached Planning Proposal, it will be forwarded to the Department of Planning, Housing and Environment in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979* requesting a Gateway Determination.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

Refer to the 'site analysis and requirements (site specific merit)' section of this report.

SOCIAL IMPACT ASSESSMENT

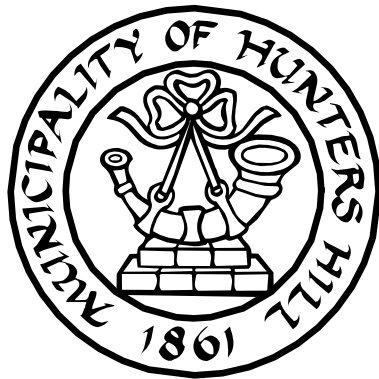
Refer to the 'site analysis and requirements (site specific merit)' section of this report.

RISK ASSESSMENT

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

ATTACHMENTS

1. Planning Proposal - C A Fairland Hall [↓](#)



HUNTERS HILL COUNCIL

PLANNING PROPOSAL

Reclassification of Council Owned Land
C.A. Fairlands Community Hall
February 2024

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Background & Locality Context

The property, Lot 92 DP 666674, is located at 14 Church Street Hunters Hill and commonly known as C.A. Fairland Hall. The property has an area of approximately 1,258 m² and is:

- Categorised as Community Land under the Local Government Act 1993, and
- Zoned R3 – Medium Density Residential under the Hunters Hill Local Environmental Plan 2012.

The site is topographically split into a higher southern and lower northern section by a sandstone cliff. The current topography resulted from quarrying activities on the northern part of the property. The quarry created a sheer cliff that traverses through the middle of the property from east to west.

The height of the cliff is approximately 10m, with no access available from the top of the cliff (street level) to the lower areas in the north.

The southern section of the site contains the C.A. Fairlands Hall, that is currently utilised by Hunters Hill Council as a community facility, and a playground.

The northern section of the site is landlocked and currently used by the adjoining neighbours (9 and 11 The Avenue) as part of the gardens at the rear of the dwellings. The encroachments occupy an area of approximately 650m² and include fencing, garden shed, a chicken shelter and chicken run, timber garden beds, garden walls, and stone steps.



Figure 1: Location Map (source: Nearmaps)

The site is currently owned by Council after it was appointed as Trustee of the Hunters Hill Men & Boys Club Fund and the property was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the Dormant Funds Act, 1942 (DF Act) (copy in Attachment 3) to be used for community purposes. A Caveat K649485 was registered with the Registrar General of New South Wales in April 1967 (copy in Attachment 4). The Caveat forbids the registration of any dealings affecting the land that is not consistent with the duties of the registered proprietors as trustees of the Hunters Hill Men & Boys Club Fund. Council is therefore not in a position to sell the land under the registered interests.

Council sought legal advice on the options to rectify the current situation and it was recommended that the land be reclassified to enable the sale of the land.

Hunters Hill Council resolved on 28 August 2023 to prepare a planning proposal to enable the reclassification of the property to operational land that will include the release of the interests registered over the site.

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks reclassification of four public land parcels from “community” to “operational”.

The Local Government Act 1993 requires all public land to be classified as either community or operational. Community land is land council makes available for use by the public, for example as parks or sports grounds. Operational land is land which facilitates the functions of Council and may not be open to the public, for example a works depot or a Council pound. This classification also determines land management and dealings: community land requires a plan of management and must not be sold, exchanged or otherwise disposed of by a council. There are no such special restrictions on Council powers to manage, dispose or change the nature of operational land.

Under the Local Government Act 1993, public land is classified or reclassified by either a council resolution under sections 31, 32 or 33 or through a Local Environmental Plan (LEP) amendment.

The planning proposal seeks to give effect to the Council resolution by pursuing an LEP amendment pathway to reclassify the subject land to operational.

This will allow for the subdivision and subsequent sale of the northern section of the site to the adjoining property owners, thereby regularising the use of this portion of the site and discharging Council from its maintenance responsibility of the landlocked part of the site. It is Council’s intention to continue the operation of the C.A. Fairlands Hall as a community asset for the foreseeable future, while the reclassification of the southern portion of the site to operational will allow for a wider range of land uses in the future once the facility is no longer required.

Part 2 – Explanation of Provisions

LEP's Clause 5.2—Classification and reclassification of public land enables Councils to classify or reclassify public land as operational land or community land in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

The site contains interests that need to be discharged under Section 30 of the Local Government Act as part of the reclassification of the site.

Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site.

As stated previously in the report, Council was appointed as Trustee of the Hunters Hill Men & Boys Club Fund and the property was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the DF Act (copy in Attachment 3).

The Order requires the property to be used for the benefit of the residents of the Municipality. This includes the development, extension or maintenance of a public library service, or other such cultural, recreational, or social purpose that Council may deem fit.

To enact the Order above, Caveat K649485 was registered with the Registrar General of New South Wales in April 1967 (copy in Attachment 4). The Caveat forbids the registration of any dealings affecting the land that is not consistent with the duties of the registered proprietors as trustees of the Hunters Hill Men & Boys Club Fund.

The northern part of the property contains multiple significant encroachments by the owners of 9 and 11 The Avenue, Hunters Hill. A survey report prepared in July 2007 depicts the extent of the encroachments (copy in Attachment 5). The encroachments depicted in the survey report generally align with the observations made by Council staff during a site inspection conducted more recently.

This situation has resulted in the land located below the cliff as not currently being used for the benefit of the residents of the Municipality, which is contrary to the Order and the registered Caveat.

The Public Trustee NSW advised in June 2005 that there is no provision in the DF Act for the Commissioner to vary the terms of a previous Order. Previous legal advice also indicates there is no provision in the DF Act for any subsequent order to be made by the Commissioner. Therefore, as follows there is no power to sell or lease the property or any part of it while the Order remains in place.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The reason for the proposed reclassification is to enable the subdivision and subsequent lease or sale of the northern portion of the site to the adjoining neighbours. This will regularise the use of this portion of the site and discharge Council from its maintenance responsibility of the landlocked part of the site.

Hunters Hill Council resolved on 28 August 2023 to prepare a planning proposal to enable the reclassification of the property to operational land.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land was vested in Council by Order of the Commissioner of Dormant Funds in June 1962 under the DF Act.

It is noted that Section 31 of the Local Government Act 1993 provides that a council may resolve that the land be classified as community or operational before or within three months after it acquires the land, however this provision only applies to land acquired after 1 July 1993. Hunters Hill Council therefore did not have the opportunity to reclassify land from community to operational and ensure that interests affecting subject land are appropriately discharged under Section 31 of the Local Government Act 1993.

Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site under Section 30 of the Local Government Act 1993.

Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal does not give effect to any objectives or actions identified in either the Greater Sydney Region Plan – A Metropolis of Three Cities or the Northern District Plan 2056.

Q4. Will the planning proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

No. Although while the proposed reclassification will not give effect to the endorsed local strategic planning statement, it is not inconsistent with the implementation plan tasks.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The planning proposal does not give effect to any objectives or actions identified in the Northern District Plan 2056.

Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

Table 1: Assessment against relevant State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in Non-Rural Areas	Applicable	Consistent with the provisions of this SEPP as no vegetation removal will result from the reclassification.
Chapter 3 – Koala habitat protection 2020	Not Applicable	Not Applicable
Chapter 4 – Koala Habitat Protection 2021	Not Applicable	Not Applicable
Chapter 6 – Water Catchments	Applicable	<p>The provisions apply to land within the Sydney Harbour Catchment. The provisions require development to maintain a Neutral or Beneficial Effect on the water quality of the harbour.</p> <p>It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.</p>
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable Housing	Applicable	The proposal will not alter housing affordability in the area as no housing will be removed from the housing market.
Chapter 3 – Diverse Housing	Applicable	The proposal will not alter housing diversity as no housing will be

		lost or added to/from the housing market.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Not Applicable	Not Applicable
Chapter 3 – Aboriginal Land	Not Applicable	The site has not been identified as Aboriginal Land under the Policy provisions.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, Petroleum Production and Extractive Industries	Not Applicable	The proposed reclassification will not alter the land uses on the site.
Chapter 3 – Extractive Industries in Sydney Area	Not Applicable	The proposed reclassification will not alter the land uses on the site.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applicable	<p>A review of the Policy provisions did not identify any impacts from the proposed reclassification of land on the surrounding infrastructure.</p> <p>This includes any impacts on the electricity substation located to the east of the site and the nearby Burns Bay Road.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal Management	Not applicable	The site is not located within the Coastal Zone.
Chapter 3 – Hazardous and Offensive Development	Not applicable	The proposal will not alter the zoning of the site to permit hazardous or offensive development.
Chapter 4 – Remediation of land	Applicable	The site has been used for community and residential purposes for an extended period.

The proposal is generally consistent with the applicable SEPPs.

The Planning Proposal proposes the reclassification of land only and does not propose to rezone land. If Council determines land to be rezoned and sold in the future, a Planning Proposal will be prepared to assess the merits of the proposal.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 2: Assessment against Section 9.1 Ministerial Directions

No	Direction	Objective	Applicable	Consistency	Comment
Planning Systems					
1.1	Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	Yes	N/A	The planning proposal does not give effect to any objectives or actions identified in the Northern District Plan 2056.
1.2	Development of Aboriginal Land Council Land	The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	No	N/A	The land is not owned by an Aboriginal Land Council.
1.3	Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	Yes	The proposal will not result in concurrence from the Minister or referral authorities.
1.4	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Yes	The proposal will not result in any provisions that will require specific land uses to be undertaken on the site.
1.4A	Exclusion of Development Standards from Variation	The objective of this direction is to maintain flexibility in the application of development standards by ensuring that	No	N/A	The proposal includes a reclassification only and will not exclude any future development on the site from the provisions of Clause 4.6 of the Hunters Hill LEP.

No	Direction	Objective	Applicable	Consistency	Comment
		exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.			
1.5	Parramatta Road Corridor Urban Transformation Strategy	The objectives of this direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.	No	N/A	The site is located outside of the Parramatta Road Corridor Urban Transformation Strategy area.
1.6	Implementation of North West Priority Growth Area Land Use	The objective of this direction is to ensure development within the North West Priority Growth Area	No	N/A	The site is located outside of the North West Priority Growth area.

No	Direction	Objective	Applicable	Consistency	Comment
	and Infrastructure Implementation Plan	is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).			
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan).	No	N/A	The site is located outside of the Greater Parramatta Priority Growth area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	No	N/A	The site is located outside of the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	No	N/A	The site is located outside of the Glenfield to Macarthur Urban Renewal Corridor.
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.	No	N/A	The site is located outside of the Western Sydney Aerotropolis area.

No	Direction	Objective	Applicable	Consistency	Comment
1.11	Implementation of Bayside West Precincts 2036 Plan	The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia, and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	No	N/A	The site is located outside of the Bayside West Precincts.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	The site is located outside of the Cooks Cove Precinct area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).	No	N/A	The site is located outside of the St Leonards and Crows Nest 2036 Plan area.
1.14	Implementation of Greater Macarthur 2040	The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with: (a) Greater Macarthur 2040 dated November 2018, (b) the Greater Macarthur Growth Area Structure Plan 2022 (Structure Plan), and (c) the Guide to the Greater Macarthur Growth Area (Guide).	No	N/A	The site is located outside of the Greater Macarthur growth area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	The objectives of this direction are to: (a) facilitate development within the Pyrmont Peninsula that is	No	N/A	The site is located outside of the Pyrmont Peninsula Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		consistent with the Pymont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy, (b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (c) guide growth and change balanced with character, heritage, and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.			
1.16	North West Rail Link Corridor Strategy	The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.	No	N/A	The site is located outside of the North West Rail Link Corridor Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
1.17	Implementation of Bayside West Place Strategy	The objectives of this direction are to: (a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework), (c) actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (d) guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.	No	N/A	The site is located outside of the Bayside West Place Strategy area.
1.18	Implementation of the Macquarie Park Innovation Precinct	The objective of this direction is to ensure development within the Macquarie Park Innovation Precinct is consistent with the Macquarie Park Innovation Precinct Place Strategy (Place Strategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Plan).	No	N/A	The site is located outside of the Macquarie Park Innovation Precinct that is located to the northwest of the Hunters Hill LGA.
1.19	Implementation of the Westmead Place Strategy	The objectives of this direction are to:	No	N/A	The site is located outside of the Westmead Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(a) facilitate development within the Westmead and Parramatta North precincts that is consistent with the Westmead Place Strategy, and (b) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan.			
1.20	Implementation of the Camellia-Rosehill Place Strategy	The objectives of this direction are to: (a) facilitate development within the Camellia-Rosehill precinct that is consistent with the Camellia-Rosehill Place Strategy, (b) guide growth and change in the Camellia-Rosehill precinct in a coordinated manner, that delivers appropriate infrastructure and retains the precinct's role as an employment hub, and (c) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan.	No	N/A	The site is located outside of the Camellia-Rosehill Place Strategy area.
1.21	Implementation of South West Growth Area Structure Plan	The objective of this direction is to ensure that development within the South West Growth Area (also referred to as the South West Growth Centre) is consistent with Structure Plan and Guide dated December 2022.	No	N/A	The site is located outside of the South West Growth Area Structure Plan area.

No	Direction	Objective	Applicable	Consistency	Comment
1.22	Implementation of the Cherrybrook Station Place Strategy	The objectives of this direction are to: (a) facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy, and (b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.	No	N/A	The site is located outside of the Cherrybrook Station Place Strategy area.
Design and Place					
N/A					
Biodiversity and Conservation					
3.1	Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	No	N/A	The site is not located in a Conservation zone and does not include any environmentally sensitive areas.
3.2	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.	Yes	Yes	The site is not heritage listed or identified as having Aboriginal heritage significance. The site is however located within the Hunters Hill Conservation Area No 2 - The Peninsula Significance: Local. The proposal will not alter the heritage significance of the area as the proposed reclassification will not alter the built environment. The proposal is therefore considered consistent with the Ministerial Direction.
3.3	Sydney Drinking Water Catchment	The objective of this direction is to provide for healthy catchments	No	N/A	The site is located outside of the local government areas identified in the Ministerial Direction.

No	Direction	Objective	Applicable	Consistency	Comment
		and protect water quality in the Sydney drinking water catchment.			
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	No	N/A	The site is not located within the Far North Coast LEP overlays.
3.5	Recreational Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	No	N/A	The proposal is not located within a conservation zone or located in close proximity to a beach.
3.6	Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Yes	Yes	The proposal is consistent with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 as no vegetation removal will result from the reclassification. It is therefore considered that the proposal will not impact on the biodiversity values of the area.
3.7	Public Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: (a) preserving: i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland,	No	N/A	The proposed reclassification will not affect any public bushland areas.

No	Direction	Objective	Applicable	Consistency	Comment
		iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes, and functions, including natural drainage lines, watercourses, wetlands, and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological, and cultural values, and potential of the land, and (b) mitigating disturbance caused by development, (c) giving priority to retaining public bushland.			
3.8	Willandra Lakes Region	The objectives of this direction are to: (a) protect, conserve, and manage the Willandra Lakes Region World Heritage Property (World Heritage Property) in accordance with a strategic plan of management prepared for World Heritage Property, and (b) establish a consultation process for making decisions on conservation and development within the World Heritage Property.	No	N/A	The site is not located within the Willandra Lakes World Heritage Property.
3.9	Sydney Harbour Foreshores and Waterways Area	The objectives of this direction are to:	Yes	Yes	The provisions apply to land within the Sydney Harbour Catchment. The provisions

No	Direction	Objective	Applicable	Consistency	Comment
		<p>(a) protect and enhance the natural assets and unique environmental, scenic, and visual qualities of Sydney Harbour and its islands and foreshores</p> <p>(b) minimise risk to development from rising sea levels or changing flood patterns as a result of climate change</p> <p>(c) ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity</p> <p>(d) protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation,</p> <p>(e) promote the equitable use of the Foreshores and Waterways Area</p> <p>(f) protect the cultural heritage significance of Sydney Harbour, its islands and foreshores</p> <p>(g) ensure a prosperous working harbour and effective transport corridor; and</p> <p>(h) encourage a culturally rich and vibrant place for people.</p>			<p>require development to maintain Neutral or Beneficial Effect on the water quality of the harbour.</p> <p>It is considered that, as the proposal will not alter the zoning or the future development on the site, the provisions are not specifically applicable to the development.</p>

No	Direction	Objective	Applicable	Consistency	Comment
3.10	Water Catchment Protection	<p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution</p> <p>(b) protect and improve the hydrological, ecological, and geomorphological processes of natural waterbodies and their connectivity</p> <p>(c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</p> <p>(d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p>	No	N/A	The site is located outside of any water catchment areas.
Resilience and Hazards					
4.1	Flooding	<p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p>	No	N/A	The site is not identified as flood prone.

No	Direction	Objective	Applicable	Consistency	Comment
		(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.			
4.2	Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW.	No	N/A	The site is not located on or in close proximity to any coastal wetlands and littoral rainforest areas, coastal vulnerability areas, coastal environmental or coastal use area.
4.3	Planning for Bushfire Protection	The objectives of this direction are to: (a) protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.	No	N/A	The site is not identified as bushfire prone land.
4.4	Remediation of Contaminated Lands	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Yes	Yes	The site has been used for community and residential for an extended period.
4.5	Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the	Yes	Yes	The site is identified within land affected by Class 5 Acid Sulfate Soils. As the proposal will

No	Direction	Objective	Applicable	Consistency	Comment
		use of land that has a probability of containing acid sulfate soils.			not result in any excavation, the proposal will not result in adverse impacts.
4.6	Mine Subsidence & Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	No	N/A	The site is not located within a Mine Subsidence Area or unstable land.
Transport and Infrastructure					
5.1	Integrating Land Use & Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	No	N/A	The proposal does involve the rezoning of land.

No	Direction	Objective	Applicable	Consistency	Comment
5.2	Reserving Land for Public Purposes	The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Yes	Yes	The proposed reclassification will not alter the land available for public purposes in the foreseeable future. The C.A. Fairlands Hall will continue to be utilised by community groups, while the sale of the land to the north is not currently used for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	No	N/A	The site is not located in close proximity to any airports or airfields.
5.4	Shooting Ranges	The objectives of this direction are to: (a) maintain appropriate levels of public safety and amenity when	No	N/A	The site is not located in close proximity to any shooting ranges.

No	Direction	Objective	Applicable	Consistency	Comment
		rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.			
Housing					
6.1	Residential Zones	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Yes	Yes	The proposal will not reduce the type or number of housing available in Hunters Hill.
6.2	Caravan Parks and Manufactured Home Estates	The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.	No	N/A	The proposal will not impact on manufactured home villages.
Industry and Employment					

No	Direction	Objective	Applicable	Consistency	Comment
7.1	Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres.	No	N/A	The site is not zoned for business or industrial purposes.
7.2	Reduction in Non-hosted Short-term Rental Accommodation Period	The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.	No	N/A	The proposal will not increase the opportunities for short-term rental accommodation.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	The objectives for managing commercial and retail development along the Pacific Highway are to: (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway,	No	N/A	The proposal will not impact on development along the Pacific Highway.

No	Direction	Objective	Applicable	Consistency	Comment
		(d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.			
Resources & Energy					
8.1	Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	No	N/A	The proposal will not impact on any petroleum production or extractive industries.
Primary Production					
9.1	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	No	N/A	The site is not zoned for rural purposes.
9.2	Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,	No	N/A	The proposal will not impact on any agriculturally productive land.

No	Direction	Objective	Applicable	Consistency	Comment
		(c) assist in the proper management, development, and protection of rural lands to promote the social, economic, and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.			
9.3	Oyster Aquaculture	The objectives of this direction are to: (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality	No	N/A	The proposal will not impact on any oyster farms.

No	Direction	Objective	Applicable	Consistency	Comment
		and consequently, on the health of oysters and oyster consumers.			
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	No	N/A	The site is not located in close proximity to any farmland of state and regional significance.

Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such the proposal is considered not to impact on the natural environment.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such it is considered that there would not be any other likely environmental impacts.

Q10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is for the reclassification of land from community to operational and is administrative in nature, as such it is considered that the proposal is not likely to create any social or economic impacts.

Section D – State and Commonwealth Interests

Q11. Is there adequate public infrastructure for the planning proposal?

This planning proposal does not give rise to a direct demand for public infrastructure.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

A Gateway determination has not yet been issued for this planning proposal. Relevant authorities will be consulted in accordance with the requirements of the Gateway Determination. The views of consulted public authorities will be summarised and addressed as appropriate in the final Planning Proposal.

Part 4 Mapping

This planning proposal does not affect LEP mapping.

Part 5 Community Consultation

Public Exhibition

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

Community consultation will be commenced with placing a public notice in the local newspapers (where relevant) and on the website of the Hunters Hill Council and/or the Department of Planning, Housing and Infrastructure and access to all relevant documents in Council administration offices in hunters Hill. In addition, adjoining landowners will be notified in writing.

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). After the exhibition period has ended, at least 21 days public notice is to be given before the public hearing. This section of the planning proposal will be updated upon the completion of community consultation to provide a summary of community feedback, key matters raised and Council officers' response.

Part 6 Project Timeline

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Table 3: Project Timeline

Task	Completed
Report to Hunters Hill Local Planning Panel	February 2024
Report to Council for endorsement	March 2023
Referral of the planning proposal for a Gateway determination	May 2024
Gateway Determination	July 2024
Undertake requirements of the Gateway Determination	August 2024
Public Consultation <ul style="list-style-type: none"> Public exhibition (28 days) Public Hearing (21 days) 	September – October 2024
Review submissions and preparation of response	November 2024
Referral of the Plan to the Department of Planning, Housing and Infrastructure for making	December 2024
Plan to be made within 12 months of Gateway	February 2025

Summary and Conclusion

This planning proposal has been prepared in accordance with the Local Government Act 1993 to reclassify public land from community to operational. No development impacts or land use changes are going to result from this planning proposal.

As outlined in the introduction of this planning proposal, the Local Government Act 1993 requires all public land to be classified as either community or operational. Community land is land Council makes available for use by the public, for example as parks or sports grounds. Operational land is land which facilitates the functions of Council and may not be open to the public, for example a works depot or a Council pound. This classification also determines land management and dealings: community land requires a plan of management and must not be sold, exchanged, or otherwise disposed of by a Council. There are no such special restrictions on Council powers to manage, dispose or change the nature of operational land.

Community consultation will be undertaken as outlined on in the report to give the members of the public an opportunity to be involved in the process and provide feedback.

Attachment 1 – Practice Note PN 16-001

Information to be provided by Practice Note PN 16-001 – Classification and reclassification of public land through a Local Environmental Plan.

Table 4: Assessment against Practice Note PN16-001

Direction	Comment
1. Current and proposed classification of the land.	Current – Community Proposed – Operational
2. Is the land a ‘public reserve’ as defined in the LG Act?	No
3. The strategic and site specific merits of the reclassification.	No
4. Is the planning proposal the result of a strategic study or report?	No
5. Is the planning proposal consistent with Council’s community plan or another local strategic plan?	The proposal is not inconsistent with the Hunters Hill Local Strategic Planning Statement or Community Plan.
6. Summary of Council’s interests in the land.	Landowner
7. Are any interests in the land proposed to be discharged?	Yes The site contains interests that need to be discharged as part of the reclassification of the site. Council sought legal advice on the most appropriate means to resolve the encroachments on the northern portion of the site that concluded that the reclassification was the best way to resolve these issues and discharge the interest affecting the site.
8. The effect of the reclassification.	There are no physical or operational changes or effects anticipated as a result of the reclassification.
9. Evidence of public reserve status or relevant interests, or lack thereof.	The site is not identified on Council land register as a public reserve.
10. Current use(s) of the land, and whether uses are authorised or unauthorised.	The land is currently used for public purposes (south) and residential development (north).
11. Any agreement for the sale or lease of the land – inc. basic details, timing	There are no agreements or proposed agreements for the sale of the lands.
12. Is rezoning of the land proposed in association with the reclassification?	Rezoning of the site is not proposed.
13. How Council may or will benefit financially, and how these funds will be used.	Any funds raised will be allocated to Council’s reserve funds set aside for the improvement and maintenance of the C.A. Fairfield Hall.
14. How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	It is the intention to reinvest the funding received from the sale of land into renovation of the C.A. Fairlands Hall.
15. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	The entire site will be reclassified.

16. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	There are no relevant government agencies that require consultation in regard to this proposal.
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Attachments:

Attachment 1 – Deposited Plan

Attachment 2 – Order of the Commissioner of Dormant Funds

Attachment 3 – Caveat K649485

Attachment 4 – Survey Report



Property Details (for notifications) (1)

Property_No: 679170
Property_Address_Line_1: 14 Church St (Fairland Hall)
Property_Address_Line_2:
Property_Address_Line_3: Hunters Hill 2110
Property_Unit_Number:
Property_House_Number: 14
Property_Street_Name: Church St
Ratepayer_Name: Hunters Hill Council
Ratepayer_Address_Line1: PO Box 21
Ratepayer_Address_Line2: null
Ratepayer_Address_Line3: Hunters Hill
Ratepayer_Care_Attention_Of:
Ratepayer:
Ratepayer_State: NSW
Ratepayer_Postcode: 2110
Ratepayer_Country:
Id: 886

Hunters Hill Cadastre (1)

cadid: 102090484
lotnumber: 92
sectionnumber: null
plannumber: 666674
planlabel: DP666674
Assessment_Number: 679170
Title_Legal_Description: LOT 92 DP 666674
Property_Address: "Fairland Hall", 14 Church St (Fairland Hall), Hunters Hill
Property_Address_Short: 14 Church St (Fairland Hall)
Postcode: 2110
Land_Area: 1258 m2
GIS_Interface_Id: 2434
Ratepayer_Id: 1918
classsubtype: 1
controllingauthority: FREEHOLD

NSW Spatial Services Lot Table (1)

csid: matthew.smith2@precisely.com-20210202160325
cadid: 102090484
lotnumber: 92
sectionnumber:
plannumber: 666674
planlabel: DP666674
itstitlestatus: ITSTitle
classsubtype: 1
controllingauthority: FREEHOLD
supplydate: 2021-02-02T16:04:02

PlanExtentAnno (1)

objectid: 608641
featureid: 292666
zorder: -9999
annotationclassid: 0
symbolid: -1
status: 0
textstring: DP 666674
fontname: Arial Narrow
fontsize: 18
bold: 0
italic: 0
underline: 0
verticalalignment: 1
horizontalalignment: 1
xoffset: 0
yoffset: 0
angle: 351.046631
fontleading: 0
wordspacing: 100

characterwidth: 100
characterspacing: 0
flipangle: 0
override: 0
shape_Length: 0.0006970524058087652
shape_Area: 1.816546261562147e-8

The Commissioner of Dormant Funds

S: 1372

ADDRESS ALL LETTERS TO
THE PUBLIC TRUST OFFICE
BOX 7 G.P.O.
SYDNEY

FOR OFFICIAL ENQUIRIES ASK FOR
MR Webb.

THE PUBLIC TRUST OFFICE

19 O'CONNELL STREET
SYDNEY, N.S.W.

TELEPHONE: 2 0523

OFFICE HOURS:
10 A.M. TO 4 P.M. Fund

In your reply quote the ~~number~~
and the initials below

GMW.L.M.

27th June, 1962.

The Town Clerk,
Town Hall,
HUNTERS HILL.

DORMANT FUNDS ACT, 1942Re the Hunters Hill Men & Boys' Club FundYour ref. S/B880

Dear Sir,

I refer to previous correspondence concerning the above-mentioned Fund and now enclose a copy of the Commissioner's Order which has now issued pursuant to the Attorney General's approval of the Commissioner's proposals.

A similar copy has been sent to Mr. G.S.C. Huffam who has been asked to hand over to you the relevant documents of title relating to the property, all funds in hand and all other assets relating to the Club.

The Commissioner's fee in this matter consists of 5% of the Fund and there is no provision in the Act which would enable the Commissioner to waive or reduce the fee. The declared value of the Fund was £5,063.9.10, and accordingly it will be appreciated if you will kindly arrange, in due course, for payment to the Commissioner of the amount of his fee, being £253.3.6.

The Commissioner's action in this matter is now complete, and it is appropriate for the Hunters Hill Council now to administer the property in accordance with the trusts set out in the Order.

Yours faithfully,



For the
COMMISSIONER OF DORMANT FUNDS


Encl.

DORMANT FUNDS ACT, 1942Sections 11 and 13IN RE THE FUND KNOWN AS THE HUNTERS HILL MEN AND BOYS' CLUB FUND

WHEREAS after due inquiry and investigation the Commissioner determined the abovementioned Fund to be a Dormant Fund AND WHEREAS notice was given in the manner prescribed by the regulations under the Act that any person dissatisfied with this determination may appeal to the Charity Referees AND WHEREAS no request in writing was received within a period of thirty (30) days after the service of such notice that the determination be referred for the consideration of the Charity Referees AND WHEREAS the Commissioner has issued a certificate under his hand that the value of the property comprised in the said Fund is five thousand and sixty-three pounds nine shillings and tenpence (£5,063.9.10) NOW after due consideration of representations and suggestions made by the Trustees or other persons interested in the Fund or in the trusts thereof or in the purposes for which the Fund was to be utilised or applied the Commissioner has formulated proposals for the utilisation and application of the said Fund in the following manner and pursuant to Section 11 (2) (b) of the Act DOETH ORDER that the Fund be and the same is hereby vested in the Council of the Municipality of Hunters Hill and that the said Council be and the same is hereby appointed Trustee of the Fund to hold the same and the income thereof upon trust to pay to the Commissioner the fees prescribed by the regulations under the Act AND SUBJECT THERETO to apply the Fund for such purposes for the benefit of the residents of the Hunters Hill Municipality as the said Council from time to time may determine, including the maintenance, development or extension of the Public Library service of the Municipality of Hunters Hill and such other cultural, or recreational, or social purpose as such Council may from time to time deem fit.

DATED at Sydney this *twenty-sixth* day of *June* 1962.

E. Drake
COMMISSIONER OF DORMANT FUNDS

00215
B4-c /Recd:LE98477 /DL K4804EE

K 630453

3/17/67

REAL PROPERTY (AMENDMENT) ACT 1921

SECTION 14 (1)

TO THE REGISTRAR-GENERAL

THE COUNCIL OF THE MUNICIPALITY OF HUNTER'S HILL having become entitled in pursuance of an Order of the Commissioner of Dormant Funds dated the Twenty-sixth day of June One thousand nine hundred and sixty-two and by the operation of Section 14 of the Real Property (Amendment) Act 1921 to have an entry made of the vesting in it of the land comprised in Certificate of Title Volume 4850 Folio 116 HEREBY REQUESTS you to make such entry. In respect of this request it lodges the following:

- (a) Certificate of Title Volume 4850 Folio 116
 - (b) The said Order of the Commissioner of Dormant Funds.
 - (c) Statutory Declaration of John Joseph McNamara.
- AND CERTIFIES that this application is correct for the purposes of the Real Property Act 1900.

THE COMMON SEAL of THE COUNCIL OF
THE MUNICIPALITY OF HUNTER'S HILL

was hereto affixed in pursuance of a Resolution carried at a duly convened meeting of the Council held on the 25th day of March 1967

J. P. Henington
Mayor

[Signature]
Town Clerk

K 630453

WINDEYER, DIVE & CO.
SOLICITORS
28 G'CONNELL ST., SYDNEY



Application under Section 411
Real Property Amendment Act 1911
Particulars entered in Register Book Vol. 2850 Fol. 116
the 24th day of April 19 67 at 1
o'clock in the fore noon.

Jenkinson
Registrar General



RG 3/26

K 649485

Fee—

Entry \$8-00

Endorsement \$8-00

20.4.67

CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF DEALING WITH ESTATE OR INTEREST

(REAL PROPERTY ACT, 1900)

K 630453

The Council of the Municipality of Hunters Hill

Primary No. _____



Transmission No. _____

Qualification No. _____

I, THE REGISTRAR GENERAL OF NEW SOUTH WALES forbid the Registration of any dealing affecting the land comprised in Certificates of Title, Vol. 11850 Fol. 116.

not consistent with the duties of the registered proprietors as Trustees of the Will of of the Hunters Hill Mens & Boys Club Fund.

Dated this 20th day of April 1967



 Registrar General



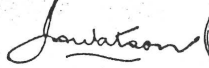
WEB 14 V.C.N. Blight, Government Printer.


K 630453
 D 13/4

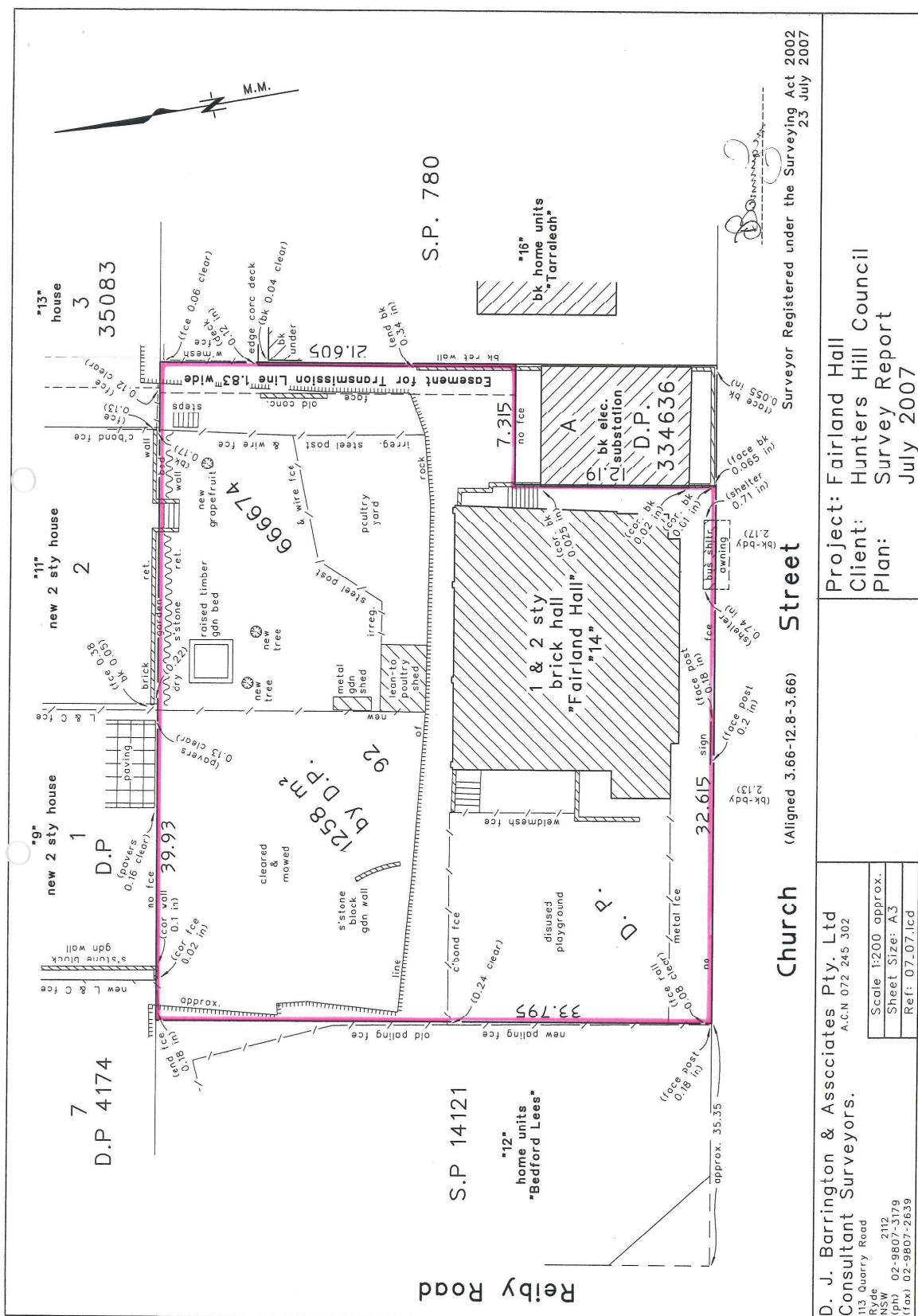
No. _____ Caveat

THE REGISTRAR GENERAL

Caveator

Checked	Particulars entered in Register Book
	24. 4. 1967
Signed	at 4 p.m.
	 Registrar General





ITEM NO	: 4.2
SUBJECT	: OVERPASS ELECTRONIC BILLBOARD
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: IMPLEMENT RECOMMENDATIONS FROM THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689558

PURPOSE

Report on the outcome to Council on the notice of motion of 27 November 2023 Council meeting, on the electronic advertising billboard installed on the Church Street overpass over Burns Bay Road.

RECOMMENDATION

1. That in accordance with the requirements of section 10A of the Local Government Act 1993 as addressed below, Council resolve to close the meeting to the public to consider and discuss confidential attachment on the basis that it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege[10A(2)(g) Local Government Act 1993].
2. That the report be received and noted.

BACKGROUND

Council considered a Notice of Motion on 27 November 2023 in relation to the electronic advertising billboard installed on the Church Street overpass over Burns Bay Road, where it was resolved as follows:

1. *That Council expresses its profound objection to the relevant NSW Government authorities regarding the installation of the new electronic advertising billboard on Church Street overpass, including:*
 - a. *Non-compliance with Transport Corridor Outdoor Advertising and Signage Guidelines under Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021.*
 - b. *Disregard and non-compliance with the conditions of the development consent for the project.*
 - c. *The lack of appropriate community consultation about the installation of the electronic billboard;*

- d. *Serious concerns about the safety given the significant potential distraction to drivers caused by the signage displayed;*
 - e. *Lack of due regard for and compliance with Hunters Hill Local Environment Plan 2012 and Consolidated Development Control Plan 2013.*
 2. *That Council writes to the relevant NSW Government Minister expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal.*
 3. *That Council writes to the relevant NSW Government agencies, the Certifier of the project, expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal.*
 4. *That the above communications:*
 - a. *Attach the Report and Recommendation that was unanimously adopted by Council at its Ordinary Meeting held on 11 November 2019 (at Item 4.2);*
 - b. *Further note the non-compliance of the new electronic advertising billboard, including with the following relevant provisions:*
 - i. *Transport Corridor Outdoor Advertising and Signage Guidelines (Guideline) 1.3.1, in that the 'display of advertisements other than business or building identification signs is prohibited' in heritage conservation areas under SEPP 64 clause 10 (1) (now State Environmental Planning Policy (Industry and Employment) 2021 clause 3.8 (1));*
 - ii. *Guideline Table 1: Land Use Compatibility Criteria – Transport Corridor Advertising (ii), in that the advertising signage is 'placed on land where the signage is visible from' a heritage area and it significantly impacts on the amenity of the area;*
 - iii. *Guideline Table 1: Land Use Compatibility Criteria – Transport Corridor Advertising (iv), in that the advertising structure is 'located so as to diminish the heritage values of items or areas of local ... or state heritage significance';*
 - iv. *Guideline Table 2: Design Assessment Criteria – Schedule 1 SEPP 64 (now State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5), in that the new electronic advertising billboard does not meet the assessment criteria, in terms of: compatibility with character of the area; impact on the amenity or visual quality of the heritage conservation area; views and vistas; streetscape, setting and landscape; light spillage; and safety;*
 - v. *Guideline 3.2.2 (d), in that drivers on the northbound Burns Bay Road exit ramp can have their attention distracted 'away from the road environment' having to turn their heads 'away from the road and the components of the traffic stream in order to view' the display;*
 - vi. *Guideline 3.2.3 (a), in that the advertising signage is located 'less than the safe sight distance' from the intersection, traffic control signals and foot crossing at the intersection of the northbound Burns Bay Road exit ramp with Church Street;*
 - vii. *Guideline 3.2.3 (b), in that the advertising signage will distract drivers on the northbound Burns Bay Road exit ramp at a critical time by obstructing views to*

the intersection and in particular to vehicles, active transport and pedestrians moving west on the overpass bridge; and

- viii. Guideline 3.3.1 (a), in that the advertising signage can distract drivers on the northbound Burns Bay Road exit ramp from traffic signals and obscure information about the road alignment.*
5. *That Council seek planning and legal advice as to what course of action can be taken to deem the legal basis to the issues listed in the motion and non-compliance with the development consent.*

Below are the actions and responses to this item raised within the above resolution:

2. *That Council writes to the relevant NSW Government Minister expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal.*

The General Manager wrote to the Planning Minister on 12 December 2023, expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal, also advising of the Report and Recommendation that was unanimously adopted by Council at its Ordinary Meeting held on 11 November 2019 and the non-compliances of the new electronic advertising billboard. Therefore, items 1, 2 and 4 of the resolution were actioned. However, to date, no response has been received.

Below are the actions and responses to this item raised within the above resolution:

3. *That Council writes to the relevant NSW Government agencies, the Certifier of the project, expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal.*

The Director Town Planning wrote to Transport for NSW and the Certifier on 6 December 2023, expressing Council's profound objection to the installation of the electronic billboard, lack of any community consultation, and calling for its immediate removal, advised of the Report and Recommendation that was unanimously adopted by Council at its Ordinary Meeting held on 11 November 2019 and the non-compliances of the new electronic advertising billboard. Therefore, item 1, 3 and 4 of the resolution were actioned.

On 13 December 2023, a response was received from Transport for NSW, (Attachment 1) to address the matters raised by Council and the following information was provided:

- A) A letter from Keylan Consulting, providing the high-level particulars of this Development application. (Attachment 2 of this report)
- B) Attachment A - a response to the matters that was raised in the letter of 6 December 2023. (Attachment 2 of this report)
- C) Attachment B – Dept Planning & Environment (DPE) Assessment Report, Stamped Plans and Conditions of Consent. (Attachment 3 of this report)

The correspondence received from Keylan Consulting on behalf of Transport for NSW dated 15 December 2023 responds to Council's objection and of Council's resolution dated 27 November 2023. The Keylan consulting letter provides the relevant assessment reports and a detailed response to the matters raised by Council. It details that the assessment of the relevant Development Application considered these relevant matters.

On 17 September 2019, a State Development Application (DA 10082) was submitted to the Department of Planning and Environment (DPE). This DA was publicly exhibited for 28 days between 17 October 2019 and 14 November 2019.

On 9 June 2021, the Minister for Planning and Public Spaces approved this DA subject to conditions of consent.

On 10 July 2023, a Modification Application was submitted to DPE. On 31 August 2023, the Modification Application was approved by DPE as delegate of the Minister for Planning and Public Spaces.

Further to the above, the 20 December 2023 letter from Philip Smillie, Building Certifier, has verified that the works have been carried out in accordance with the subject approval.

Below are the actions and responses to this item raised within the above resolution:

5. *That Council seek planning and legal advice as to what course of action can be taken to deem the legal basis to the issues listed in the motion and non-compliance with the development consent.*

The Director Town Planning sought advice from Council's lawyers as to *what course of action can be taken to deem the legal basis to the issues listed in the motion and non-compliance with the development consent*. Therefore, item 5 of the resolution has been actioned.

On 4 March 2024, Council's lawyers provided legal advice on Council's request on the course of action available to Council with respect to the granting of the development consent by the Minister for Planning and Public Spaces for the erection of a new digital advertising sign on the southern elevation of the Church Street overpass. A copy of this advice will be provided under separate cover, as a confidential attachment under section 10A (2) (g) of the *Local Government Act 1993*.

Under the *Civil Procedure rules 2005*, proceedings for judicial review of the decision must be commenced within (3) months of the date of the decision. It should be noted that the period of (3) months where the proceedings could have been commenced to challenge the validity of the consent has now expired. It should be further noted that there would presently seem to be insufficient evidence to confirm the relevant breach of the EPA Act and that it has not been properly identified which condition of development consent has been complied with nor in what way.

CONCLUSION

All the items within Council's Notice of Motion of 27 November 2023, have been actioned. However, to date, no response has been received from the Planning Minister in regards to item 2 of the resolution.

As mentioned above, Council received correspondence from Keylan Consulting on behalf of Transport for NSW dated 15 December 2023 which responds to Council's objection, Council's resolution of 27 November 2023, provides the relevant assessment reports and a detailed response to the matters raised by Council. It also details that the assessment of the relevant Development Application which considered the relevant matters.

Under the *Civil Procedure rules 2005*, proceedings for judicial review of the decision must be commenced within (3) months of the date of the decision. It should be noted that the period of (3) months where the proceedings could have been commenced to challenge the validity of the consent has now expired.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report apart from legal advice sought.

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. TfNSW Response [↓](#)
2. Keylan letter and attachment A [↓](#)
3. Attachment B - Report, Plans and Conditions of Consent [↓](#)
4. Legal Advice (attached under separate cover) - Confidential

Transport for NSW



Mr S Kourepis
Director Town Planning
Hunter's Hill Council
Via email

Re: Your letter of 6 December 2023 | Installation of the Electronic Advertising Billboard – Church Street Overpass, Hunters Hill

13 December 2023

Dear Steve

Thank you for your letter of 6 December 2023 regarding the billboard on the Church St Overpass at Hunters Hill. As you would be aware this is a consented development.

Notwithstanding this please find attached to this letter the following;

- a) A letter from Keylan Consulting providing the high-level particulars of this Development Application.
- b) Attachment A – a response to the matters that you have raised in your letter of 6 December 2023.
- c) Attachment B – Dept Planning & Environment (DPE) Assessment Report, Stamped Plans and Conditions of Consent.

Again we thank you for your letter.

Sincerely,

Greg

Attewell

Greg Attewell

Senior Manager – Advertising & Revenue

Digitally signed
by Greg Attewell
Date: 2023.12.13
11:19:46 +11'00'



15 December 2023

Mr. Steve Kourepis
Director, Town Planning
Hunters Hill Council
22 Alexandra Street
Hunters Hill 2110

Dear Steve,

Digital Advertising Sign – Church Street Overpass, Burns Bay Road, Hunters Hill

This letter has been prepared by Keylan Consulting on behalf of Transport for NSW (TfNSW) and JCDecaux and to address the matters raised by Hunter's Hill Council (Council) in your letter dated 6 December 2023.

On 17 September 2019, a State Development Application (DA 10082) was submitted to the Department of Planning and Environment (DPE). The DA was publicly exhibited for 28 days between 17 October 2019 and 14 November 2019.

On 9 June 2021, the Minister for Planning and Public Spaces approved the DA subject to conditions of consent.

On 10 July 2023, a Modification Application was submitted to DPE. On 31 August 2023, the Modification Application was approved by DPE as delegate of the Minister for Planning and Public Spaces.

A response to the matters raised by Council in their letter is included at Attachment A.

A copy of DPEs Assessment Reports, Development Consent and Stamped Plans and (as modified) is included at Attachment B.

We trust this response clarifies the matter.

Yours sincerely,

Michael Woodland BTP MPiA
Director

Attachment A: Response to matters raised by Council dated 6 December 2023

Attachment B: DPE Assessment Report, Stamped Plans and Conditions of Consent



Attachment A
Response to matters raised by Hunter's Hill Council

Item Raised by Hunters Hill Council	Response
a. <i>Non-compliance with Transport Corridor Outdoor Advertising and Signage Guidelines under Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021.</i>	The development was assessed by the DPE in accordance with the <i>Environmental Planning and Assessment Act 1979</i> , <i>State Environmental Planning Policy No. 64 (SEPP 64)</i> and the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> . DPE concluded that the development complied with the legislation and guidelines. Refer to attached Assessment Reports.
b. <i>Disregard and non-compliance with the conditions of the development consent for the project.</i>	The development was constructed and currently operates in accordance with the conditions of consent. An Occupation Certificate (whole) for the works was granted on 6 October 2023.
c. <i>The lack of appropriate community consultation about the installation of the electronic billboard.</i>	DPE publicly exhibited the original DA for 28 days from 17 October 2019 to the 14 November 2019 and sought advice from Hunter's Hill Council, TfNSW and Heritage NSW. Additional consultation was undertaken which involved DPE meeting residents of the closest residential property, 12 Church St on site which resulted in amendments to the proposal, including the deletion of the proposed southbound sign. Refer to attached Assessment Reports.
d. <i>Serious concerns about the safety given the significant potential distraction to drivers caused by the signage displayed.</i>	DPE conducted an assessment of the development against the relevant road safety guidelines and policies and confirmed it was compliant subject to the conditions of consent. The development now operates in accordance with these conditions. Refer to attached Assessment Reports.
e. <i>Lack of due regard for and compliance with Hunters Hill Local Environmental Plan 2012 and Consolidated Development Control Plan 2013.</i>	DPE considered the merits of the development in accordance with the relevant environmental planning instruments and recommended approval of the application. Refer to attached Assessment Reports.
i. <i>Transport Corridor Outdoor Advertising and Signage Guidelines (Guideline) 1.3.1, in that the 'display of advertisements other than business or building identification signs is prohibited' in heritage conservation areas under SEPP 64 clause 10 (1) (now State Environmental Planning Policy (Industry and Employment) 2021 clause 3.8 (1));</i>	Clause 16(1) of SEPP 64, now referred to as Section 3.8(1) of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> acknowledges that despite the provisions of any EPI or clause 10(1) of the SEPP 64 (3.10(c) of Industry and Employment SEPP), the display of an advertisement on a bridge constructed by or on behalf of RMS on any road corridor is permissible with development consent.
ii. <i>Guideline Table 1: Land Use Compatibility Criteria – Transport Corridor Advertising (ii), in that the advertising signage is 'placed on land where the signage is visible from' a</i>	The relevance of the Guidelines was considered within DPE's assessment and considered appropriate subject to the conditions of consent. Refer to Assessment Reports



Item Raised by Hunters Hill Council	Response
<p>heritage area and it significantly impacts on the amenity of the area;</p> <p>iii. Guideline Table 1: Land Use Compatibility Criteria – Transport Corridor Advertising (iv), in that the advertising structure is 'located so as to diminish the heritage values of items or areas of local ... or state heritage significance';</p> <p>iv. Guideline Table 2: Design Assessment Criteria – Schedule 1 SEPP 64 (now State Environmental Planning Policy (Industry and Employment) 2021 Schedule 5), in that the new electronic advertising billboard does not meet the assessment criteria, in terms of: compatibility with character of the area; impact on the amenity or visual quality of the heritage conservation area; views and vistas; streetscape, setting and landscape; light spillage; and safety;</p> <p>v. Guideline 3.2.2 (d), in that drivers on the northbound Burns Bay Road exit ramp can have their attention distracted 'away from the road environment' having to turn their heads 'away from the road and the components of the traffic stream in order to view' the display;</p> <p>vi. Guideline 3.2.3 (a), in that the advertising signage is located 'less than the safe sight distance' from the intersection, traffic control signals and foot crossing at the intersection of the northbound Burns Bay Road exit ramp with Church Street;</p> <p>vii. Guideline 3.2.3 (b), in that the advertising signage will distract drivers on the northbound Burns Bay Road exit ramp at a critical time by obstructing views to the intersection and in particular to vehicles, active transport and pedestrians moving west on the overpass bridge; and</p> <p>viii. Guideline 3.3.1 (a), in that the advertising signage can distract drivers on the northbound Burns Bay Road exit ramp from traffic signals and obscure information about the road alignment.</p>	<p>The relevance of the Guidelines was considered within DPE's assessment and considered appropriate subject to the conditions of consent.</p> <p>Refer to Assessment Reports</p>



Attachment B
DPE Assessment Report, Stamped Plans and Conditions of Consent

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney

9 June 2021

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT**SCHEDULE 1**

Application Number:	DA 10082
Applicant:	Transport for New South Wales (TfNSW)
Consent Authority:	Minister for Planning and Public Spaces
Site:	Church Street overpass over Burns Bay Road, Hunters Hill
Development:	Erection of a new digital advertising sign on the southern elevation of the Church Street overpass

FOR INFORMATION

CONSOLIDATED CONSENT**SUMMARY OF MODIFICATIONS**

Application Number	Determination Date	Decider	Modification Description
DA 10082 Mod 1	31 August 2023	Team Lead	Modification to increase the width of the rear of the signage box by 370mm and relocate the access hatch from the eastern end to the western end of the sign.

FOR INFORMATION

CONSOLIDATED CONSENT

DEFINITIONS

Applicant	Mirvac, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent (Condition A19)
Council	City of Sydney Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
EIS	The Environmental Impact Statement, prepared by Ethos Urban dated November 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would

CONSOLIDATED CONSENT

	be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the approved plans and reports in the tables below:

Design Drawings by Arcadis				
Registration No.	Sheet No.	Issue	Name of Plan	Date
DS2019/000865	DA.01	6	General Arrangement – Sheet 1	20/06/2023
DS2019/000865	DA.02	6	General Arrangement – Sheet 2	20/06/2023

Technical Report	Revision	Author	Date
Statement of Environmental Effects	-	Keylan Consulting (on behalf of TfNSW)	17 September 2019
Modification letter	-	Keylan Consulting (on behalf of TfNSW)	10 July 2023
Response to Submissions	-	Keylan Consulting (on behalf of TfNSW)	20 February 2020
Public Benefit Statement	-	TfNSW	8 August 2019
Signage Safety Assessment	B	WSP	12 September 2019
Lighting Impact Assessment	B	Electrolight Australia Pty Ltd	3 September 2019
Heritage Impact Statement	4	Urbis	4 September 2019
Engineering Statement	-	Dennis Bunt Consulting Engineers Pty Ltd	16 June 2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent will lapse five years from the date of consent unless the signage works associated with the project have physically commenced.

EVIDENCE OF CONSULTATION

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for consent; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

DURATION OF CONSENT

- A7. This development consent is issued for a limited period of 15 years. The consent will cease to be in force/expire 15 years after the date of consent.

Note: a new Development Application must be submitted prior to that date for assessment and determination if it is intended to continue the use beyond the cessation date.

STRUCTURAL ADEQUACY

- A8. All new structures, and any alterations or additions to existing structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

WIND LOADING

- A9. The approved sign must meet wind loading requirements as specified in Australian Standard AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions and AS 1170.2:- Structural Design Actions – Wind Actions.

REFLECTIVITY

- A10. The visible light reflectivity from the proposed LED screen and materials used on the sign structure shall not exceed 20 per cent and shall be designed so as to minimise glare.

MINIMUM CLEARANCE

- A11. A minimum 5.5 m clearance is required between the road surface and the lowest point of the signs.

OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A15. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

PRESCRIBED CONDITIONS

- A16. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

NON-COMPLIANCE NOTIFICATION

- A17. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A18. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A19. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

SIGN DESIGN

- A20. The sign and its underlying infrastructure must not extend above the existing anti-throw screen attached to the Church Street overpass.

DEVELOPMENT NEAR BUSY ROADS

- A21. The signs must comply with all requirements of the NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008 (DNRCBR 2008).

ADVERTISEMENTS GENERALLY

- A22. Advertisements displayed on the LED advertising screen must be in accordance with the guidelines for sign content outlined in Section 3.6 of the Transport Corridor Outdoor Advertising and Signage Guidelines, dated November 2017.

ADVERTISEMENTS – DWELL TIME

- A23. Static digital advertisements are to be displayed on the digital LED with a minimum dwell time of 10 seconds.

ADVERTISEMENTS – TRANSITION TIME

- A24. The transition time between different static digital advertisements displayed on the digital LED screen must be no longer than 0.1 second.

Note: Refer to Condition A17

PERMITTED LUMINANCE LEVELS

- A25. The luminance levels of the LED advertising screen must comply with Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and the below table:

Lighting Conditions	Permitted Luminance
Full Sun on Face of LED Advertising Screen	No limit
Day time	6000 cd/m ²
Morning and Evening Twilight and Inclement Weather	500 cd/m ²
Nighttime	135 cd/m ²

ADVERTISEMENTS – STATIC ADVERTISEMENTS

A26. Advertisements displayed on the LED advertising screen must be displayed in a completely static manner, without any motion, for the approved dwell time in Condition A23.

ADVERTISEMENTS - TEXT

A27. Advertisements displayed on the LED advertising screen must minimise the amount of text and information displayed (for example no more than a driver can read at a short glance). Text shall be displayed in the same font and size (Condition A29 provides further guidance).

ADVERTISEMENTS – MESSAGE SEQUENCING

A28. Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

ADVERTISEMENTS – TRAFFIC CONTROL DEVICE OR DRIVING INSTRUCTIONS

A29. Advertisements displayed on the LED advertising screen must not be capable of being mistaken:

- a) for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device; or
- b) as text providing driving instructions to drivers.

ADVERTISEMENTS – DAZZLE OR DISTRACT DRIVERS

A30. Advertisements displayed on the LED advertising screen must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.

DISPLAY OF ROAD SAFETY AND EMERGENCY MESSAGES

A31. The LED advertising screen shall be available for 5 per cent of all advertising time each year for the display of road safety messages by arrangement with TfNSW. Additionally, the LED advertising screen shall be made available for use in the event of a 'threat to life' emergency to allow emergency messaging to override the commercial advertising.

ROAD SAFETY CHECK

A32. A road safety check which focuses on the effects of the placement and operation of the sign must be carried out in accordance with the RMS Guidelines for Road Safety Audit Practices after a 12-month period of operation but within 18 months of the sign installation. The road safety check must be carried out by an independent TfNSW accredited road safety auditor. A copy of the report is to be provided to the TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the signs must be rectified by the Applicant.

ELECTRONIC LOG

A33. An electronic log of the signs' activities must be maintained by the operator for the duration of the development consent and be available to the consent authority and TfNSW to allow a review of the signs' activity in case of a complaint.

LEGAL NOTICES

A34. Any advice or notice to the consent authority shall be served on the Planning Secretary.

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Department of Planning, Industry and Environment

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END OF PART A

PART B PRIOR TO COMMENCEMENT OF WORKS**NOTIFICATION OF COMMENCEMENT**

- B1. The Planning Secretary must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

COMPLIANCES

- B3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONSTRUCTION MANAGEMENT PLAN

- B4. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared and submitted to the Department and Council. The CMP shall address, but not be limited to, the following matters where relevant:
- (a) environmental and safety risk assessment;
 - (b) noise management in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)
 - (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - (d) contact details of site manager;
 - (e) safety, including preparation of a safe work method statement;
 - (f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
 - (g) waste management;
 - (h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
 - (i) flora and fauna management.

The CMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

- B5. The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

STRUCTURAL DETAILS

- B6. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW bridge engineers structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
- (a) any relevant clauses of the BCA;
 - (b) the development consent; and
 - (c) approved drawings and specifications.
- B7. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW bridge engineers details of the 'fall arrest' system that is intended to prevent the sign structure falling on traffic should it be impacted by high vehicles.

PAYMENT OF LEVY FEE

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- B8. Payment of the prescribed Long Service Levy Fee is to be made to Council prior to commencement of construction.

END OF PART B

PART C DURING CONSTRUCTION**APPROVED PLANS TO BE ON-SITE**

- C1. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

SITE NOTICE

C2.

- (a) A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA, Structural Engineer and contact details, including contact phone number.
- (b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - (i) minimum dimensions of the notice are to measure 841mm x 594mm (A 1) with any text on the notice to be a minimum of 30 point type size;
 - (ii) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (iii) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (iv) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

CONSTRUCTION HOURS

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (b) between 8:00 am and 1:00 pm, Saturdays;
 - (c) no work on Sundays and public holidays;
 - (d) Works may be undertaken outside these hours where:
 - (i) the delivery of materials or works is required outside these hours by the Police, TfNSW or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.
 - (iii) it is required in accordance with a Road Occupancy Licence or at the direction of the Transport Management Centre (TMC).
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

CONSTRUCTION NOISE MANAGEMENT

- C7. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- C8. Any noise generated during the construction of the development must not be offensive noise within the meaning of *the Protection of the Environment Operations Act, 1997*.

WORK COVER REQUIREMENTS

- C9. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

HOARDING REQUIREMENTS

- C10. The following hoarding requirements shall be complied with:

- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

- C11. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

DISCOVERY OF ABORIGINAL HERITAGE

- C12. If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the Office of Environment and Heritage is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

TFNSW SUPERVISION

- C13. The installation of the sign on the Church Street overpass shall be in accordance with TfNSW requirements. Installation of the sign should be completed by a TfNSW registered consultant. Any works on a TfNSW Overpass should be supervised by an authorised TfNSW contractor.

END OF PART C

PART D PRIOR TO COMMENCEMENT OF USE**PROTECTION OF PUBLIC INFRASTRUCTURE**

- D1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

MAINTENANCE PLAN

- D2. Prior to the commencement of use, a Maintenance Plan is to be prepared and submitted to the Department and Council. The Plan shall address, but not be limited to, the following matters, where relevant.
- a) environmental and safety risk assessment;
 - b) hours of work/inspections of signs (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
 - c) contact details of site manager;
 - d) safety, including preparation of a safe work method statement;
 - e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
 - f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - g) removal of graffiti.

ROAD DAMAGE

- D3. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant.

STRUCTURAL INSPECTION CERTIFICATE

- D4. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to commencement of use. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the Department and the Council after:
- a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

END OF PART D

PART E POST COMMENCEMENT OF USE**MAINTENANCE**

- E1. Regular maintenance of the approved advertising structure shall be undertaken in accordance with the Maintenance Plan under Condition E2. The sign is to be inspected regularly to identify any damage from storms, graffiti or the like.

ADVERTISING SIGNAGE CONTENT

- E2. The approved advertising structure must not have or use:
- (a) flashing lights;
 - (b) electronically changeable messages
 - (c) animated display, moving parts or simulated movement
 - (d) complex displays that hold a driver's attention beyond "glance appreciation"
 - (e) displays resembling traffic signs or signals, or giving instructions to traffic by using words such as 'halt' or 'stop'; or
 - (f) a method of illumination that distracts or dazzles.

Signage content must also comply with all conditions contained in Part A of this consent and be in accordance with the road safety guidelines for sign content, set out in Guidelines.

LOCATION OF CERTAIN NAMES AND LOGOS

- E3. The name or logo of the person who owns or leases the approved advertisement may appear only to the bottom left corner of the advertising structure and must be no greater than 0.25 m² in size.

REMOVAL OF GRAFFITI

- E4. The owner/manager of the site or sign must be responsible for the removal of all graffiti from the advertisement within 48 hours of notification.

ADVERTISING REVENUE/PUBLIC BENEFIT

- E5. The total amount of outdoor advertising revenue received each year by Transport for NSW must be recorded in its financial accounts and Annual Reports. The Annual Reports must also outline how revenue has been applied to provide a public benefit in the areas of transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.

END OF PART E

ADVISORY NOTES**APPEALS**

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

OTHER CONSENTS AND PERMITS

AN2. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other consents under Section 68 (Consents) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS AND AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

MOVEMENT OF TRUCKS TRANSPORTING MATERIAL

AN4. The Applicant must notify the TfNSW Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting material from the subject site, prior to the commencement of works.

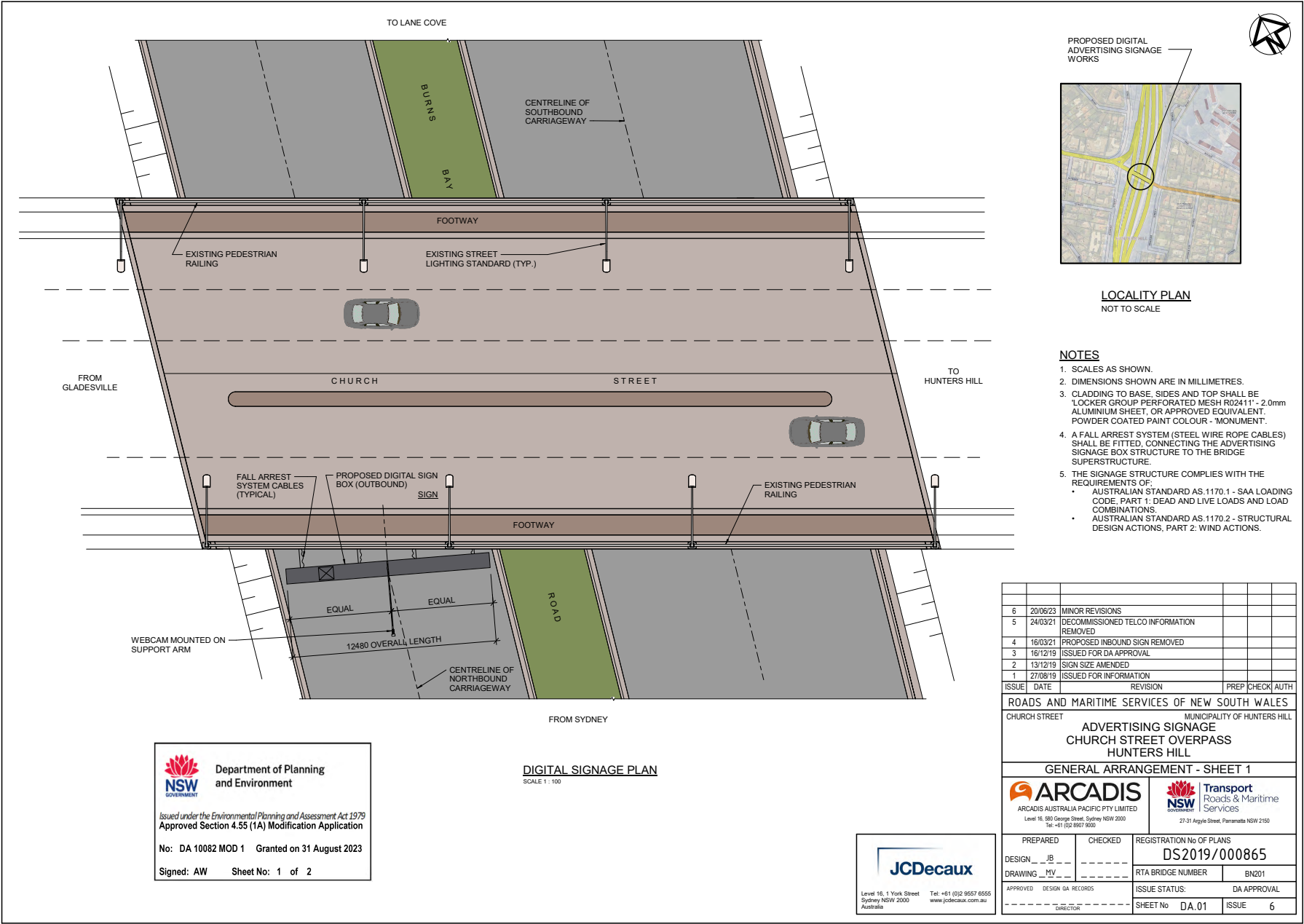
DISABILITY DISCRIMINATION ACT

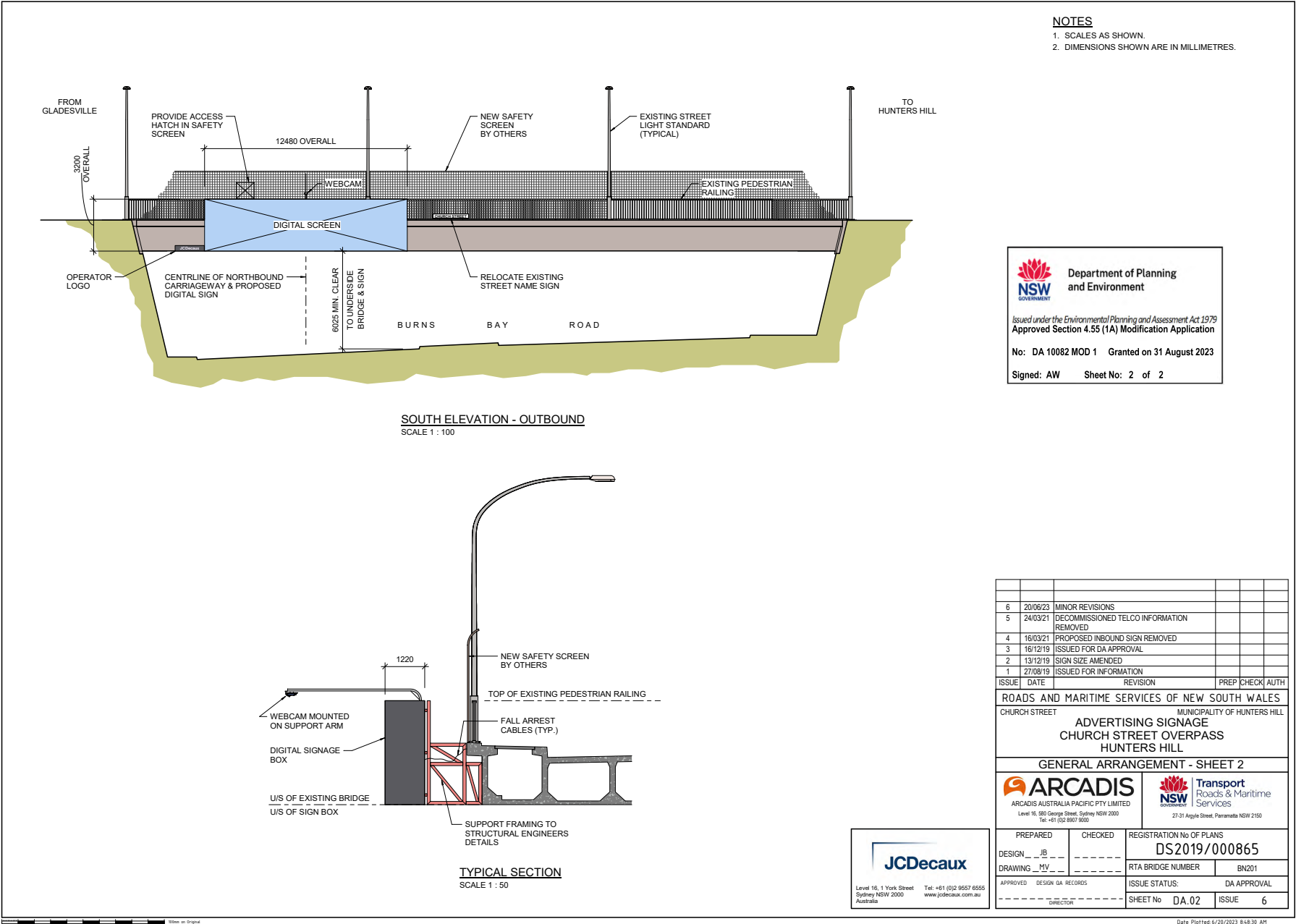
AN5. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN6.

- (a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an consent from the Commonwealth Environment Minister.
- (b) This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth consent and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.







Erection of a digital advertising sign on the Church Street Overpass, Hunters Hill

Development Application Assessment (DA 10082)

May 2021



NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

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Title: Erection of a digital advertising sign on the Church Street Overpass, Hunters Hill

Subtitle: Development Application Assessment (DA 10082)

Cover image: View of the proposed sign (southern elevation) from Burns Bay Road
Source: Applicant's Signage Safety Assessment

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Council	Hunters Hill Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

Executive Summary

In 2019, JCDecaux, on behalf of Transport for NSW (TfNSW) (previously known as RMS), (the Applicant) submitted a development application (DA 10082) seeking consent to install two digital advertising signs on the southern and northern elevations of the Church Street overpass over Burns Bay Road at Hunters Hill.

In March 2021, TfNSW amended the development application (DA) to only seek consent for the installation of a single digital advertising sign on the southern elevation of the Church Street overpass. The previously proposed sign on the northern elevation is no longer proposed.

The site is located within the Hunters Hill local government area (LGA).

Engagement

The Department of Planning, Industry and Environment (Department) publicly exhibited the original DA for 28 days from 17 October 2019 to 14 November 2019 and sought advice from Hunters Hill Council (Council), TfNSW and Heritage NSW. The Department received 23 public submissions of objection, primarily from residents of Hunter Hill, and two government agency submissions. Council objects to the proposal on the basis of heritage impacts, road safety, amenity and visual character, and loss of space for community banners on the overpass. Council requested the Minister appoint a Design Review Panel to review the design quality of the advertising.

The Department also visited the site and met with residents of the closest residential property, 12 Church Street, to gain a better understanding of the concerns raised during exhibition.

In response to concerns raised in submissions, the Applicant amended the proposal to delete the sign on the northern elevation of the overpass to reduce the potential visual and amenity impacts on 12 Church Street residents.

Assessment

The Department has assessed the proposal against the requirements of State Environmental Planning Policy No. 64 (SEPP 64) and the *Transport Corridor Outdoor Advertising and Signage Guidelines* (the Guidelines) and has carefully considered the issues raised in submissions. On balance, the Department's assessment concludes the proposed sign on the southern elevation of the overpass is acceptable as:

- it would not result in any significant visual or amenity impacts as the proposed sign is positioned on the southern elevation of the Church Street overpass, within the cutting of Burns Bay Road with a night-time luminance less than the maximum permitted by the Guidelines
- it would not detract from any heritage items or conservation areas as the sign is well screened from the surrounding area, and is contained wholly within the structure of the overpass so as not to dominate views
- it is unlikely to result in any adverse road safety impacts as there are no intersections, merge points, pedestrian or cyclist crossings or traffic control devices within the stopping sight distance of the proposed sign. In addition, the sign will operate in accordance with the road safety criteria in the Guidelines

- it is consistent with the Guidelines which outline best practice for the planning and design of advertisements in transport corridors and as such does not require additional review by a design review panel
- it would provide public benefits with the revenue raised being used for road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW
- JCDecaux have committed to enter into a separate agreement with Council to deliver additional local public benefits by providing local non-profit community groups up to ten hours media time each month.

Conclusion

The Department considers the proposal is acceptable as the proposed sign is permissible within the road corridor. In addition, the Department is satisfied the Applicant has responded to the issues raised in submissions by deleting the previously proposed sign on the northern elevation of the overpass in response to concerns raised and visual and amenity impacts. The Department concludes the remaining sign on the southern elevation of the overpass would not result in any adverse safety or amenity impacts for road users or surrounding properties and complies with the requirements of SEPP 64 and the Guidelines.

The Department is therefore satisfied the proposal is in the public interest and it is recommended that the application be approved, subject to conditions.

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1 Introduction

1.1 Background

This report provides an assessment of a development application (DA 10082) lodged by JCDecaux on behalf of Transport for NSW (TfNSW) (the Applicant) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Applicant initially sought consent to install two digital advertising signs on the southern and northern elevations of the Church Street overpass over Burns Bay Road at Hunters Hill. However, in March 2021, TfNSW amended the proposal to only seek consent for the installation of a single digital advertising sign on the southern elevation of the Church Street overpass. The site is within the Hunter's Hill local government area (LGA).

1.2 The site

The site is located at the Church Street overpass over Burns Bay Road, Hunters Hill (**Figure 1**), approximately 7km northwest of the Sydney CBD.

Burns Bay Road is a State Road, classified as a Freeway under the *Roads Act 1993* that connects Lane Cove to Hunters Hill, Gladesville and Victoria Road. Burns Bay Road is a dual carriageway comprising of two lanes of traffic in both northbound and southbound directions. It has a speed limit of 70 km/hr and is not located within a School Zone.

The Church Street overpass consists of a bridge with two lanes of traffic in the west direction and three lanes of traffic, including one right-hand turning lane, in the east direction, as well as on and off ramps to and from Burns Bay Road. The overpass connects Gladesville and Hunters Hill (to the west) and Hunters Hill and Woolwich (to the east). The overpass sits within the cutting of Burns Bay Road and is at and below the level of surrounding land (**Figures 3 and 4**).

Surrounding development (**Figures 1 and 2**) comprises:

- low to medium density residential housing is located to the east, northeast, southeast and southwest of the site
- multiple local heritage items and state heritage listed "The Priory" and "Gladesville Bridge" located within the vicinity of the site.



Figure 1 | Site location (Source: Nearmap)

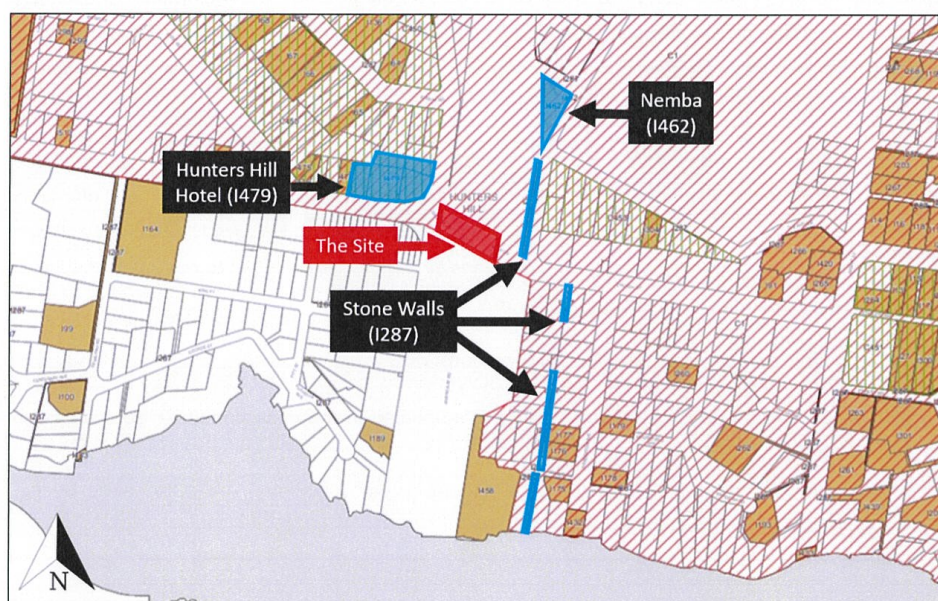


Figure 2 | Local heritage listed items under the HHLEP 2012 (Source: HHLEP 2012)

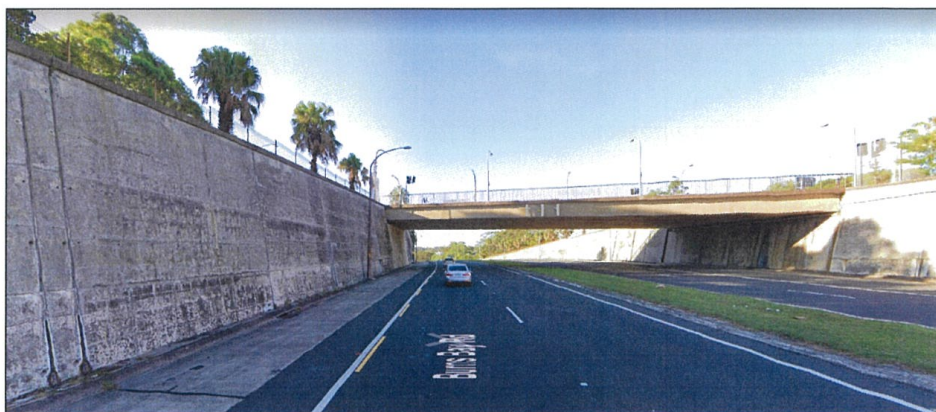


Figure 3 | Church Street overpass (southern elevation) from Burns Bay Road (view northbound)
(Source: Google Maps)

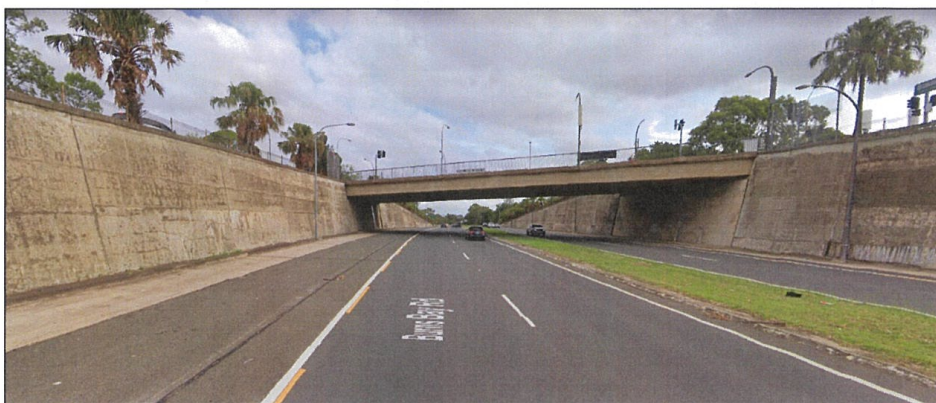


Figure 4 | Church Street overpass (northern elevation) from Burns Bay Road (view southbound)
(Source: Google Maps)

2 Project

2.1 Description of proposal

The development application (DA 10082), as amended, seeks consent for the erection of a new digital advertising sign on the southern elevation of the Church Street overpass above Burns Bay Road. The advertising sign will be operated by JCDecaux, on behalf of TfNSW.

The Department notes the DA initially proposed two signs, on the north and south elevations of the Church Street overpass, however in response to concerns raised in submissions the Applicant has amended the proposal to delete the sign on the northern elevation of the overpass (Figure 5).

The proposed sign will be visible to northbound motorists travelling along Burns Bay Road, towards Lane Cove

The details of the proposed sign are shown in Table 1 and Figures 5 to 8.

Table 1 | Main Components of the Project

Aspect	Description
Advertising area	39.94 m ²
Signage structure	12.66m x 3.35m (42.41 m ²)
Total height	3.35m
Road clearance from ground level to the sign	6.025m
Signage display	Digital LED screen
Dwell time	10 seconds
Transition time between images	0.1 seconds
Hours of operation	24 hours a day, 7 days

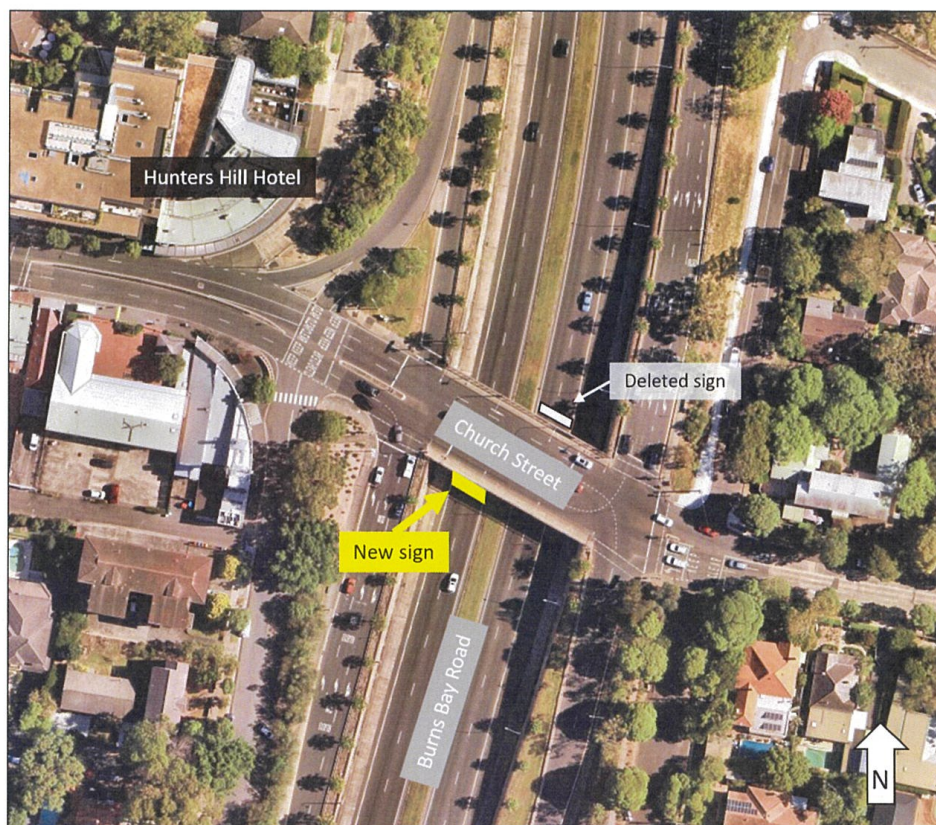


Figure 5 | Digital sign location (Source: Amended Plans) (Source: basemap Google maps)

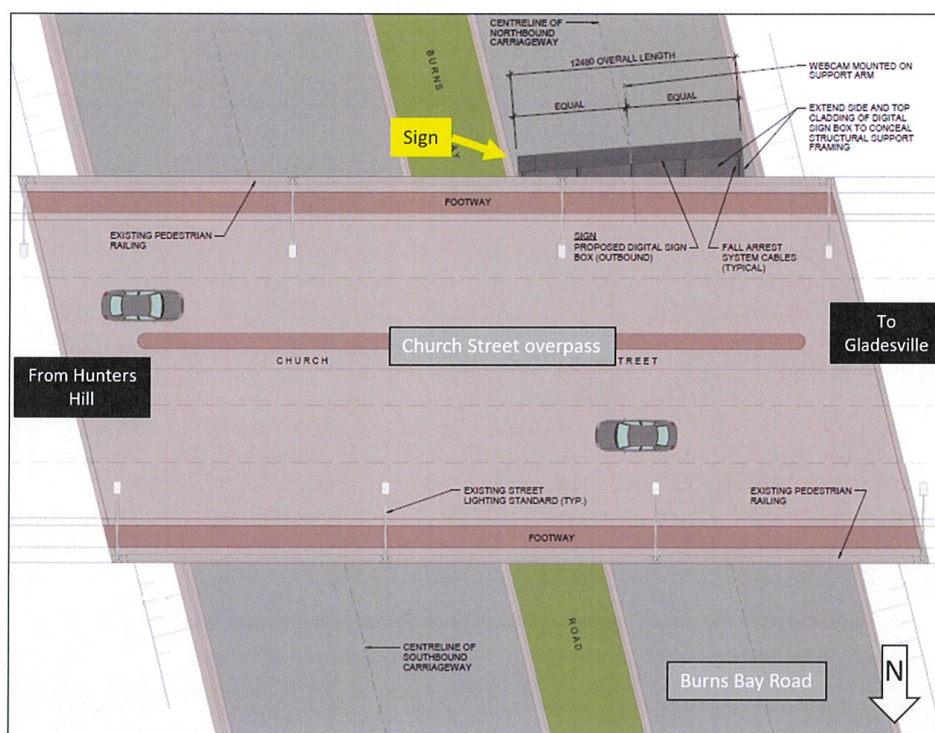


Figure 6 | Digital sign plan (Source: Amended Plans)

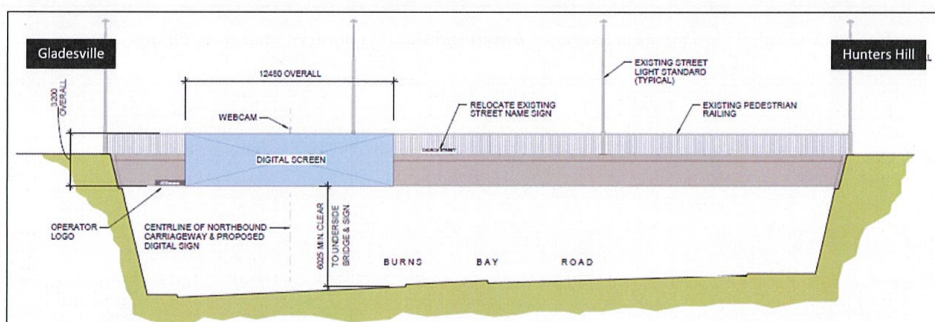


Figure 7 | Digital sign southern elevation (outbound) (Source: Amended Plans)

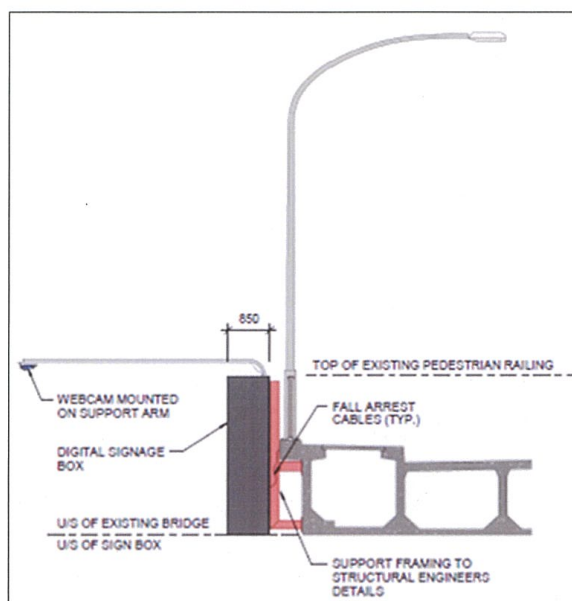


Figure 8 | Typical section (Source: Amended Plans)

3 Statutory Context

3.1 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application in accordance with clause 12(d) of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). The application has been submitted on behalf of TfNSW and relates to an advertisement displayed on a bridge over a road corridor that has been constructed on behalf of the RMS.

3.2 Permissibility

Advertising structures and signage are prohibited in the SP2 Infrastructure zone under the Hunters Hill Local Environmental Plan 2012. However, clause 16(1) of State Environmental Planning Policy 64—Advertising and Signage states, despite the provisions of any EPI or clause 10(1) of the SEPP, the display of an advertisement on a bridge constructed by or on behalf of RMS on any road corridor is permissible with development consent.

The proposal to erect the new digital advertising sign is therefore permissible with consent.

3.3 Mandatory matters for consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant Environmental Planning Instruments (EPIs)
- objects of the EP&A Act
- Ecological Sustainable Development
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

3.3.1 Section 4.15(1) Matters for consideration

The matters for consideration under section 4.15 of the EP&A Act have been addressed in **Appendix C**.

3.3.2 Environmental Planning Instruments

The relevant environmental planning controls and guidelines that apply to the proposal include:

- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Hunters Hill Local Environmental Plan (HHLEP) 2012
- Hunters Hill Development Control Plan (HHDCP) 2013

The Department is satisfied the DA is consistent with the relevant requirements of the environmental planning instruments (EPIs), development control plans (DCPs) and guidelines, as detailed in **Appendix C** of this report.

3.3.3 Objects of the EP&A Act

In accordance with the EP&A Act, the Department considers the proposal is satisfactory in regard to the objects of the EP&A Act as detailed in **Appendix C**.

3.3.4 Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles. The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the development application's environmental impacts are detailed in **Section 5** of this report.

3.3.5 Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

4 Engagement

4.1 Department's engagement

The Department publicly exhibited the original application for 28 days from Thursday 17 October 2019 until Thursday 14 November 2019. The application was exhibited on the Department's website, at Service NSW and Hunter's Hill Council offices.

The Department placed a public exhibition notice in the Northern District Times and The Weekly Times on Wednesday 16 October 2019, and notified Hunter's Hill Council, RMS, TfNSW, Heritage NSW, and adjoining landholders in writing.

4.2 Summary of submissions

The Department received 26 submissions, including an objection from Hunters Hill Council and 23 public submissions of objection. TfNSW (RMS) and Heritage NSW provided comments on the proposal.

A summary of the submissions is provided in **Sections 4.3, 4.4 and 4.5** below and a link to the full copy of the submissions is provided in **Appendix A**.

4.3 Key issues – Government agency

4.3.1 TfNSW

TfNSW did not object to the proposed sign, subject to the proposal complying with the Guidelines, SEPP 64, AUSTROADS standards, driver sightlines, maintenance of existing bridge elements, maintenance of the vertical clearance from the roadway to the top of the bridge, a Construction Traffic Management Plan and a Road Occupancy Licence (ROL).

The matters raised by TfNSW have been considered and addressed in **Section 5** and the recommended conditions have been incorporated into the recommended instrument of consent (**Appendix D**).

4.3.2 Heritage NSW

Heritage NSW, as delegate of the Heritage Council of NSW advised:

- the proposal is not within the curtilage of any State Heritage Register item, although it is in the vicinity of both The Priory and Gladesville Bridge
- the proposal is unlikely to have any adverse impact on the State heritage values of Gladesville Bridge, as the bridge is too great a distance from the proposal
- the cultural landscape of The Priory is separated from the Church Street overpass and the State heritage values are unlikely to be impacted by the proposal
- the proposal would not have any physical impacts on The Priory or Gladesville Bridge.

4.4 Key issues – Council

Hunter’s Hill Council object to the proposal on the following basis:

- Impact on the character of the conservation area
- impacts on local heritage items within the vicinity of the proposal, including the Hunters Hill Hotel
- impacts on the State heritage listed Gladesville Bridge
- driver and pedestrian safety at the Burns Bay Road off ramps to the Church Street over pass
- loss of community banners that currently advertise on the bridge
- light pollution and loss of visual amenity for residential properties, particularly 12 Church Street
- inconsistencies with the aims of Regional Environmental Plan (Sydney Harbour Catchment) 2005 and SEPP No. 64 – Advertising and signage
- setting undesirable precedents for similar proposals.

Council also requested that, prior to the Department’s determination of the proposal, the Minister appoint a design review panel to provide advice concerning the design quality of the digital advertising signs under clause 16(2) of SEPP No.64 – Advertising and signage.

4.5 Key issues – Community / special interest groups

A total of 23 public submissions of objection were received, including one submission from the Hunters Hill Trust.

The majority (86%) of community members who objected to the proposal live within 5 km of the subject site in either Hunters Hill or nearby suburbs. Some submissions were made by individuals from surrounding areas who frequented the Burns Bay Road corridor.

The key issues raised in submissions are summarised in **Table 4** below and are considered in **Section 5** and **Appendix B**:

Table 2 | Public submissions – key issues raised

Public submissions (objections)	% of Submissions
Heritage and character	70
Driver safety	57
Visual impact	52
Light pollution	35
Night operation	30
Pedestrian safety	30

Not in the public interest/ lack of public benefit	17
Commercial use of a public asset	14
Property value	13
Environmental impact	9

4.6 Response to submissions

Following the exhibition of the DA, the Department placed copies of all the submissions received on its website and requested the Applicant provide a response to the issues raised. The Department also requested additional information in relation to:

- an assessment of visual impacts from 12 Church Street
- further justification for the categorisation of the site within Zone 3 for the purposes of illumination levels under the *Transport Corridor Outdoor Advertising and Signage Guidelines*.

On 20 February 2020 the Applicant provided a Response to Submissions (RtS) (**Appendix A**) addressing the concerns of the Department, TfNSW, Council, Heritage NSW and the community.

Council provided further comments on the RtS on 10 March 2020, reiterating its key issues relating to the proposal. In particular, Council restated that it is of the opinion that the Minister should appoint a Design Review Panel to enable a proper and comprehensive consideration of the issues raised by Council and the community.

The Applicant:

- provided a further response to Council on 17 March 2020 that was provided under separate cover to address the loss of informal advertising banners
- provided a response to Council's submission to the RtS on 27 March 2020 addressing Council's further concerns
- amended the DA on 25 March 2021, to delete the previously proposed sign on the northern elevation of the Church Street overpass.

The Department has considered the issues raised in submissions in its assessment of the proposal (refer to **Section 5** of this report).

5 Assessment

5.1 Key assessment issues

The Department considers the key issues associated with the proposal are:

- character and heritage
- visual impact
- illumination
- road safety
- public benefit

Each of these matters is addressed separately below. Other matters are addressed in **Section 5.7**.

5.2 Character and heritage

Hunters Hill Council, the Hunters Hill Trust and public submissions raised concerns regarding the impact of the original proposal on the character and heritage values of the Hunters Hill area.

The Department has considered the potential character and heritage impacts of the proposal below.

5.2.1 Character

The Department has carefully considered the concerns raised by Council and the community about the proposal detracting from the character of the area.

The Department notes the specific location of the site on Burns Bay Road is defined by the arterial road with high traffic volumes and the overpass. This character is distinct from the broader Hunters Hill locality which has a quiet, leafy, suburban character.

The Department also acknowledges the Applicant deleted the sign on the northern elevation of the overpass in response to community concerns. This would eliminate all impacts of the previously proposed sign on the character of the area as viewed from the north.

On this basis, the Department considers the proposed sign on the southern elevation of the overpass complements and does not detract from the character of the site for the following reasons:

- the proposed sign is integrated into the southern elevation of the overpass and will not dominate the skyline, as it does not protrude over the top of the pedestrian safety barriers located along the overpass
- the proposed sign will not detract from the built form of the overpass or road as it does not extend outside of the existing structure of the bridge

- the proposed sign is unlikely to result in adverse impacts on residences, as it is oriented south towards Burns Bay Road and most are protected from the sign by existing vegetation and fences
- the proposed sign is consistent with signage found on overpasses and arterial road corridors and has limited impacts on the public domain as it sits at and below the surrounding area within the Burns Bay Road cutting (**Figures 3 and 4**).

The Department is therefore satisfied that the proposed sign would not result in any significant impact on the character of the area.

5.2.2 Heritage

The Department carefully considered the concerns raised by Council and the community about heritage impacts the Gladesville Bridge, the Hunters Hill Conservation Area and the surrounding local heritage items.

The Department sought advice from Heritage NSW in relation to potential impacts on nearby State heritage items and considers the proposal would have minimal impact on the heritage of the area for the following reasons:

- Heritage NSW has advised the proposed signage is unlikely to affect the setting of, or have any adverse impacts on views to or from, the Gladesville Bridge as the sign is not visible from the bridge, located approximately 775 m to the south.
- the sign is not visible from the Priory, located approximately 1 km to the west and the sign is situated on the opposite side of the overpass
- the previously proposed sign on the northern elevation of the overpass has been deleted
- the proposed sign on the southern elevation of the overpass will not have adverse visual impacts to the nearest heritage items (**Figure 2**). In particular:
 - it will have minimal impact on the Hunters Hill Hotel (Item no: I479) as the sign is positioned on the opposite side of the overpass to the hotel and does not protrude above or below the existing bridge structure
 - the sign would not be visible from or affect views of the Stone walls (Item no: I287) as the walls are positioned to the east of the Burns Bay Road corridor
 - the sign is not visible from or would affect views from Nemba (Item no: I462) as the item is located to the north of the overpass
- the sign will not detract from the Conservation Area as the site is located on a major corridor and is contained within the structural boundaries of the bridge.

The Department concludes that the proposal will have minimal and acceptable impacts on the local and State heritage items and on the conservation area.

5.2.3 Conclusion

The Department's assessment concludes the site is suitable for the proposed sign and that the sign on the southern elevation of the overpass would not have an adverse impact on local amenity, character or heritage as:

- the location of the sign on a major road corridor is consistent with other signage found on overpasses and arterial road corridors and would not impact on the existing or desired future character of the area
- the previously proposed sign on the northern elevation of the overpass has been deleted
- the proposed sign on the southern elevation of the overpass will have minimal and acceptable impacts on the local and State heritage items and on the conservation area.

5.3 Visual impact

The Department received submissions from Council and the public about the visual impacts of the proposal on the surrounding area, particularly from residential properties including 12 Church Street.

In response to the concerns raised in submissions, the Applicant has deleted the sign on the northern elevation of the Church Street overpass, which the Department notes significantly reduces the visibility of signage in the public and private domain.

5.3.1 Public domain

The Applicant has assessed the visual impacts of the proposal on the surrounding public domain and concludes that the proposed sign on the southern elevation of the overpass would have an acceptable visual impact on the surrounding area as the signage is largely screened by mature vegetation along the adjacent streets.

The Department notes the proposed sign on the south elevation of the overpass is oriented to Burns Bay Road and will predominantly be visible by northbound motorists travelling along Burns Bay Road, towards Lane Cove. The Department considers the visual impact on the public domain acceptable as:

- views of the proposed sign will be limited as it is within the Burns Bay Road cutting and viewed in the context of the busy road corridor
- the sign will not obscure important views or dominate the skyline as it will be confined wholly within the structure of the overpass and its pedestrian safety barriers
- views from adjacent streets are screened by mature vegetation.

5.3.2 Private domain

The Department has carefully reviewed the submissions and has visited the site to better understand the view impact from private residential properties. The Department considered the impacts of the proposal from the closest properties, including the Hunters Hill Hotel, 12 Church Street and 16A-16D Joubert Street (**Figure 9**).

The Department notes the previously proposed sign on the northern elevation of the overpass would be visible to residential apartments in 12 Church Street and the Hunters Hill hotel. In response to concerns raised, the Applicant has deleted the sign on the northern elevation of the Church Street overpass to eliminate these impacts.

The Department considers the proposed sign on the southern elevation of the overpass has limited visibility from neighbouring properties along Joubert Street as the sign sits within the cutting of Burns Bay Road below the surrounding land. Further any views of the sign will be screened by existing mature vegetation between the off-ramp and Joubert Street.



Figure 9 | Sign location and closest properties (Source: DPIE)

5.3.3 Conclusion

The Department concludes that view impacts from the public and private domain are acceptable as:

- views of the proposed sign are predominantly limited to northbound motorists travelling along Burns Bay Road, towards Lane Cove, oblique views from Church Street and the Burns Bay Road off ramp (northbound only)
- landscaped embankments provide screening to filter views of the proposed sign from properties in Joubert Street
- the previously proposed sign on the northern elevation of the overpass has been deleted to eliminate view impacts to 12 Church Street and the Hunters Hill hotel.

5.4 Road safety

Road safety was a key concern raised in the public and Council submissions, particularly safety for vehicles and pedestrians using Burns Bay Road and the on and off ramps for the Church Street overpass.

The Applicant provided an assessment of the development application against the Guidelines, SEPP 64 criteria and Austroads Guide to Road Design. The assessment found that there had been two crashes within the readable distance of the subject site over a five-year period, however the circumstances of the two crashes have not revealed any road safety issues that need addressing. The assessment also noted that the proposed sign does not obstruct the view of any traffic control device, vehicles, pedestrians or cyclists. Pedestrians are not permitted along the Burns Bay Road corridor.

There are no intersections, merge points, pedestrian or cyclist crossings or traffic control devices within the stopping sight distance (103 m) of the proposed sign. The Church Street off-ramp sign (northbound) is located approximately 250 m south of the site.

The Applicant notes that posted speed signs are located approximately 150 m south of the Church Street overpass. The Applicant contends that while these signs are located closely outside of the stopping sight distance of 103 m, they are repeat speed signs and are not associated with a speed change. The Applicant therefore considers that the proposal would not be distracting to drivers at a critical decision-making time.

The sign will have a proposed dwell time of 10 seconds which is consistent with and complies with the Guidelines for the posted speed of 70km/hr.

Based on this information, the Department considers the application to be acceptable with regards to road safety, particularly as:

- the Church Street/Burns Bay Road off-ramp is well sign posted
- the proposed sign is 250 m from the Church Street off-ramp, will not be readable at this distance and would not distract a driver while diverging to the off-ramp
- the sign will not be visible to drivers along Church Street and the Burns Bay Road on-ramps
- the sign will not be visible from any critical decision-making points such as at intersections, pedestrian crossings or at merge points
- the proposed sign is unlikely to affect pedestrian safety as the sign is attached to the bridge and does not obstruct any views of traffic signals or existing footpaths along the on and off ramps and Church Street
- there have been two crashes over a five-year period that have not raised any road safety issues
- the repeat speed signs are located closely outside of the stopping sight distance but are not indicating any speed change and thus, do not require drivers to take any action
- the sign will operate in accordance with the Guidelines.

The Department recommends a condition requiring a road safety check after 12 months and any safety concerns that are identified must be rectified by the Applicant accordingly.

5.5 Illumination

The proposed digital sign will be illuminated with LED lights and operated on a 24-hour basis, 7 days a week. The luminance will be automatically adjusted to suit ambient light levels through the day and night.

Public submissions raised concerns with the illumination and the impact of light spill, particularly at night. The Department met with residents of 12 Church Street during its site visit who expressed concerns about the light from the sign projecting out and into their dwellings. In response to concerns raised, the Applicant deleted the sign on the northern elevation of the overpass.

The Applicant provided a Lighting Impact Assessment (LIA) which assesses the luminance of the sign against the relevant Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting, SEPP 64 and the Guidelines.

The Guidelines categorise sign locations and set luminance levels based on land use and ambient lighting levels from Zone 1 (highly lit areas) down to Zone 4 (low lit residential areas). The LIA categorised the location as 'Zone 3', which is characterised as an area with generally medium-level off-street ambient lighting. The proposed luminance levels are shown in Table 5.

Table 3: Maximum luminance for signage

Lighting Conditions	Maximum Zone 3 Luminance Levels	Maximum Zone 4 Luminance Levels	Proposed Luminance Levels
Full sun on face of signage	No limit	No limit	No limit
Day-time luminance	6000 cd/m ²	6000 cd/m ²	6000 cd/m ²
Morning and Evening			
Twilight and Inclement Weather	700 cd/m ²	500 cd/m ²	700 cd/m ²
Night-time	350 cd/m ²	200 cd/m ²	135 cd/m ²

The Department has reviewed the Applicant's LIA, however as the sign is located in close proximity to residential properties, it considers that the site is more appropriately categorised as 'Zone 4' (which covers areas with generally low levels of off-street ambient lighting).

As such, the Department recommends that the maximum luminance levels in the morning and evening, twilight and inclement weather be reduced from 700 cd/m² to 500 cd/m² to meet the requirements of Zone 4. The Department notes the proposed night-time luminance of 135 cd/m² is substantially less than the maximum allowed for in the Guidelines for Zone 3 or 4.

Having considered the issues raised in submissions and the Applicant's LIA, the Department considers the illumination of the proposed sign is acceptable for the following reasons:

- the proposed sign is oriented toward northbound traffic on Burns Bay Road and not at the neighbouring properties
- neighbouring properties are shielded from the sign by mature vegetation between the Burns Bay Road off ramp and Joubert Street
- the sign will be backlit with LED lights and is not designed to project light out onto its surroundings
- the night-time luminance of 135 cd/m² will result in minor and acceptable levels of light spill to the nearest residential properties (20% of the maximum lux permitted by AS4282-2019)
- the recommended reduced luminance levels from 700 cd/m² to 500 cd/m² will significantly reduce illumination impacts on surrounding residents in the morning and evening.

The Department concludes that the proposed night-time illumination will operate at a level below that allowed for by the Guidelines and the AS4282-2019. This, combined with the Department recommendation to reduce luminance levels during the morning, evening and inclement weather, will minimise adverse illumination impacts.

5.6 Public benefit

The existing overpass is used informally for displaying community banners. Concern was raised by Council and a public submission regarding the loss of non-advertising banners for community groups such as schools and Council to promote events locally and free of charge.

The Guidelines require proposals for certain outdoor advertisements on classified roads and on bridges to meet a public benefit test to ensure that the advertising will result in a positive gain or benefit for the local community.

The Applicant has provided a Public Benefit Statement, prepared by TfNSW, that identifies the following public benefits:

- advertising on transport corridors generates revenue that the NSW Government uses to fund road infrastructure maintenance, network management, road user compliance activities and road safety programs across NSW
- the sign provides affordable advertising space for road safety messages in a strategic location which plays an important role in helping to address key road safety problems and have contributed to a significant reduction in the number of deaths on NSW roads over recent years
- the proposed sign will display road safety messages for a minimum of 5% of advertising time and it would also be made available for use by TfNSW in the event of an emergency.

The Applicant also confirmed that revenue from advertising supports road maintenance programs including the following works within the Hunters Hill LGA:

- contribution to Hunters Hill Council's Local Government Road Safety Program to improve road safety for the community by supporting the delivery of effective local road safety initiatives
- safety improvements along Victoria Road, Huntleys Point to reduce the likelihood of crashes including vehicle activated signage as part of the Liveable and Safe Urban Communities initiative
- bridge maintenance for the road and pedestrian bridge at Hunters Hill
- ongoing landscaping and enhancement works, including the pedestrian footway alongside Riverside Girls High School and the pedestrian bridge across Victoria Road, Huntleys Point
- pothole repairs and routine pavement maintenance along Victoria Road
- ongoing maintenance including removal of litter, debris, cleaning of drainage pits, graffiti and poster removal and overgrown vegetation along road corridors.

The Department has considered the Applicant's public benefit statement and is satisfied the proposal will result in direct public benefits in the local area as required by the Guidelines as:

- revenue raised will be used for road infrastructure maintenance, network management, road user compliance and road safety programs activities across NSW as well as supporting road maintenance programs in the Hunters Hill LGA,
- it will display road safety messages for a minimum of 5% of advertising time and it would also be made available for use by TfNSW in the event of an emergency.

In response to concerns raised by Council, the Applicant notes the community banners placed on the overpass are informal and is unaware of any approvals in place for this use. Notwithstanding, the sign operator, JCDecaux, has committed to enter into a private agreement with Council which would allow local non-profit community groups up to ten hours of media time each month to address the loss of informal community banners on the overpass.

The Department supports the sign operator's commitment to enter into a private agreement with Council to enable non-profit community message on the proposed sign, as it is above and beyond the public benefit requirements of the Guidelines and would provide additional local community benefits.

The Department therefore concludes that the proposal is in the public interest as it will directly contribute to public benefits within Hunters Hill and across NSW.

5.7 Other matters

The Department's consideration of other issues is provided at **Table 4**.

Table 4 | Department's assessment of other issues

Issue	Department's assessment	Recommended condition(s)
Design Review Panel	<ul style="list-style-type: none"> Council requested that the Minister appoint a Design Review Panel to provide advice on the design quality of the proposed advertisement under clause 16(2) of SEPP 64. The Department notes the Guidelines provide best practice guidance for the planning and design of outdoor advertisements in transport corridors including: <ul style="list-style-type: none"> land use capability criteria, including the requirement that signage does not have significant impacts on heritage and residential area design criteria, including consideration of Schedule 1 of SEPP 64, and criteria for sign placement, clutter, bridge signage and digital signage road safety and public benefits. The Department has undertaken a detailed assessment of the proposal against the requirements of SEPP 64, including Schedule 1 criteria and the Guidelines and concludes it is acceptable as: <ul style="list-style-type: none"> the proposed sign will not have significant impacts on nearby State and locally listed heritage items and the Hunters Hill Conservation Area as discussed in Section 5.2.2 the proposed sign is consistent with the objectives of the SP2 zone, will not adversely affect the character of the site or cause significant impacts on surrounding land the proposed sign is consistent with the design criteria in the Guidelines for digital signage and bridge signage (Appendix C) the proposal is unlikely to have any adverse impacts on driver and pedestrian safety along Burns Bay Road, the off-ramps to the overpass or Church Street as outlined in Section 5.4 the proposal will deliver public benefits and will continue to allow non-profit community group advertising for up to ten hours per month (Section 5.5). The Department notes the Applicant has deleted the sign on the northern elevation of the overpass in response to concerns raised in submissions and as such any impacts are significantly reduced. On this basis, the Department does not consider it necessary to appoint a Design Review Panel as it is satisfied that the proposed location and design of the signage is acceptable and will have minor impacts on the heritage and residential character of Hunters Hill, consistent with SEPP 64 and the Guidelines. 	No additional conditions or amendments to the proposal are necessary.

Commercial use of a public asset	<ul style="list-style-type: none"> Concern was raised in public submissions that the proposal is utilising the overpass for commercial purposes and is commercialising the area. As discussed in Section 5 and Appendix C, the Department is satisfied that the proposal is consistent with SEPP 64, including Schedule 1 criteria and the Guidelines which envisage digital advertising on TfNSW assets along major road corridors. The Department concludes the proposed advertising on the overpass is appropriate. 	No additional conditions or amendments to the proposal are necessary.
Property value	<ul style="list-style-type: none"> Concern was raised in public submissions that the proposal would have an adverse impact on property values. The Department has assessed the merits of the application in detail in Section 5 of this report and against SEPP 64, including Schedule 1 criteria and the Guidelines in Appendix C and concludes the proposal has acceptable impacts and therefore is unlikely to adversely impact on property values. 	No additional conditions or amendments to the proposal are necessary.
Environmental impact	<ul style="list-style-type: none"> Concern was raised in public submissions that the proposal would have an adverse impact upon wildlife such as birds and moths. The Department notes that the Guidelines provide guidance for the reflectivity and illumination of advertisements in transport corridors including the maximum permissible luminance and lux levels for a subject area. The Department has undertaken a detailed assessment of the proposal against SEPP 64, including Schedule 1 criteria and the Guidelines and concludes it is acceptable. The Department considers that the proposal is unlikely to result in any significant impacts to wildlife noting the highly disturbed nature of the area, and its location within a well-lit arterial road reserve. The Department therefore concludes, subject to conditions, the proposal is unlikely to cause an adverse impacts to birds or moths. 	The Department has recommended a condition outlining the maximum permissible luminance for each sign in different lighting conditions.
Precedent for similar proposals	<ul style="list-style-type: none"> Council raised concern that the proposal would set a precedent for similar proposals. The Department has assessed the proposal on its merits and concludes that it is permissible with consent and consistent with SEPP 64 and the Guidelines. Any potential future proposals would be determined on their merits, in accordance with relevant SEPP 64 and the Guidelines and subject to consultation with Council and the community. The Department therefore does not consider the proposal would set a development precedent. 	No additional conditions or amendments to the proposal are necessary.

6 Evaluation

The Department has assessed the DA and supporting information in accordance with the matters for consideration under Part 4 of the EP&A Act, including the relevant environmental planning instruments.

The Department's assessment concludes that the proposal is appropriate as:

- it meets the relevant statutory requirements, is permissible within the road corridor and consistent with the objectives of the SP2 zone, SEPP 64 and the Guidelines
- it will have minimal and acceptable impacts on the character of the Hunters Hill and will not have adverse impacts on nearby State or local heritage items or the conservation area
- it will not have adverse visual impacts from the public domain or adjacent residential properties as:
 - the previously proposed sign on the northern elevation of the overpass has been deleted
 - the proposed sign on the southern elevation of the overpass is positioned and oriented towards Burns Bay Road, is within the road cutting and is screened from neighbouring properties by existing mature vegetation
- it has adequately demonstrated that the sign complies with the relevant road safety standards and requirements and is not visible from any critical decision-making points
- it proposes reduced luminance levels during night-time periods, significantly less than the maximum permitted in the Guidelines and Australian Standards, to protect the amenity of neighbouring residential properties
- it will provide for measurable public benefit by generating revenue for the delivery and ongoing maintenance of road infrastructure and road safety programs within the Hunters Hill LGA and NSW
- JCDecaux have committed to enter into a separate agreement with Council to deliver additional local public benefits by providing local non-profit community groups up to ten hours media time each month.

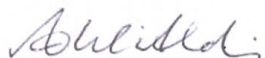
The Department's assessment therefore concludes the development application is acceptable and is in the public interest. The Department recommends the application be approved, subject to the recommended conditions (outlined in **Appendix D**). This assessment report is hereby presented to the Minister for Planning and Public Spaces for determination.

7 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of DA 10082, subject to the conditions in the attached development consent;
- **signs** the attached development consent.

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

8 Determination

The recommendation is: **Adopted** / ~~Not Adopted~~ by:

A handwritten signature in blue ink, appearing to read 'Rob Stokes', is written over the printed name and title.

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Appendix B – Community Views

Appendix C – Matters for Consideration / Environmental Planning Instruments

Appendix D – Recommended Instrument of Consent

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10082

1. Statement of Environmental Effects (SEE)
2. Submissions
3. Response to Submissions
4. Additional Information

Appendix B – Community Views

The Department received 23 submissions from the public including the Hunters Hill Trust. The consideration of the issues raised in submissions is included in **Table 5** below

Table 5 | Community views and consideration

Issue	Consideration
Heritage and character	<ul style="list-style-type: none"> The Department considers the proposed sign will not detract from the character of the area or from any local heritage items as the sign is integrated into the overpass structure and will not dominate the skyline. Heritage NSW has advised that the proposed sign is too distant from the State heritage listed items to have an adverse impact. The Department considers the location of the sign within the major road corridor is unlikely to adversely impact on the heritage character of the area.
Driver safety	<ul style="list-style-type: none"> The Applicant provided a Signage Safety Assessment (SSA) that assessed the proposal against the NSW Government Signage Guidelines, SEPP 64 and Austroads Guide to Road Design. The SSA assessed the sign exposure distance, sight stopping distance and road accident history in proximity to the site. The SSA concluded the road environment along Burns Bay Road in proximity to Church Street overpass presents a low risk environment for the proposed sign. The Department is satisfied the proposal complies with the Guidelines and concludes the proposed sign would not have a negative impact on road safety.
Visual impact	<ul style="list-style-type: none"> The Applicant has deleted the previously proposed sign on the northern elevation of the overpass in response to concerns raised about visual impacts. The Department considers the proposed sign on the southern elevation of the overpass will not have adverse visual impacts as: <ul style="list-style-type: none"> it would be viewed by the public in the context of the busy road corridor and would not obscure significant views, dominate the skyline or reduce the quality of vistas the sign is screened from surrounding residential properties by existing mature vegetation. The Department therefore concludes the proposed sign would not result in any adverse visual impacts to the public domain or residential properties surrounding the site.
Light pollution	<ul style="list-style-type: none"> The digital sign would be illuminated with LEDs. A Lighting Impact Assessment (LIA) confirmed the proposed sign would comply with the relevant Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. The Department has included conditions of consent to ensure luminance levels are consistent with the Guidelines and AS 4282-1997 to protect residential amenity.
Night operation	<ul style="list-style-type: none"> The digital sign would be illuminated with LEDs and operated 24 hours a day, 7 days per week. A LIA confirmed the proposed sign would comply with the relevant Guidelines and Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

	<ul style="list-style-type: none"> The Department notes the proposed night-time luminance is significantly below the maximum luminance and lux limit required by the Guidelines and the Australian Standard. The Department has included a condition of consent to restrict the luminance levels to 135 cd/m² during the night-time to protect residential amenity.
Pedestrian safety	<ul style="list-style-type: none"> The Applicant provided a Signage Safety Assessment (SSA) that assessed the proposal against the NSW Government Signage Guidelines, SEPP 64 and Austroads Guide to Road Design. The Department considers the proposed sign is unlikely to affect pedestrian safety as the sign is attached to the bridge and does not obstruct any views of traffic signals or existing footpaths along the on and off ramps and Church Street. The Department is satisfied the proposal complies with the Guidelines and concludes the proposed sign would not have a negative impact on road safety (for pedestrians or cyclists).
Public interest/public benefits	<ul style="list-style-type: none"> The Applicant has provided a Public Benefit statement with the application. The Department is satisfied the proposal will result in direct public benefits in the local area as required by the Guidelines as revenue raised will be used for road infrastructure maintenance, network management, road user compliance and road safety programs activities across NSW as well as supporting road maintenance programs in the Hunters Hill LGA. In addition the sign will display road safety messages for a minimum of 5% of advertising time and it would also be made available for use by TfNSW in the event of an emergency. In response to concerns raised by Council, the Applicant notes the community banners placed on the overpass are informal and is unaware of any approvals in place for this use. Notwithstanding, the sign operator, JCDecaux, has committed to enter into a private agreement with Council which would allow local non-profit community groups up to ten hours of media time each month to address the loss of informal community banners on the overpass. The Department supports the sign operator's commitment to enter into a private agreement with Council to enable non-profit community message on the proposed sign, as it is above and beyond the public benefit requirements of the Guidelines and would provide additional local community benefits.
Commercial use of public asset	<ul style="list-style-type: none"> The Department notes the proposed sign is permissible with consent and is consistent with SEPP 64 and the Guidelines, which envisage and provide controls for digital advertising signage along transport corridors. The sign will be located within a busy road corridor and will enable revenue generated by the sign to be used by TfNSW for the delivery and ongoing maintenance of NSW road infrastructure and road safety programs.
Property value	<ul style="list-style-type: none"> The Department is satisfied the proposal complies with the Guidelines and concludes the proposal has acceptable impacts and is unlikely to have any adverse impacts on property values.
Environmental impact	<ul style="list-style-type: none"> The Department notes the Guidelines address reflectivity and illumination of advertisements in transport corridors. The Department is satisfied the proposed sign complies with the Guidelines and the maximum permissible luminance levels and therefore concludes the proposal would not have any adverse environmental impacts.

Appendix C – Matters for consideration / Environmental Planning Instruments

To satisfy the requirements of section 4.15 of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the objects found in Section 1.3 of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations. The Department has considered these matters in its assessment of the proposal in **Table 6** and **Table 7**.

Table 6 | Objects of the EP&A Act

Objects of section 1.3 of the EP&A Act	Department's response
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal involves the installation of a digital sign on an existing bridge and therefore does not affect any natural or other resources. The use of digital rather than printed advertisements reduces use of resources required for printed advertisements.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The impacts of the proposed development can be appropriately mitigated or conditioned. Refer to Section 5 and Appendix D of this report.
c) to promote the orderly and economic use and development of land,	The proposal represents an orderly and economic use of the land. The merits of the proposal are considered in Section 5 of this report.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development would not have an adverse impact on the natural environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development would not have an adverse impact on any heritage items. Refer to Section 5 of this report.
(g) to promote good design and amenity of the built environment,	The proposed digital sign will be affixed to the south elevation of the Church Street overpass. The design will not compromise the function or public access to the bridge. The impact of the illumination upon local amenity has been considered in Section 5 of this report.
(h) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Refer to Section 4 of this report.
(i) to provide increased opportunity for community participation in environmental planning and assessment.	Section 4.1 sets out the details of the Department's public exhibition of the DA.

Table 7 | Section 4.15 matters for consideration

Section 4.15 Evaluation	Consideration
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation as addressed in Section 3.3.2 and Appendix C of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	The proposal complies with the Hunters Hill DCP 2013 as addressed in Appendix C of this report.
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) (refer to Section 3.3.5 of this report).
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	The Department considers the likely impacts of the development are acceptable and/or have been appropriately mitigated or addressed by recommended conditions (refer to Section 5 and Appendix D of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (refer to Sections 4 and 5 and Appendix A of this report).
(e) the public interest	The Department considers the proposal to be in the public interest (refer to Section 5 of this report).

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, DCP and guidelines were considered as part of the assessment of this proposal:

- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (the Guidelines)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Hunters Hill Local Environmental Plan 2015 (HLEP 2012)
- Hunters Hill Development Control Plan 2012 (HDCP 2013)

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposed digital sign has been assessed against the

requirements of SEPP 64 in **Table 8** and the specific assessment criteria of Schedule 1 of SEPP 64 in **Table 9**.

Table 8 | SEPP 64 Compliance Assessment

Clause	Criteria	Comments	Compliance
Part 2 Signage generally			
8 Granting of consent to signage	The signage is to be consistent with the objectives of this Policy	The proposed development is compatible with the desired amenity and visual character of the area (as outlined in Section 5), provides effective communication, is of a high quality finish and is therefore consistent with the objectives of SEPP 64	Yes
	The signage is to satisfy the assessment criteria in Schedule 1	See relevant assessment in Table 9 .	Yes
Part 3 Advertisements			
12 Consent authority	<p>The consent authority is the Minister for Planning and Public Spaces or delegate in the case of an advertisement displayed by or on behalf of RMS on:</p> <ul style="list-style-type: none"> i. a road that is a freeway or tollway (under the <i>Roads Act 1993</i>) or associated road use land that is adjacent to such a road, or ii. a bridge constructed by or on behalf of RMS on any road corridor, or iii. land that is owned, occupied or managed by RMS. 	<p>The proposal is for a sign located on a bridge constructed on behalf of TfNSW (RMS) on a road corridor. The Minister for Planning and Public Spaces is therefore the consent authority.</p>	Yes
13 Matters for consideration	<p>The advertisement or advertising structure is to be:</p> <ul style="list-style-type: none"> i. consistent with the objectives of this Policy ii. assessed in accordance with the assessment criteria in Schedule 1 and the Guidelines iii. satisfies any other relevant requirement of this Policy. 	<p>The objectives are considered above.</p> <p>The proposal has been assessed in accordance with the assessment criteria in Schedule 1 in Table 9 and the Guidelines in Table 10.</p> <p>All other relevant requirements are addressed in this table.</p>	Yes
	Arrangements for the provision of the public benefits to be provided in connection with the display of the advertisement.	The proposal has adequately demonstrated it will provide for public benefit (refer to Section 5 of this report).	Yes
14 Duration of consents	A consent granted under this Part ceases to be in force on	The Department recommends a condition of consent to limit the	Yes

	the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act.	approval for a maximum period of 15 years from the date of operation.	
16 Transport corridor land	<p>The display of an advertisement on transport corridor land is permissible with development consent when the display of an advertisement is on behalf of RMS on:</p> <ul style="list-style-type: none"> i. a road that is a freeway or tollway (under the Roads Act 1993) or associated road use land that is adjacent to such a road, or ii. a bridge constructed by or on behalf of RMS on any road corridor, or iii. land that is owned, occupied or managed by RMS and that is within 250 metres of a classified road. <p>Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement</p> <p>The Minister must not grant consent to the display of an advertisement unless:</p> <ul style="list-style-type: none"> i. the relevant local council has been notified of the development application in writing and any comments received by the Minister from the local council have been considered by the Minister, and ii. the advice of any design review panel has been considered by the Minister, and iii. the Minister is satisfied that the advertisement is consistent with the Guidelines. 	<p>The proposed sign is to be affixed on a vehicular bridge constructed on behalf of TfNSW (RMS) over a road corridor and is therefore permissible with development consent.</p> <p>Council requested that the Minister appoint a design review panel to provide advice on the design quality of the proposal. As outlined in Section 5.6, the proposal complies with the Guidelines (Table 10) and on this basis it is not considered necessary to appoint a design review panel to provide advice on the design quality of the sign.</p> <p>Council has been notified in writing and objected to the proposal (refer to Section 4 of this report). The Department did not consider it necessary to appoint a design review panel for this application given the proposal has been assessed against, and complies with, the Guidelines. A full assessment of the proposal against the Guidelines is provided in Table 10.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
17 Advertisements with display area greater than 20 square metres or	<p>For an advertisement with a display area greater than 20 square metres:</p> <ul style="list-style-type: none"> i. the applicant has provided the consent 	<p>The proposed sign has an area greater than 20 square metres. The Applicant's SEE addresses the assessment criteria in Schedule 1.</p>	N/A

higher than 8 metres above ground	<p>authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</p> <p>ii. the application has been advertised in accordance with section 79A of the Act, and</p> <p>iii. the consent authority gave a copy of the application to RMS at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.</p>	<p>The Department is satisfied that the proposal is acceptable in terms of its impacts as detailed in Section 5 of this report.</p> <p>The application has been advertised in accordance with Schedule 1 clause 9 of the Act as detailed in Section 4 of this report.</p>	
19 Advertising display area greater than 45 square metres	<p>The consent authority must not grant consent to the display of an advertisement with an advertising display area of greater than 45 square metres unless:</p> <p>i. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct, or</p> <p>ii. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</p>	<p>The sign has an advertising display area of 39.94 m². Therefore, this clause is not applicable to the proposed development.</p>	N/A
20 Location of certain names and logos	<p>The name or logo of the person who owns or leases an advertisement or advertising structure must:</p> <p>i. appear only within the advertising display area</p> <p>ii. if the advertising display area has no border or surrounds - located within the advertisement or a strip below the advertisement that extends for the full width of the advertisement</p> <p>iii. not be greater than 0.25 square metres</p>	<p>The logo is displayed to the left of the advertising structure, rather than within a strip extending the full width of the advertisement. The logo will be no greater than 0.25 square metres and is consistent with other digital advertising within road corridors.</p>	<p>No, however the Department is satisfied the logo is appropriately and discretely located adjacent to the signs.</p>

- iv. be included in calculating the size of the advertising display area.

24 Advertisements on bridges

The consent authority may grant consent only if the consent authority is satisfied that the advertisement is consistent with the Guidelines.

The proposal is consistent with the Guidelines as detailed in **Table 10**.

Yes

Table 9 | SEPP 64 Schedule 1 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is to be mounted on the southern elevation of the Church Street overpass over Burns Bay Road. The proposed sign is compatible with the character of the transport corridor and does not adversely impact the broader character of Hunters Hill as discussed in Section 5 .	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is compatible with other digital signs associated with other major roads in the locality.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed sign does not detract from any environmental sensitive, natural, conservation, open space, waterway or rural landscapes. The proposed sign is not visible from the SHR items, "The Priory" and "Gladesville Bridge" and does not result in any adverse impacts to these heritage items.</p> <p>The proposed sign is located adjacent to a residential area but does not detract from the amenity of the area as the site is located within a major transport corridor.</p>	Yes
3 Views and vistas		
Does the proposal:	The proposed sign is affixed to the southern elevation of the Church Street overpass and is contained within the envelope of the existing bridge structure. As the sign does not project beyond that of the existing outline of the bridge, the proposal does not compromise any important views, the skyline or interfere with other advertisers.	Yes
☐ obscure or compromise important views?		
☐ dominate the skyline and reduce the quality of vistas?		
☐ respect the viewing rights of other advertisers?		
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the sign is appropriate for the streetscape and transport corridor setting of Burns Bay Road.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The digital sign will increase the visual interest of the setting by incorporating more frequently changing advertisements.	Yes

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Currently no advertising exists within the area that will be consolidated by the proposed sign.	Yes
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Does the proposal screen unsightliness?	The proposed sign partly screens the existing Church Street overpass and is considered to be aesthetically neutral.	Yes
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Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign does not protrude above the structure of the bridge. No tree canopies or buildings exist within the immediate vicinity. The sign will not protrude above the existing pedestrian safety barrier on the overpass.	Yes
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Does the proposal require ongoing vegetation management?	The proposal will not require any ongoing vegetation management.	Yes
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5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is contained within the existing overpass and is compatible with the scale, proportion and characteristics of the bridge.	Yes
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Does the proposal respect important features of the site or building, or both?	The proposed sign is integrated with the architecture of the existing overpass.	Yes
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Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is innovative in creating the capacity to display road safety advertising in this area.	Yes
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6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes, one small and discrete logo has been designed as an integral part of the signage.	Yes
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7 Illumination

Would illumination: result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation.	The proposed illumination would not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence (refer to Section 5 of this report).	Yes
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Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew?	The intensity of the illumination will be adjusted during the day and during inclement weather. The sign will be illuminated at a level lower than allowed for by the Guidelines to protect residential amenity during the night-time period. As the illumination complies with the Guidelines, a curfew is not required (refer to Section 5 of this report).	Yes
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8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?
for any public road?

The proposal would not adversely impact road safety for pedestrians or vehicles or obscure sightlines (refer to **Section 5** of this report).

Yes

Transport Corridor Outdoor Advertising and Signage Guidelines

The *Transport Corridor Outdoor Advertising and Signage Guidelines* outline best practice for the planning and design of outdoor advertisements in transport corridors. The Guidelines supplement the provisions of SEPP 64 by providing detailed information in relation to signage within transport corridors, including design criteria and road safety considerations. The proposal has been assessed against the Guidelines in **Table 10**.

Table 10 | Assessment of SEPP 64 Guidelines design criteria

Assessment Criteria	Comments	Compliance
Land Use Compatibility Criteria		
Outdoor advertising should not be inconsistent with the LEP land use objectives for the area.	The proposal is consistent with the objectives of the SP2 Zone under the Hunters Hill LEP 2012 as it will provide for infrastructure and related uses and minimises impacts on adjacent land.	Yes
Advertisements must not be placed on land where signage is visible from the following areas if it is likely to create significant amenity impacts: <ul style="list-style-type: none"> • Environmentally sensitive area • Heritage area • Natural or other conservation area • Open space • Waterway • Residential • Scenic protection area • National park or nature reserve. 	<p>The proposed digital sign would not create adverse amenity impacts on any environmentally significant area, natural/other conservation areas, open space area, waterway, scenic protection area, national park or nature reserve. Although the proposed digital sign will be within the vicinity of heritage listed items, they will not detract from the character or significance of the heritage items as the sign will be contained within the overpass structure and will be positioned to face the transport corridor.</p> <p>The sign is located in a transport corridor along Burns Bay Road and an assessment of potential impacts to surrounding residences is considered in Section 5.</p>	Yes
Advertising signage should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant views or views that add to the character of the area.	The proposed sign is within the existing overpass structure and does not protrude above the skyline or obscure/compromise significant views or views that add character to the area.	Yes
Advertising signage should not be located to diminish the heritage values of items or areas of local, regional or state heritage significance.	The site is located within the vicinity of locally and state listed heritage items and within a conservation area. However, the sign is oriented toward oncoming traffic (northbound), is in keeping with the local character of the road corridor and will not detract from the heritage significance of the area as outlined in Section 5 .	Yes
Advertising signage should be placed within the context of other built structures in	The proposed sign is attached to the existing built structure of the overpass.	Yes

preference to non-built areas. Signage should be used to enhance the visual landscape.

Site-Specific and Structural Criteria

General Criteria

(a) The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure.	The proposed sign is of a contemporary standard that is suitable for the road corridor.	Yes
(b) The advertising structure should be compatible with the scale, proportion, and other characteristics of the site, building or structure on which the proposed signage to be located.	The proposed sign is confined to the envelope of the existing overpass and is compatible with the scale of the bridge on which it will be located.	Yes
(c) The advertising signage should be in keeping with important features of the site, building or bridge structure.	The proposal does not detract from any important features of the site or overpass.	Yes
(d) The placement of the advertising signage should not require the removal of significant trees or other native vegetation.	The proposal does not require the removal of any vegetation.	Yes
(e) The advertisement proposal should incorporate landscaping that complements the advertising signage and is in keeping with the landscape and character of the transport corridor.	The proposed sign will not incorporate landscaping. Notwithstanding it will continue to be in character with the transport corridor.	Yes
(f) Any safety devices, platforms, lighting devices or logos should be designed as an integral part of the signage or structure on which it is to be displayed.	The proposed sign includes a fall arrest system to prevent the sign falling to the carriageway if struck by high vehicles. The logo will be integrated as part of the structure, be visually discrete and will not exceed 0.25m ² .	Yes
(g) Illumination of advertisements must comply with the requirement in Section 3.3.3 in the Guidelines.	The illumination of the advertising sign does not result in unacceptable light spill (refer to Section 5 of this report).	Yes
(h) Illumination of advertisements must not cause light spillage into nearby residential properties, national parks or nature reserves.	The proposal does not result in unacceptable light spillage to nearby residential properties, national parks or nature reserves (refer to Section 5 of this report).	Yes

Bridge Criteria

Architecture of the bridge must not be diminished.	The proposed sign will be fully incorporated into the structure of the bridge and will not diminish the architecture of the bridge.	Yes
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<p>The advertisement must not</p> <ul style="list-style-type: none"> • extend laterally outside the structural boundaries of the bridge • extend below the base of the bridge structure unless it is contained wholly into a pylon or abutment or meet RMS's minimum road clearance • protrude above the top of the structural boundaries of the bridge • block significant views for pedestrians or other bridge users. • create a tunnel effect, impede passive surveillance or in any other way reduce safety for drivers or pedestrians or other bridge users. 	<p>The proposed sign does not extend laterally, below or above the structural boundaries of the bridge.</p> <p>The proposed sign will not block significant views for pedestrians or other bridge users.</p> <p>The proposed sign will not reduce passive surveillance or reduce safety for drivers, pedestrians or bridge users.</p>	Yes
<p>A development application must include a statement demonstrating how the advertisement will contribute to a public benefit.</p>	<p>The Applicant has provided a statement of public benefit. This is addressed in Section 5 of this report.</p>	Yes
<p>Any advertising sign proposed for development on a bridge over a classified road requires the construction drawings to be submitted for review and approval by RMS bridge engineers, prior to construction, to ensure all road safety requirements are met.</p>	<p>The Department recommends a condition that construction drawings be submitted to the satisfaction of TfNSW bridge engineers prior to construction.</p>	Yes
<p>Any advertising sign proposed for development on a bridge over a road requires provision of a fall arrest system (sign and sign support structure to bridge) to ensure the sign will not detach in case of impact by an over-high vehicle.</p>	<p>The proposed sign includes a fall arrest system to prevent the sign falling to the carriageway if struck by an over height vehicle.</p> <p>As a condition of consent, details of the 'fall arrest' system are to be provided prior to the issue of any Construction Certificate.</p>	Yes
Digital Sign Criteria		
<p>(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion d) below.</p>	<p>The proposal is for the display of a static digital advertisement with a 'dwell time' of 10 seconds in accordance with criteria (d) below.</p>	Yes
<p>(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.</p>	<p>The proposed sign is not seeking consent for message sequencing.</p>	Yes
<p>(c) The image must not be capable of being mistaken:</p> <ul style="list-style-type: none"> (i) for a prescribed traffic control (ii) device as text providing driving instructions to drivers. 	<p>The proposed digital sign would not be capable of being mistaken for a prescribed traffic control device and/or text providing driving instructions.</p>	Yes
<p>(d) Dwell times for image display are:</p> <ul style="list-style-type: none"> (i) 10 seconds for areas where the speed limit is below 80km/h; and (ii) 25 seconds for areas where the speed limit is 80km/h and over. 	<p>A 10 second dwell time is proposed as the speed limit of Burns Bay Road at this location is 70 km/h.</p>	Yes

- (e) The transition time between messages must be no longer than 0.1 second. The proposed transition time between messages is 0.1 second. Yes
- (f) Luminance levels comply with the following requirements Yes, subject to condition

Lighting conditions	Maximum Zone 4 Luminance Levels	Proposed Luminance Levels
Full sun on face of signage	No limit	No limit
Day-time luminance	6000 cd/m ²	6000 cd/m ²
Morning and evening	500 cd/m ²	700 cd/m ² *
Twilight and inclement weather		
Night-time luminance	200 cd/m ²	135 cd/m ²

The proposed digital sign would operate in accordance with the maximum Zone 4 luminance levels for digital signs contained in the Guidelines (refer to **Section 5** of this report) and would operate according to the luminance criteria.

*A condition of consent is recommended to ensure the proposed luminance levels for morning and evening and twilight and inclement weather be reduced to 500 cd/m².

- (g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content. The images would not dazzle or distract drivers. A condition of consent is recommended to ensure that the sign images comply with requirements to not contain flickering or flashing content. Yes
- (h) The amount of text and information supplied on a sign should be kept to a minimum. Text should preferably be displayed in the same font and size. The advertisements would primarily display images with information/text kept to a minimum. A condition of consent is recommended to ensure that text and information is kept to a minimum. Yes
- (i) Any sign that is within 250 m of a classified road and is visible from a school zone must be switched to fixed display during school zone hours. A condition of consent is not required as the sign is not visible from a school zone. Yes
- (j) Each sign must be assessed on a case by case basis, including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits. The Department has undertaken detailed assessment of the design and location of the proposal (refer to **Section 5** of this report). Yes
- (k) At any time, including where the speed limit in the areas of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the site which may result in a change to the dwell time or removal of the sign. TfNSW may reassess the sign if road safety circumstances change and increase the dwell time or remove the sign, as appropriate. The Minister's approval would not be required for any increase in dwell time or removal of the sign. Yes

- | | | |
|--|--|--|
| (l) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 m between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role. | There is not another sign within 150 m of the proposed sign. | Yes |
| (m) Signs greater than 20 m ² must obtain RMS concurrence and must ensure the following minimum vertical clearances: | The Application has been submitted on behalf of TfNSW and the Minister for Planning and Public Spaces is the consent authority. Therefore, TfNSW concurrence is not required. The vertical clearance between the road surface and the lowest point of the proposed sign is 6.025 m. The proposed sign will not result in any change to the vertical clearance between the underside of the sign structure and the road surface. The proposed sign will not protrude below the bridge structures. | No, Sign 1 is lower than 5.5 m above the road, however it is acceptable as it is not lower than the existing bridge. |
| (i) 2.5 m from lowest point of the sign above the road surface if located outside the clear zone. | | |
| (ii) 5.5 m from lowest point of the site above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed. | | |
| (n) An electronic log of a sign's activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the signs activity in case of complaint. | This matter will be included as a condition of consent. | Yes |
| (o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 m ² must be carried out after 12 month period of operation but within 18 months of the sign's installation. | A condition of consent will require a road safety check would be carried out after the first 12 months of operation (but within 18 months of the signage installation). | Yes |

Road Safety Assessment Criteria – 3.2.1 Road clearance

- | | | |
|---|---|-----|
| The advertisement must not create a physical obstruction or hazard. | The proposed sign is to be affixed to the southern elevation of the existing Church Street overpass and maintains the existing clearance of 6.025 m between the sign and the road. | Yes |
| Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone. Where a sign is proposed within the clear zone but behind an existing RTA-approved crash barrier, all its structures up to 5.3m in height (relative to the road level) are to comply with lateral clearances as specified by Section 6 of the RTA's Road Design Guide with respects to dynamic deflection and working width. | The proposed sign will utilise the existing Church Street overpass as a support structure. Therefore, the sign does not require sign supports within the clear zone and no roadside hazards are introduced. | Yes |
| All signs that are permitted to hang over roads or footpaths should meet wind loading requirements as specified in AS 1170.1 and AS1170.2. All vertical clearances as specified above are regarded as being the height of the sign when under maximum vertical deflection. | The proposed sign is located on a bridge and a condition has been included requiring the proposal to comply with AS 1170.1 and AS 1170.2. | Yes |

Digital signs greater than 20 m ² must ensure a minimum clearance of 5.5 m from the lowest point of the sign.	The vertical clearance between the road surface and the lowest point of the proposed signage is 6.025 m. The proposed sign will not result in any change to the vertical clearance between the underside of the sign structure and the road surface. The proposed sign will not protrude below the bridge structure.	Yes
An advertisement must not obstruct the driver's view of the road particularly of other vehicles, bicycle riders or pedestrians at crossings. An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed digital sign is confined to the envelope of the existing overpass and will not obstruct views beyond that of the existing bridge.	Yes
The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road.	The proposal will not give incorrect information on the alignment of the road.	Yes
The advertisement should not distract a driver away from the road environment for an extended length of time.	The proposed sign is located front-on and will not require drivers to direct their attention away from the road.	Yes
The sign should not be located: i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment iii. so that it is visible from the stem of a T-intersection.	The proposed sign would comply with the road safety requirements, as discussed in Section 5 . The sign is not located within the safe sight distance or safe stopping distance from an intersection, merge point, exit ramp, traffic control signal, sharp curve or any other decision-making points.	Yes
The placement of a sign should not distract a driver at a critical time.	The placement of the sign will not distract drivers at critical times as it is not visible within the stopping sight distance of any intersection or other decision-making point (Section 5).	Yes

3.3.1 Advertising signage and traffic control devices

(a) The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	The proposal will not distract drivers or reduce the visibility and effectiveness of directional signs, traffic signals, traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment (Section 5).	Yes
(b) The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a traffic control device.	The proposal will not interfere with stopping sight distance for the road's design speed and would not interfere with the effectiveness of the existing traffic control devices (Section 5).	Yes
(c) The image must not be capable of being mistaken for traffic signals or driving instructions.	The application does not provide specific detail for sign content. Due to the nature of the digital sign display, the advertising content of the sign will change. Furthermore, consent is not required for a change in the content of signage	Yes

	in accordance with SEPP 64. Therefore, a condition of consent will be applied to ensure the sign content is not mistaken for traffic signals or driving instructions.	
(d) Digital signs must not contain animated or video/movie style advertising or messages, including live television, satellite, Internet or similar broadcasts.	A condition of consent will be applied to ensure the sign does not contain animated or video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts.	Yes

3.3.4 Interaction and sequencing

The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposed sign does not incorporate technology that will interact with in-vehicle electronic devices or mobile devices.	Yes
Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	No message sequencing is proposed	Yes

Public Benefit

As proponents of outdoor advertising, RMS must demonstrate that revenue raised from outdoor advertising is directly linked to a public benefit.	The proposal has adequately demonstrated the public benefit (refer to Section 5 of this report).	Yes
RMS must record the total amount of outdoor advertising revenue received each year in their financial accounts and their Annual Reports. The Annual Reports must also outline investments made in the year on transport safety, amenity improvements or other public works, listing specific works to which the funds have been or are to be applied.	This is recommended to be included as a condition of consent.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 101 of the Infrastructure SEPP requires the consent authority to be satisfied that new development with a frontage to a classified road would not compromise the operation and function of the road. The DA for the proposed digital sign has been made on behalf of TfNSW, would be affixed to the southern elevation of the existing Church Street overpass over Burns Bay Road and would not compromise the operation and function of the road.

Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP) aims to ensure the catchment, foreshores and waterways of Sydney Harbour are recognised, protected

and enhanced by maintaining a healthy, sustainable natural and urban environment, ensuring a prosperous working harbour, encouraging a culturally rich and vibrant place for people, ensuring accessibility to the harbour and its foreshores, and protecting and rehabilitating watercourses, wetlands and ecological connectivity.

The Department considers the proposal is consistent with the aims of Sydney Harbour REP as:

- the proposal is not likely to be visible from the Lane Cove River or Tarban Creek due to the existing vegetation, development and undulating topography of the surrounding land
- views from the Church Street overpass will not be impacted and there is no adverse impact on the national and heritage significance of the waterways
- the proposal is to be located within a busy road corridor and will therefore, not impact upon the operation of healthy sustainable environments, the prosperous working harbour or the accessibility to and along the harbour foreshore
- the proposal will not have significant adverse impacts on the surrounding heritage items or conservation areas
- it will not add unacceptable bulk or scale to the overpass as the sign is to be located wholly within the structure of the overpass.

Hunters Hill Local Environmental Plan 2012

The site is zoned SP2 Infrastructure under the HHLEP 2012 in which signage is prohibited. Notwithstanding, the Department is satisfied the signage is permissible under clause 16(1) of SEPP 64. Clause 16(1) of SEPP 64 states that, despite the provisions of any EPI or clause 10(1) of the SEPP, the display of an advertisement by or on behalf of TfNSW on a bridge constructed by or on behalf of TfNSW on any road corridor is permissible with development consent.

The objectives of the SP2 Infrastructure zone within the HHLEP 2012 are to provide for infrastructure and related uses, to prevent development that is not compatible with, or that may detract from the provision of infrastructure, and to facilitate development that is in keeping with the special characteristics of the site and that minimises any adverse impacts on surrounding land. The Department considers the proposal is compatible with the use of the site as an arterial road corridor and is therefore consistent with the objectives of the zone.

Hunters Hill Development Control Plan 2013

Section 5.5.2 of the HHDCP 2013 outlines Council's desired objectives for the installation of signage and advertising structures.

The Department is satisfied that the proposal is consistent with the objectives for signage within the HHDCP 2013 as it:

- does not detract from existing scenic qualities, heritage significance, neighbourhood character or residential amenity of the Hunters Hill Municipality (**Section 5**)
- harmonises with the form of the Church Street overpass the sign is affixed to and is wholly contained within the envelope of the overpass
- does not contribute to excessive signage or visual clutter (**Section 5**)
- does not adversely impact on the heritage values of the locality (**Section 5**).

Appendix D – Recommended Instrument of Consent

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10082

ITEM NO	: 4.3
SUBJECT	: PLANNED EVENTS - APRIL TO JUNE
STRATEGIC OUTCOME	: COMMUNITY, CULTURAL EVENTS AND ACTIVITIES ARE COORDINATED AND DELIVERED INCLUSIVELY
ACTION	: COORDINATE AND DELIVER COMMUNITY, CULTURAL EVENTS AND ACTIVITIES
REPORTING OFFICER	: SHERY DEMIAN

Ref:689358

PURPOSE

To provide an update to Council on events proposed for the fourth quarter (Q4 – April to June) of 2023-24.

RECOMMENDATION

1. That the report be received and noted.

BACKGROUND

Council's Community Plan encourages a sense of belonging and connection to the local community. Specific actions in the Operational Plan relate to coordinating and delivering community and cultural events and activities. The events program supports the delivery of these outcomes.

REPORT

A calendar of activities is planned to connect, support and promote our community through a flexible, cost-effective and innovative event program.

An update on Council's planned events for the coming quarter (Q4 – April to June) of the 2023-24 financial year, is contained in this report.

It is noted that: event details may change in response to factors such as weather, resourcing or unforeseen circumstances; and additional events may be added as opportunities arise.

Further updates on activities for 2024 will be provided in future quarterly reports.

Quarterly update**April**

- School holiday workshop – Test Tube Vase Craft for Teens: **17 April**, The YARN
- School holiday workshop – Puppet Craft: **19 April**, The YARN
- Gladesville Reserve Official Opening and Gala Day: **20 April**, Gladesville Reserve
- 101st Combined Anzac Memorial Service: **23 April**, Town Hall
- School holiday workshop – Dash Bot Discovery, **26 April**, The YARN
- Youth Week event – Skate and Celebrate: **28 April**, Gladesville Skate Park

May

- Figtree Park Opening – **TBC**
- Boronia Park Opening – **TBC**

June

- Citizenship Ceremony (Refugee Week: 16 – 22 June): **18 June**, Town Hall

CONCLUSION

This program aligns with the Community Plan theme of '*Community and Belonging*' and helps achieve the Community Plan goal of connecting people to information and accessible experiences to help them feel included and safe in the community.

FINANCIAL IMPACT ASSESSMENT

Events will be staged utilising funding allocated in the adopted 2023-24 Budget and via grants, partnerships and sponsorships where appropriate and in line with the policies and procedures of Council and relevant stakeholders and funding authorities.

ENVIRONMENTAL IMPACT ASSESSMENT

Council events are planned and delivered with consideration of sustainability in the areas of energy, water, waste and biodiversity.

SOCIAL IMPACT ASSESSMENT

There is a positive social impact on Council and the Hunters Hill community arising from Council consideration of this matter. Coordination and delivery of community and cultural events and activities provide opportunities for our residents to enjoy social connections.

RISK ASSESSMENT

Risk assessments are undertaken for Council events using an established framework.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.4
SUBJECT	: SPONSORSHIP POLICY - FOR ADOPTION
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: SHERY DEMIAN

Ref:689291

PURPOSE

The purpose of this report is for Council to consider the updated Sponsorship Policy.

RECOMMENDATION

1. That the report be received and noted.
2. Council endorse the Sponsorship Policy attached to this report at Attachment 1.

BACKGROUND

The Sponsorship Policy has been updated to ensure it reflects best practices in the Local Government sector and provides guidelines for any Council sponsorship agreements, ensuring they are consistent and enhance Council's reputation.

REPORT

The Sponsorship Policy has been updated to ensure it continues to be an effective tool to guide Council staff when pursuing sponsorship agreements. It outlines Council's overall strategy for managing the sponsorship process when Council seeks or accepts a contribution of money or in-kind support from an organisation or individual for a Council activity or project.

The policy ensures all sponsorship agreements are to the benefit of ratepayers and the local community.

When Council is seeking sponsorship greater than \$3000, we will promote the opportunity and seek expressions of interest (EOI) on our website and appropriate channels. However, Council will directly pursue potential sponsors, including previous sponsors, if the EOI yields no suitable sponsors or if the sponsorship is less than \$3000.

The updated policy includes information to reflect what sponsorship inclusions are currently offered by Council and the removal of information that is redundant or outdated.

Information in the policy about organisations seeking sponsorship from Council has been removed as this is reflected in the *Reduction or Waiver of Hire Fees for Council Facilities Policy* and the *Community Grants Policy*. Council does not provide groups or individuals with monetary assistance outside of the Community Grants, however, we do give groups an

opportunity to apply for in-kind sponsorship in the form of a discount or waiver of hire fees for Council facilities.

CONCLUSION

The Sponsorship Policy provides a framework for Council staff to follow when seeking and accepting corporate sponsorship.

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

FINANCIAL IMPACT ASSESSMENT

Corporate sponsorship can assist council with our costs of delivering events and other Council activities and projects.

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 environmental impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

The Sponsorship Policy provides Council with a robust framework for the administration and management of sponsorship agreements. It helps ensure that sponsorship agreements are to the benefit of ratepayers and the local community.

It also sets standards of conduct for all Council staff who are required to administer sponsorship agreements in their official capacity.

The Policy outlines prohibited sponsorship arrangements, including those that could compromise the integrity and impartiality of Council.

ATTACHMENTS

1. Sponsorship Policy [↓](#)

HUNTER'S HILL COUNCIL



POLICY NO.

POLICY TITLE

Sponsorship Policy

STATUS

Council

SERVICE

Communications and Events

DOCUMENT ID

674028

PURPOSE

The purpose of this policy is to provide a consistent corporate approach to seeking sponsorship opportunities. It will also ensure that sponsorship agreements entered into by Council offer a benefit to both parties, and a benefit to the ratepayers and local community, while preserving the integrity and independence of the Council.

SCOPE

This policy applies to all sponsorships where Council seeks or accepts a contribution in money or in-kind from the corporate sector or private individuals to support Council activities or projects.

This Policy applies to all Council officers and all sponsorship agreements entered into with Council.

The NSW Independent Commission Against Corruption's 'Sponsorship in the Public Sector' guide has been incorporated into this policy to preserve the integrity and probity of Council and prevent corrupt conduct or conflict of interests arising from sponsorship agreements.

Grants and donations are dealt with separately in accordance with Council's *Donations Policy*.

This Policy does not apply to organisations seeking sponsorship from Council.

Council does not provide groups or individuals with monetary assistance outside of the Community Grants, however, we do give groups an opportunity to apply for in-kind sponsorship in the form of a discount or waiver of hire fees for Council facilities. These are dealt with in the *Reduction or Waiver of Hire Fees for Council Facilities Policy* and the *Community Grants Policy*.

DEFINITIONS

Council Officers	Members of staff of Hunter's Hill Council including full-time, temporary and casual employees.
Sponsorship	A financial or in-kind contribution, to support a Council activity or project in return for certain specified benefits, as listed in a sponsorship agreement Sponsorship is not philanthropic. A sponsor should expect to receive a reciprocal benefit beyond a modest acknowledgment.
In-kind Sponsorship	The delivery of non-monetary goods and/or services by a third party that will benefit a Council activity or project.

POLICY GUIDELINES

1. SPONSORSHIP OPPORTUNITIES FOR COUNCIL

1.1 The Need for Sponsorship

Sponsorship is sought and used to obtain additional resources that will support specific facilities, activities or programs.

Hunter's Hill Council provides facilities, programs and activities to members of the Hunters Hill Municipality and other members of the public. Through sponsorship by means of money, goods or services, Council can enhance, extend or reduce the cost of these facilities, activities and programs. Particular sponsorship opportunities may include the following.

Facilities such as

- sporting field/facilities
- cultural and community facilities
- parks and reserve

Council organised events and programs such as

- Moocooboola Festival
- Hunters Hill Art Exhibition
- Carols in the Park
- New Year's Eve
- Youth Week or Seniors Festival

1.2 Sponsorship Benefits

Besides extending our offering or reducing the cost of these facilities, activities and programs, Council may receive other benefits from sponsorship including:

- an enhanced public image
- possible media coverage
- effective reach of a particular market segment
- promotional opportunities not normally available
- future sponsorship opportunities

The benefits to sponsors can include exposure of the sponsor's name or logo on Council collateral and social media channels, signage in the local area, promotion of a product or service as a supporter of a specific council activity, or the naming rights of an event, facility or part of a facility.

The sponsored activity may attract a larger or different audience from that which the sponsor might target in its normal business. It provides the opportunity for the sponsor to present its name and products to a wider or targeted market.

Such activities may also promote a sponsor's commitment to a particular community event, activity or program. The association of the sponsor with the broader public interest of a local government initiative can also improve the public perception of the organisation and improve the sponsor's relationship with its stakeholders, shareholders, staff and customers.

Other benefits sponsors may receive include:

- promotional and networking opportunities
- ceremonial involvement, which may include award presentation
- access to local personalities and dignitaries
- use of facilities
- professional photography
- publicity and advertising opportunities
- future sponsorship opportunities

1.3 Council's Sponsorship Principles

Regardless of the money, goods and/or services involved, Council must determine if a sponsorship agreement is of benefit to the community and that there is no real or apparent conflict between the objectives and mission of the sponsored agency and Council's Vision, Organisational Values and Charter. In particular, sponsorship agreements must comply with Council's Sponsorship principles:

- **Integrity and Impartiality:** A sponsorship arrangement should not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially.

Council will continue to carry out its functions fully and impartially, regardless of any sponsorship agreement or the interests or business of a sponsor.

Council will not enter into any sponsorship arrangement that places us under an actual or perceived financial or moral obligation to an individual or organisation. Nor with individuals or organisations that would be perceived as breaching the Modern Slavery Act 2018.

If sponsorship is secured from a person or organisation subject to regulation or inspection by Council, steps will be taken to ensure Council can carry out these responsibilities to the sponsor in an open, fair, accountable and impartial manner. Appropriate risk management action will be taken and the sponsor informed their sponsorship will have no bearing on Council's statutory responsibilities.

It is inappropriate for any employee of Council to receive a personal benefit from a sponsorship. Any contribution from a sponsor shall go to Council, not directly to an individual, and must be seen to benefit Council and not an individual.

Sponsorship should not involve the explicit endorsement of the sponsor or the sponsor's products.

- **Appropriateness:** Where sponsorship takes the form of provision of a sponsor's product, the product must still be evaluated for its fitness for purpose against objective criteria which are relevant to Council's needs.
- **Accessibility:** Council undertakes to safeguard equity of access to its services and not allow sponsorship agreements to give unfair advantage to, or cause discrimination against sectors of the local community.
- **Open and Effective Competition:** Sponsorship opportunities will always be advertised within the LGA in the first instance, but Council recognises that it is not always possible to receive local sponsorship.
- **Value for Money:** All sponsorship agreements will provide maximum benefit to Council and the community.
- **Risk Management:** Each sponsorship proposal will undergo appropriate risk assessment to assess whether identified risks are acceptable and can be managed.

1.4 Council's Prohibited Sponsorship Arrangements

Council will not enter into any sponsorship arrangements with:

a) Organisations involved in the manufacture, distribution and/or wholesaling of:

- Tobacco and tobacco-related products
- Alcoholic products where sponsorship would be related to services, facilities or activities for youth
- Illegal drugs
- Services or products that are injurious to health

However, Council may enter into a sponsorship arrangement with:

- Alcohol-related companies that do not directly link with activities, assets, facilities or services for young people under the age of eighteen
- A pharmaceutical company that does not promote one specific product

b) Sponsors who may compromise the integrity and impartiality of the Council.

Such sponsors include but are not restricted to:

- A company or individual who has a current Development Application with Council or another matter before council
- A potential sponsor who seeks to use the sponsorship arrangement to influence legislation, public policy or the legislated role of Council
- A political party

c) Sponsors that may seek to recoup funds.

d) Individuals or organisations who are in breach of regulations or ordinances by Council e.g. an organisation operating without development approval.

e) Individuals or organisations whose objectives and mission conflict with those of Council.

2. ADVERTISING AND ASSESSING SPONSORSHIP OPPORTUNITIES

2.1 Advertising and Seeking Expressions of Interest

In most circumstances, calling for expressions of interest widely will allow the full potential of a sponsorship opportunity to be achieved, so Council is not limited to only exploring agreements with those who are invited to participate.

When council is seeking sponsorship greater than \$3000, we will advertise it on our website and appropriate Council channels.

However, it is appropriate for Council to directly contact potential sponsors, including previous sponsors, if:

- an advertisement has resulted in unsuitable sponsors or no responses. Council may then research a list of potential sponsors to prioritise.
- the value of the sponsorship package is less than \$3000 as this is clearly not practical or cost-effective. The resources would outweigh the benefits gained.

2.2 Assessing Potential Sponsors

Assessment will take the following factors into account:

- There is still financial benefit in a sponsorship agreement when staff costs and use of Council facilities are considered
- risk management assessment, as outlined in 2.4, to determine what the risks are for Council and how they can be managed
- the costs and benefits to Council and whether the benefits are sufficient to warrant entering into the arrangement
- The potential sponsor's ability to meet Council's requirements
- The suitability and feasibility of the arrangement and the resources required
- Whether there are any actual or potential conflicts of interest between Council and the potential sponsor
- Council's Sponsorship Principles as listed in guideline 1.3

2.3 Discounted and In-Kind Products

Should Council receive discounted or in-kind sponsorship of products or services, it is important to consider that GST will apply to such products/services and it is therefore necessary to ensure that the valuation of such items is accurate.

Should Council consider accepting products or services at the discounted rate offered by the sponsor, Council should apply the principles of open and effective competition before doing so.

The supply of in-kind items can be considered only when both parties agree on an appropriate value, any benefits are for Council and not for an individual and the process is properly managed.

The valuation of goods/services will determine the level of the sponsorship package.

2.4 Risk Management

Ensure appropriate risk assessment is carried out for each sponsorship agreement. Areas to assess include:

- legal liability risks - the sponsorship agreement is clearly outlined and signed so potential exposure to legal liability is minimised.
- Means risk - Council has the resources to fulfil its obligations under the contract.
- corruption risks - the agreement does not conflict with the legislated role of Council.
- financial risk – the sponsor organisation has an acceptable financial record and the means to provide the money/goods or services promised.
- conflicts of interest – no actual or possible conflicts of interest between Council and the sponsor.
- perception - consider whether the arrangement may result in Council appearing to be influenced by a sponsor or endorsing a sponsor's product.

3. ENTERING INTO A SPONSORSHIP AGREEMENT

3.1 Getting Approval

All sponsorship arrangements must be approved by the General Manager or his nominee, who in this case will be the Manager Communications and Events. The agreement should be described in Council's Annual Report, in a form appropriate to the significance of the sponsorship.

3.2 Formalising the Sponsorship Arrangement

Each sponsorship arrangement should be described in a written agreement and signed by both parties prior to the sponsorship arrangement proceeding. This can be through an exchange of letters.

The written agreement should clearly set out:

1. The parties involved in the sponsorship agreement
2. The objective of the sponsorship arrangement
3. A clear description of the nature of the sponsorship agreement including the particular event, facility or activity to be sponsored
4. The quantity of sponsorship being provided – this may be either monetary amounts or the value of goods or services provided
5. The specific forms of sponsorship acknowledgement that will be available as a benefit to the sponsor
6. Any other benefits to either Council or the sponsor, described in detail
7. Whether the sponsor is the sole sponsor
8. Whether the sponsor is the major sponsor
9. The obligations, rights and responsibilities of each party
10. The term of the sponsorship and any conditions regarding renewal
11. Liaison personnel for each party

12. Any guidelines from the sponsors and from Council
13. Refund or replacement arrangements if either party is unable to fulfil its obligations
14. Payment terms
15. Payment of GST (see guideline 5)
16. Confidentiality terms
17. Any special conditions that apply
18. That the sponsorship arrangement will not influence Council's exercise of its regulatory or inspection functions In cases where the sponsor is an organisation regulated by Council
19. Termination clauses. These should specify events that could lead to termination, such as:
 - a change in the sponsor's corporate mission
 - if the sponsor becomes subject to Council's regulation or inspection
 - a merger or other event that causes a conflict of interest
 - any action of the sponsor that results in public criticism/bad publicity and reflects badly on Council or brings its probity into question

Once the sponsorship agreement has been signed, the Finance section should be advised and an appropriate exchange of tax invoices and receipts organised between Council and the sponsor.

4. USING A SPONSOR'S BRANDING

Sponsors are entitled to rights and benefits in the exchange of any sponsorship contract. In the majority of circumstances, a sponsor will have a registered trademark and for legal purposes will not allow any diversion from this branding.

When Council is receiving sponsorship and using a sponsor's logo, the logo should be used in the form and manner approved by the sponsor. Such a determination should be agreed to or negotiated by both parties prior to the signing of the agreement.

5. SPONSORSHIP AND GST

GST (Goods & Services Tax) must be included with all goods and monies that may be exchanged as part of a sponsorship agreement.

The value of any sponsorship service needs to be agreed to by both parties entering the sponsorship contract and that portion will then have to be included in the GST return.

Contra arrangements between Council and another party who is registered for GST will constitute a taxable supply for GST purposes. A tax invoice must still be raised for sponsorships in which goods are supplied in lieu of money, or in-kind, as these items are subject to GST. It is vital for Council to maintain best-practice standards and keep all documentation, including tax invoices for all sponsorship transactions.

Should an organisation or group who is not registered for GST sponsor a Council event, that group will still be required to bear the additional 10% cost.

Following the agreement of the contract, Council will need to raise an invoice for the money or the goods to be sponsored.

RELATED POLICIES & PROCEDURES

CPCG1 [Donations Policy](#)

CPCS1 [Community Grants Policy](#)

CPCCS1 [Reduction or Waiver of Hire Fees for Council Facilities Policy](#)

CPFM3 [Procurement and Contract Management Policy](#)

CPRM1 [Enterprise Risk Management Policy](#)

[Modern Slavery Act 2018](#)

Internal - Risk Management Procedure

POLICY AUTHORITY

General Manager

GETTING HELP

Please contact the General Manager for further guidance or assistance.

REVIEW

This Policy was reviewed in March 2024 to better reflect what is currently offered in a Council sponsorship agreement, and the removal of information that was redundant or outdated.

This policy to be reviewed once per term of Council or with any relevant changes to Council Policy or legislation.

Next review date is: March 2028

ADOPTED BY COUNCIL/EXECUTIVE:

DATE:

RESOLUTION NO:

VERSION CONTROL TABLE

Date	Version	Res. No.	Key Changes	Author
14.10.2002	1.0	450/02	Adoption of policy	D. McFadyen
8.05.2006	1.1	190/06	Amendment and revision to policy	D. McFadyen
8.09.2009	1.2	308/09	Amendment to policy	D. McFadyen
25.03.2024	1.3		Amendment and revision to policy	S.Demian

ITEM NO	: 4.5
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED BY THE LOCAL PLANNING PANEL IN FEBRUARY 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689581

PURPOSE

This report provides the outcome of determinations of Development Applications referred to the Local Planning Panel (LPP) in February 2024. From time to time, other matters may be considered by the Local Planning Panel. These matters would be the subject of a separate report to Council.

The primary 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:

Ms Lesley Finn	Chairperson
Mr David Logan	Expert Member
Mr Chris Young	Expert Member
Ms Virginia Wise	Community Representative

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 28 FEBRUARY 2024**Summary of determinations:**

Development Application No.	2021-1245	Zone	R2 Low Density Residential
Premises	22 Barons Crescent, Hunters Hill		
Applicant	Yuan Tu He	Date Lodged	4 November 2021

Assessing Officer		Michael Brewer	Determination Date	28 February 2024
Proposal	demolition of existing structures, subdivision of the site into two lots, excavation and construction of a dual occupancy (attached) on the front lot and a dwelling house on the rear lot, with associated earthworks, tree removal and landscaping			
RESOLVED on the MOTION of Ms Finn, seconded Mr Young, that: Development Application 20211245 for the demolition of existing structures, subdivision of the site into two lots, excavation and construction of a dual occupancy (attached) on the front lot and a dwelling house on the rear lot, with associated earthworks, tree removal and landscaping at 22 Barons Crescent Hunters Hill, be refused for the following reasons: <div><div>1. Insufficient detailed information to determine the application.</div><div>2. A Clause 4.6 was not submitted for the breach of height standard.</div><div>3. Lack of clarity with regard to the identity and number of trees to be removed.</div><div>4. Insufficient information as to whether the development would have an adverse impact on the adjoining neighbours in terms of overlooking and overshadowing.</div><div>5. Insufficient information to determine the privacy impacts of the duplex part of the proposal, from the rear balconies and the stairs to the rear private open space.</div><div>6. Lack of information to demonstrate that the basement carpark for the duplex can be effectively and safely accessed from the proposed driveway.</div><div>7. Insufficient information as to the impacts on local flora and fauna.</div><div>8. Due to the inadequacies and conflicts in the submitted documentation, approval of the proposed development is not in the public interest.</div></div>				
RECORD OF VOTING				
For		Against		
Chairperson Lesley Finn				
Mr David Logan				
Mr Chris Young				
Ms Virginia Wise				

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.6
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN FEBRUARY 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689898

PURPOSE

This report provides the outcome of determinations of Development Applications referred to the Development Control Unit (DCU) in February 2024.

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 7 FEBRUARY 2024

DEVELOPMENT APPLICATION NO	: 2022-0234
PROPOSAL	: Demolition of an existing pool and construction of a new secondary dwelling with new swimming pool above.
PROPERTY	: 7 Gray Street, Henley
APPLICANT	: Melissa Neighbour
OWNER	: Dr A Q F Li
DATE LODGED	: 22 December 2022
REPORTING OFFICER	: Michael Brewer

RESOLVED on the MOTION of Mr Kourepis , seconded Shahram Mehdizadgan.

That Development Application No. 20220234 for demolition of an existing pool and construction of a new secondary dwelling with swimming pool above and associated landscaping at 7 Gray Street, Henley be approved, subject to the following conditions:

Standard Conditions

GEN 0

GEN1

GEN3:

Drawing Number/ Revision	Date	Drawn By	Title
Job No. 2212, Drawing DA02, Rev A	2.12.2022	O2 Architecture	Existing Floor and Demolition Plans
Job No. 2212, Drawing DA03, Rev C	24.10.2023	O2 Architecture	Proposed Garden Plan
Job No. 2212, Drawing DA04, Rev B	14.03.2023	O2 Architecture	Proposed Secondary Dwelling Plan
Job No. 2212, Drawing DA05, Rev C	24.10.2023	O2 Architecture	Elevations and Section
Job No. 2212, Drawing DA06, Rev B	14.03.2023	O2 Architecture	Elevations
Job No. 2212, Drawing DA07, Rev B	14.03.2023	O2 Architecture	Area Calculation
Job No. 2212, Drawing DA011, Rev A	14.3.2023	O2 Architecture	Bulk Earthworks Plan
Drawing No. 2219-01, Revision D	19.03.2023	Paddock Studio	Title Sheet
Drawing No. 2219-02, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 1 of 3 Rear Garden and Terrace
Drawing No. 2219-03, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 2 of 3 Lower Rear Garden and Studio
Drawing No. 2219-04, Revision D	19.03.2023	Paddock Studio	Landscape DA Plan 3 of 3 Existing Front Garden
Drawing No. 2219-05, Revision D	19.03.2023	Paddock Studio	Planting DA Plan 1 of 1
Drawing No. 2219-06, Revision D	19.03.2023	Paddock Studio	Plant DA Schedule Plant Images
Job No. 220501, Drawing D1, Revision B	02.11.2023	Quantum Engineers	Detail, Notes and Legend

Job No. 220501, Drawing D2, Revision B	02.11.2023	Quantum Engineers	Site/ Ground Floor Plan
Job No. 220501, Drawing D3, Revision B	02.11.2023	Quantum Engineers	Lower Ground Floor Plan
Job No. 220501, Drawing D4, Revision B	02.11.2023	Quantum Engineers	Roof Plan
Job No. 220501, Drawing D5, Revision B	02.11.2023	Quantum Engineers	Stormwater Details
Job No. 220501, Drawing D6, Revision B	02.11.2023	Quantum Engineers	Sediment Control Plan
Job No. 220501, Drawing D7, Revision B	02.11.2023	Quantum Engineers	Sediment Details

Document	Prepared By	Dated
Addendum Statement of Environmental Effects	Sky Town Planning	22 March 2023
Statement of Heritage Impact	Three + One Heritage	21 March 2023
Geotechnical Investigation Report	Fortify Geotech	14 March 2023
Aboricultural Impact Assessment	Abnoba Arbor	14 March 2023

GEN 5, 6, 7, 20, 21, 23

PCC0

PCC1 (\$1,733.00).

PCC3 (\$5,000)

PCC5 (\$4,950)

PCC11

PCC12 – 1350186S

PCC13,

PCC15, 16, 17, 18, 20, 21, 32, 41, 42, 47,

PCC54 5 and 9 Gray Street and the driveway to No. 2 Dick Street

PCC72, 75, 76

The existing stone walls located within the western portion of the Site are to be protected from damage during construction to the satisfaction of Council. Details of the method of protection of the wall are to be submitted to Council prior to the issue of the Construction

Certificate. Photographs of the wall are to be submitted to Council prior to the commencement of any building work.

Special Condition:

Nothing in this consent authorises the installation of the proposed 1.8m high timber fence along the western boundary to the Dick Street Road Reserve or for a distance of 10m along the northern and southern boundaries from the western boundary. In this regard, all plans submitted with the Construction Certificate are to delete any reference to the 1.8m high timber fence and maintain any existing sandstone walls, blocks or outcrops in order to maintain an appropriate and compatible streetscape.

Special Condition:

Nothing in this consent authorises the placement of vehicles, materials, stockpiles or any other matter within the access driveway to No. 2 Dick Street in any manner that would prevent vehicular and pedestrian access to that property from either Dick Street or Kelly Street. In the event that vehicles, machinery and/ or equipment need to be placed temporarily within the driveway to facilitate construction, the applicant shall ensure that both Council and residents of No. 2 Dick Street are advised in writing with no less than 24 hours notice in advance of any obstructions to access caused by machinery, deliveries or the like and the anticipated duration.

PCW0, 1, 2, 3, 4, 5, 6, 8, 14,16, 18

CSI0, 3

DEM0, 1,3,4,5,6,7,8,9,10,11,12,13,15,16, 17

CON0,1,2,3,4,5,7,8,9,11,12,13,14,15,17,19,20,21,23,29, 34,35,37, 41, 42, 43,44,45,47, 51, 52, 53, 54, 55, 58, 59, 70,71

POC0,1,2,3 - 1350186S,

POC4,13,14, 17,20,22,23,24,25, 28,

POC7 Landscape in accordance with the stamped approved plans.

- Landscape Plans
(prepared by Paddock Studio, dwg no 2219 – 01-06 D, dated 19.03.2023)

POC10

- Arboricultural Impact Assessment
(prepared by Abnoba Arboricultural Services, dated 14.03.2023)

POC75

The following Special Conditions apply:

PCW Tree Protection

a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Angophora costata</i>	8.4

- The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Abnoba Arboricultural Services, dated 14.03.2023)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- * Grade alterations
- * Soil cultivation, disturbance or compaction
- * Stockpiling, storage, disposal or mixing of materials
- * Refuelling of machinery or vehicles
- * Washing of machinery or vehicles
- * Pedestrian access or vehicular access
- * Siting of offices, sheds or temporary services
- * Any action that has the potential to impact the tree's health and structural condition

PCW Street Tree Protection

- a) All street trees located directly outside the site must be retained and protected in accordance with the AS4970 Australian Standard Protection of trees on development Sites 2009.
- b) Tree trunk and major branch protection must be installed prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQF Level 3) and must include:
 - An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trunks at all times;
 - Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage;
 - Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet

or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion;

- Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- c) Temporary signs, or any other items, must not be fixed or attached to any street tree.
- d) All hoarding support columns are to be placed a minimum of 250mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- e) Materials or goods, including site sheds, must not be stored or placed:
- around or under the tree canopy or
 - within two (2) metres of tree trunks or branches or any street trees
- f) Any excavation within any area known to or suspected of having tree roots greater than 40mm diameter must be undertaken using tree sensitive excavation methods. Roots greater than 40mm must not be severed or damaged unless approved in writing by Council.

Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council.

DEVELOPMENT APPLICATION NO	:	2019-1034-1
PROPOSAL	:	S4.56 Modification – Internal changes, addition of a lift and changes to windows and fencing.
PROPERTY	:	14 Ellesmere Avenue, Hunters Hill
APPLICANT	:	Li Wang
OWNER	:	Li Wang & Y Zhang
DATE LODGED	:	22 May 2023
REPORTING OFFICER	:	Michelle Penna

RESOLVED on the MOTION of Mr Kourepis, seconded Shahram Mehdizadgan

That Development Application 2019/1034-1 for the modifications to the internal floor layout, addition of a lift and changes to windows and fencing be approved and that Condition No.2 be modified to include the following plans:

Drawing Number	Drawn By	Plan Dated
Title Page, A000, Revision F	Katris Architects Pty Ltd	12.03.24
Basement Floor Plan with Notes, A001, Revision F	Katris Architects Pty Ltd	12.03.24
Ground Floor Plan with Notes, A002, Revision F	Katris Architects Pty Ltd	12.03.24
First Floor Plan with notes, A003, Revision F	Katris Architects Pty Ltd	12.03.24
Roof Plan, A004, Revision F	Katris Architects Pty Ltd	12.03.24
Elevations, A005. Revision F	Katris Architects Pty Ltd	12.03.24
Section/Streetscape, A006, Revision F	Katris Architects Pty Ltd	12.03.24
Driveway Profile, A007, Revision F	Katris Architects Pty Ltd	12.03.24
Area Calculations, A008, Revision F	Katris Architects Pty Ltd	12.03.24
Materials and Finishes, A009, Revision F	Katris Architects Pty Ltd	12.03.24

Additional conditions to be added:

BCC3 (Construction Certificate, Principal Certifier)

BCC4

(a) The silt arrestor pit on sheet no. 104 of the Stormwater Management Plan (SMP), prepared by C & S Engineering Services, is to have a 200mm deep sediment trap below the invert of the outlet pipe. The SMP is to be revised to include the sediment trap.

BCC5 (Construction Certificate, Principal Certifier)

BCC7 (Construction Certificate, \$5,000)

BCC12 (1000630S_03)

BBW10

DBW3

Monday – Friday 7:00am to 5:00pm

Saturdays 8:00am to 1:00pm

Sundays and Public Holidays No activities permitted

DBW1

DBW24

BOC8 (Occupation Certificate)

BOC16

BOC18

Stormwater	C & S Engineering Services	Stormwater Management Plan, revisions F, G and I dated 21/08/23	000, 101, 102, 103, 104
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All other existing conditions are to remain as originally approved.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.7
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN FEBRUARY 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689577

PURPOSE

The purpose of this report is to advise of Development Applications determined under delegated authority for the period February 2024.

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.

RECOMMENDATION

1. That the report be received and noted.

REPORT

Type of Report	Delegated Authority	Inspection Date	23.06.23
Development Application No.	DA2023/0078	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Ziad Boumelhem	Value	\$2,822,408
Premises	43 Wybalena Road, Hunters Hill	Landscaped Area	60%
Classification (BCA)	1a, 10a, 10b	Date lodged	23.06.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	31.01.24
Proposal	Demolish existing dwelling and construct a new dwelling with swimming pool.		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	24.11.23
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Development Application No.	DA2023/0144	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Yuk Wong	Value	\$2,060,658
Premises	12 Joly Parade, Hunters Hill	Landscaped Area	56%
Classification (BCA)	1a, 10a, 10b	Date lodged	08.11.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	05.02.24
Proposal	Demolition of existing structures and construction of a new 6 bedroom, 3 level dwelling with attached garage and boat store.		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	06.12.23
Development Application No.	DA2023/0104 - Review	Zone	MU1
Construction Certificate No.	N/A	Notification	Yes
Applicant	Signcraft Pty. Limited Cathy Christie	Value	\$3,200
Premises	1-3 Flagstaff Street, Gladesville	Landscaped Area	N/A
Classification (BCA)	N/A	Date lodged	30.12.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	07.02.24
Proposal	s8.2 Review of Determination - To supply and install one (1) Liquorland illuminated sign on south west elevation of Gladesville Shopping Centre.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	05/02/2023
Development Application No.	DA2023/0152	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	YES
Applicant	Angelo Parisi	Value	\$750,000
Premises	5A Fern Road, Hunters Hill	Landscaped Area	45.9%
Classification (BCA)	1a	Date lodged	23/11/2023
Assessing Officer	Rean Lourens	Determination Date	16/02/2024
Proposal	Internal and external alterations and additions to an existing dwelling.		
Determination	Approval		

Development Application No.	DA2021/1101/3	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Edward Natour	Value	\$1,170,950

Premises	15 Centenary Avenue Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a Dwelling	Date lodged	03/01/2023
Assessing Officer	Rean Lourens	Determination Date	15/02/2024
Proposal	s4.56 modification - Amendment of levels, updated landscaping and roof plan, updated OSD design.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	05/02/2024
Development Application No.	DA2023/0071	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	YES
Applicant	House to Home Finishes Pty Limited	Value	\$771,116
Premises	33 Prince Edward Street, Gladesville	Landscaped Area	54%
Classification (BCA)	1a	Date lodged	21/06/2023
Assessing Officer	Rean Lourens	Determination Date	15.02.24
Proposal	Alterations and additions to an existing dwelling.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	15.11.23
Development Application No.	DA2023/0142	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Cedar Designs Pty Ltd	Value	\$1,515,800
Premises	5B Mount Street, Hunters Hill	Landscaped Area	41.6%
Classification (BCA)	1a, 10a, 10b	Date lodged	06.11.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	06.02.24
Proposal	Demolition of existing structures, and construction of dwelling with pool.		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	17.10.23
Development Application No.	DA2016/1164-2	Zone	MU1
Construction Certificate No.	N/A	Notification	Yes
Applicant	Richard Keily	Value	N/A
Premises	39 Alexandra Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	N/A	Date lodged	26.09.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	12.02.24

Proposal	Alterations and additions to the existing building - s4.55 Modification - Deletion of proposed street awning.
Determination	Refusal

Assessing Officer	Michael Brewer	Development Application No.	DA20230030
Date lodged	6.3.2023	Inspection Date	3/5/2023
Applicant	Karen Staunton-Ross	Value	\$66,500.00
Zone	R2 Low Density Residential	Notification	Yes – NIL submissions
Classification (BCA)	10A	Landscaped Area	52%
Conservation Area	No	Listed Heritage Item	No
River Front Area	Yes	Vicinity of Heritage Item	No
Foreshore Building Line	Yes	Contributory Building	N/A
Address:	2 Pains Road, Hunters Hill	Date of Determination	15.02.2024
Proposal:		Construction of a new double garage, removal of five (5) trees and concreting an existing gravel driveway.	
Recommendation:		Approval	

Type of Report	Delegated Authority	Inspection Date	05/02/2024
Development Application No.	DA2023/0124	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	YES
Applicant	H Aaron Huang	Value	\$771,116
Premises	25A Wybalena Road, Hunters Hill	Landscaped Area	51.1%
Classification (BCA)	1a	Date lodged	21/06/2023
Assessing Officer	Rean Lourens	Determination Date	15.02.24
Proposal	Alterations and additions to an existing dwelling.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	10.01.24
Development Application No.	DA2023/0147	Zone	R2 and W7 Scenic Waters Casual Use per
Construction Certificate No.	N/A	Notification	Yes
Applicant	Gregory Newton	Value	\$145,000
Premises	14 The Point Road, Woolwich	Landscaped Area	N/A
Classification (BCA)	10a, 10b	Date lodged	14.11.23

Assessing Officer	Shahram Mehdizadgan	Determination Date	23.02.24
Proposal	Demolish and rebuild an existing boatshed and skid.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	12.01.24
Development Application No.	DA2023/0165	Zone	R3
Construction Certificate No.	N/A	Notification	Yes
Applicant	Antonio Galati	Value	\$246, 500
Premises	19 Le Vesinet Drive, Hunters Hill	Landscaped Area	42% (40% minimum required under DCP 2013 for residential flat development)
Classification (BCA)	1a	Date lodged	22.12.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	19.02.24
Proposal	Partial Demolition and alterations and additions to existing dwelling.		
Determination	Approval		

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.8
SUBJECT	: REPORT OF LEGAL MATTERS - FEBRUARY 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689894

PURPOSE

The purpose of this report is to update Council on legal matters pertaining to planning 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, Hall & Wilcox and Marsdens.

ATTACHMENTS

1. HWL Ebsworth Report [↓](#)
2. Hall and Wilcox Report [↓](#)
3. Marsdens Report [↓](#)

Hunters Hill Council
Confidential Status Report
March 2024



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	Disbs billed to date excluding GST
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	<p>Site inspection took place on 19 January 2023</p> <p>SOFAC filed</p> <p>Conciliation Conference listed for 15 June 2023</p> <p>Conciliation terminated</p> <p>Matter listed for second directions on 22 June 2023</p> <p>Listed for hearing on 13 and 14 December 2023</p> <p>Joint expert reports due 16 November 2023</p> <p>Catriona Mackenzie, Ken Hollyoak, Andrew Martin and Stephen Gauld briefed.</p> <p>Applicant has provided without prejudice material - Council has provided without prejudice feedback.</p> <p>Notice of motion by applicant to rely upon amended plans heard 22 November 2023.</p> <p>Matter listed for hearing on 13 and 14 December 2023 before Commissioner Walsh. Resident objectors spoke to their concerns on morning of hearing. Further joint reports prepared by experts addressing matters raised by resident objectors. Matter ultimately resolved via s 34 agreement.</p> <p>Judgment delivered: https://www.caselaw.nsw.gov.au/decision/18c7acb36e04a27792aaccba </p> <p>Residents notified.</p>	\$50,463.60	\$48,831.39
1169502	HHC v Cavcorp & Cavasinni - Potential Enforcement Proceedings for unlawful works relating to 2022 LEC Approval	Philip Brown	Enforcement Proceedings for unlawful works relating to 2022 LEC Approval	06/03/2023	<p>Proceedings commenced on 21 December 2023.</p> <p>Undertaking given to Court by Respondents to carry out the works.</p> <p>Matter next before the Court on 3 May 2024</p>	\$17,147.00	\$3,309.89

- 1 -

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1181602	HHC ats Georgette Issa - Class 1 - LEC 2023/162894 - 43A Wybalena Road, Hunters Hill	Philip Brown	Deemed refusal of development application DA2023/0026, for a minor addition (new entry) to an existing dwelling and construction of a new side and front fence with gate at 43A Wybalena Road, Hunters Hill.	25/05/2023	Alterations and additions to dwelling house waterfront in Hunters Hill (fence, stairs, and entry way). Listed for s 34AA conciliation conference and hearing on 30 and 31 October 2023 Joint expert reports due 2 October 2023 Mark Adamson briefed as Town Planning expert Parties seeking to have without prejudice meeting/ planners have engaged in discussions. Matter resolved by way of s 34 agreement. Judgment to be delivered on 17 November 2023. See judgment below: https://www.caselaw.nsw.gov.au/decision/18bd02df8e25e39bb59a6191 Residents notified.	\$17,828.00	\$7,162.58
1187294	HHC ats Sarah Fritsch - Class 1 Application LEC 2023/00205963 - 21 Glenview Crescent, Hunters Hill NSW 2210	Philip Brown	<i>Appeal against the deemed refusal of the Applicant's Development Application No. DA20230043 lodged with Hunter's Hill Council on 28 April 2023 seeking consent for the demolition of existing garage, construction of a new double garage, new addition attaches to existing heritage item, a workshop with four car garage, pool and associated</i>	5/07/2023	SOFAC filed Briefed Mark Adamson (Town Planning), David England (Engineering), Lisa Trueman (Heritage), and Catriona Mackenzie (Arboriculture). Mediation occurred on 31 August 2023. Applicant will be providing amended plans addressing contentions raised in mediation. Amended Plans (without prejudice) provided on 20 October 2023 Joint expert reports due 8 December 2023 Joint expert reports for landscaping, heritage and town planning filed. S34AA listed on 8 and 9 February 2024 S34 agreement filed with the Court on 13 February 2024. Judgment delivered: https://www.caselaw.nsw.gov.au/decision/18de82803383221bfb9bc200	\$52,023.00	\$30,092.31

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			<i>landscaping on the land at 21 Glenview Crescent, Hunters Hill NSW 2210, known as Lots 10 and 11 in Deposited Plan 830737.</i>				
1195551	HHC ats Tahany Pty Ltd - Class 1 - Order Appeal - 10 Mary Street Hunters Hill NSW 2110 - Lot 21 DP/13260	Philip Brown	Three class 1 appeals against 3 orders issued by Council relating to, in summary, unlawful works including unlawful front and side fencing, retaining walls, internal and external alterations to dwelling including paint in new dark/ black colour	06/09/2023	Matters listed for first directions hearing on 26 September 2023. Applicant intends to lodge DA and BIC which may potentially resolve proceedings. Statement of Facts and Contentions filed. Matter set down for s34 Conference on 12 April 2024	\$10,096.00	\$1,710.00
1204827	HHC v Zubaida Potres - Potential Class 4 proceedings 8 William Street, Hunters Hill	Philip Brown	Potential class 4 enforcement proceedings in relation to Council order concerning unauthorised pergola, paving	8/11/2023	Warning letter drafted/ sent to owners (21/12/2023) Without prejudice on site meeting occurred on 4 March 2024.	\$2,408.00	\$16.60

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			and glass balustrade				
1207011	HHC ats Li Wang - Class 1 Application LEC2023/365696 49 Woolwich Road, Hunters Hill	Philip Brown	Deemed refusal of development application number DA20230096 for the demolition of existing dwelling, Torrens title subdivision and construction of new attached dual occupancy, on land identified as Lot 2 Section 1 in DP808, known as 49 Woolwich Road, Hunter's Hill NSW 2110.	22/11/2023	Matter listed for first directions on 15 December 2023 Mark Adamson and Lisa Trueman briefed re planning and heritage. SOFAC filed. Joint expert reports due on 17 May 2024. S34AA conference listed on 19 and 20 June 2024.	\$8,316.00	\$1,050.00
1209905	HHC ats Enza Terrano - Class 1 LEC 2023/00432137 - 4 Paul Street, Hunters Hill NSW 2110	Philip Brown	Appeal against the Council's refusal of Development Application No. DA20230039 on 11 September 2023, which seeks consent for demolition of the existing dwelling and construction of a new dwelling, front fence, swimming pool and landscaping	12/12/2023	First directions listed 18 January 2024. Mark Adamson, Lisa Trueman, Catriona Mackenzie briefed. Section 26 mediation occurred on 19 February 2024. Discussions continuing regarding amended plans.	\$11,820.00	\$1,878.24

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March 2024

			at 4 Paul Street, Hunters Hill.				
1213432	HHC v Hunters Hill Amber Pty Ltd - Class 4 Proceedings 10 Earl Street	Philip Brown	Class 4 proceedings challenging the issue of a CDC for torrens title subdivision in breach of LEP minimum lot size standard at 10 Earl Street	22/01/2024	CDC surrendered and matter now discontinued. Council successful.	\$4,058.00	\$2,210.00
1214919	Hunters Hill Council v Harry 88 Pty Limited - 22A Earl Street, Hunters Hill - Potential interlocutory injunction	Philip Brown	Potential enforcement proceeding sin relation to breach of stop work order	02/02/2024	Revised/ fresh order settled by HWLE and provided to Council for issue/ service.	\$1,422.00	\$12,23
1216561	HHC ats Cameron and Carmen Pelling - Class 1 LEC2024/00051292 - 18 Figtree Road, Hunters Hill	Philip Brown	Appeal against actual refusal of Development Application DA20230014 for alterations and additions to the existing dwelling house, car port and associated works at 18 Figtree Road, Hunters Hill	14/02/2024	Matter listed for first directions hearing 1 March 2024. Consultant planner and heritage consultant briefed. Council's SOFAC has been filed Matter listed for s 34AA conciliation/ hearing on 27 and 28 August 2024	\$1,424.50	\$0.00

Hunters Hill Council
Confidential Status Report
February 2024

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 including GST
226474	HHC ats Nathan Ashley and Fiona Marr – Class 1 – LEC 2023/00261923 –9 Alexandra Street, Hunters Hill	Samantha Frost	Class 1 Application – Deemed refusal of development application number DA20230005 for the construction of a first floor addition over the existing garage and its use as a secondary dwelling.	17/08/2023	<p>S 34AA Conciliation Conference and Hearing fixed for 30 and 31 January 2024.</p> <p>Council's SOFAC filed on 18 September 2023.</p> <p>Orders made for expert evidence on 29 September 2023.</p> <p>Parties respective experts participated in a without prejudice meeting on 20 November 2023.</p> <p>Joint expert reports are due to be filed and served by 15 December 2023.</p> <p>Joint heritage expert report filed and served on 15 December 2023</p> <p>Joint town planning expert report filed and served on 18 December 2023</p> <p>On site strategy meeting scheduled for 4.00pm on 24 January 2024.</p> <p>Parties filed a s 34 Agreement on 30 January 2024.</p> <p>Matter was upheld - the date - description of the outcome.</p> <p>Judgment was handed down on 1 February 2024</p> <p>MNC: [2024] NSWLEC 1033</p> <p>URL: https://www.caselaw.nsw.gov.au/decision/18d5ce53fa47e2df1842bd4e </p>	\$21,018.80

Hunters Hill Council
Confidential Status Report
June 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 including GST
237890	Hunter's Hill Council v John Ishak - s34AA LEC Proceedings 2024/41916 - 3 Futuna Street Hunters Hill	Rachel Bonic	Hunter's Hill Council v John Ishak - s34AA LEC Proceedings 2024/41916 - 3 Futuna Street Hunters Hill	09/02/2024	<p>First directions hearing listed for 1 March 2024.</p> <p>Council's SOFAC was filed on 14 March 2024.</p> <p>This is an appeal against Council's refusal of development application DA2023/0084. The application is for the Construction of new swimming pool, associated landscaping and fencing at 3 Futuna Street, Hunters Hill (the Site).</p> <p>The works include:</p> <ul style="list-style-type: none"> • Construction <ul style="list-style-type: none"> ○ Swimming pool - New BBQ and casual outdoor dining area • Tree Removal <ul style="list-style-type: none"> ○ Removal of three (3) trees along the Futuna Street frontage • Ancillary <ul style="list-style-type: none"> ○ Landscaping of the site ○ New paving, pool surrounds and pool fencing. ○ Decking adjacent to the north facing living and study area and stairs to front entertaining area. <p>The site is currently occupied by a single storey, brick and tile dwelling with open front verandah wrapping around the north-western corner of the building. The frontage is features hedging and mixed vegetation behind a low stone fence along the two road frontages.</p>	\$2,957.90

Hunters Hill Council Confidential Status Report February 2024

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
449040	HHC ats Urban Revolutions Pty Ltd – Class 1 – LEC 2023/00224958 – 34 Figtree Road, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application – Deemed refusal of development application number 20230069 for the demolition of existing buildings, construction of a double storey dwelling, swimming pool and related landscaping.	14/07/2023	Judgment has been handed down in respect of these proceedings on 20 February 2024 and confirm that the orders of the court were as follows: 1. <i>The appeal is upheld.</i> 2. <i>Development Application No DA20230069 is determined by the grant of development consent for the demolition of existing buildings, removal of 3 trees, construction of a two storey dwelling with a lower ground level, swimming pool and associated landscaping, at 34 Figtree Road, Hunters Hill NSW 2110 (legally described as Lot 32 DP 9243), subject to the conditions at Annexure A.</i> This judgment via the following link: MNC: [2024] NSWLEC 1060 URL: https://www.caselaw.nsw.gov.au/decision/18d4fe7a812b69035df8bd9b These proceedings are now finalised.	\$19,808.00 \$7,035.00(experts fee)
451002	HCC ats Acon Pty Limited – LEC 2023/00363275 – 15 Wybalena Road, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application – Refusal of DA2022/0139 for the demolition of existing building and construction of a two storey dwelling on the land at 15 Wybalena Road, Hunters Hill	22/11/2023	These proceedings are listed for hearing 18 and 19 June 2024.	\$7,577.00
451318	HCC ats Vernier & Vernier – LEC 2023/00435961 – 9 Lloyd Avenue, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application - Development Application DA 2023/0020 for alterations and additions to an existing dwelling house on the land at 9 Lloyd Avenue, Hunters Hill	14/12/2023	These proceedings are listed for hearing 8 and 9 July 2024.	\$1,867.00

ITEM NO	: 4.9
SUBJECT	: COUNCILLOR BRIEFINGS AND WORKSHOPS
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MITCHELL MURPHY

Ref:689617

PURPOSE

The purpose of this report is to provide an update about the most recent Councillor Briefing held 18 March 2024.

RECOMMENDATION

1. That the report be received and noted.

BACKGROUND

At the Ordinary Council Meeting held on 9th 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 report.*

REPORT

Agenda for Councillor briefing session held on Monday, 18 March 2024:

Topic	Speaker	Notes
Planning update	Steve Kourepis (Director of Planning)	<p>The Director gave a general update on the current status of key planning matters, including:</p> <ul style="list-style-type: none"> • Montefiore Planning Proposal; • 4 Pittwater Rd Planning Proposal with Ryde City Council; • Fairland Hall Planning Proposal; • LEP/DCP Planning Proposal; • Gladesville Masterplan. <p>Councillors were advised the Mayor will facilitate a community meeting about the NSW Housing Reforms on 3 April at Town Hall at 7pm.</p>
2024/2025 budget preparation:	Maria Kenny (Director of Finance)	<p>The Director of Finance was unable to attend the meeting due to illness.</p>
<ul style="list-style-type: none"> • Key budget parameters (high level) 		
<ul style="list-style-type: none"> • Feedback on columbarium 	Mitchell Murphy (General Manager)	<p>Consequently, the General Manager will reschedule a meeting in the near future regarding key budget parameters for next financial year and 10-year long-term Financial Plan.</p>
<ul style="list-style-type: none"> • 10 year long-term Financial Plan, including scenario analysis 		<p>The GM asked Elected Members for general feedback about establishing a columbarium in the municipality, noting a presentation about the concept was delivered to Councillors at Council's annual strategic workshop held on 10 February.</p>
<ul style="list-style-type: none"> • Set date for extraordinary meeting in May 		<p>A formal business paper about the columbarium will come to Council in due course.</p> <p>An extraordinary meeting of Council (to consider the draft Council Budget for Financial Year 2024/25) will be held on Monday, 20 May at 6pm.</p>

Asset Management principles and the 2024/2025 Capital Works - Renewals	Sam Urquhart (Director of Infrastructure & Environmental Sustainability)	<p>David Horseman (from <i>Brightly</i>, Council consultant) delivered a presentation about the asset management framework.</p> <p>The Director (Sam Urquhart) provided an overview to elected members, re: planned capital works program for FY 2024/25.</p>
Traffic and regulatory process changes update and next steps	Sam Urquhart (Director of Infrastructure & Environmental Sustainability)	<p>The Director and Mohamad Badarani (Council's Manager, Assets & Design) provided Councillors with an overview of TfNSW temporary delegation and sub-delegation under the Roads Act 1993 to give councils an alternative approval pathway for specified low-risk works on unclassified roads and regional roads subject to conditions set out in the temporary delegation instrument.</p> <p>The temporary delegation gives Council an option to carry out works on unclassified roads without prior referral to Local Traffic Committee, provided other conditions are met.</p> <p>The temporary delegation will operate until 30 June 2026 unless amended or revoked sooner.</p> <p>Council can now delegate to a staff member the carrying out of works to regulate traffic immediately after their review and unanimous support by Local Traffic Committee without going to Council for endorsement.</p>
TfNSW planned projects in municipality	Mohamad Badarani (Manager, Assets & Design)	<p>Councillors were provided with an overview of two upcoming TfNSW pedestrian safety projects in Hunters Hill LGA.</p> <p>Salter Street and Victoria Road refuge channelization. Project consist of reconstructing two pram ramps and refuge island to Australian Standard.</p> <p>Gladesville Road and Joubert Street pedestrian crossing. Project consists of installing a pedestrian crossing and traffic control measures.</p>

Henley precinct
masterplan update

Annie Goodman
(Director of Community &
Customer Services)

Councillors were updated on the status of the Henley Precinct Masterplan.

Appointed consultants, DunnHillam have completed a series of stakeholder engagement sessions and have embedded community feedback into the draft Masterplan.

DunnHillam will present their findings and key concepts at the Councillor Briefing on 22 April 2024.

The draft Henley Precinct Masterplan will go to the 29 April 2024 Council Meeting with a recommendation that the document be placed on public exhibition and be brought back to Council for adoption at the 24 June 2024 Council Meeting.

Business Papers
(information purposes),
25 March Council
Meeting

General Manager &
Directors

Councillors were briefed on two key business papers to be tabled at the Council Meeting 25 March.

- Bedlam Bay swim site project;
- Fairland Hall Planning Proposal.

Councillor Requests and
General Business

All

Councillor Requests are matters raised by elected members with the General Manager's office for explanation or action, generally about standard operational issues. The GM/Directors provided an overview and responded to questions about the most recent requests.

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.

ITEM NO	: 4.10
SUBJECT	: MINUTES OF THE BUSHLAND MANAGEMENT ADVISORY COMMITTEE HELD ON 12 FEBRUARY 2024
STRATEGIC OUTCOME	: NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PROTECTED AND ENHANCED
ACTION	: IMPLEMENT BUSHCARE PROGRAMS WHICH CONSERVE FLORA, FAUNA AND ECOLOGICAL COMMUNITIES
REPORTING OFFICER	: JACQUI VOLLMER

Ref:686962

PURPOSE

The purpose of this report is to provide Council with the minutes of the Bushland Management Advisory Committee held 12 February 2024.

The objective of the committee is to provide a formal mechanism for Council to consult with key stakeholders, seek advice and assistance from the community and enable community participation in the formulation, development and delivery of bushland management strategies, initiatives and activities to:

- Protect and promote the intrinsic value of Hunters Hills bushland.
- Protect, preserve and enhance Hunters Hill bushland to achieve ecological diversity, including local native flora and fauna that it supports; associated habitat and wildlife corridors; as well as Endangered Ecological Communities in the municipality listed under the Biodiversity Conservation Act 2016, namely Sydney Turpentine Ironbark Forest, Coastal Saltmarsh, Swamp Oak Floodplain Forest and Sydney Freshwater Wetlands.
- Protect, preserve and enhance Hunters Hill's natural heritage and associated cultural heritage, including Aboriginal heritage.
- Provide advice, community views and information, where requested, to assist the Council in meeting its statutory and other requirements regarding bushland management.

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 12 February 2024.

COMMENCEMENT

The meeting opened at 2.30pm.

IN ATTENDANCE

Cr Ross Williams	Chairperson
Cr Jim Sanderson	Councillor
Cathy Merchant	Community Representative
Steven Buchert	Friends of Boronia Park
Liz Hinton	Friends of Kelly's Bush
Brigid Dowsett	Tarban Creek Action Group and Ferdinand St Reserve
Chris Mutton	Friends of Gladesville Reserve and Betts Park
Sally Gaunt	Tarban Creek Action Group
John Harper	Riverglade Bushcare
Michael Shilman	Bushcare Coordinator
Jacqui Vollmer	Bushland Management Officer

ALSO PRESENT

Ms Annie Goodman	Director Community & Customer Services
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APOLOGIES

Bev Debrincat	Bedlam Bay and Tarban Creek Bridge
Heather Armstrong	Friends of Buffalo Creek and the Great North Walk
Jenny Craige	Collingwood Street Reserve
Cr Tatyana Virgara	Councillor

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 20/11/2023 at noon be adopted, moved by Cathy Merchant and seconded by Chris Mutton.

It is noted that the request for the list of street trees recommended for removal has not been provided.

BUSINESS ARISING

2.1 BUSINESS ARISING

- It was discussed the removal of several trees, which died at the same time, in private property at Mount Street. It was suggested that the trees be trimmed back to provide habitat, an application should be required for the removal of dead trees, a metal sign required to be installed saying for example “these trees are being wilfully being vandalised”, and should be discussed in a NSROC forum.
- An update on the tree vandalism in Betts Park was provided which includes: the replanting of trees with tree guards adjacent to poisoned trees; installation of nest boxes provided by a bushcare volunteer; and that cameras won’t be installed due to linguistics i.e. no staff to monitor recorded footage. It was suggested to replant with tree species present in the reserve, for example Angophora costata and Eucalyptus haemastoma, and not Brush Box, install green corrugated iron signs on affected trees, and that the local Men’s Shed may be able to provide additional nest boxes. It was also report that a further tree has drill holes in the trunk but is still alive.

REPORTS

3.1 STREET TREE AUDIT

Jacqui Vollmer provided a presentation from Matthew Vidmar, Parks and Landscape Co-ordinator, which summarises the street tree audit, tree risk rating, tree health, tree works required and an example of a tree profile. Jacqui Vollmer advised that the audit will be available on Councils website after technical issues are addressed.

The Committee provided the following feedback:

- The tree audit could include a community engagement box to encourage “buy in” with the community to protect trees in perpetuity similar to Lane Cove Council initiative and this Committee could road test this if needed.
- The tree audit could include ecological notes such as flowering and fruiting times, seasonal leaf drop, and habitat values.
- The next step would be to audit bushland and private trees.
- There is a dead tree map for Boronia Park.
- The Committee is disappointed there wasn’t more engagement of this group in the process and specific tree data was not provided.

ATTACHMENTS

The presentation is included with this report.

3.2 URBAN FOREST STRATEGY

Jacqui Vollmer provided the following report from Matthew Vidmar, Parks and Landscape Co-ordinator:

Council has engaged Active Tree Services to prepare the Urban Forest Strategy.

Jacqui Vollmer has forwarded BMAC feedback on the framework to the consultant at a meeting on Wednesday 7 February. The proposed timeline for completion of the strategy is June 2024 with a likely 2-week online community consultation period in May.

The consultant has agreed that this committee provide advice on key points and issues for the biodiversity section of the strategy (two pages plus links to documents such as the Biodiversity Conservation Strategy) and recommended tree species inclusions. Jacqui asked for feedback by 15 April, which she will then collate and will be reviewed by this Committee at the May meeting.

The Committee provided the following feedback:

- The strategy needs to include a security bond of \$100,000 for tree vandalism.
- DAs approved by private certifiers are responsible for the greatest tree loss. Tree health needs to be monitored on private property after 1 to 2 years and follow up required on replacement trees.
- The strategy needs to characterise the percentage of canopy cover loss. Jacqui will provide a 2018 vs 2024 canopy cover mapping of the LGA at the next meeting.
- The Committee does not support a proposed reduction in landscape area in the DCP and questions the recommendation to install a large 12 metre tree where there may be limited space.
- A question was raised to what level the tree canopy percentage will be recommended i.e. to suburb or block size. For instance a private property or reserve may have 90% canopy cover and an adjoining property only 10% canopy cover. How will the percentage be determined?
- It was suggested that the strategies and opportunities be categorised into 4 sections i.e. private, street, park and bushland.

ATTACHMENTS

1. Urban Forest Strategy Inclusions

3.3 SIGNIFICANT TREE REGISTER

Jacqui Vollmer provided the following report:

TreelIQ has completed the Preliminary Assessment of the 54 Significant Tree Register nominations. In summary 26 trees or tree groups are recommended for the full significance assessment including 10 private trees/groups and 16 public trees/tree groups.

The assessment process included a preliminary evaluation of trees by a Landscape Heritage consultant against the principles outlined in the Burra Charter and the NSW Heritage Office's Manual for Assessing Heritage Significance. The assessment criteria aim to evaluate the trees' significance in terms of its historical, aesthetic, scientific and social value.

In addition to the above, each tree has been inspected by an Arboricultural Consultant (min AQF Level 5). The primary purpose of the assessment is to determine whether the nominated trees are in suitable overall condition to warrant inclusion on the Significant Tree Register. Where significant health or structural defects have been identified during the assessment, these have been noted and considered. It should be noted that a detailed Risk Assessment of each nominated tree has not been undertaken.

The purpose of the Preliminary Assessment is to screen the nominations and provide Council with a shortlist of trees that are likely to meet the criteria for inclusion on the Significant Tree Register. The shortlisted trees would then be subject to a comprehensive full assessment.

The draft list was presented to the Committee. The full Significant Tree Register additions report is likely to be included in the April Council meeting.

The Committee provided the following feedback:

- The Committee asked what controls applied to a STR listed tree, which Jacqui responded that they couldn't be removed (unless under high unlikely circumstances) and would at some stage be included in the LEP.

3.4 REPORTS BY EXCEPTION

- Friends of Kelly's Bush would like a fence to be installed along the eastern boundary with 2 Alfred Street now that the DA is in progress.
- Friends of Gladesville Reserve and Betts Park would like the illegal bike tracks issue in Gladesville Reserve to be resolved and will be discussed at the upcoming Henley Precinct Masterplan meeting.

OTHER BUSINESS

4.1 OTHER BUSINESS

- The Aboriginal Land Claim for north Boronia Park was discussed at length. Annie Goodman advised Council has not received any timeline for the process or explanation why the land claim has been prioritised. Jacqui Vollmer outlined the list of evidence Council has provided that supports “at the date of the claim (2009) the land was lawfully used or occupied or needed or likely to be needed for an essential public purpose”.
- Friends of Boronia Park have also been requested by Crown Lands to provide supporting evidence and some Committee members can provide some additional supporting information.
- It is with deep sadness that this committee recognises the passing of long-time bushcare volunteer Maureen O’Brien. Maureen was a member of the Friends of Kelly’s Bush bushcare group for 26 years.
- The committee discussed the State Government’s new planning reforms to increase housing density and potential impact on tree canopy and environment.

The meeting closed at 4.20pm.

I confirm that these minutes are a true and accurate record of Bushland Management Advisory Committee Meeting held on 12 February 2024.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.11
SUBJECT	: MINUTES OF THE MOVEMENT AND TRANSPORT ADVISORY COMMITTEE HELD ON 13 FEBRUARY 2024
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:689614

PURPOSE

The purpose of this report is to provide Council with the minutes of the Movement and Transport Advisory Committee held on 13 February 2024.

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 Movement and Transport Advisory Committee held 13 February 2024**COMMENCEMENT**

The meeting opened at 4:30pm.

IN ATTENDANCE

Cr Richard Quinn	Councillor
Cr Jim Sanderson	Councillor
Chris Palmer	Member
Pauline Kanakis	Member
Jacque Alway	Member
Pamela Alvarez	Member
Marc Lane	Member
Peter Reid	Member
Mr Alister Sharp	Member
Mrs Samantha Urquhart	In Attendance
Mrs Leanne Stathakis	In Attendance
Ms Louise Bertoni	In Attendance

ALSO PRESENT

Jann Anschau	Resident
Kathy Ward	Resident
Mara Garlota	Resident

APOLOGIES

Cr Elizabeth Krassoi	Councillor
Ben Ho	Member
Mr Mohamad Badarani	Council's Manager, Assets and Design

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES**RECOMMENDATION**

RESOLVED on the MOTION of Member Alway, seconded Member Kanakis:

That the Minutes of Movement and Transport Advisory Committee of previous Meeting held on 21/11/2023 be adopted.

REPORTS

3.1 COMMUTER PARKING IN HUNTLEYS POINT ROAD

PROCEEDINGS IN BRIEF

- 001/24** RESOLVED on the MOTION of Member Alway, seconded Member Kanakis Recommended for “No Stopping Zone” on the bend Nth Side Huntleys Point Rd
- Review: Parking and/or other measures – Inc Bus stop bay at Riverside School.

ATTACHMENTS

1. Commuter Parking on Huntleys Point Road

3.2 INTEGRATED TRANSPORT STRATEGY

PROCEEDINGS IN BRIEF

- Online questionnaire and pop up for community feedback.
- Before draft goes to public consultation:
 - Workshop with committee and consultants;
 - Draft to committee for review;
 - Draft for community consultation.

ATTACHMENTS

There are no attachments to this report.

3.3 Mount St/ Church St: Line Markings

PROCEEDINGS IN BRIEF

For vehicles turning west into Church St, the bend narrows into a single lane, flanked by the raised median strip and the guardrail along the left kerb.

The lane marking near the bend is totally faded and is complicated by irrelevant lines and also lines created by the bitumen surface repairs. This can be rather confusing to drivers, especially at night.

There has already been an accident late last year with a vehicle running head on into the guardrails.

The design and line markings at this corner need review. At a minimum, the following measures need to be included:

- Line markings need to be reapplied to guide the path of vehicle travel.
- Irrelevant lines should be removed.

ATTACHMENTS

There are no attachments to this report.

GENERAL BUSINESS

- Schedule for 2024 meeting dates

ACTION: Meeting dates to be sent out.

Meeting dates up to caretaker mode:

- 02/04/24
- 11/06/24
- 13/08/24
- Grants: Staff to provide information on the outcomes of current grant bids by May.
- Follow up: Staff to send information in due course pertaining to 10 pedestrian crossings being assessed in the LGA.

The meeting closed at 5:11pm.

I confirm that these minutes are a true and accurate record of Movement and Transport Advisory Committee Meeting held on 13 February 2024.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.12
SUBJECT	: MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 21 FEBRUARY 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:689589

PURPOSE

The purpose of this report is to provide Council with the minutes of the Conservation Advisory Panel held 21 February 2024.

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 Conservation Advisory Panel held 21 February 2024.**COMMENCEMENT**

The meeting opened at 3.40 pm.

PANEL MEMBERS IN ATTENDANCE

Cr Ross Williams	Chairperson
Cr Jim Sanderson	Councillor
Mr Robert Moore	NSW Institute of Architects Representative
Mr Michael Lehany	Landscape Heritage Expert
Lucy Miller Creagh	Hunters Hill Trust Representative
Ms Bronwyn Doutreband	Community Representative
Ms Helen Temple Berry	Community Representative

ALSO PRESENT

Steve Kourepis	Director, Town Planning
Kate Higgins (via Zoom)	Council's Heritage Adviser

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES**RECOMMENDATION**

That the minutes of Conservation Advisory Panel of previous Meeting held on 13/12/2023 be adopted. Moved by Cr Sanderson. Seconded by Cr Williams.

REPORTS

3.1 3.45PM: 16 MARTIN STREET, HUNTERS HILL, PRE-DA

PROCEEDINGS IN BRIEF

Attendees Lloyd Williams (owner)

Russell Harding (architect)

- Comments
- The immediate area is an historic area with many fine buildings.
 - It is important that the resultant building fits in with the character of the conservation area.
 - Consideration should be given to the simplification of the design as the current design is too complex.
 - A more conventional roof form is recommended (e.g. gable at front and hip everywhere else). The rear gable looks very out of place.
 - The proposed front balcony has an awkward relationship to the existing house. Ways to lessen its impact should be explored. Deletion of the front balcony so the front porch can be retained in its current form was suggested.
 - New windows should have traditional proportions. Longer windows could be composed of a number of vertical sashes.
 - The proposed roof form is very atypical of existing roof forms in the area. This appears to be arising from dissimilar pitching points of gables. It was suggested that a more traditional roof form should be explored.
 - It was suggested the proponent look at examples of building forms and details of contributory buildings in the conservation area.
 - Demolition of the carport located in the front garden was suggested.
 - Appropriate fine scale details were recommended.
 - The colour scheme is very stark and requires reconsideration.
 - The extent of glazing on the first floor needs to be greatly reduced. Windows are traditionally placed into walls. Large areas of glazing are not typical.
 - The Panel does not support the current design and recommends a revised design be prepared.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration and for advice to the proponent.

3.2 4.25PM: 13 MOOREFIELD AVENUE, HUNTERS HILL – DA2023-0163**PROCEEDINGS IN BRIEF**

Attendees Hugh Campbell and Jonathan Plant (architects)
Andrew Martin (Town Planner)
Graham Hall – via Zoom (Heritage Consultant)
John Nehme (owner)

- Comments**
- The proponent advised that the two allotments are not proposed to be amalgamated. This is a concern.
 - The heritage report fails in its assessment of the contribution of the existing building to the conservation area. The heritage report says what the building isn't rather than making an assessment of the building.
 - The existing building is an unusual building in Hunters Hill and is a pleasing building that contributes to the streetscape as well as the history of the area. The building is worthy of retention.
 - The building has presence in the streetscape and provides residential accommodation in the form of two small dwellings with serviceable plans. Apart from providing housing choice, there is also the sustainability benefit of retaining the existing building.
 - The demolition of the existing building with no certainty that new development will not be built on the retained allotment is worrying as it could result in a worse outcome for the conservation area than retention of the existing building.
 - Is the landscape of the front block indivisible from the house i.e. there is a strong relationship between the house and front garden such that the garden has residential utility? Or is the proposed front area more of a separate entity that has the potential in the future to be available for new development?
 - It was queried if there are sufficient trees proposed that have the potential to grow to 12 metres.
 - It is good that the Jacaranda next door is to be protected. However the tree is categorised as a tree with low value which appears to be a mistake. This needs to be investigated.
 - The proposal is not supported by the Panel.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration in relation to the current development application.

3.3 5.05PM: 7-11 RYDE ROAD, HUNTERS HILL – DA2023-0164**PROCEEDINGS IN BRIEF**

- Comments
- The proposal is similar to the previous and therefore the Panel has similar concerns to those raised previously.
 - The proposal does not match the rhythm of the street or fit in with the streetscape.
 - The asymmetrical gables don't fit in. A more visually sedate façade design is recommended.
 - Impact on neighbours behind is a concern due to the lack of rear setback. More large trees should be planted in the deep soil area at the rear.
 - There is a grave concern about the impact on the Blue gum, a landmark tree important to the area and potentially older than the Fig tree. More information is required in the arborist's report. The borer infestation could be treated. The tree deserves a better classification.
 - The proposed materials to be used is not clear. Are solid bricks proposed or brick slips/tiles proposed? This needs to be clarified as solid bricks must be used rather than brick slips/tiles as tiles would result in walls having a character not compatible with the area.
 - Private open space located between the proposed building and Ryde Road is likely to result in high hedges or walls that could impact the streetscape. This should be considered.
 - The strange diagonal stairs on the rake will be visually obtrusive.
 - The gable screen beings set at a different pitch to the roof above is visually awkward.
 - Extensive use of cfc sheeting is not in keeping with the solid masonry character of the conservation area.
 - There appear to be some odd details e.g. guttering at the corner.
 - The previous comments made by CAP in relation to the proposed development remain relevant.
 - The proposal is not supported by CAP.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration in relation to the current development application.

3.4 5.30PM: 3 GLADESVILLE ROAD, HUNTERS HILL – DA2023-0169

PROCEEDINGS IN BRIEF

Attendees Paul Bevilacqua, Director Newport Homes representing the client

- Comments
- A heritage report is needed. The engagement of a heritage architect will be helpful in modifying the design to better fit in with the character of the conservation area.
 - By contrast, the existing dwelling seems to fit quite comfortably and quietly in the streetscape. Can this building not be retained and altered?
 - The proposed new building appears out of scale to the size of the allotment i.e. disproportionately large.
 - The location of the proposed trees raises a concern that the trees will not actually grow to the potential height nominated.
 - The landscape area appears to be insufficient.
 - There are only two trees on the site and both are proposed to be removed. The removal of the 8 metre high Jacaranda tree is not supported.
 - An issue with new houses in the conservation area is how they fit in. The older houses have garages at the rear unlike new houses which tend to have garages that dominate the front façade. This is the case with the proposed design, especially as the proposed garage is a double width. This aspect of the proposed house is unsympathetic to the character of the conservation area.
 - The proposed new building has a minimal amount of fine scale detail. It is essentially an unrelieved masonry house.
 - There is also a lack of modulation. In older houses there are often verandahs that shelter openings where people move from inside to outside, particularly in the case of doors that face south. The granny flat has large doors facing south that are completely unsheltered.
 - The Panel does not support the proposal in its current form and recommends the involvement of a heritage architect.
 - Demolition of the existing house cannot be supported given the incompatible character of the proposed new house.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration in relation to the current development application.

3.5 5.50PM: 2 ALFRED STREET, WOOLWICH, PRE-DA

PROCEEDINGS IN BRIEF

- Comments
- There is insufficient information to assess the impact of demolition of the existing house despite its demolition being a major concern.
 - It is hard to understand the impact of the proposal on Kelly's Bush without a survey.
 - A site visit by the Panel was requested.
 - A good separation to Kelly's Bush is needed. A new building should not be pushed into the side of Kelly's Bush.
 - The existing house has been recognised in the Green Book as a worthy building.
 - The existing sandstone outcrop will be removed which is a concern.
 - The impact of trees in Kelly's Bush must be considered and the trees protected.
 - The public path near the property may be affected.
 - The importance of Kelly's Bush and the character of the conservation area should be driving the design.
 - Loss of views to Kelly's Bush is a serious concern. A view analysis is needed.
 - The scale of the proposed new building is out of keeping with the area.
 - The proposal is not supported by the Panel.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration and for advice to the proponent.

OTHER BUSINESS

4.1 HERITAGE SURVEY

PROCEEDINGS IN BRIEF

- The survey is currently available.
<https://www.haveyoursay.nsw.gov.au/nsw-heritage-strategy>
- It was recommended that the community be made aware of the survey and be encouraged to submit a response.
- The survey deadline is 31 March 2024.

4.2 GOOD DESIGN AWARDS

PROCEEDINGS IN BRIEF

- The Hunters Hill Trust has had some general discussions with Council.
- Discussion are at a preliminary stage.
- A digital format is proposed.
- Getting people to enter can be difficult.
- The Marrickville Medal is an example of another awards program. Woollahra and Ku-ring-gai Council's also have awards.
- Sustainability is an issue. The sensitive adaption of existing building have sustainability benefits.
- Projects that highlight successful approaches would help to encourage new appropriate development.
- The awards matter is being investigated by Council staff (technicalities etc) and will be finalised after the new Council is elected.
- The criteria for each category will need careful consideration to avoid inappropriate entries and will need to reference council's DCP and, in the case of heritage categories, reference the Burra Charter

4.3 PANEL TERM**PROCEEDINGS IN BRIEF**

- The last Panel meeting will be in July 2024 as Council will go into caretaker mode prior to Council elections on 24 September 2024.

The meeting finished at 6:30PM.

The next meeting will be Wednesday 20 March 2024.

ATTACHMENTS

There are no attachments to this report.

7.1 : CR ELIZABETH KRASSOI (SUBJECT: ROZELLE INTERCHANGE IMPLICATIONS)
COUNCILLOR : DEPUTY MAYOR ELIZABETH KRASSOI

Question With Notice was submitted in writing by Cr Elizabeth Krassoi to the General Manager on 21 February.

Council's Code of Meeting Practice (Clause 3.16) 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.

The General Manager has nominated the Director, Infrastructure and Environmental Sustainability to respond to the question.

QUESTIONS FROM CR KRASSOI:

1. SUBJECT: ROZELLE INTERCHANGE IMPLICATIONS

Question or Service Requested:

A resident has contacted me with concern about the flow on impact of state government changes to the traffic management around the Rozelle interchange. For example, changes to traffic light phasing in Drummoyne impacting east and westbound traffic.

The resident is wondering what Council and Councillors are doing to advocate for best outcomes for local safety and traffic flow.

Beyond anecdotal, Is Council operationally aware of any traffic data collection along Victoria Road towards Gladesville and at the church St overpass?

Has Council been briefed by or sought feedback from or given feedback to the area traffic committee or Movement and Transport Advisory Committee? If not, can a conversation be raised to inform us (and the community) about data gathered and traffic management since the Rozelle interchange opened.

RESPONSE:

Council Officers have met with Transport for NSW (TfNSW) to discuss the impacts the Rozelle Interchange is having on outward and inward bound traffic along Victoria Road.

TfNSW have confirmed that they are continuing to work to improve traffic flows around the Rozelle Interchange. As part of this process, over coming weeks they will be monitoring journey times on some of the main arterial roadways during the morning peak period. They will publish this indicative journey information to inform the community and help people make decisions on the route they would like to take.

Refer to: <https://www.transport.nsw.gov.au/projects/current-projects/rozelle-interchange>

The Mayor has written to the Minister for Roads, seeking an urgent meeting to discuss solutions to the traffic congestion.

Council will provide further updates at its Movement & Transport Advisory Committee meeting in April 2024.

ATTACHMENTS

There were no attachments to this report.

7.2 : CR JIM SANDERSON (SUBJECTS: PROPOSED CHANGES TO NSW HOUSING POLICY; PROPOSED SALE OF ROAD RESERVE - ADJOINING 13 EUTHELLA AVE, HUNTERS HILL)

COUNCILLOR : CR JIM SANDERSON

Questions With Notice were submitted in writing by Cr Jim Sanderson to the General Manager on 13 March.

Council's Code of Meeting Practice (Clause 3.16) 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.

The General Manager has nominated the Director of Town Planning to respond to the questions.

QUESTIONS FROM CR SANDERSON:

1. SUBJECT: PROPOSED CHANGES TO NSW HOUSING POLICY

Background

At Council's Extraordinary Meeting held on 19 February 2024, among other things, Council unanimously endorsed:

The attached submission to the NSW Department of Planning, Housing and Infrastructure which raises serious concerns with the proposals outlined within the document titled *'Explanation of Intended Effect: Changes to create low and mid-rise housing.'*

Council's submission addressed issues including: Undermining of the community's strategic planning framework; Lack of meaningful community engagement; Ambiguous identification of town centre precincts; Potential lack of adequate environmental planning and assessment; and Infrastructure and services.

The submission recommended that: '...the Department to abandon the proposed reforms outlined within the EIE for the reasons detailed within this correspondence.'

Question or Service Requested:

Has Council received any further communication from the NSW Department of Planning, Housing and Infrastructure, in relation to this matter?

RESPONSE:

No communication from NSW Department of Planning, has been received, other than the representatives from the Department of Planning have advised that they are, unable to resource the Department's attendance at council community information sessions.

If such communication has been received, can this be reported on or included in answer to this Question with Notice in the business paper for Council's meeting to be held on 25 March 2024?

RESPONSE:

No communication has been received.

Given the unacceptable impact of the potential imposition of 'town centre precinct' status on areas surrounding any of the Municipality's E1 Zoned Local Centres and MU1 Zoned Mixed Use areas, has there been any clarification of how 'town centre precincts' would be applied to the Municipality of Hunter's Hill?

RESPONSE:

No clarification has been received, only what was reported to Council at its extraordinary meeting of 19 February 2024.

If such clarification has been received, can this be reported on or included in answer to this Question with Notice in the business paper for Council's meeting to be held on 25 March 2024?

RESPONSE:

No clarification has been received.

2. SUBJECT: PROPOSED SALE OF ROAD RESERVE – ADJOINING 13 EUTHELLA AVE, HUNTERS HILL

Background

The minutes of Council's Ordinary Meeting 4527 held on 27 November 2023, included a Report of Council in Committee (while the meeting was closed to the public), which in relation to Item 8.2, recorded:

1. That Council resolve to make application to close the Road Reserve adjacent to 13 Euthella Ave Hunters Hill, under the NSW Roads Act 1993.
2. That the required public notices be provided in accordance with the requirements of NSW Roads Act 1993, Local Government Act 1993 and the Hunter's Hill Council Policy for Disposal of Council Land.
3. That provided no submissions are received, proceed with the sale of the Road Reserve for a minimum consideration as contained in the valuation report at attachment 1.
4. That the purchaser meets all costs associated with the sale in accordance with the requirements of Council's Policy for Disposal of Council Land.
5. That the General Manager be granted Delegated Authority to execute the documentation as required.

At the time of preparing this QwN, I was not able to find the required public notices in relation to this matter.

Question or Service Requested:

Has application been made to close the Road Reserve adjacent to 13 Euthella Ave Hunters Hill, under the NSW Roads Act 1993?

RESPONSE:

Operationally, we are reviewing and examining the Local Government Act and continuing to seek legal advice on this matter and communicating and discussing this matter with the adjoining owner of the subject site for the purposes of addressing the Council resolution. As a result, no application has been made to close the Road Reserve.

Have the required public notices been provided in accordance with the requirements of NSW Roads Act 1993, Local Government Act 1993 and the Hunter's Hill Council Policy for Disposal of Council Land been given?

RESPONSE:

No.

If these notices have been provided, can the following be provided: the notice(s); details of where published; and the date of publication?

RESPONSE:

Not applicable.

If these notices are yet to be provided, when and where will they be published?
How long is the notification period or how long will it be?

RESPONSE:

Not applicable.

ATTACHMENTS

There were no attachments to this report.

7.3 : CR ROSS WILLIAMS (SUBJECT: UTILISATION OF ARTIFICIAL INTELLIGENCE (AI))
COUNCILLOR : CR ROSS WILLIAMS

Questions With Notice were submitted in writing by Cr Ross Williams to the General Manager on 13 March.

Council's Code of Meeting Practice (Clause 3.16) 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.

The General Manager has nominated the Director, Community Engagement and Customer Service to respond to the questions.

QUESTION FROM CR WILLIAMS:

1. SUBJECT: UTILISATION OF ARTIFICIAL INTELLIGENCE (AI)

Background

Artificial intelligence (AI): Artificial Intelligence is the ability of a computer system to deal with ambiguity, by making predictions using previously gathered data, and learning from errors in those predictions in order to generate newer, more accurate predictions about how to behave in the future.

Artificial Intelligence (AI) is becoming an integral part of a growing number of organisations' operations. As such, it is crucial that councils understand this emerging technology in order to maximise the benefits of its use while mitigating the associated risks.

In today's dynamic business landscape, artificial intelligence (AI) is a catalyst for profound changes, reshaping industries and redefining the employment landscape. Strategic insights to this technology is the forefront, empowering organisations to navigate the evolving workforce landscape and organisations cultural challenges posed by AI.

Considerations:

- How is AI adoption impacting Australian organisations people and culture.
- Insights into how AI is redefining job roles, discussion on potential disruptions, displacements and creation of new roles.
- Exploration of strategies for engaging employees, understanding, and mitigating privacy risks, and upskilling the workforce to thrive in an AI-driven environment.
- In an era defined by rapid technological evolution, artificial intelligence (AI) has emerged as a transformative force, reshaping industries and altering the employment landscape. For council entities in Australia, understanding the current state of AI adoption is paramount.

An expert-led event – keynote speaker a senior executive from Microsoft was held by the Australian Institute of Company Directors to take a deep dive into the world of AI and the factors that organisation's should consider when implementing artificial intelligence into their organisations.

Question or Service Requested:

1. Has Council considered the benefits and application of AI within Councils business processes?

RESPONSE:

Council has considered the benefits and application of AI. Of greater importance to Council, is Council's cyber security platforms and processes. Council has recently undertaken a Cyber Security Audit and is implementing the key outcomes under advisement from cyber security specialists. Council will update its Cyber Security Policy in due course to include specific reference to AI and its use within Council. This is inline with the Australian Signals Directorate (ASD) Essential 8 Principles, and the Cyber Security Guidelines for Local Government.

2. AI has the ability to enhance efficiencies and customer experience especially in the Customer Service delivery process. Has this opportunity been explored?

RESPONSE:

These opportunities have been discussed and explored, particularly in regards to improved customer support workflows and reduced response times to frequently asked questions. However, before implementing AI into the customer experience (CX) space, precedence will be given to internal AI productivity improvements, which includes software upgrades and their associated AI solutions.

3. If AI is being investigated for application in Hunters Hill Council what is the time frame for reporting to council?

RESPONSE:

Council is currently liaising with industry partners to understand the initial costs associated to purpose built AI CX modelling, testing and implementation. As mentioned, this is not a priority for Council until such time as cyber policy changes have been made and internal productivity improvements have been achieved.

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 subsections 2 & 3 and Section 10B of the *Local Government Act, 1993* (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Committee of the Whole for the reasons specified below:

8.1 Legal Advice – Overpass Electronic Billboard

Item 8.1 is confidential in accordance with s10A(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

8.2 Bedlam Bay Swim site – Tender for Construction

Item 8.2 is confidential in accordance with s10A(2)(d)i, (d)ii and (d)iii 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, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

This report provides commercial in confidence information pertaining to the outcome of a public tender. This information should not be disclosed to the public.

8.3 Cr Ross Williams (Subject: Figtree Park Project- Budget)

Item 8.3 is confidential in accordance with s10A(2)(d)i 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.

Council has sought legal advice on the reporting of this matter. The responses to these questions will provide confidential information that is subject of a previous resolution to enter into the subject contract that was passed during a confidential session of a committee meeting, or may potentially involve a discussion and disclosure of information that would confer a commercial advantage on the organisation that Council has contracted with to carry out the relevant works. This information should not be disclosed to the public.

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.