



Ordinary Meeting

29 April 2024 at 6.00pm



ORDER OF BUSINESS

Prayer by Rev'd Michael Armstrong

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
29 April 2024**

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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, Tatyana Virgara 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, Pastor Alex Grancha (prayer), Jade Reed (recording) and Sarah Jenkins (minute-taker).

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Mayor called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

027/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Prieston That the Minutes of Ordinary Meeting No. 4530, 26 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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

MAYORAL MINUTES & REPORTS

2.1 MAYORAL MINUTE: PARLIAMENTARY INQUIRY INTO IMPACT OF THE ROZELLE INTERCHANGE

PROCEEDINGS IN BRIEF

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.

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

1. That the report be received and noted.
2. That Council 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.

A further AMENDMENT was moved by Cllr Richard Quinn and accepted by Cllrs Williams and Sanderson, that:

1. That the report be received and noted.
2. That Council 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.
3. All future public notifications of Council information sessions and other such forums conducted by Council be branded as Hunter's Hill Council activities and not from the Mayor or individual Councillors.

Deputy Mayor Krassoi FORESHADOWED an AMENDED motion:

1. That the report be received and noted.

The AMENDED MOTION was put to the meeting:

1. That the report be received and noted.
2. That Council 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.
3. All future public notifications of Council information sessions and other such forums conducted by Council be branded as Hunter's Hill Council activities and not from the Mayor or individual Councillors.

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

The MOTION was LOST

028/24 RESOLVED on the FORESHADOWED MOTION of Deputy Mayor Krassoi

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

TABLING OF PETITIONS

PROCEEDINGS IN BRIEF

Nil

ADDRESSES FROM THE PUBLIC

PROCEEDINGS IN BRIEF

Nil

COUNCIL REPORTS

4.1 FAIRLAND HALL PLANNING PROPOSAL

PROCEEDINGS IN BRIEF

Ms Karyn Raisin addressed the meeting on behalf of the Hunters Hill Trust. An extension of time was moved by Clr Williams, seconded by Clr Sanderson and carried.

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.

An AMENDED MOTION was moved by Cllr Sanderson seconded by Cllr Williams that Council:

1. Defer lodgement of the Fairland Hall Planning Proposal with the Department of Planning, Housing and Infrastructure, until:
 - a. The Governing Body is able to view the legal advice provided about this matter;
 - b. Consideration is given to the possibility of limiting reclassification from community to operational land to the part of the land to the north of the cliff;
 - c. The Governing Body is advised as to whether the Planning Proposal adequately makes provision to the effect that, on commencement of the plan, the land, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land in accordance with s 30 of the *Local Government Act 1993* (NSW);
 - d. The Governing Body is advised as to the viability of a subdivision where a subdivided lot is less than the Minimum Lot Size given in the Hunters Hill Local Environmental Plan 2012 Minimum Lot Size Map of 700 square metres; and
 - e. Consideration is given to liability issues in the event of debris falling from the cliff.
2. Reconsider lodgement of the Fairland Hall Planning Proposal with the Department of Planning, Housing and Infrastructure on receipt of a report dealing with the above matters.

MOVED on the MOTION of Councillor Quinn

Clr Quinn foreshadowed the recommended motion:

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.

The AMENDED MOTION was put to the meeting:

1. Defer lodgement of the Fairland Hall Planning Proposal with the Department of Planning, Housing and Infrastructure, until:
 - a. The Governing Body is able to view the legal advice provided about this matter;
 - b. Consideration is given to the possibility of limiting reclassification from community to operational land to the part of the land to the north of the cliff;
 - c. The Governing Body is advised as to whether the Planning Proposal adequately makes provision to the effect that, on commencement of the plan, the land, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land in accordance with s 30 of the *Local Government Act 1993* (NSW);
 - d. The Governing Body is advised as to the viability of a subdivision where a subdivided lot is less than the Minimum Lot Size given in the Hunters Hill Local Environmental Plan 2012 Minimum Lot Size Map of 700 square metres; and
 - e. Consideration is given to liability issues in the event of debris falling from the cliff.

2. Reconsider lodgement of the Fairland Hall Planning Proposal with the Department of Planning, Housing and Infrastructure on receipt of a report dealing with the above matters.

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

The MOTION was LOST.

029/24 RESOLVED on the FORESHADOWED MOTION of Councillor Quinn, seconded Councillor Virgara

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.

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

The MOTION was CARRIED.

4.2 OVERPASS ELECTRONIC BILLBOARD**PROCEEDINGS IN BRIEF****RECCOMENDATION**

1. That the report be received and noted.
2. 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].

030/24 RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krasso

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].

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

The MOTION was CARRIED UNANIMOUSLY.

OPEN COUNCIL RESUMED

That at 7.07pm the meeting resumed in Open Council and the gallery was invited back into the Chamber.

REPORT OF COUNCIL IN COMMITTEE

The Mayor advised that during closed session legal advice was considered and debate would now continue in open session.

MOVED on the MOTION of Councillor Virgara, seconded Councillor Sanderson

An AMENDMENT was moved by Clr Tatyana Virgara seconded by Clr Jim Sanderson that:

1. That the report be received and noted.
2. 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].
3. That Council resolve to waive the legal professional privilege over the legal advice in respect of this matter dated 4 March 2024.

The AMENDED MOTION was put to the meeting.

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

The AMENDMENT was CARRIED unanimously and became the MOTION.

031/24 RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krassoi

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.
3. That Council resolve to waive the legal professional privilege over the legal advice in respect of this matter dated 4 March 2024.

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

Councillor Julia Prieston	
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The MOTION was CARRIED unanimously.

4.3 PLANNED EVENTS - APRIL TO JUNE

PROCEEDINGS IN BRIEF

RECOMMENDATION

1. That the report be received and noted.

032/24 RESOLVED on the AMENDED MOTION of Councillor Williams, seconded Deputy Mayor Krassoi

1. That the report be received and noted.
2. That the list of planned events be updated to include the Council community forum on Housing Reforms.

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

The MOTION was CARRIED unanimously.

4.4 SPONSORSHIP POLICY - FOR ADOPTION

PROCEEDINGS IN BRIEF

RECOMMENDATION

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

MOVED on the MOTION of Deputy Mayor Krassoi, seconded Councillor Quinn

An AMENDMENT was moved by Deputy Mayor Krassoi seconded by Cllr Quinn that:

1. That the report be received and noted.
2. Council endorse the Sponsorship Policy attached to this report subject to the inclusion of a sustainability principle at Item 1.3 of the policy.

A further AMENDMENT was moved by Cllr Sanderson and was accepted by Deputy Mayor Krassoi and Cllr Quinn that:

1. That the report be received and noted.
2. Council endorse the Sponsorship Policy attached to this report subject to the inclusion of a sustainability principle at Item 1.3 of the policy and at the first dot point below 2.1 of the Policy, that the word “no” be replaced with “insufficient”.

033/24 RESOLVED on the AMENDED MOTION of Deputy Mayor Krassoi, seconded Councillor Quinn

1. That the report be received and noted.
2. Council endorse the Sponsorship Policy attached to this report subject to the inclusion of a sustainability principle at Item 1.3 of the policy and at the first dot point below 2.1 of the Policy, that the word “no” be replaced with “insufficient”.

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

The MOTION was CARRIED unanimously.

4.5 DEVELOPMENT APPLICATIONS DETERMINED BY THE LOCAL PLANNING PANEL IN FEBRUARY 2024

PROCEEDINGS IN BRIEF

034/24 RESOLVED on the MOTION of Councillor Virgara, seconded Councillor Quinn

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.6 DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT
IN FEBRUARY 2024

PROCEEDINGS IN BRIEF

035/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Quinn

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.7 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN
FEBRUARY 2024

PROCEEDINGS IN BRIEF

036/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Virgara

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.8 REPORT OF LEGAL MATTERS - FEBRUARY 2024

PROCEEDINGS IN BRIEF

037/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Virgara

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.9 COUNCILLOR BRIEFINGS AND WORKSHOPS

PROCEEDINGS IN BRIEF

038/24 RESOLVED on the MOTION of Deputy Mayor Krassoi, seconded Councillor Prieston

1. That the report be received and noted.

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

The MOTION was CARRIED.

4.10 MINUTES OF THE BUSHLAND MANAGEMENT ADVISORY COMMITTEE HELD ON 12 FEBRUARY 2024

PROCEEDINGS IN BRIEF

039/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Quinn

1. That the minutes 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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.11 MINUTES OF THE MOVEMENT AND TRANSPORT ADVISORY COMMITTEE HELD ON 13 FEBRUARY 2024

PROCEEDINGS IN BRIEF

040/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston
That the Minutes 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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.12 MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 21 FEBRUARY 2024

PROCEEDINGS IN BRIEF

041/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson
1. That the minutes 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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.13 SUMMARY OF COUNCIL INVESTMENTS AS AT 29 FEBRUARY 2024

PROCEEDINGS IN BRIEF

042/24 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston

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 Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

QUESTIONS WITH OR WITHOUT NOTICE

7.1 CR ELIZABETH KRASSOI (SUBJECT: ROZELLE INTERCHANGE IMPLICATIONS)

PROCEEDINGS IN BRIEF

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.

- 7.2 CR JIM SANDERSON (SUBJECTS: PROPOSED CHANGES TO NSW HOUSING POLICY; PROPOSED SALE OF ROAD RESERVE - ADJOINING 13 EUTHELLA AVE, HUNTERS HILL)

PROCEEDINGS IN BRIEF

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.

7.3 CR ROSS WILLIAMS (SUBJECT: UTILISATION OF ARTIFICIAL INTELLIGENCE(AI))**PROCEEDINGS IN BRIEF****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 organisations 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.

COUNCIL IN COMMITTEE OF THE WHOLE

043/24

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

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.

8.2 Bedlam Bay Swim site- Tender for Construction

Item 8.1 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.

8.3 Cr Ross Williams (Subject: Figtree Park Project- Budget)

Item 8.2 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.

2. 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 passes or become irrelevant.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams

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

The MOTION was CARRIED.

OPEN COUNCIL RESUMED

That at 8.29pm the meeting resumed in Open Council and the gallery was invited back into the Chamber.

REPORT OF COUNCIL IN COMMITTEE

The Mayor advised that during closed session, one (1) resolution was passed:

1. That the report be received and noted; and
2. That Council resolve to decline to accept any of the tender submissions in relation to the 'Bedlam Bay Beach Swim Site Construction' (Contract No: C23 – 44762) pursuant to Section 178(1)(b) of the Local Government (General) Regulation 2021;
3. That Council resolve pursuant to s 178(3)(e) of the Local Government (General) Regulation 2021 to enter into negotiations with Tenderer 1 and Tenderer 2 with a view to entering into a contract(s) in relation to the subject matter of the tender;
4. Pursuant to s 178(4)(b) of the Local Government (General) Regulation 2021, Council:
 - a. is declining to invite fresh tenders, as it is considered that no better procurement result would be achieved by doing so, due to the limitations in the current market and funding milestones; and
 - b. is of the view that entering into negotiations with Tenderer 1 and Tenderer 2 is more likely to result in securing a suitable contract for the 'Bedlam Bay Beach Swim Site Construction' and associated works at Bedlam Bay, in relation to the subject matter of the tender.
5. That Council delegate authority to the General Manager to:
 - a. finalise negotiations and award the contract(s) in relation to the subject matter of the tender within the current grant funding available; and
 - b. execute the contract(s) and any other documentation required to give effect to this resolution within the parameters of the funding agreements for the Department of Planning, Housing & Infrastructure, 'Places to Swim' Grant Program.
 - c. Finalise negotiations and enter into a licence agreement with Transport for NSW for the construction and use of the Bedlam Bay Swim Site, as shown at Figure 1.
 - d. Finalise negotiations for the variation to the current licence agreement with National Parks & Wildlife Service to include the ongoing operation of the Bedlam Bay Swim Site, as shown at Figure 1.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	

Deputy Mayor Elizabeth Krassoi	
Councillor Ross Williams	
Councillor Jim Sanderson	
Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

The Mayor advised that Council also considered questions with notice from Cllr Williams regarding Figtree Park budget during closed session.

CONCLUSION

The meeting concluded at 8.33pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4531 held on 25 March 2024.

.....
Councillor Zac Miles
MAYOR

.....
Mitchell Murphy
GENERAL MANAGER

ITEM NO	: 2.1
SUBJECT	: MAYORAL MINUTE: VALE ROSALIE DAVID
STRATEGIC OUTCOME	: THE COMMUNITY IS WELL INFORMED
ACTION	: TO ACKNOWLEDGE THE PASSING OF AN INDIVIDUAL WHO HAS MADE A VALUABLE CONTRIBUTION TO THE HUNTERS HILL COMMUNITY AND SOCIETY
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:694620

PURPOSE

The purpose of this report is to acknowledge the contribution and achievements of the late Rosalie David.

RECOMMENDATION

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

REPORT

It is with sadness that we recognise the passing on 22 March 2024 of former Hunter's Hill Councillor Rosalie David.

Rosalie Francis May was born on 2 September 1940 and grew up in Condobolin in country NSW.

She married her husband Michael on 28 September, 1963 at St Joseph's College in Hunters Hill and they have lived in the area ever since. They were married for more than 60 years and had three daughters, Sophie, Nicole and Michelle, seven grandchildren – Stephanie, Eliza, Genevieve, Michael, Charlie, Jack and Maggie and one great grandson, Kayce.

Michael is an ex Joey's student so Rosalie actively participated in the college's community events and activities.

In the 1970s, Rosalie marched in protest to save Kelly's Bush being developed, calling for "browning, not housing."

In 1993, she served as an Independent Councillor on Hunter's Hill Council under Mayor Ross Sheerin. She served with some of the elected members sitting around this table. Rosalie was passionate about a study that was conducted at the time that looked into the impacts of excavating into the sandstone foundation of Hunters Hill.

Rosalie was also a woman who had strong faith and saw her church and parish as a big part of her life. She attended mass each week at St Peter Chanel Catholic Church in Hunters Hill and helped with the flowers and the monthly morning teas.

Her daughter Nicole, in her eulogy, said everyone was always welcome in their home for celebrations.

“Even if they weren’t family, she was a big believer in not leaving anyone out, or anyone on their own. She would effortlessly cater to a cast of thousands and her door was always open.”

Two days before her passing, Rosalie told her family: “Aren’t I just so lucky, I have had a wonderful life.”

Her legacy and contributions to the community live on through her work and her family.

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	: 2.2
SUBJECT	: PETITION - REMOVAL OF MORETON BAY FIG TREE (15 HUNTER STREET)
STRATEGIC OUTCOME	: 6. MAYORAL MINUTE
ACTION	: THE COMMUNITY IS WELL INFORMED
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:691382

PURPOSE

To report to Council details of petitions received.

RECOMMENDATION

1. That the report be received and noted.

BACKGROUND

Council has received a petition seeking investigation into removal of Moreton Bay fig tree, 15 Hunter Street, Hunters Hill.

REPORT

Date Received	Total number of signatures to petition	Responsible Council Division
4 March 2024	23	Town Planning

CONCLUSION

That Council notes that the petition has been referred to the appropriate Council Officer for attention.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.1
SUBJECT	: DRAFT HENLEY PRECINCT PLAN
STRATEGIC OUTCOME	: PARKS, SPORTSFIELDS AND PLAYGROUNDS SUPPORT INCLUSIVE AND ACCESSIBLE PLAY.
ACTION	: MANAGE AND MAINTAIN PARKS AND RESERVES
REPORTING OFFICER	: ANNIE GOODMAN

Ref:694807

PURPOSE

The purpose of this report is to place the draft Henley Precinct Plan on public exhibition for a period of 35 days to receive community feedback.

RECOMMENDATION

1. That the report be received and noted.
2. That the draft Henley Precinct Plan be placed on public exhibition for a period of 35 days.
3. That following the public exhibition phase a further report be brought back to the June Ordinary Meeting of Council with an analysis of community submissions received and a recommendation for adoption of the draft Henley Precinct Plan.

BACKGROUND

A Henley Precinct Community Meeting was held on 23 March 2023 to listen to community views and understand key priorities. Over 100 key stakeholders attended this meeting. Council wanted to hear about what are the key priorities for the site to ensure that any upgrades are based on community need.

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

In April 2023 Council resolved to proceed with a masterplan for Henley. Consultants DunnHillam Architecture and Urban Design (DunnHillam) were appointed to conduct additional community engagement and develop the Henley Precinct Plan.

REPORT

DunnHillam have provided the following Executive Summary in the *Design Report - Henley Precinct Plan* (DunnHillam, 2024, P.4).

DunnHillam Architecture and Urban Design have collaborated with Hunter's Hill Council to develop a precinct plan that provides for the maintenance and improvement of the Henley Precinct in the short, medium and long-term.

The Henley Precinct Plan proposes:

- A strategy for accessible paths and stairs throughout the landscape.
- Integrated signage, lighting and bench seating dispersed through the site.
- An interactive, playful and educational approach to building an indigenous cultural understanding of this Place.
- A new adventure playground that traverses the hillside between the skate park and the sporting fields, with a picnic pavilion and amenities building.
- Smaller play structures in other key locations such as adjacent to the bowling green and along the bush walking trail.
- Public barbecues provided to the parkland picnic area adjacent to the existing car park.
- A new amenities and clubhouse building adjacent to the sporting fields, with casual spectator seating.
- Upgrades to the Henley Community Centre (HCC) including a lift, toilets and cafe/kitchen facility.
- A new community space at lower ground level of the HCC with connections to a new outdoor space.
- A proposal for formalised bush walking tracks.
- Continued repair to the landscape throughout the precinct.
- A new amenity building adjacent to the ferry wharf and the sandstone outcrop that is a popular lookout and fishing spot.
- Consolidation of parking at a central location and rationalisation and improvement of other parking.
- Reinstatement of the bowling green as a recreation area for barefoot bowls, with shaded seating and a new connection to the upper floor of the community centre.
- Additional storage for the community garden and other community groups and uses.
- Outdoor exercise stations at two locations along pathways.

About the Henley Precinct Plan document

The Henley Precinct Plan is a guidance document for all future work within this community asset.

It describes the process undertaken to create this precinct plan which included historical, geographical and indigenous cultural research, condition analysis of existing facilities and landscape and stakeholder engagement.

The precinct plan gives the Council a number of tools to use including design principles, layout plans, examples and useful precedents and a broad implementation plan.

Project background

The research, analysis, brief development, stakeholder engagement and design of this precinct plan has been undertaken from September 2023 to June 2024.

Located on the lands of the Wallumedegal, The Henley Precinct has catered for a range of community uses since the reserve's dedication for public recreation in 1920.

Hunter's Hill Council has recently completed a number of supporting projects that will be considered in this masterplan, such as:

- Henley Precinct Plan of Management.
- Upgrades to the Gladesville Reserve sporting oval, including a concept design for a new clubhouse and amenities block.
- Needs Analysis for sporting facilities at Gladesville Reserve sporting oval.
- Condition report on Henley Community Centre.

Aims of this project

The Henley Precinct Plan aims to identify and outline the need for future inclusions, upgrades, maintenance and public domain projects.

The vision for the Henley Precinct is to accommodate the local population as well as existing and future users and sporting groups.

The precinct will be a safe place to visit, whether you be walking, riding or using public infrastructure. Social connections will be encouraged through the use of shared spaces. Sustainability principles will be evident throughout the precinct. The natural environment will be maintained and celebrated.

And finally, the Henley Precinct will be a place of inclusion, where everyone feels welcome and Indigenous heritage is highlighted.

CONCLUSION

As outlined in the Henley Precinct Plan, the document contains 5 integrated components:

- Connections;
- Activity Areas;
- Buildings/Pavilions;
- Roads and Parking;
- Bushland Regeneration.

The Precinct Plan proposes to reinforce the existing usage patterns and those outlined within the Henley Plan of Management. The exhibition of the Precinct Plan will enable the community and key stakeholders with the opportunity to provide further feedback.

FINANCIAL IMPACT ASSESSMENT

Funding future inclusions, upgrades, maintenance and public domain projects within the Precinct Plan will require substantive State and Federal Government grant funding.

Prioritisation of accessible footpaths, a playground and submission of an Expression of Interest (EOI) for the Gladesville Sports and Community Complex will take precedence in 2024-25.

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. Draft Henley Precinct Plan (attached under separate cover)

ITEM NO	: 4.2
SUBJECT	: REVIEW OF HUNTERS HILL LOCAL ENVIRONMENTAL PLAN 2012
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: COMPLETE THE REVIEW OF THE LEP AND DCP
REPORTING OFFICER	: KIERAN METCALFE

Ref:692665

PURPOSE

The purpose of this report is to facilitate Council's consideration of the merits of a Council initiated Planning Proposal (PP) to amend the Hunters Hill Local Environmental Plan 2012 (LEP).

The subject PP has been developed as a result of a review of the LEP in consultation with the Hunters Hill Community and in accordance with the Hunters Hill Local Strategic Planning Statement (LSPS).

The proposed LEP amendments are being sought to strengthen the LEP, predominantly through removing anomalies, making the document easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the municipality.

This report recommends that Council forward the subject PP (included as Attachment 1 to this report) to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION

1. That Council supports the recommendations set out below:
 - (A) Forward the Planning Proposal included as Attachment 1 of this report 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.
 - (B) Subject to (A) above, advise the Department of Planning, Housing and Infrastructure that Council will 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) 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 with the Planning Proposal as exhibited.
- (2) To proceed with amended controls in the Planning Proposal to that exhibited.
- (3) To not proceed with the Planning Proposal.

(E) Delegate authority to the General Manager to make amendments to the Planning Proposal that:

- (1) Are minor and do not alter the intent of the Planning Proposal; or
- (2) Are required in order to comply with the Gateway Determination.

BACKGROUND

LEP Review Process to Date

Council is currently undertaking a review of the LEP and the Hunters Hill Consolidated Development Control Plan 2013 (DCP) in accordance with the LSPS.

The review of the LEP is being undertaken concurrently with the review of the DCP, with intent to have both sets of documentation available for concurrent public exhibition following the provision of a Gateway Determination from DPHI.

The proposed LEP amendments are being sought to strengthen the LEP, predominantly through removing anomalies, making the document easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

Changes to an LEP are generally enacted through a PP. In relation to the process for review of an LEP through the preparation of a PP, early due diligence should be undertaken to scope a proposal and before preparation of any PP as outlined within the Local Environmental Plan Making Guideline (LEP Guideline). This may include high-level desktop studies, review of the site setting and context, identification of objectives of the proposal and development of any concepts and feasibility. This due diligence generally takes the form of a scoping proposal.

With regard to all council-initiated PPs, the council should submit the scoping proposal to the DPHI's relevant Place or Regional team and request a meeting, if deemed necessary. The Department is responsible for managing and coordinating this process with council.

A scoping proposal has subsequently been developed in relation to the subject PP. Following initial community consultation and receipt and consideration of community feedback, this Scoping Proposal was reported to Council for its consideration at its Ordinary Meeting of 23 October 2023. At this meeting Council Resolved:

1. *That the report be received and noted.*

2. *That Council note community feedback received in relation to the review of the LEP and DCP and thank those in the community who have provided feedback.*
3. *That the Hunters Hill Municipality – Character Study Recommendations report prepared by Paul Davies, June 2021 (included as an attachment to this report) be adopted.*
4. *That the attached Scoping Proposal be made available on Council’s website and by correspondence to all previous registered stakeholders for 14 days.*
5. *That, as a result of any feedback, recommended variations to the scoping proposal be added before being brought back to the November meeting of Council for endorsement and referral to the Department of Planning and Environment.*
6. *That Council’s website be updated to reflect the next steps and future opportunities for consultation before the Planning Proposal is submitted.*

In accordance with Item 4 of the above Resolution, Council invited the community to comment and provide feedback on the LEP Scoping Proposal between 24 October and 7 November 2023. Following this consultation, this matter was reported to Council’s Ordinary Meeting of 27 November 2023. Redacted submissions that had been received as a result of the above consultation were attached to this report, along with a summary of the main issues raised and associated responses. Following consideration of this additional feedback, at its Ordinary Meeting of 27 November 2023 Council Resolved:

1. *That the report be received and noted.*
2. *That Council note stakeholder feedback received in relation to the draft scoping proposal and thank those in the community who have provided feedback.*
3. *That Council refer the attached amended scoping proposal to the Department of Planning and Environment for review with the inclusion of an outdoor dining provision within the schedule of exempt development of the LEP to read as follows:*
 - i. *Must be associated with an adjacent food and drink premises being carried out with lawful consent.*
 - ii. *If located on the footway of a public road, must be consistent with an approval granted under Section 125 of the Roads Act 1993.*
 - iii. *Must not be located on land steeper than a 1:50 gradient.*

Subsequent to the above Resolution of 27 November 2023, the amended Scoping Proposal was referred to DPHI on 23 January 2024.

DPHI has not yet provided a response to the above referral. However, Council Staff did meet with relevant DPHI representatives on 14 February 2024 to discuss the Scoping Proposal.

Feedback received from DPHI during that meeting has been considered in the development of the attached PP. This included updating proposed amendments to the LEP Land Use Tables to be consistent with Standard Instrument (Local Environmental Plans) Order 2006. For example, Council proposed to remove ‘tank based aquaculture’ from the LEP as this land use does not currently exist and is not likely to exist in the future within the LGA. However, this proposed amendment has not been carried over to the PP, as despite its practical irrelevance, this land use is included as a standard permitted use within a number of zones within the Standard Instrument (Local Environmental Plans) Order 2006.

Consultation

Initial consultation in relation to the LEP and DCP review commenced in March 2023. This consultation included a community meeting which was held on the evening of 15 March 2023 at the Hunters Hill Town Hall.

Following the abovementioned community meeting, feedback was invited and received from the community until 29 May 2023.

Feedback provided by stakeholders as detailed above has been collated, reviewed and considered as part of the LEP and DCP review process.

Redacted feedback that has been received as a result of the above consultation is attached to the report to Council's 23 October 2023 Ordinary Meeting, along with a summary of the issues raised and associated responses.

In addition to the above, a submission was also received from the Conservation Advisory Panel on 11 July 2023 which was also considered as part of this process. This submission was also attached to the report to Council's 23 October 2023 Ordinary Meeting.

Following its review of the Scoping Proposal as detailed previously within this report, at its Ordinary Meeting of 23 October 2023 Council Resolved:

4.*That the attached Scoping Proposal be made available on Council's website and by correspondence to all previous registered stakeholders for 14 days....*

In accordance with this Resolution, Council invited the community to comment and provide feedback on the LEP Scoping Proposal between 24 October and 7 November 2023. Following this consultation, this matter was reported to Council's Ordinary Meeting of 27 November 2023. Redacted submissions that had been received as a result of the above consultation were attached to this report, along with a summary of the main issues raised and associated responses.

All feedback provided by stakeholders as detailed above has been collated, reviewed and considered as part of the LEP and DCP review process, including in the development and finalisation of the Scoping Proposal and the development of the attached PP.

In addition to the above, this matter was reported to the Hunters Hill Local Planning Panel (LPP) meeting of 28 March 2024. This report to the LPP was in accordance with the Local Plan Making Guideline (August 2023), published by the former NSW Department of Planning and Environment, and Ministerial Direction (9.1 Local Planning Panels – Planning Proposals) which requires that Council's refer PPs to local planning panels for advice. As a result of its consideration of this matter, the LPP Resolved:

1. *The LPP advises Council that it supports the attached Planning Proposal being referred 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 reporting of this matter to LPP is further discussed under the heading 'Report' below.

REPORT

LEP Review Details and Process

As detailed previously within this report, Council is currently undertaking a review of the LEP and DCP in accordance with the LSPS.

The proposed LEP amendments are being sought to strengthen the LEP, predominantly through removing anomalies, making the document easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

The sections of the LEP proposed to be amended and the associated objectives of these amendments are outlined below:

- **Clause 1.2 Aims** – To ensure the LEP captures the principal of ecologically sustainable development, to include references to the DCP and LSPS and to strengthen heritage, character and landscape provisions.
- **Land Use Tables:**
 - To remove reference to land uses that do not exist and/or are not envisaged within the Municipality.
 - To include land uses that are complimentary to certain land use zones.
 - To facilitate land uses which are consistent with certain land use zones.
 - To maintain garden suburb character and provide plant and tree cover.
- **Clause 4.1 Minimum subdivision size** – To ensure practical outcomes for battle axe block subdivisions.
- **Clause 5.4 Controls relating to miscellaneous permissible uses** - To remove reference to land uses that do not exist and/or are not envisaged within the Municipality.
- **Clause 6.3 Stormwater management** – To ensure consistency with the intent of the Parramatta River Masterplan, which aims to create a world class river that is living and swimmable again.
- **Clause 6.4 Terrestrial biodiversity** – To ensure consistency with the intent of the Parramatta River Masterplan.
- **Clause 6.5 Riparian land and adjoining waterways** – To ensure consistency with the intent of the Parramatta River Masterplan.
- **Clause 6.6 Limited development on the foreshore** - To ensure consistency with the intent of the Parramatta River Masterplan.

- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings** – To simplify provisions for landscaping of dwellings while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the municipality.
- **Schedule 1 Additional permitted use** – Removal of items from Schedule 1 where the listing does not complement the existing or intended use of the site.
- **Schedule 2 Exempt development** – Addition of a new exempt development item (outdoor dining) to Schedule 2.
- **Schedule 5 – Environmental heritage Part 2** – Amendment of anomalies and errors identified in relation to heritage listings and to reflect specialist advice provided to Council in relation to heritage listings.
- **Mapping changes** – Update of maps to reflect amendments to heritage listings within Schedule 5 as outlined above.

Changes to an LEP are generally enacted through a PP. In relation to the process for review of the LEP through the preparation of a PP, early due diligence should be undertaken to scope a proposal and before preparation of any PP as outlined within the LEP Guideline. This due diligence generally takes the form of a scoping proposal.

With regard to all council-initiated PPs, the council should submit the scoping proposal to DPHIs relevant Place or Regional team and request a meeting, if deemed necessary.

An LEP scoping proposal has subsequently been developed following consideration of community feedback. This Scoping Proposal was reported to Council for its consideration at its Ordinary Meeting of 23 October 2023.

At its Ordinary Meeting of 27 November 2023 Council Resolved:

1. *That the report be received and noted.*
2. *That Council note stakeholder feedback received in relation to the draft scoping proposal and thank those in the community who have provided feedback.*
3. *That Council refer the attached amended scoping proposal to the Department of Planning and Environment for review with the inclusion of an outdoor dining provision within the schedule of exempt development of the LEP to read as follows:*
 - i. Must be associated with an adjacent food and drink premises being carried out with lawful consent.*
 - ii. If located on the footway of a public road, must be consistent with an approval granted under Section 125 of the Roads Act 1993.*
 - iii. Must not be located on land steeper than a 1:50 gradient.*

Subsequent to the above Resolution, the amended Scoping Proposal was referred to DPHI on 23 January 2024.

DPHI has not yet provided a response to the above referral. However, Council Staff did meet with relevant DPHI representatives on 14 February 2024 to discuss the Scoping Proposal.

Feedback received from DPHI during that meeting has been considered in the development of the attached PP. This included updating proposed amendments to the LEP Land Use Tables to be consistent with Standard Instrument (Local Environmental Plans) Order 2006. For example, Council proposed to remove 'tank based aquaculture' from the LEP as this land use does not currently exist and is not likely to exist in the future within the LGA. However, this proposed amendment has not been carried over to the PP, as despite its practical irrelevance, this land use is included as a standard permitted use within a number of zones within the Standard Instrument (Local Environmental Plans) Order 2006.

In addition to the above, it can also be noted that two additional heritage item corrections are now proposed to be included within the PP as recommended by Council's Heritage Advisor as follows:

Correction of heritage mapping at 55-57 The Point Road Woolwich to include the whole of the property - There is a heritage listed item at 55-57 The Point Road Woolwich. The heritage maps need to be corrected to include the whole of the property (only one of the allotments is currently identified as a heritage item).

3 Stanley Road Amalgamation - The property at 3 Stanley Road has been amalgamated. As such, the property description and mapping should be updated to encompass the whole of the property.

As detailed previously within this report, this matter also was reported to the LPP meeting of 28 March 2024. As a result of its consideration of this matter, the LPP Resolved:

2. *The LPP advises Council that it supports the attached Planning Proposal being referred 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.*

During the subject LPP meeting, a number of matters were raised by two stakeholders who addressed the meeting. These matters and subsequent responses are provided below:

Whether the proposal is more than just housekeeping

It is noted that 'Housekeeping' is not a PP category referenced within the LEP Making Guideline. Rather, it is considered that the PP is a 'Standard' PP as defined below:

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- *To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone*
- *That relates to altering the principal development standards of the LEP*
- *That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP*
- *That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS*
- *Relating to classification or reclassification of public land through the LEP*

The above 'Standard' categorisation (as opposed to 'Basic') is triggered primarily as the PP relates to altering the principal development standards of the LEP as detailed within Attachment 1 to this report.

Notwithstanding the above, PP categorisation is associated with target timeframes for the PP to be assessed and determined and minimum information requirements as outlined in each stage of the LEP Making Guideline. Whether the subject PP is 'Basic', 'Standard' or any other category is inconsequential in relation to achieving the objectives of the review as outlined within this report in and in consideration of feedback from the community which has been used to inform the scope of the subject review.

Lack of incorporation of community concerns

The formal community consultation process for PPs as outlined within the LEP Making Guideline would occur following the provision of Gateway Determination from DPHI.

Notwithstanding the above, significant initial community consultation has been undertaken in the development of the Scoping Proposal and subsequent PP as detailed previously within this report. Each submission received in relation to this consultation has been comprehensively reviewed, with responses provided to the matters raised. Submissions received, along with summaries of and responses to the submissions have been reported to Council and considered in the finalisation of the Scoping Proposal and subsequent PP.

Garden area and tree canopy, tree protection and conservation areas

Conservation of garden area and tree canopy along with tree protection and conservation areas have been key focus areas for the subject LEP review. As detailed within the PP included within Attachment 1 to this report, a suite of amendments to the LEP are proposed to strengthen provisions related to the conservation of the character, heritage and environment of the Municipality, along with amendment of omissions and clarification of ambiguity to improve the integrity of the LEP.

The inclusion of FSR is a positive

Noted.

Generally supportive of the amendments. However, more work is required, particularly on excavation and the landscaped area definition

Noted.

New provisions to address excavation have been proposed within Clauses 1.2 and 4.4 of the LEP as detailed within Attachment 1 to this report.

Some confusion and concern was expressed by this stakeholder and the community LPP representative in the interpretation of the proposed amendments to Clause 6.9 of the LEP relating landscaped area. Some concern was also expressed by this stakeholder and the community LPP representative that the proposal may result in less landscaped area being

achieved in relation to future development applications. Subsequently, Council Staff are currently seeking legal advice on alternative wording which would seek to clarify the proposed clause, to minimise potential confusion in interpretation whilst ensuring that landscaped area within the Municipality can be protected and enhanced by this clause of the LEP. Any updated amended clause of this nature would be included within the PP prior to public exhibition, to ensure the community has an opportunity to review the wording and to provide feedback.

The next step in the LEP review process would be a Resolution of Council to refer the attached PP to DPHI seeking a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*. This report recommends that this referral now be undertaken.

Strategic Alignment (Strategic merit)

The strategic merit of the PP is discussed within Part 3 of Attachment 1 to this report. As detailed within Part 3 of Attachment 1 to this report, the PP has strategic alignment (including alignment with the LSPS) and subsequent strategic merit.

Site analysis and requirements (Site specific merit)

Site analysis and requirements related to the PP are discussed within Part 3 of Attachment 1 to this report. As detailed within Part 3 of Attachment 1 to this report, the PP has site specific merit, as the PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the Municipality.

Other Matters

Formal Public Exhibition and Consultation

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

This report recommends that Council advise DPHI that Council will be seeking to be authorised as the LPMA.

CONCLUSION

The purpose of this report is to facilitate Council's consideration of the merits of a Council initiated PP to amend the LEP.

The subject PP has been developed as a result of a review of the LEP in consultation with the Hunters Hill Community and in accordance with the LSPS.

The proposed LEP amendments are being sought to strengthen the LEP, predominantly through removing anomalies, making the document easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

Should Council endorse the attached PP, it will be forwarded to DPHI 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

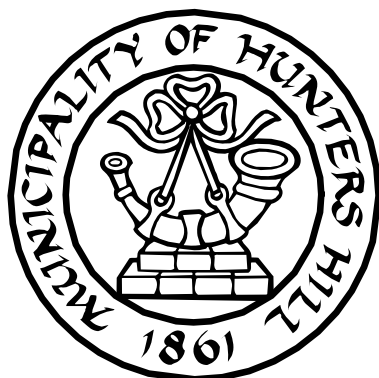
There is no direct social impact arising from Council consideration of this matter.

RISK ASSESSMENT

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

ATTACHMENTS

1. Planning Proposal - LEP Review [↓](#)



HUNTERS HILL COUNCIL

PLANNING PROPOSAL

Local Environmental Plan Review
April 2024

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Executive Summary

This Planning Proposal (PP) has been prepared by Hunters Hill Council (Council) in relation to proposed amendments to the Hunters Hill Local Environmental Plan 2012 (LEP). This PP has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and in accordance with the (former) Department of Planning and Environment Local Environmental Plan Making Guideline.

The PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the Municipality.

This LEP amendment is being sought concurrently with a review of the Hunters Hill Development Control Plan (DCP). This DCP review would seek to simplify the structure of the DCP, rectify anomalies within the document and better reflect and support the provisions of the LEP and relevant NSW Government legislation, guidelines and policies.

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP 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.

This PP is intended to be reported to Council for consideration at its April 2024 Ordinary Meeting (seeking referral of this PP for Gateway Determination), with the subject LEP amendment process intended to be finalised by November 2024.

Part 1 – Background, Objectives and Intended Outcomes

This Planning Proposal (PP) has been prepared by Hunters Hill Council (Council) in relation to proposed amendments to the Hunters Hill Local Environmental Plan 2012 (LEP).

The LEP applies to the Hunter Hill Local Government Area (LGA). Amendments associated with this PP in some instances apply to the wider LGA, whereas others apply to specific areas of the LGA. The geographic application of the specific components of this PP are outlined in further detail within Part 2 of this PP.

This PP is one of a number of proposed LEP amendments outlined within the Hunters Hill Local Strategic Planning Statement (LSPS).

The sections of the LEP proposed to be amended and the associated objectives of these amendments are outlined below:

- **Clause 1.2 Aims** – To ensure the LEP captures the principal of ecologically sustainable development, to include references to the relevant Development Control Plan (DCP) and LSPS and to strengthen heritage, character and landscape provisions.

- **Land Use Tables:**
 - To remove reference to land uses that do not exist and/or are not envisaged within the Hunters Hill LGA.
 - To include land uses that are complimentary to certain land use zones.
 - To facilitate land uses which are consistent with certain land use zones.
 - To maintain garden suburb character and provide plant and tree cover.
- **Clause 4.1 Minimum subdivision size** – To ensure practical outcomes for battle axe block subdivisions.
- **Clause 5.4 Controls relating to miscellaneous permissible uses** - To remove reference to land uses that do not exist and/or are not envisaged within the LGA.
- **Clause 6.3 Stormwater management** – To ensure consistency with the intent of the Parramatta River Masterplan, which aims to create a world class river that is living and swimmable again.
- **Clause 6.4 Terrestrial biodiversity** – To ensure consistency with the intent of the Parramatta River Masterplan.
- **Clause 6.5 Riparian land and adjoining waterways** – To ensure consistency with the intent of the Parramatta River Masterplan.
- **Clause 6.6 Limited development on the foreshore** - To ensure consistency with the intent of the Parramatta River Masterplan.
- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings** – To simplify provisions for landscaping of dwellings while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the municipality.
- **Schedule 1 Additional permitted use** – Removal of items from Schedule 1 where the listing does not complement the existing or intended use of the site.
- **Schedule 2 Exempt development** – Addition of a new exempt development item (outdoor dining) to Schedule 2.
- **Schedule 5 – Environmental heritage Part 2** – Amendment of anomalies and errors identified in relation to heritage listings and to reflect specialist advice provided to Council in relation to heritage listings.
- **Mapping changes** – Update of maps to reflect amendments to heritage listings within Schedule 5 as outlined above.

This PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and in accordance with the (former) Department of Planning and Environment Local Environmental Plan Making Guideline.

This LEP amendment is being sought concurrently with a review of the Hunters Hill Development Control Plan (DCP). This DCP review would seek to simplify the structure of the DCP, rectify anomalies within the document and better reflect and support the provisions of the LEP and relevant NSW Government legislation, guidelines and policies.

Part 2 – Explanation of Provisions

Each of the proposed amendments sought through this PP are explained against each relevant clause of the LEP under the headings below. Proposed changes are highlighted. Where content is proposed to be included it has been underlined. Where content is proposed to be removed it has been crossed out.

1.1 Clause 1.2 Aims

Proposal

A review has been undertaken of the aims in the LEP. The proposed amendments are highlighted below:

(2) *The particular aims of this Plan are as follows—*

- (a) to promote ecologically sustainable development,
- (b) to create a land use framework for controlling development in the municipality that -
 - i. allows detailed provisions to be made in any development control plan made by the Council,
 - and
 - ii. is consistent with the adopted Hunters Hill Local Strategic Planning Statement,
- (c) to maintain and enhance the character and identity of established neighbourhoods in ~~Hunters Hill the~~ municipality by regulating the use and development of land,
- (d) to maintain and enhance biodiversity values and corridors by conserving natural features and scenic qualities that distinguish the municipality, to protect, enhance and sustainably manage the biodiversity values and corridors, natural features, scenic qualities, water resources and ecological processes within the municipality for the benefit of current and future generations. This includes protection and enhancement of trees and vegetation.
- (e) to conserve Aboriginal heritage and European heritage that influence the character and identity of the municipality,
- (f) to accommodate a range of housing that will maintain the ~~garden suburb~~ character of the municipality, while responding to the needs of a growing population and changing demographics,
- (g) to consolidate housing growth in locations that are well-served by shops, transport and community services,
- (h) to ensure development considers and supports active and public transport,
- (i) to provide for employment and a variety of businesses that service residents of the municipality and surrounding areas,
- (j) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (k) to maintain a network of ~~private and public~~ open spaces that conserve natural and scenic qualities and biodiversity as well as providing a variety of active and passive recreation opportunities for residents of the municipality and surrounding areas,
- (l) to accommodate a range of community and educational infrastructure for residents of the municipality and surrounding areas,
- (m) to promote high standards of urban and architectural design quality,

- (n) *to protect and promote public access to and along the foreshores,*
- (o) *to maintain and improve water quality within the catchments of the municipality,*
- (p) *to facilitate adaptation to climate change and ensure sustainable building development,*
- (q) *to manage risks to the community and the environment in areas subject to natural hazards and risks,*
- (r) *to retain views to and from water and foreshore reserves and public areas from streets and residential lots,*
- (s) *to protect and enhance landform and vegetation, particularly foreshores and bushland, in order to maintain the landscape amenity of the municipality,*
- (t) *to manage change in a way that ensures an ecologically and economically sustainable urban environment in which the needs and aspirations of the community are prioritised,*
- (u) *to preserve and continue the garden suburb character of dwellings set in informal gardens including mature trees that distinguish the low density localities,*
- (v) *to minimise excavation and alteration of topography and manage impacts, including the potential impact of construction dewatering.*

Rationale

2(a) has been added to reflect Council's desire to promote the importance of ecologically sustainable development (ESD).

- (a) ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in over 60 pieces of NSW legislation. [*Australia's National Strategy for Ecologically Sustainable Development \(1992\)*](#) defines ecologically sustainable development as: 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.'

ESD requires the effective integration of economic, environmental, social and equity considerations in decision-making processes. ESD aims to provide for the needs of present generations without compromising the ability of future generations to meet their own needs.

- (b) **2(b)** has been added to reference a land use framework which includes:

- i. more detailed provisions in a development control plan (DCP) and
- ii. consistency with the Hunters Hill Local Strategic Planning Statement (LSPS).

DCPs are not statutory documents, however, they are important in outlining planning provisions to manage development, through maintaining amenity and reducing impacts on surrounding development and the environment. This amendment aims to highlight that DCPs are part of the development assessment framework.

The LSPS is an important strategic planning document, and as such, the LEP should indicate consistency with it. The aim is to promote development that is consistent with the Council's vision for Hunters Hill as outlined within the LSPS.

- (a) **2(d)** – This clause has been amended in recognition of the critical importance of maintaining and enhancing biodiversity values and corridors (including trees and vegetation), natural features, scenic qualities, water resources and ecological processes.

- (b) **2(j)** – Previous clause (aa) ‘to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,’ has been moved to this section of the clause to improve the flow of this section of the LEP.
- (c) **2(k)** – The words ‘private and public’ have been included within this clause to make clear that maintaining a network of open spaces that conserve natural and scenic qualities extends to both private and public lands.
- (d) **2(e)** – This clause has been amended to reflect that heritage values influence the municipality.
- (e) **2(h)** – This clause has been included to ensure development considers and supports active and public transport and to reduce dependence on private motor vehicle usage.
- (f) **2 (m) - (v)** – These clauses have been included with the intent to protect and enhance environmental and amenity characteristics of the municipality and to ensure consideration of natural hazards and climate change.

1.2 Part 2 Permitted or prohibited development - Land use table

Proposal

Zone R2 Low Density residential

- Add semi-detached dwellings in the ‘permitted with consent’ table.

Zone R2 Low Density residential

1 Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment **dominated by vegetation with buildings recessed in general landscape settings.**
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the identity **and amenity** of **Hunters Hill the municipality** by ensuring that new **buildings are development is respectful of and** compatible with the garden suburb character and heritage values that distinguish the low-density localities.
- To provide for **and preserve** high levels of amenity that are consistent with a low-density residential environment.
- **To maintain the garden suburb character of dwellings set in informal gardens including mature trees that distinguish the low density localities.**
- **To maintain and restore the general dominance of landscape over built form, particularly in River Front Areas.**
- **To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access, landscaping and retention of natural topographical features.**
- **To ensure that development is of a height and scale consistent with a low density residential environment**
- **To encourage residential development that maintains or enhances local amenity and, in particular, public and private views.**

- **To minimise the adverse effects of bulk and scale of new development.**

2 Permitted without consent

Home occupations; Roads.

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Secondary dwellings; **Semi-detached dwellings**; Tank-based aquaculture.

4 Prohibited

Any development not specified in item 2 or 3.

Rationale

Additional description of the desired character of the municipality and strengthening of wording around respect and preservation of existing character has been included within Clause 1 to clarify and strengthen these objectives.

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling. Added so as not to prohibit this type of development – new or existing in the low-density residential zone.

Proposal

Amend objectives of R3 Medium Density zone as follows:

- **Remove** – ‘To ensure that development is compatible with the character and heritage of the locality’.
- **Add** – To ensure that the design of development provides and integrates with deep soil landscaping to reflect the garden suburb character of the municipality.

Proposed wording for LEP (with the proposed changes highlighted) is outlined below.

R3 Medium Density Development

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the character and heritage of the locality.*
- **To ensure that the design of development provides and integrates with deep soil landscaping to reflect the garden and bushland character of the municipality.**
- **To provide for levels of amenity that are reasonable for a medium density residential environment.**

- *To provide for housing that is compatible with the desired future character of the area in terms of bulk, height and scale.*
- *To provide a transition between low density residential housing and higher density forms of development.*
- *To encourage residential development that is in keeping with local amenity, including public and private views.*

2 Permitted without consent Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

~~Pond-based aquaculture.~~ Any other development not specified in item 2 or 3.

Rationale

The proposed amendments are designed to maintain garden suburb character, respect existing amenity and desired future character and to provide plant and tree cover.

Proposal

Expand uses in the **RE1 Public Recreation zone** to include:

- Information and education facilities
- Markets
- Recreation facilities (outdoor)
- Restaurants and cafes
- Take away food and drink premises

The amended section of the LEP would read as outlined below.

RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

Aquaculture; Community facilities; **Information and education facilities;** Kiosks; **Markets;** Recreation areas; **Recreation facilities (outdoor);** Restaurants or cafes; **Take away food and drink premises;**

4 Prohibited Any development not specified in item 2 or 3

Rationale

The additional permitted uses will allow a greater range of activities to take place in public recreation areas including cafes and restaurants where there is demand – either in existing buildings or new facilities.

Proposal

Amend E1 Local Centre provisions as follows:

E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- **To enhance the viability, vitality and amenity of the local centres while protecting and enhancing the village character.**
- **To manage potential impacts of non-residential uses on the amenity of adjacent residential areas, having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads.**
- **To maintain the local character and heritage and enhance the village atmosphere of local centres by managing the height, bulk and scale of buildings and ensuring that new or altered buildings reflect the proportions of surrounding traditional shop fronts.**
- **To encourage development that is compatible with the centre's position on the hierarchy of local centres.**

Rationale

The additional provisions are intended to maintain and enhance the character and amenity of local centres within the municipality, maintain hierarchy of local centres and minimise land use conflict between local centres and adjacent residential areas.

Proposal

Amend MU1 Mixed Use provisions as follows:

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure that new buildings provide an appropriate transition between employment zones and surrounding residential localities.
- **To maximise active and public transport opportunities.**

Rationale

To promote active and public transport opportunities within mixed use areas and to reduce dependence on private motor vehicle usage but not to exclude parking at buildings.

1.3 Part 4 Principal development standards

Proposal

4.1 Minimum subdivision size

Make the following amendments to Clause 4.1:

(1) the objectives of this clause are as follows-

(a) to soften visual impacts of residential developments when viewed from any waterway, park, **neighbouring property** or road by providing **sufficient generous** space for trees and plantings around every building.

(b) to accommodate residential developments that would be compatible with size, scale and existing character of surrounding buildings **and the locality.**

Add to Clause 4.1:

3(A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

Rationale

To broaden and strengthen provisions within clause 4.1 relating to softening visual impacts and ensuring consideration of the locality and not just adjacent buildings with regard to compatibility of new development with the existing built environment.

Assessing development applications for battle axe blocks have been problematic in the past, where unsatisfactory access handles have been proposed that are too narrow. The inclusion of this clause would provide an opportunity to promote a suitable site for housing without compromising the access handle. It is a clause used by many other councils.

Proposal

4.3 Height of buildings

Make the following amendments to Clause 4.3 (a):

The objectives of this clause are as follows-

(a) **to specify limits for to ensure** the size and scale of development **that would be are** compatible with the character, amenity **and potential** of particular locations,

(d) to ensure new development is respectful of the existing character of the area with eaves and pitched roof forms.

(d) (e) to protect existing dwellings and neighbouring properties from excessive overshadowing, loss of privacy, obstruction of views and general visual impacts.

4.3A Height of buildings (additional provisions)

(1A) The objectives of this clause are as follows—

(a) to provide for view sharing.

(b) to minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.

(1) This clause applies to all land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map.

(2) The consent authority may refuse development consent for the erection of a building on land to which this clause applies if the building has more than two storeys above ground level (existing).

(3) However, the consent authority may grant development consent for an additional storey in the foundation space of an existing building on land to which this clause applies if the consent authority is satisfied that the building height and bulk is of an appropriate form and scale and environmental impacts are minimal.

(3A) The foundation space must not exceed 300mm from ground level (existing) to allow for landscaping.

(4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.

(5) In this clause—

dormer window means a window in the roof plane that measures no more than 25% of the width of the roof in that plane, or 1.8 metres, whichever is less.

wall height means the vertical distance from ground level (existing) to the underside of the eaves at the wall line, parapet or flat roof, whichever is highest.

Rationale

To clarify and strengthen provisions related to development scale and form to assist in maintaining character and minimise impacts to adjacent areas, whilst also facilitating appropriate development where impacts to existing character and the environment can be managed.

Proposal

4.4 Floor space ratio

Make the following amendments to Clauses 4.4 (a) and (d):

(1) The objectives of this clause are as follows—

(a) to specify limits for the size of development that would be to achieve compatibility with the character and potential of particular locations,

(d) to **encourage ensure** buildings that maximise the proportion of the site area that **may be is** retained **or established** as landscaped area,

(e) to minimise adverse effects of bulk and scale of buildings,

(f) to limit excavation of sites and retain natural ground levels for the purpose of landscaping, biodiversity and containing urban run-off.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), if a dwelling house on any land complies with clause 4.3, in respect of height, and clause 6.9, in respect of landscaping, there is no maximum floor space ratio for that dwelling house.

(2BA) Despite subclause (2), the maximum floor space ratio for a building being used for one of the following purposes is—

- (a) a dual occupancy—0.5:1,
- (b) multi dwelling housing—0.6:1.

Rationale

To strengthen provisions related to maintaining character, minimise adverse effects of bulk and scale and strengthen provisions related to landscaped area.

Proposal

4.5 Calculation of floor space ratio and site area

... (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

For the purpose of calculating the site area of a battle-axe lot, the area of the access handle is excluded.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

Rationale

To ensure suitable outcomes in the calculation of floor space ratio for battle axe blocks, given the handle area is generally used for property access only.

1.4 Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

Proposal

Amend controls relating to miscellaneous permissible uses:

- Remove industrial retail outlets (4) and farmstays (5)
- Remove artisan food and drink industry exclusion (10)

Rationale

- Industrial retail outlets and farmstay land uses do not currently exist and not likely to exist in the LGA in the future, given its size and character and therefore should not be included in the LEP.
- Artisan food and drink industry is not a permitted use in the LEP.

Proposal**Clause 5.4 Controls relating to miscellaneous permissible uses**

- Remove (7) neighbourhood shops and (7AA) neighbourhood supermarkets

Rationale

Under the proposed DPE Employment Land Use Reforms B1 Neighbourhood Centre will no longer exist. The new zoning will be E1 Local Centre. It is proposed under the reforms to rezone Hunters Hill village from B4 Mixed use to E1 Local Centre to reflect the existing and intended future function of the centre. New development should not be restricted in size but controlled by planning controls in the LEP and DCP.

Proposal**Clause 5.10 Heritage conservation****Make the following amendments to Clause 5.10 (1) (a), (4) and (5):**

(1) **Objectives** The objectives of this clause are as follows-

(a) **to ensure the** conservation and enhancement of the environmental heritage character of Hunter Hill the municipality.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the relevant item or area concerned....

(5) **Heritage assessment**

... require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect heritage significance of the relevant heritage item or heritage conservation area concerned.

Rationale

To strengthen provisions related to heritage character and to not only conserve but enhance these heritage qualities within the Municipality.

1.5 Part 6 Additional local provisions**Clause 6.3 Stormwater management****Proposal**

Rewrite the clause in line with the intent of the Parramatta River Masterplan, Step 4 (February 2021). Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment.

It is intended to replace the existing clause with the following:

Stormwater Management and Water Sensitive Urban Design

- 1) The objectives of this clause are as follows:
 - (a) to minimise the adverse impacts of stormwater runoff and diffuse stormwater pollution downstream of new development
 - (b) to ensure that development on properties adjoining bushland, riparian land or other areas of native vegetation is designed to minimise the impacts of stormwater runoff into those areas
 - (c) to ensure that new development contributes to achieving the NSW Water Quality Objectives
 - (d) to improve the health of the Parramatta River and Lane Cove River
 - (e) to protect and enhance the values of all waterways in the Parramatta and Lane Cove River catchments
- 2) This clause applies to all land in residential, employment, special uses, recreation and environmental conservation zones.
- 3) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development:
 - (a) is designed to maximise pervious surfaces and vegetation coverage
 - (b) is designed to reduce the quantity (volume) of stormwater discharged from the land, including:
 - i. maximising the harvesting and use of rainwater and/or stormwater for appropriate non-potable end uses, reducing the quantity of runoff
 - ii. maximising infiltration and evapotranspiration, having regard to the soil characteristics affecting on-site infiltration of water
 - (c) is designed to avoid, mitigate or offset stormwater quality impacts
 - (d) will avoid, mitigate or offset any adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems
 - (e) is designed in keeping with the principles of water sensitive urban design.
- 4) For the purposes of subclause (3)(e), the water sensitive urban design principles are—
 - (a) minimising demand on Sydney's centralised water supply system
 - (b) minimising wastewater discharge
 - (c) minimising stormwater runoff
 - (d) improving the quality of remaining stormwater runoff to a standard suitable to meet downstream water quality objectives
 - (e) minimising harmful impacts of urban development on surface and groundwater flow regimes
 - (f) protecting and enhancing natural waterways
 - (g) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and

detention, enhancement of ecological processes, habitat and biodiversity, urban heat mitigation, recreational value and visual amenity.

Rationale

One of the main goals of the Parramatta River Masterplan is to create a world class river that is living and swimmable again. Keys to delivering this goal are to develop whole of catchment land use policy and statutory planning mechanisms. The model LEP clauses have been developed to assist in this process with the intention that all catchment councils will adopt them.

Note: The replacement clause is similar in intent to the existing clause.

Clause 6.4 Terrestrial biodiversity

Proposal

To replace the term 'improve' with 'enhance' in clause 1) and replace the term 'biological' with 'ecological' in clause 1) (a).

Rationale

To more closely align the LEP with the wording and intent of the Parramatta River Masterplan, Step 4 (February 2021).

Clause 6.5 Riparian land and adjoining waterways

Proposal

Rewrite the clause in line with the intent of the Parramatta River Masterplan, Step 4 (February 2021). Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment.

It is intended to replace the existing clause with the following:

Waterways and Riparian Land

1) The objectives of this clause are as follows —

(a) to protect or improve—

i. water quality within waterways, and

ii. the stability of the bed and banks of waterways, and

iii. aquatic and riparian species, communities, populations and habitats, and

iv. ecological processes within waterways and riparian lands, and

v. scenic, recreational and cultural heritage values of waterways and riparian lands.

(b) where practicable, to provide for the rehabilitation of existing piped or channelised waterways to a more natural state.

(c) where practicable, to provide for improved habitat connectivity along riparian corridors.

(d) where practicable, to provide for improved green grid (active transport and recreation) links along riparian corridors, having regard to protection of high value vegetation, including endangered ecological communities that occur within these corridors.

2) This clause applies to riparian land. Riparian land is identified by the presence of a waterway, where the presence of a waterway is either—

- (a) Identified in the NSW Government Hydroline dataset
- (b) Identified via physical features that are consistent with the definition of a “river” within the *Water Management Act NSW 2000*

Note: Some development types within 40 metres of a waterway will still require referral to the NSW Office of Water as integrated development.

3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—

- (a) whether the development is likely to have an adverse impact on the following—
 - i. the water quality in any waterway,
 - ii. the natural flow regime, including groundwater flows to any waterway,
 - iii. aquatic and riparian species, populations, communities, habitats and ecosystems,
 - iv. the stability of the bed, shore and banks of any waterway,
 - v. the free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land,
 - vi. public access to, and use of, any public waterway and its foreshores,
- (b) any opportunities for rehabilitation or re-creation of any waterway and its riparian areas,
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is consistent with the objectives of this clause, and
- (b) integrates riparian, stormwater and flooding measures, and
- (c) is designed, sited and will be managed to avoid any potential adverse environmental impacts, and
- (d) if a potential adverse environmental impact cannot be avoided by adopting feasible alternatives—the development minimises or mitigates any such impact to a satisfactory extent.

Rationale

One of the main goals of the Parramatta River Masterplan is to create a world class river that is living and swimmable again. Keys to delivering this goal are to develop whole of catchment land use policy and statutory planning mechanisms. The model LEP clauses have been developed to assist in this process with the intention that all catchment councils will adopt them. The replacement clause is similar in intent to the existing clause.

Clause 6.6 Limited development on the foreshore**Proposal**

Rewrite the clause in consideration of the intent of the Parramatta River Masterplan, Step 4 (February 2021). Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment. In addition, further amendment has also been proposed strengthen provisions related to foreshore protection.

It is intended to replace the existing clause with the following:

Foreshore area development

- 1) **The objective of this clause is to:**
 - (a) **ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area, and**
 - (b) **connect recreational open space through a continuous public foreshore, and**
 - (c) **foster delivery of Sydney's Green Grid.**
- 2) **Development consent must not be granted for development on land in the foreshore area except for the following purposes—**
 - (a) **the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,**
 - (b) **boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails or picnic facilities.**
- 3) **Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—**
 - (a) **the development will achieve the objectives for the zone in which the land is located, and**
 - (b) **the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be visually compatible and recessive with the surrounding area and preserve and enhance the natural environment, and**
 - (c) **the development will not cause environmental harm such as—**
 - i. **pollution or siltation of the waterway, and**
 - ii. **an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, and**
 - iii. **an adverse effect on drainage patterns, and**
 - iv. **excessive clearing of native vegetation contiguous to adjacent foreshore or public open space, or fencing that would prevent the movement of fauna between such vegetation, and**
 - (d) **the development will not cause congestion or generate conflict between people using open space areas or the waterway, and**
 - (e) **opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and**

- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.
- 4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—
- (a) continuous public access to and along the foreshore through or adjacent to the proposed development.
 - (b) public access to link with existing or proposed open space.
 - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land.
 - (d) public access to be located above mean high water mark.
 - (e) the reinforcing of the foreshore character and respect for existing environmental conditions.
- 5) In this clause— foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map. Foreshore building line means—
- (a) the line that is landward of, and at the distance specified on the Foreshore Building Line Map from, the mean high-water mark of the nearest natural waterbody shown on that map, or
 - (b) if no distance is specified, the line shown as the foreshore building line on that map.

Rationale

One of the main goals of the Parramatta River Masterplan is to create a world class river that is living and swimmable again. Keys to delivering this goal are to develop whole of catchment land use policy and statutory planning mechanisms. The model LEP clauses have been developed to assist in this process with the intention that all catchment councils will adopt them. In addition, further amendment has also been proposed strengthen provisions related to foreshore protection.

Clause 6.7 Development on river front areas

Proposal

Amend Clause 6.7 as follows:

(1) The objectives of this clause are as follows—

(a) to identify river front areas that have particular scenic value when viewed from waterways and adjacent foreshore areas,

(a1) to recognise and protect this natural and visual environment,

(a2) to reinforce the dominance of landscape over built form,

(b) to ensure that development in these areas minimises visual impacts by appropriate siting and design of buildings together with the conservation of existing trees vegetation and rocky outcrops.

- (c) to maintain existing views and vistas ~~towards to and from~~ waterways ~~from and~~ public places.
- (2) This clause applies to land identified as “River Front Area” on the [River Front Area Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) measures will be taken, including in relation to the location, design and appearance of the development and conservation of existing trees, to minimise the visual impact of the development to and from the nearest waterway ~~or riverfront area~~, and
 - (b) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out, and of surrounding land, will be maintained, ~~and~~
 - (b1) ~~the development will maintain the existing natural landscape and landform, and~~
 - (c) existing views towards waterways from public roads and reserves would not be obstructed.

Note—

[State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6 also applies to the Foreshores and Waterways Area within the meaning of the Chapter.

Rationale

To strengthen provisions protecting the amenity of river front areas within the Municipality.

Clause 6.9 Landscaped areas for dwelling houses and secondary dwellings

Proposal

Replace existing Clause 6.9 with proposed Clause 6.9 – see below:

6.9 Landscaped area for dwelling houses and secondary dwellings (existing)

- ~~1. The objectives of this clause are as follows—~~
 - ~~(a) to maintain the character and identity of Hunters Hill by ensuring that dwelling houses and secondary dwellings are surrounded and separated by individual gardens,~~
 - ~~(b) to soften the visual impacts of dwelling houses and secondary dwellings when viewed from any waterway, park or road by providing sufficient space for trees and plantings around every building,~~
 - ~~(c) to protect and preserve native vegetation in general, and in particular, native vegetation that occurs in a riverfront area or on riparian land~~
 - ~~(d) to ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality,~~
 - ~~(e) to minimise the discharge of stormwater from any site, whether by drainage or by overland flow.~~
- ~~2. The landscaped area of any site on which development for the purpose of a dwelling house or a secondary dwelling is carried out must not be less than—~~
 - ~~(a) for each site with a direct frontage to the Parramatta River or the Lane Cove River—60% of the site area, or~~
 - ~~(b) for all other sites—50% of the site area.~~
- ~~3. For the purposes of subclause (2), the site area is to be calculated under clause 4.5 (3) and any area that has a length or a width of less than 2 metres is not to be included in calculating the proportion of landscaped area.~~

~~4. Despite subclause (2), the minimum landscaped area may be reduced by not more than 33% for the purpose of accommodating a pathway, a patio, a terrace or a pool (if the pool has an area of less than 40 square metres), but only if the proposed development would be consistent with the objectives of this clause.~~

6.9 Landscaped area for dwelling houses and secondary dwellings (proposed)

(1) The objectives of this clause are as follows—

- (a) to maintain and enhance the character and identity of the municipality by ensuring a general visual dominance of landscape over buildings and by ensuring that dwelling houses and secondary dwellings are surrounded and separated by individual gardens.
- (b) to soften the visual impacts of dwelling houses and secondary dwellings and provide sufficient space for trees and plantings around every building.
- (c) to have buildings revealed through informal garden settings and be visually recessive.
- (d) to protect and preserve native vegetation in general, and in particular, native vegetation that occurs in a riverfront area or on riparian land.
- (e) to ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality or the desired character of the locality as reflected in the applicable Development Control Plan.
- (f) to minimise the discharge of stormwater from any site, whether by drainage or by overland flow.

(2) The landscaped area of any site on which development for the purpose of a dwelling house or a secondary dwelling is carried out must not be less than—

- (a) for each site with a direct frontage to a waterway, the Parramatta River or the Lane Cove River—40% of the site area, or
- (b) for all other sites—33% of the site area.

(3) For the purposes of subclause (2), the site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

(4) In calculating the landscaped area, any area that has a length or a width of less than 2 metres is to be excluded.

(5) Definition: In this clause, landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any part of the site occupied by any building, structure, swimming pool, hard paved area or artificial turf.

Rationale

The existing Clause 6.9 has been difficult to interpret by applicants. The proposed Clause 6.9 has been simplified while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the municipality. The new clause has been written with assistance of the assessment planners who use this clause on a regular basis. The definition of landscaped area has also been strengthened to support the objectives of this clause.

Proposal

Include new Clause 6.11 – see below:

6.11 Development in local centres and mixed use areas

- (1) The objectives of this clause are as follows—
 - (a) to ensure the scale and function of development in village and local centres are appropriate to the location.
 - (b) to ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.
 - (c) to facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.
- (2) This clause applies to land identified as Zone E1 Local Centre or MU1 Mixed Use on the Land Zoning Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
 - (a) the impact of the development on—
 - (i) the character, heritage values and amenity of surrounding residential areas, and
 - (ii) the desired character, heritage values and amenity of the local centre, and
 - (b) whether the development is consistent with providing for residents' daily needs within the hierarchy of village and local centres.

Rationale

The NSW Government's Employment Zones Reform was finalised in December 2021 with the inclusion of the new zones within the Standard Instrument Local Environmental Plan Order 2006. Implementation of the reform commenced in 2022 with the translation of existing Business and Industrial zones into the Employment zones.

During initial community consultation associated with the proposed LEP amendments a high level of community concern was raised regarding the above reform. The proposed inclusion of Clause 6.11 seeks to ensure the scale and function of development in village and local centres is appropriate to the location and compatible with the desired character, heritage values and amenity of surrounding development. The proposed inclusion of Clause 6.11 also seeks to support walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.

1.6 Schedule 1 Additional permitted uses**Proposal**

Amend schedule as outlined within the table below:

Table 1 – Proposed Schedule 1 Amendments

Item number	Existing	Comment	Recommendation
1	Use of certain land at 21c Farnell Street, Boronia Park 1) This clause applies to land at 21c Farnell Street, Boronia Park, being Lot 13, Section 6, DP 758143 and Crown Reserve R87767. 2) Development for the purpose of community facilities is permitted with development consent.	This site is zoned R2 Low Density Residential. Community facilities are permissible in the zone.	Remove land from Schedule 1
2	Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville 1) This clause applies to land at 2 and 4 Flagstaff Street, Gladesville, being Lots 3 and 4, DP 16241 and land at 6–8 Flagstaff Street, Gladesville, being Lot 1, DP 1022691. 2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent.	The site is zoned is zoned R3 Medium Density Residential. Health consulting rooms permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021. Given the location of the site close to the town centre and other planning provisions that apply, the application of a site specific provision for size is not considered necessary.	Remove land from Schedule 1
3	Use of certain land at 17 and 19 Massey Street, Gladesville 1) This clause applies to land at 17 and 19 Massey Street, Gladesville, being Lots 1 and 2, DP 16241. 2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent	<ul style="list-style-type: none"> As above in No. 2 	Remove land from Schedule 1
4	Use of certain land at 20a Alexandra Street, Hunters Hill 1) This clause applies to land at 20a Alexandra Street, Hunters Hill, being Lot 1, DP 1070714. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. 	Retain as existing.

Item number	Existing	Comment	Recommendation
		<ul style="list-style-type: none"> Land exists within a Heritage Conservation Area (HCA). 	
5	Use of certain land at 32 Alexandra Street, Hunters Hill 1) This clause applies to land at 32 Alexandra Street, Hunters Hill, being Lot 127, DP 1114617 and comprising the Hunters Hill Post Office. 2) Development for the purposes of business premises, multi dwelling housing and shop top housing is permitted with development consent	<ul style="list-style-type: none"> Land is zoned R2 Low Density Residential. Not suitable to zone commercial given its location in a R2 Low Density Residential zone 	Retain as existing.
6	6. Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill 1) This clause applies to land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill, being (respectively) Lot 51, DP 16119, Lot 50, DP 16119, Lots 52–60, DP 16119 and Lot 63, DP 16119. 2) Development for the purpose of seniors housing is permitted with development consent	<ul style="list-style-type: none"> Montefiore seniors living. 2 Gaza St, Lot 61/DP 16119 and 116 High St, Lot 62/DP16119 are missing – bought by Montefiore since the LEP was gazetted Seniors housing permitted in the R2 Residential zone under the Housing SEPP Land not in a HCA. 	Not in a HCA. New masterplan and planning controls are being proposed for the site. Remove from Schedule 1.
7	Use of certain land at 49–51 Barons Crescent, Hunters Hill 1) This clause applies to land at 49–51 Barons Crescent, Hunters Hill, being Lot 2, DP 312298, Lots 1 and 2, DP 325793 and Lots 9 and 10, DP 724017. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Part of Montefiore. Seniors housing permitted in the R2 Residential zone under the Housing SEPP 	Not in a HCA. Remove from Schedule 1.
8	Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill 1) This clause applies to land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill, being Lot 1, DP 302331 and Lot 12, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Lot 1, DP 302331 is known as 1A De Milhau Rd in planning portal. Seniors housing permitted in the R2 Residential zone under the Housing SEPP Not in a HCA. 	Not in a HCA. Remove from Schedule 1.

Item number	Existing	Comment	Recommendation
9	Use of certain land at 1 Durham Street, Hunters Hill 1) This clause applies to land at 1 Durham Street, Hunters Hill, being Lots 10 and 11, DP 4614. 2) Development for the purpose of community facilities is permitted with development consent.	<ul style="list-style-type: none"> Community facilities are permissible in the R2 zone. 	Remove from Schedule 1
10	Use of certain land at 35 Gladesville Road, Hunters Hill 1) This clause applies to land at 35 Gladesville Road, Hunters Hill, being Lot 38, DP 224608 and Lot 11, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Address & lot/DPs correct. Seniors housing permitted in the R2 Residential zone under the Housing SEPP Not in a HCA. 	Remove from Schedule 1
11	Use of certain land at 41 Gladesville Road, Hunters Hill 1) This clause applies to land at 41 Gladesville Road, Hunters Hill, being Lot 1, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Address & lot/DP correct. Seniors housing permitted in the R2 Residential zone under the Housing SEPP. Not in a HCA. 	Remove from Schedule 1
12	Use of certain land at 43 Gladesville Road, Hunters Hill 1) This clause applies to land at 43 Gladesville Road, Hunters Hill, being Lot 2, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	<ul style="list-style-type: none"> Seniors housing is permitted in the R2 Residential zone under the Housing SEPP. Not in a HCA. 	Remove from Schedule 1
13	Use of certain land at 8 Passy Avenue, Hunters Hill 1) This clause applies to land at 8 Passy Avenue, Hunters Hill, being Lot 1, DP 133826, Lot 1, DP 206036 and Lot 1, DP 922514. 2) Development for the purpose of seniors housing is permitted with development consent	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. Land exists within a HCA. 	Retain as existing.
14	Use of certain land at 10 and 12 Salter Street, Huntleys Cove	<ul style="list-style-type: none"> Land zoned R2 Low Density Residential. 	Retain as existing.

Item number	Existing	Comment	Recommendation
	<ol style="list-style-type: none"> 1) This clause applies to land at 10 and 12 Salter Street, Huntleys Cove, being Lot 1, DP 823988 and known as "The Priory". 2) Development for the purposes of community facilities, function centres and restaurants or cafes is permitted with development consent. 		
15	<p>Use of certain land at 11 Gladstone Avenue, Woolwich</p> <ol style="list-style-type: none"> 1) This clause applies to land at 11 Gladstone Avenue, Woolwich, being Lots 1–5, Section E, DP 1015 and Lot 1, DP 795282. 2) Development for the purpose of seniors housing is permitted with development consent. 	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. Land exists within a HCA. 	Retain as existing.
16	<p>Use of certain land at 2C Margaret Street, Woolwich</p> <ol style="list-style-type: none"> 1) This clause applies to land at 2C Margaret Street, Woolwich, being Lots 2 and 4, DP 880264. 2) Development for the purpose of residential accommodation is permitted with development consent. 	<ul style="list-style-type: none"> Lots 2 & 4 DP 880264 Currently zoned IN4 Working Waterfront. 	Retain as existing.
17	<p>Use of certain land at 103 Woolwich Road, Woolwich</p> <ol style="list-style-type: none"> 1) This clause applies to land at 103 Woolwich Road, Woolwich, being Lot 5, DP 3110. 2) Development for the purposes of restaurants or cafes and shop top housing is permitted with development consent. 	<ul style="list-style-type: none"> Currently zoned R2. 	Retain as existing.

1.7 Schedule 2 Exempt development

Proposal

Amend schedule 2 to include a new exempt development item as follows:

Outdoor dining

- (1) Must be associated with an adjacent food and drink premises being carried out with lawful consent.
- (2) If located on the footway of a public road, must be consistent with an approval granted under Section 125 of the *Roads Act 1993*.
- (3) Must not be located on land steeper than a 1:50 gradient.

1.8 Schedule 5 Environmental Heritage - Part 1 Heritage Items

Proposal

The following amendments are proposed to Schedule 5 - Part 1 of the LEP:

- Revise sandstone wall heritage listings.
- Add “and garden” to the heritage item name in Schedule 5 of the LEP (the heritage schedule).
- Add “and interiors” to the heritage item name in Schedule 5 of the LEP for public/publicly accessible buildings.
- Include War Memorial Listings to better reflect the significance of these sites.

Further explanation of several of the above proposed amendments is further explained under the headings below.

Sandstone wall heritage listings

A review of sandstone walls in the municipality has recommended a number of changes to the existing heritage listings as follows:

- Individually list sandstone walls in lieu of the current single combined listing. Where a sandstone wall is located on the site of an existing heritage item, it is proposed that the name of the existing heritage item be changed to include the stone wall.
- Correct mistakes in the current listing and mapping of heritage listed stone walls.
- Add eight existing sandstone walls to the Heritage Schedule.

These proposed changes aim to facilitate the protection and conservation of sandstone walls, an important feature of the municipality.

Add “and garden” to the heritage item name in Schedule 5 of the LEP (the heritage schedule)

The municipality has a special character that is emphasised by its gardens, the numerous mature trees, its stone walls its natural landscape and foreshore. Gardens are of critical importance to the heritage and character of the municipality and to individual heritage items. The intent of including gardens in heritage item names is to acknowledge the contribution the gardens make to the significance of the heritage items and to provide for their protection.

Add “and interiors” to the heritage item name in Schedule 5 of the LEP for public/publicly accessible buildings

The intent of an interiors listing is to acknowledge the significance of original interior fabric within a heritage building and provide for its protection. Adding ‘and interiors’ to the heritage items listed in Schedule 5 helps to ensure that significant interiors will be conserved.

It is proposed that the listings be amended as follows:

- Include interiors in the name of the heritage item where the item is a public building, publicly accessible, or of State significance. The opportunity would be provided for property owners to invite Council’s Heritage Advisor to inspect an interior, and if not of heritage value, to have the specific listing of the interior removed.
- Undertake future investigation into changing the name of other buildings listed as heritage items, such as houses, to include interiors.

With regard to amendments to sandstone walls and the inclusion of war memorials, the above is summarised in the tables below.

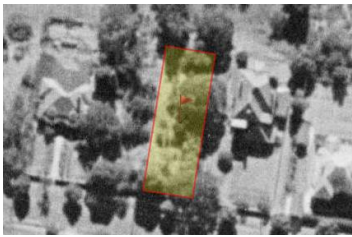



Table 2 - Stone walls that are currently shown on the LEP Heritage Map but which warrant removal

Address			Justification
	St Josephs College, Mary Street	Hunters Hill	Both the College and the stone walls are listed, however the description of the heritage item also includes the stone walls – such that the stone walls are currently listed twice. The separate mapping of the stone walls on the heritage maps should be deleted.
71	Alexandra Street	Hunters Hill	The wall is painted brickwork built on top of a very low stone wall. It does not warrant listing as a heritage item.
79	Alexandra Street	Hunters Hill	This property does not have a stone wall along its street frontage. There is a stone wall at no. 77. The listing of no. 79 appears to be a typo or mistake.
2	Cullens Lane	Hunters Hill	There do not appear to be any stone walls – or any sufficient to warrant heritage listing.
10	George Street	Hunters Hill	Stone wall insignificant and altered.
143	Ryde Road	Hunters Hill	No stone wall present.
13	Vernon Street	Hunters Hill	If there was a stone wall, it has been removed by 2007, as can be seen on Google street view.
5	Viret Street	Hunters Hill	This property does not have a stone wall along its street frontage. This appears to be a mistake and the listing was meant to be for 3 Viret Street.
11A	Viret Street	Hunters Hill	This property does not have a stone wall along its street frontage. There appears to be a mistake.
4	Aspinall Place	Woolwich	Stone wall not able to be found. It appears to be a mistake. The adjoining property- 1A Werambie Street has a stone wall on its Aspinall Place frontage.
20	Gale Street	Woolwich	There is little left of the original sandstone wall and it has lost its integrity due to later changes.
7	Margaret Street	Woolwich	Delete fence from Heritage Map
8	The Point Road	Woolwich	The front wall is not a sandstone wall. It is a timber fence between painted brick piers.
29	The Point Road	Woolwich	The front wall is made of concrete blocks moulded to replicate stone. The wall is in poor condition. The heritage listing should

			be removed unless the concrete block wall makes an important contribution to the heritage values of the overall property.
67	The Point Road	Woolwich	There is not a stone wall at this address. There is a stone wall at no. 77 The Point Road. There appears to have been a typo.
46	Sherwin Street	Henley	There is not a stone wall along the front of this property.
45	Gladesville Road	Hunters Hill	There is not a stone wall along the front of this property.
47	Gladesville Road	Hunters Hill	There is not a stone wall along the front of this property.

Table 3 - Stone walls that are not currently shown on the LEP Heritage Map and warrant being included



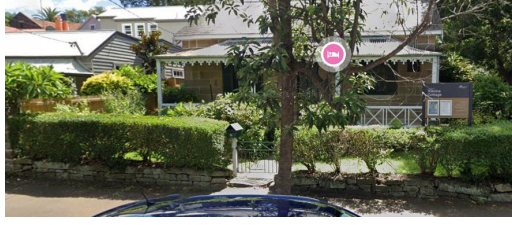

Address	Justification	Photograph
77 Alexandra Street, Hunters Hill	Appears to be a mistake as no. 71 was mapped rather than no. 77.	
147 Ryde Road, Hunters Hill	The purpose of the listing is to correct a mistake. The current listing (as mapped) shows the stone wall at 143 Ryde Road, however a stone wall is not present at this address. A stone wall is located at 147 Ryde Road.	
7 Viret Street, Hunters Hill	The purpose of the listing is to correct a mistake. The current listing (as mapped) shows the stone wall at 11A Viret Street, however a stone wall is not present at this address. A stone wall is located at 7 Viret Street.	

50 Woolwich Road, Hunters Hill	<p>A substantial and attractive stone wall is located on the street frontage. There are listed stone walls at nos. 48, 52 and 54. All the walls appear to relate to an earlier property that encompassed the three present day properties.</p> 	
25 Wybalena Road, Hunters Hill	<p>The property owner has requested that the sandstone walls on the property be made a heritage item.</p>	
7 The Point Road, Woolwich	<p>A substantial and attractive stone wall is located on the street frontages. The wall is contiguous with the stone wall mapped as a heritage item at no. 5 The Point Road. The sandstone wall at no. 7 appears to have been missed as a mistake.</p>	

The following properties are heritage items that have stone walls. In these cases, the stone walls have not been specifically identified in Schedule 5. However, the stone walls are important elements of the site. The stone walls are encompassed by an existing heritage listing and in most cases it is recommended that the description of the heritage item in Schedule 5 of the LEP be augmented by the text 'and stone walls'.

In the case of the sites between 6 Earnshaw Street and 97 Woolwich Road (inclusive) listed below, it is also proposed that the LEP heritage mapping be amended to identify only one listing on these properties, encompassing both the existing item as detailed in Schedule 5 and the associated stone walls.

Table 4 - Stone walls encompassed by an existing heritage listing which warrant specific identification

Address and description	Photograph
34 Alexandra Street, Hunters Hill (This wall is mapped in Figure 4 of the 1984 Heritage Study)	
36 Alexandra Street, Hunters Hill (This wall is mapped in Figure 4 of the 1984 Heritage Study)	
38 Alexandra Street, Hunters Hill (Vienna Cottage)	
7 Woolwich Road, Hunters Hill (pillars and stone wall of "Clifton")	
23 Wybalena Road, Hunters Hill	Stone walls along the western and southern boundaries.

39 The Point Road, Woolwich	
1A Werambie Street, Woolwich (This wall is mapped in Figure 4 of the 1984 Heritage Study)	
4 Werambie Street, Woolwich	

Table 5 – Proposed inclusion of War Memorial Listings

Address	Action	Proposed name update	Other action
22 Alexandra Street	Include war memorial in the Item Name column of the Heritage Schedule.	Town Hall, war memorial and First World War Howitzer	
15 Figtree Road	Include the memorial hall in the Item Name column of the Heritage Schedule.	St Mark's Church (originally Figtree Chapel) and memorial hall	Put the street number in the address column of the Heritage Schedule.
2 Ambrose Street	Include memorials in the Item Name column of the Heritage Schedule.	All Saints Anglican Church, Rectory, war memorial hall, war memorial, and Corporal Walter Laishley Spier Memorial	

1.9 Schedule 5 Environmental Heritage - Part 2 Heritage Conservation Areas

Council has engaged the services of a heritage specialist to review and provide recommendations in relation to heritage conservation areas listed within Schedule 5 of the LEP. A number of the following amendments are proposed a result of this review. Other anomalies that warrant correction are also listed below.

- Excise Pulpit Point and the Burns Bay Interchange from The Peninsula Heritage Conservation Area.

- Excise the post-war housing areas from The Isler Heritage Conservation Area.
- Remove landscape conservation areas that overlap with The Peninsula and the Isler heritage conservation areas.
- Remove the Department of Housing Subdivision DP 13260 (C435) landscape conservation area.
- Correct heritage mapping at 55-57 The Point Road Woolwich to include the whole of the property.
- Correct mapping and description for 3 Stanley Road following amalgamation.

An explanation of the above proposed amendments is further explained under the headings below.

Excision of Pulpit Point and the Burns Bay Interchange from The Peninsula Heritage Conservation Area

The excision of Pulpit Point and the Burns Bay Interchange from The Peninsula Heritage Conservation Area is a recommendation of the *Hunters Hill Municipality – Character Study Recommendations* report prepared by Paul Davies, June 2021 (included as an attachment to this report). Davies makes the following arguments for excision:

- The area of the former Mobil industrial site has been developed in the late twentieth century after the closure of that facility in a form that does not reflect the significant character of the peninsula and it is recommended that it be excised from the HCA. The recommendation is made to strengthen the character of the significant areas of the peninsula.
- Presently the mapping shows the northern section Burns Bay Road interchange from Church Street as part of the HCA where the southern section is excised from it. There are arguments to support either position as the roadworks were a defining element in the mid twentieth century development of the area and is one of the key visual elements of the centre of the HCA. There is also an argument that the works were intrusive and severely damaged the heritage qualities and character of the peninsula. It is recommended that the area be excised from the HCA as it does not reflect the significant historic character and that the area be in two related but physically separate parts.

Excision of the post-war housing areas from The Isler Heritage Conservation Area

The excision of the 1950 period subdivision from The Isler Heritage Conservation Area is a recommendation of the *Hunters Hill Municipality – Character Study Recommendations* report prepared by Paul Davies, June 2021. Davies makes the following argument for excision:

- The 1950 period sub-division be considered for excision from the precinct as it does not represent the core precinct values from its early development and the major 1914 sub-division.

A further area of post-war housing is also recommended for excision from The Isler Heritage Conservation Area for the following reasons:

- This area is comprised of post-war housing and does not represent the core precinct values from its early development and the major 1914 sub-division.
- There are no properties located within this area that have been identified as contributing to the heritage values of the conservation area.

Removal of the landscape conservation areas that overlap with The Peninsula and the Isler heritage conservation areas

The following overlapping conservation areas are proposed to be removed from Schedule 5:

- C450 – Figtree subdivision, DP 988

- C451 - Foss' Subdivision—part diagram CT 1-32 date 1866
- C422 - Sunnyside Estate Subdivision, DP 808

The removal of the overlapping conservation areas is a recommendation of the *Hunters Hill Municipality – Character Study Recommendations* report prepared by Paul Davies, June 2021, with the following reasons provided:

- Some areas have two heritage conservation area listings. This is confusing.
- There is the opportunity to include the significance of the early subdivisions in the description and significance statements for The Peninsula heritage Conservation Area.

Removal of the Department of Housing Subdivision DP 13260 (C435) landscape conservation area

The *Hunters Hill Municipality – Character Study Recommendations* report prepared by Paul Davies, June 2021, recommends that the existing landscape conservation area, C435 – Department of Housing Subdivision DP 13260, be made a non-landscape conservation area with a slightly enlarged extent. The study states that there are no buildings in this proposed new conservation area that contribute to the heritage values of the conservation area. The statement of significance provide by the study is:

- The precinct has modest historical significance for its sub-division pattern.
- The precinct does not have historic associational significance.
- The precinct has modest aesthetic significance for the remaining c 1920-30 buildings and site features that retain some level of intactness and for the mature street plantings.
- The precinct has no known social significance.
- The precinct has no research significance.
- The precinct is not rare.
- The precinct has moderate representative significance as an example of an interesting subdivision pattern infilling an early reserve that formed part of the adjacent asylum between earlier more major sub-divisions.

Correction of heritage mapping at 55-57 The Point Road Woolwich to include the whole of the property

There is a heritage listed item at 55-57 The Point Road Woolwich. The heritage maps need to be corrected to include the whole of the property (only one of the allotments is currently identified as a heritage item).

3 Stanley Road Amalgamation

The property at 3 Stanley Road has been amalgamated. As such, the property description and mapping should be updated to encompass the whole of the property.

Part 3 – Justification

The strategic and site specific merit (justification) for this PP is considered within this Part.

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?

Yes. This PP is one of a number of proposed LEP amendments outlined within the LSPS.

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

This PP relates to updates to the LEP to meet the objectives and intended outcomes as outlined within Part 1 of this PP. As such, there is no other way to achieve the objectives and intended outcomes as outlined within this PP.

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)?

Yes. Chapter 6 of the North District Plan requires ‘councils to update local environmental plans through the development of their local strategic planning statements and other relevant plans and policies’. This PP is an action of Council’s adopted LSPS and as such the current review of the LEP is in accordance with the North District Plan.

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

Yes. This PP is one of a number of proposed LEP amendments outlined within the LSPS.

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

As detailed above the PP is consistent with the North District Plan. The PP is also not inconsistent with any other applicable State and regional studies or strategies.

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

Consideration of potentially applicable SEPPs has been undertaken within Table 6 below. As detailed within Table 6, the PP is generally consistent with the SEPPs.

Table 6 - Assessment Against Potentially Applicable State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy	Applicable/Not Applicable	Comments
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable	<p>This PP does not seek to facilitate clearing of vegetation or enact any type of specific land development regulated under the SEPP.</p> <p>However, the PP does seek to protect biodiversity values, preserve amenity through the preservation of trees and other vegetation, protect and enhance water quality and preserve access to foreshore land along with promoting various other conservation objectives outlined within the SEPP.</p>
State Environmental Planning Policy (Housing) 2021	Applicable	The PP would not seek to enact any specific housing development. However, the subject LEP review has been undertaken in consideration of the provisions of the SEPP, including recommendation for removal of a number of Additional Permitted Uses within Schedule 1 of the LEP where those uses are permitted under the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Not Applicable	The PP does not seek to enact State and Regional Development or development of Aboriginal Land as defined by the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Not Applicable	The PP is unlikely to have any implication for mining, petroleum production and extractive industries.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable	The provisions of the PP would not seek to enact any specific development that would affect or be impacted by this SEPP. However, development proposals within the LGA would continue to be subject to the relevant provisions of this SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021	Not Applicable	This PP does not seek enact any type of specific land development regulated under the SEPP.

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

Consideration of section 9.1 directions has been undertaken within Table 7 below. As detailed within Table 7, the PP is generally consistent with the applicable directions.

Table 7: 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	Yes	The planning proposal gives effect to the objectives of the North 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 PP does not seek to enact or impact upon delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.
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 PP does not seek to 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 PP does not seek to allow a particular development to be carried out.

No	Direction	Objective	Applicable	Consistency	Comment
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 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.	Yes	Yes	The PP does not seek to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent Provision.
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	No	N/A	The LGA is located outside of the Parramatta Road Corridor Urban Transformation Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		Parramatta Road Corridor in line with the delivery of necessary infrastructure.			
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).	No	N/A	The LGA is located outside of the North West Priority Growth area.
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 LGA 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 LGA 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	No	N/A	The LGA is located outside of the Glenfield to Macarthur Urban Renewal Corridor.

No	Direction	Objective	Applicable	Consistency	Comment
		Glenfield and Macarthur is consistent with the plans for these precincts.			
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 LGA is located outside of the Western Sydney Aerotropolis area.
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 LGA 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 LGA 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 LGA 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	No	N/A	The LGA is located outside of the Greater Macarthur growth area.

No	Direction	Objective	Applicable	Consistency	Comment
		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).			
1.15	Implementation of the Pymont Peninsula Place Strategy	The objectives of this direction are to: (a) facilitate development within the Pymont Peninsula that is 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	No	N/A	The LGA is located outside of the Pymont Peninsula Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		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 LGA is located outside of the North West Rail Link Corridor Strategy area.
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	No	N/A	The LGA is located outside of the Bayside West Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(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.			
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 LGA 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: (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.	No	N/A	The LGA is located outside of the Westmead Place Strategy area.
1.20	Implementation of the Camellia-Rosehill Place Strategy	The objectives of this direction are to:	No	N/A	The LGA is located outside of the Camellia-Rosehill Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(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.			
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 LGA is located outside of the South West Growth Area Structure Plan area.
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	No	N/A	The LGA is located outside of the Cherrybrook Station Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.			
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.	Yes	Yes	The PP seeks to facilitate the protection and enhancement of environmentally sensitive areas and will not reduce the conservation standards that apply to land within the LGA.
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	No (minor inconsistency)	The PP contains provisions that facilitate the conservation of areas of heritage significance. As such, the PP is inconsistent with the terms of this direction. However, it is considered that the proposed inconsistency is minor, as the PP seeks to amend anomalies and errors identified in relation to heritage listings and to reflect specialist advice provided to Council in relation to heritage listings.
3.3	Sydney Drinking Water Catchment	The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment.	No	N/A	The LGA is located outside of the areas identified in the Ministerial Direction.
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	No	N/A	The LGA is not located within the Far North Coast.

No	Direction	Objective	Applicable	Consistency	Comment
		overlays to land on the NSW Far North Coast.			
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 PP does not seek to enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	No	N/A	The PP does not apply to land that is identified as avoided land or a strategic conservation 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, iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes, and functions, including natural drainage lines,	Yes	Yes	The PP would seek to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland in accordance with this direction. This would be achieved through strengthening conservation provisions within the LEP applying to the LGA, as outlined within this PP.

No	Direction	Objective	Applicable	Consistency	Comment
		<p>watercourses, wetlands, and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological, and cultural values, and potential of the land, and</p> <p>(b) mitigating disturbance caused by development,</p> <p>(c) giving priority to retaining public bushland.</p>			
3.8	Willandra Lakes Region	<p>The objectives of this direction are to:</p> <p>(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</p> <p>(b) establish a consultation process for making decisions on conservation and development within the World Heritage Property.</p>	No	N/A	The LGA is not located within the Willandra Lakes World Heritage Property.
3.9	Sydney Harbour Foreshores and Waterways Area	<p>The objectives of this direction are to:</p> <p>(a) protect and enhance the natural assets and unique environmental, scenic, and</p>	Yes	Yes	The PP does not seek to enact any particular development activity. Rather, the PP seeks to protect and enhance the qualities of the Sydney Harbour and its foreshores in

No	Direction	Objective	Applicable	Consistency	Comment
		<p>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>			accordance with this direction as detailed within this document.

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 LGA 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</p>	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The PP is also unlikely to have any impact on flooding or flood impacts.

No	Direction	Objective	Applicable	Consistency	Comment
		Development Manual 2005, and (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 PP does not seek to enact any particular development activity or to rezone land.
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 PP does not seek to enact any particular development activity or to rezone land. The PP is also unlikely to impact upon bushfire risk.
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.	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The PP is also unlikely to impact upon contaminated land risk.
4.5	Acid Sulfate Soils	The objective of this direction is to avoid significant adverse	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The

No	Direction	Objective	Applicable	Consistency	Comment
		environmental impacts from the use of land that has a probability of containing acid sulfate soils.			PP is also unlikely to impact upon acid sulfate soil risk.
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 LGA 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	Yes	Yes	The PP does not seek to enact any particular development activity or to rezone land. However, the PP seeks to better align existing provisions of the LEP with ' <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> ' and ' <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> ' as detailed within this document.

No	Direction	Objective	Applicable	Consistency	Comment
		(d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.			
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 PP does not seek to alter land available 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	No	N/A	The LGA is not located in close proximity to any airports or airfields.

No	Direction	Objective	Applicable	Consistency	Comment
		adversely affected by aircraft noise.			
5.4	Shooting Ranges	The objectives of this direction are to: (a) maintain appropriate levels of public safety and amenity when 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.	No	N/A	The LGA is not located in close proximity to any shooting ranges.
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	No	N/A	The PP does not seek to enact any particular development activity or to rezone land.

No	Direction	Objective	Applicable	Consistency	Comment
		the environment and resource lands.			
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 PP does not seek to rezone land and is unlikely to impact upon any caravan parks or manufactured home estates.
Industry and Employment					
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 PP does not seek to rezone land or reduce the total potential floor space area for employment uses, related public services or reduce the total potential floor space area in employment zones.
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 PP is not within the Byron Shire Council LGA as outlined within this section 9.1 Direction.

No	Direction	Objective	Applicable	Consistency	Comment
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, (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.	No	N/A	The PP will not impact on development along the Pacific Highway.
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,	No	N/A	The PP will not impact on any petroleum production or extractive industries.

No	Direction	Objective	Applicable	Consistency	Comment
		petroleum and extractive materials are not compromised by inappropriate development.			
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 PP does not impact upon land 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, (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,	No	N/A	The PP does not impact upon land zoned for rural purposes.

No	Direction	Objective	Applicable	Consistency	Comment
		(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 and consequently, on the health of oysters and oyster consumers.	No	N/A	The PP will not impact upon Priority Oyster Aquaculture Areas.
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	No	N/A	The LGA is not within the NSW Far North Coast.

No	Direction	Objective	Applicable	Consistency	Comment
		(c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.			

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 PP seeks to facilitate the protection and enhancement of environmentally sensitive areas and will not reduce the conservation standards that apply to land within the LGA. As such, the PP is unlikely to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the LGA. As such, there are not likely to be any other likely environmental effects as a result of the PP.

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

The PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the LGA. As such, any potential social and economic effects of the PP are likely to be limited but also positive.

Section D – State and Commonwealth Interests

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

The PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of environment, character and heritage of the LGA. As such, any potential public infrastructure effects of the PP are likely to be limited but also positive.

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 PP. 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 PP.

Part 4 Mapping

Update of LEP mapping in accordance with the NSW Government's *Standard Technical Requirements for Spatial Datasets and Maps* will be required to reflect amendments to heritage listings within Schedule 5 of the LEP as detailed within this PP report.

It is intended that the required formal LEP mapping will be developed and placed on public exhibition, should Council Resolve to seek a Gateway Determination in relation to this PP and should such a Gateway Determination be issued.

Part 5 Community Consultation

Initial consultation in relation to the LEP and DCP review commenced in March 2023. This consultation included a community meeting which was held on the evening of 15 March 2023 at the Hunters Hill Town Hall.

Following the abovementioned community meeting, submissions were invited and were received from the community until 29 May 2023.

Feedback provided by stakeholders as detailed above has been collated, reviewed and considered as part of the LEP and DCP review process.

Redacted submissions that have been received as a result of the above consultation are attached to the report to Council's 23 October 2023 Ordinary Meeting, along with a summary of the issues raised and associated responses.

In addition to the above, a submission was also received from the Conservation Advisory Panel on 11 July 2023 which was also considered as part of this process. This submission was also attached to the report to Council's 23 October 2023 Ordinary Meeting.

Following its review of the LEP Scoping Proposal developed to inform this PP, at its Ordinary Meeting of 23 October 2023 Council Resolved:

4.That the attached Scoping Proposal be made available on Council's website and by correspondence to all previous registered stakeholders for 14 days....

In accordance with this Resolution, Council invited the community to comment and provide feedback on the LEP Scoping Proposal between 24 October and 7 November 2023. Following this consultation, this matter was reported to Council's Ordinary Meeting of 27 November 2023. Redacted submissions that had been received as a result of the above consultation were attached to this report, along with a summary of the main issues raised and associated responses.

All feedback provided by stakeholders as detailed above has been collated, reviewed and considered as part of the LEP and DCP review process, including in the development and finalisation of the LEP Scoping Proposal and the development of this PP.

In addition to the above, this matter was also reported to the Hunters Hill Local Planning Panel (LPP) meeting of 28 March 2024. This report to the LPP was in accordance with the Local Plan Making Guideline (August 2023), published by the former NSW Department of Planning and Environment, and Ministerial Direction (9.1 Local Planning Panels – Planning Proposals) which requires that

Council's refer PPs to local planning panels for advice. As a result of its consideration of this matter, the LPP Resolved:

The LPP advises Council that it supports the attached Planning Proposal being referred 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.

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP 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.

Part 6 Project Timeline

The following project timeline is intended to be a guide only and may be subject to changes (for example as a result of community consultation or third party/government agency timeframes).

Table 8 - Project Timeline

Task	Target Date
Report to Hunters Hill Local Planning Panel	March 2024
Report of Planning Proposal to Council seeking referral for Gateway Determination.	April 2024
Gateway Determination	May 2024
Consideration of Gateway Determination, additional technical assessment (as required) and preparation for public exhibition.	June – July 2024
Public agency consultation, public exhibition and assessment stage, which includes review of submissions.	August - September 2024
Planning Proposal finalisation and report to Council seeking consideration of submissions and finalisation of Planning Proposal. Referral to the NSW Government and notification.	October – November 2024

Summary and Conclusion

This PP has been prepared by Council in relation to proposed amendments to the LEP in accordance with section 3.33 of the EP&A Act and the Local Environmental Plan Making Guideline. This PP is one of a number of proposed LEP amendments as outlined within the LSPS.

The PP does not seek to enact any specific type of development or to rezone land. Rather, the PP substantially seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the LGA. As such, any potential impacts of the proposal are likely to be positive.

This LEP amendment is being sought concurrently with a review of the Hunters Hill Development Control Plan (DCP). This DCP review would seek to simplify the structure of the DCP, rectify anomalies within the document and better reflect and support the provisions of the LEP and relevant NSW Government legislation, guidelines and policies.

Initial consultation in relation to the LEP and DCP review commenced in March 2023. All feedback provided by stakeholders as a result of the initial consultation process has been collated, reviewed and considered as part of the LEP and DCP review process, including in the development and finalisation of the LEP Scoping Proposal and the development of this PP.

This matter was also reported to the Hunters Hill LPP meeting of 28 March 2024. As a result of its consideration of this matter, the LPP Resolved: *The LPP advises Council that it supports the attached Planning Proposal being referred 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.*

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP 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.

It is intended that required formal LEP mapping will be developed and placed on public exhibition, should Council Resolve to seek a Gateway Determination in relation to this PP and should such a Gateway Determination be issued.

This PP is intended to be reported to Council for consideration at its April 2024 Ordinary Meeting (seeking referral of this PP for Gateway Determination), with the subject LEP amendment process intended to be finalised by November 2024.

Appendix 1 – Hunters Hill Municipality Character Study (Paul Davies
June 2021)

Hunters Hill Municipality - Character Study

Recommendations

The following recommendations are separated into LEP and DCP controls and then the area generally followed by each of the HCAs.

Controls - Discussion and Recommendations

Apart from the DCP general character statements for the whole Council area and the character statements that are being prepared as part of this study for each HCA, it would be desirable to set out general controls for the whole council area and area specific DCP controls for each HCA. This would reflect the varying character of each area and the need for targeted controls to address specific building and site types (e.g., commercial and residential).

The controls would extend into providing desired future character statements as an overall framework for new development.

This will apply to the areas outside HCAs as while they may not have specific heritage value there are relatively few parts of the Municipality that do not have a strong landscape form and a consistent overall visual quality.

The areas of the Municipality that have a different overall form are around larger new developments such as Pulpit Point (within an HCA) and the more recent housing development along Victoria Road excised from Gladesville Hospital Grounds. The waterfront of Henley and Huntleys Point, when viewed from the water or from adjacent headlands, also has a greater intensity of development than seen in other areas and where the broader landscape and garden form of the Municipality is not found.

General DCP controls on retaining the landscape character of areas outside HCAs is recommended. That work is beyond the scope of this study.

The heritage places of the Hunters Hill Municipality are well represented within the LEP with the exception of the western edge of the Council area. While Gladesville shops and the Isler HCA cover some of the early twentieth century developments, there are several groups of buildings in reasonably contiguous streetscapes that could be considered as potential new heritage conservation areas.

This character study has not looked at whether individual places should be heritage listed (where they are not) but there is an over-arching character across most of the area that comprises not only specifically listed places but the small and layered elements around them that make up much of the core character of the Municipality.

The elements that are a core part of the heritage character include the numerous areas of natural rock, built stone elements, natural vegetation, remaining foreshore areas, features within streets and

on private properties that include stonework and mature gardens with established trees and their canopies, remnant industrial sites with reclaimed land and archaeological features, etc.

While the identified and scheduled places of heritage value are core to the Council area, it is the plethora of minor elements that exist almost everywhere across the area that creates the sense of place and character that underlies Hunters Hill.

Planning controls are necessarily limited and apply to specific areas and site types but to retain the overall character of the area it is necessary to align as many controls as possible to ensure that where new work or changes occur that this is undertaken within the context of the character of the area. This of course does not mean looking to replicate historic forms or the retention of everything that had been built. The history of the area is one of consistent and regular change, addition, sub-division, etc. The Council area has largely reached a stage where there is limited capacity for additional development without affecting the core of the areas character however, there is scope for new elements that add to or replace elements that are not considered to contribute to the overall character. Controls that set out how this may be undertaken if there is potential for redevelopment are critical to retaining the future character of the area.

LEP Recommendations

Recommendation 1

Amend the LEP to reflect changes to the HCAs in both identification and mapping.

DCP Recommendations

Recommendation 1

Review the DCP controls to establish a hierarchy of controls that could adopt the following structure:

- i Establish general desired future character controls for the Council area across the whole area. These controls could address overall visual character, landscape character, street character without looking at specific heritage values of areas or the detailed matters set out in the character statements for each HCA. They would also apply to areas that are not within an HCA.

There is a large amount of existing material to work with, including within the current planning controls to address the broad issues.
- ii Develop specific DCP controls for each HCA that would include the HCA character statement.
- iii Set out, by mapping, the contributory buildings in each HCA. If this is done it has to apply across all HCAs and has to have a clear basis. There are several considerations in this:
 - It does not include heritage items as they are known and already mapped.
 - All of the current and previous character statements identify that the significant periods of development of the council area extend to roughly the second world war, or that buildings built after the Interwar period are not generally the character that is sought to be

protected. There are buildings after that date (nominally around 1940) that are important but most of those are heritage items.

- There has been extensive identification of contributory buildings in the past that would form the basis of mapping.
- The level of change to buildings needs to be considered in determining whether a place is contributory.

There is then a reasonable expectation that buildings built up to the second world war should be retained and may be extended or adapted (subject to point 3 below). A DCP control that sets this out clearly with mapping that identifies the contributory buildings on an historic basis provides certainty about what may change.

The complication is buildings or sites that have undergone extensive change to a point where they no longer contribute in a meaningful way to the heritage values of the area. To address this, if garden and landscape values are addressed generally and this discussion is largely about built form, mapping can assist by making at least visual assessments of what is seen from either street or water in relation to buildings.

There is no definitive position on this but as there is consistent pressure to construct new buildings and undertake additions and changes, a clearer basis of what needs to remain and what may go may avoid many arguments. This requires a policy on when does a place no longer have contributory value.

As much as it is important to retain buildings of value, it is also important to allow some renewal of places that are not significant or of minimal significance.

- Do not map neutral or intrusive places. Most places that are currently viewed as intrusive will be new developments. It is likely that new developments over the history of the area have been intrusive to some extent and it is only over time that they attain a different value.
- iv Identify any additional controls for heritage items beyond the HCA controls. These could simply relate to the level of consideration of an item by setting out the main areas for assessment that vary from a contributory place in relation to a place within an HCA.
- v Address site elements, features, landscape, natural features, etc. in the same way within the controls.

Hunters Hill General - Recommendations

The recommendations in this section are general and do not relate in detail to existing HCAs.

Recommendation 1

Consider an additional HCA in Gladesville (refer to attached drawing).

Heritage Conservation Area C1 - Recommendations

Recommendation 1

While C1 is of overall high heritage significance, there are several parts of the area that do not reflect the character for which the HCA is principally significant. It is recommended that they be removed from the area. They are:

i Pulpit Point

The area of the former Mobil industrial site has been developed in the late twentieth century after the closure of that facility in a form that does not reflect the significant character of the peninsula and it is recommended that it be excised from the HCA.

The recommendation is made to strengthen the character of the significant areas of the peninsula.

ii C450, C451, C422

A number of HCA's overlap the boundaries of C1 resulting in each area having two precinct listings. It is recommended that the overlaps be removed and that the values that may be attached to the smaller HCA areas (that appear to relate to early sub-divisions) be explored and included as part of the main C1 description.

iii C435

C435 at the south-western edge of the C1 area, is partially within C1 and partially outside the boundaries of other HCA's. Consequently, it has a confusing regime of listing.

It is recommended that C435 be a separate HCA that represents a different set of values to C1 and that the area be excised from C1. It is further recommended that it be renumbered as **C4** and the higher number overlays be deleted.

iv Burns Bay Interchange.

It is recommended that the Burns Bay Road interchange area be excised from the HCA. Presently the mapping shows the northern section from Church Street as part of the HCA where the southern section is excised from it.

There are arguments to support either position as the roadworks were a defining element in the mid twentieth century development of the area and is one of the key visual elements of the centre of the HCA. There is also an argument that the works were intrusive and severely damaged the heritage qualities and character of the peninsula.

It is recommended that the area be excised from the HCA as it does not reflect the significant historic character and that the area be in two related but physically separate parts.

Recommendation 2

Contributory buildings be identified and mapped across the whole of the HCA.

Heritage Conservation Area C2 - Recommendations

Recommendation 1

The 1950 period sub-division be considered for excision from the precinct as it does not represent the core precinct values from its early development and the major 1914 sub-division.

Recommendation 2

Contributory places be mapped as part of the heritage mapping of the HCA.

Heritage Conservation Area C3 - Recommendations

Recommendation 1

Contributory places be mapped as part of the heritage mapping of the HCA.

Recommendation 2

Develop controls to work with the Local Strategic Planning Statement.

Heritage Conservation Area C4 - Recommendations

Recommendation 1

The revised HCA be added as C4 to the LEP with minor mapping changes as set out.

Recommendation 2

There are no contributory buildings to identify.

Appendix 1 – Mapping of HCA Changes

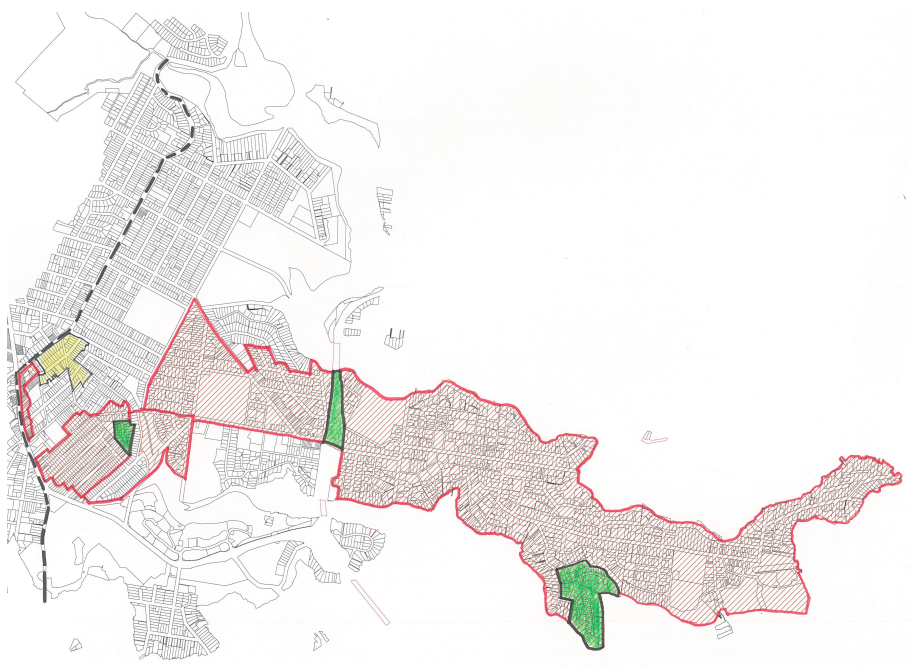


Figure 1: Municipality Map showing HCAs (outlined in red), the three areas recommended to be removed from the existing HCAs (coloured green) and the proposed new HCA off Pittwater Road (coloured yellow).

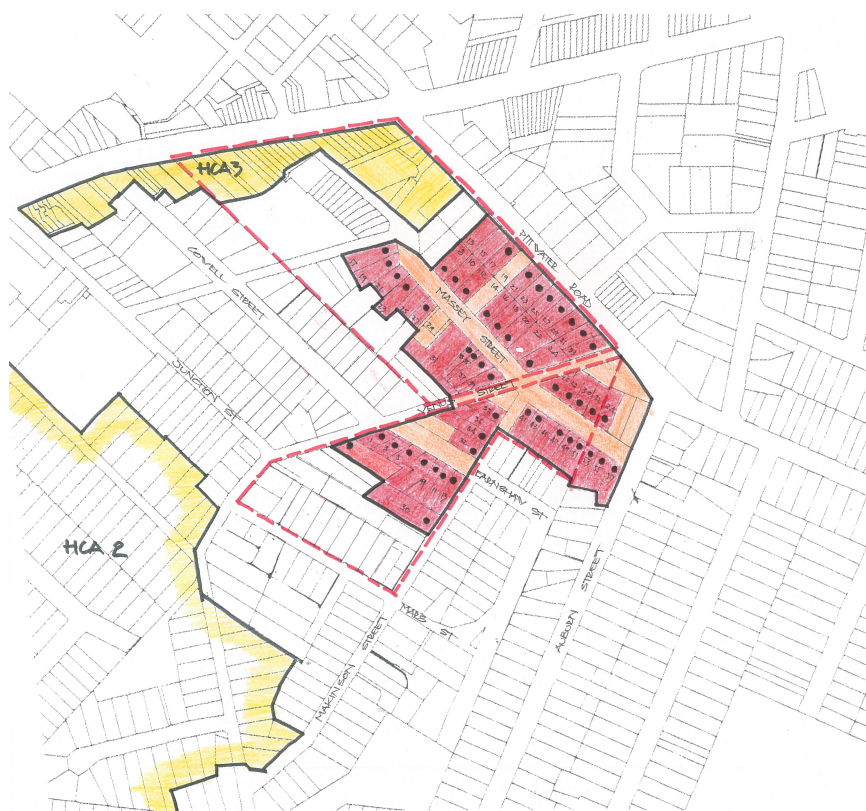


Figure 2: Detail of the proposed HCA fronting Pittwater Road centred around Massey Street. The lots coloured red are assessed as contributory, those with a black dot were previously identified as contributory in earlier studies. Within the proposed HCA there are a total of 66 lots comprising:

- 49 previously identified contributory sites (74%)
- 56 currently identified contributory buildings (85%)
- 10 non-contributory buildings (15%)

Appendix 2 - DCP Character Statements

This section looks at the current DCP controls.

The Hunters Hill DCP sets out statements about the character of the Municipality under four headings:

- Natural or scenic;
- Streetscapes;
- Residential landscapes and;
- Buildings and built elements.

These statements generally cover the range of values within the Municipality and form a good basis to develop future controls, they have also informed the character statements.

The statements (in italics) are, with commentary:

(a) *Natural or scenic qualities which include:*

- (i) *Major waterways and tributaries, together with shorelines that are defined by the Hunters Hill LEP 2012 as riparian lands.*

It is the interface with these elements that is of heritage importance.

- (ii) *Bushland reserves, slopes and foreshores which provide scenically prominent backdrops to waterways, shorelines and nearby residential hillsides, and which are defined as river front areas or foreshore areas by the Hunters Hill LEP 2012.*

These are an important part of the heritage significance of the area.

- (iii) *An extensive tree canopy for river front areas in particular, which ensures that building forms or structures do not visually dominate scenically prominent backdrops to waterways.*

The tree canopy is much broader than riverfront and is more apparent in some non-riverfront areas. The character statement addresses this.

- (iv) *Rock outcrops and rock platforms are features of some foreshore areas and riparian lands, and of some properties in river front areas.*

Rock elements are throughout the area and not just the riverfront, the various types of natural rock formations and the interface and integration of natural and built rock elements is recognised in the character statement.

- (v) *Scenic views and vistas which are available towards waterways, shorelines or bushland reserves from many public places and residential properties, and which include glimpses beneath the tree canopy as well as shared views across residential properties (either between or above existing buildings).*

Views are also available to the area from the river and beyond, while these are not factors that can be addressed as part of the DCP controls the way in which the peninsula is seen is significant.

Comment: The natural or scenic qualities have been focussed on the relationship of the Municipality to the waterfront and waterfront reserves. This is a large part of the visual setting of the area. The qualities include bushland that do extend away from the water. It also recognises views to the area where tree canopy is important. This applies to areas that are within and outside heritage conservation areas.

(b) *Streetscapes with significant elements that include:*

- (i) *Streetscapes that exhibit patterns of gardens and building forms which have been influenced by a combination of land use and the thematic development history of the area.*

There are both patterns of development (sub-division) and the overlay of gardens and built form on this. The long-term layering is important. The thematic development history is not a clear statement.

- (ii) *Key significant streetscapes situated within 'garden suburb' neighbourhoods that are central to the Municipality's identity. Buildings in these neighbourhoods typically date from the mid-Nineteenth Century through to the early-to-mid Twentieth Century. They are screened by the canopies of mature trees which have been established in private gardens and along street verges.*

The term 'garden suburb' is slightly misleading as it usually refers to a specific form of development (such as Haberfield or Daceyville). It may be more accurate to describe the area as being suburbs of mature and extensive gardens.

- (iii) *Streetscapes that contain contributory items where the current consistency of traditional architecture and building forms has produced streetscapes with a high degree of visual harmony.*

This applies to all HCAs as without contributory buildings they would not exist. May require rewriting to look at what visual harmony means. It is also recommended that the contributory buildings be mapped in all areas for clarity.

- (iv) *Front gardens with established building setbacks and mature tree plantings that ensure that most streetscapes are not visually dominated by buildings or structures.*

Most streets are not dominated by built form, later developments are more likely to be dominated by buildings particularly where traditional gardens do not exist. Setbacks are important as they reflect historical controls and aspirations, being established is not important, being consistent within an historic context is important but also early development is not consistent and this is a value.

- (v) *Commercial areas that contain local or district landmarks, and range from clusters of neighbourhood shops to ribbons of shop-front development along major roads or facing prominent intersections. Building forms generally maintain the characteristics of traditional 'main street' development which generates pedestrian and business activity along major street frontages.*

Landmarks are not defined and while there are some landmark elements, main streets by their nature are not based on landmark elements.

Comment: Streetscapes that are important are identified as having significant elements. These include:

- patterns of garden and buildings arising from development periods
- streets of buildings up to the middle of the twentieth century (key streets)
- streets with contributory items that are sites outside HCA's
- gardens and mature trees
- commercial areas with landmark elements

These are very broad descriptions that are developed more fully in the character statements for each HCA. Outside the HCA boundaries, the key components of streetscapes are the streets of buildings up to the mid twentieth century in garden setting with mature trees.

(c) *Residential landscapes with qualities that include:*

- (i) *Private gardens around dwellings that are fundamental to the 'garden' character and amenity of river front areas, heritage conservation areas and 'garden suburb' neighbourhoods where streetscapes are not visually dominated by buildings or structures.*

This statement would benefit from greater clarity about early and later gardens and the use of the term 'garden suburb'.

- (ii) *Private gardens that conserve natural features such as rock outcrops and bushland remnants.*

This should include conserve and integrate.

- (iii) *Traditional, landscaped garden areas displaying an informal 'garden character' that often maintains the topography in a natural or near natural configuration. The use of stone retaining walls without extensive paved surfaces or outdoor structures.*

The statement seems at odds with itself. Traditional gardens are not landscaped as we now understand it. Retaining natural topography and altering topography are equally apparent in many gardens.

- (iv) *On waterfront properties, landscaped areas that adjoin foreshore areas which are defined by the Hunters Hill LEP 2012 typically display informal green qualities, with gentle slopes that are contained by low sea walls or rock outcrops, and a predominance of landscaping rather than extensive outdoor structures such as retaining walls, courts, pools or terraces.*

Gardens are not all informal.

There has been a shift to more structures near waterfronts.

Comment: The central residential character of the Council area is residential buildings set in gardens. This exists across the whole area.

(d) *Buildings and built elements that include the following qualities:*

- (i) *Typically, built form and architecture are influenced by the age or period of development which has a visible impact upon construction and architectural style, the size and scale of buildings, the forms of roofs and exterior walls, and the architectural embellishment of exteriors.*

May benefit from referring to significant buildings being of their time and style.

- (ii) *In this Municipality, existing buildings which date from the mid-Nineteenth Century through to the early-to-mid Twentieth Century are valued highly for their contribution to European and architectural heritages, and these buildings are widely considered to provide design cues for the desired scale and architectural character of future development.*

Needs to be restated to reflect the full range of values and periods that are important.

- (iii) *Pitched roofs with eaves are consistent features for most periods of residential development in this Municipality, although roof pitches tended to vary according to prevailing construction technology and architectural style.*

While this is largely true, there are variations to it in later development. There is an inference that replication is desirable which it may not be.

- (iv) *Street facades which are 'animated' by verandahs, living room windows and front doors also are consistent features for most of the architectural periods and types of traditional residential development which occur in this Municipality.*

This may be better expressed as buildings oriented to and addressing streets, however for early buildings this is not often correct as they now exist in much reduced settings often with altered orientations.

- (v) *Details which are common to residential and commercial buildings include a predominance of masonry facades that are 'punctured' by vertically proportioned windows (rather than extensive glazed walls), balconies which are framed structures rather than glazed cantilevers, exterior materials and finishes which employ earthy or medium-to-dark tones, and street elevations which are not visually dominated by garages or driveways.*

May need to reflect other elements such as timber buildings etc.

- (vi) *Commercial developments traditionally incorporate simple rectilinear building forms, often with skillion roofs that are concealed by parapets, and always with shop-front windows which face their immediate street frontage. Developments from the late-Nineteenth Century onwards incorporate awnings or verandahs above the street footpath, and often comprise two storey buildings with residential accommodation above ground floor shops.*

May benefit from a revised description.

Comment: The buildings that are significant, aside from specific heritage listed places, are buildings built up to and including the Interwar period. Not all buildings are of the same significance and many buildings are altered and changed so that they have lost their integrity, form and detail to a point where they are no longer significant or contributory. Even where buildings are not within an HCA, where they demonstrate the characteristics above and are from periods of development up to the Interwar period they have potential to be significant.

ITEM NO	: 4.3
SUBJECT	: BORONIA PARK SPORTS AND COMMUNITY FACILITY
STRATEGIC OUTCOME	: PARKS, SPORTSFIELDS AND PLAYGROUNDS SUPPORT INCLUSIVE AND ACCESSIBLE PLAY.
ACTION	: DELIVER A COMMUNITY AND SPORTING FACILITY AT BORONIA PARK
REPORTING OFFICER	: SAMANTHA URQUHART

Ref:694186

PURPOSE

The purpose of this report is to provide an update on the progress of construction of the Boronia Sports and Community Facility (Project) and to seek additional funding to dispose of stockpiled spoil to enable project finalisation and ongoing environmental management of Boronia Park.

RECOMMENDATION

It is recommended:

1. That Council note the re-allocation of funding from the 2023/24 Capital Works budget to the Boronia Sports and Community Facility project for urgent boring works undertaken to enable the completion of the stormwater. This will be done as part of the quarterly budget review process.
2. That Council approves the disposal of stockpiled spoil, associated with the trenching for stormwater, as outlined in the body of this report.
3. The Council note that the costs associated with the disposal of the stockpiled spoil will be outlined in a separate confidential report, referenced within this current Council agenda.
4. That Council delegate authority to the General Manager to approve and execute any documentation required to give effect to the matters contained within this report.

BACKGROUND

The construction of the Boronia Park Sporting and Community Facility (Facility) within Boronia Park, on Lot 7352 Park Road, Hunters Hill, located between Oval 1 and Oval 2, circled in red at location plan at Diagram 1 below (Site).



Diagram 1- Location Plan

The Facility is designed to address significant deficiencies in the existing amenities and will include:

- accessible toilets, new change rooms and canteen;
- additional storage for local sporting clubs; and a
- community room for use by sporting clubs, local schools and other community groups.

Development consent for the Facility was granted by the Local Planning Panel (LPP) on 26 October 2021 subject to conditions (DA2021-1184) (Consent). Council invited tenders for construction of a new building at Boronia Park. Following the tender evaluation process, Paynter Dixon was identified as the preferred tenderer. On 19 December 2022 Council resolved the following:

1. *That the outcomes of the delegated negotiation processes with the preferred tenderer regarding the tendered construction contract, and with Hunters Hill Rugby Union Club regarding amendment to the proposed annual licence fee, be received and noted.*
2. *That, Council proceed with the construction of Boronia Park Sporting and Community Facility with Option 1 – no value engineering options undertaken.*

This would require a \$1.735m capital contribution from Council, to be drawn from general funds (unrestricted reserves), to award the design and the construction contract to Paynter Dixon to the value of \$4,943,964, with Council's contribution being inclusive of 10% allocation towards project contingencies.

2. *That, the financial terms of the draft licence between Council and Hunters Rugby Union Club be amended to include an annual licence fee of \$23,800 (ex.GST + Sydney metro CPI per annum), with the draft licence sent to the Minister for approval, in accordance with the requirements of the Local Government Act.*

Option 1 is outlined at Table 1 below:

Option 1 - Proceed with no value engineering	\$
Lump sum price tendered	4,841,745
Materials and trade escalation	102,219
	4,943,964
Value engineering total	0
Total council project value (i.e. contract value + 10% contingency)	5,438,360.40
Total required council contribution	1,734,488.40
Council contribution as a percentage of total build cost %	31.9%

Table 1- Project Budget adopted by Council

The construction of the Facility commenced in June 2023 upon issue of the Construction Certificate. The construction of the Facility has progressed well, with all variations to the project managed within budget until March 2024.

Latent Site conditions- Contaminated spoil

Due diligence was undertaken during the design phase and prior to commencement of works, the bore samples identified minimal contaminants. A further report commissioned by Paynter Dixon in April 2023 found elevated levels of contaminants. The below summarises the reports prepared prior to construction commencement:

- May 21' - '*R_Boronia Geotech 6434-G1*' Geo-tech report and bore holes x 3 of. commissioned by HHC project architects DJRD
- July 21' - '*R_Waste Management Plan*' Waste Management Plan completed for DA/ CC by project architects
- August 21' - '*R_Statement of Environmental Effects*' Statement of Environmental Effects completed for DA/ CC by project architects
- April 23' - '*7195-R1_Contamination Assessment*' Paynter Dixon completed further synopsis testing on planned services reticulation routes, Geo-tech report expanded on and a further 6 x bore holes, elevated levels of Carcinogenic Polyaromatic Hydrocarbons found.

In July 2023 contaminated soil was discovered during excavation for the relocation of services and reticulation works, as summarised below:

- July 23' - '*E23019HH-R01F Waste Classification Report Boronia Park Reserve, Hunters Hill NSW*' Soil classification completed on topsoil to be removed, as above due to the elevated levels of Carcinogenic Polyaromatic Hydrocarbons found, soil classed as GSW for removal.
- Aug 23' - '*E23019HH-R02D DRAFT Targeted Contamination Investigation Proposed Sewer Alignments at Boronia Park Reserve, Hunters Hill*' Asbestos (ACM) contaminated soil found on the sewer. The sewer was changed to a septic tank pump out system to avoid significant costs related to disposal of contaminated materials.

As a result of the latent site conditions, additional costs were incurred to appropriately dispose of the soil and install a sewer pump system. These variations were approved under delegation and managed within Council's approved project budget. The variations to date do not result in material changes to the building design.

No additional contaminated materials had been located during the excavation for footings and construction of the building.

REPORT

Upon construction of the building structure, excavation works commenced in February 2024 for installation and connection of services being, gas, electricity and water connection. These works did not indicate the presence of any contaminants in the soil and were successfully completed.

In March 2024 excavation work commenced for the stormwater connection to Park Road and separate stormwater and footpath excavation works between the Facility and Oval 1, as shown marked green at Diagram 1 above.

This report considers additional costs related to the discovery of contaminated soil at both excavation points, resulting in changes to the methodology to install Council's stormwater at Park Road and remediation costs associated with the contaminated materials found during the excavation.

STORMWATER CONNECTION AT PARK ROAD

In March 2024 excavation works commenced for the stormwater connection to Park Road (these works were undertaken adjacent to the trenches dug for the other services), however, during excavation the contractors identified ACM being present within the soil. The stockpiled soil was tested, confirming the presence of bonded asbestos.

Given the discovery of ACM and significant tree roots within the approved stormwater route adjacent to Park Road, the traditional excavation methodology for stormwater was unable to proceed. Various options were considered, including:

1. **Option A:** Continue to run the stormwater drainage line to the West towards Park Road but at a different alignment so as to avoid tree roots, the drainage is to run at the appropriate grade and discharge to a boundary pit located adjacent to the Park road footpath, two or more smaller pipes would discharge from this pit at a higher invert level to the kerb effectively creating a charged system. **Pro's:** This system will have minimal impact on current works and will be quick and have relatively no more additional costs. **Con's:** With this system being charged the pipework will hold water permanently up to RL: 38.85, which is the majority of the inground pipe system from the building. Whilst the system will still work we do run the risk of water inundation in large storm events and possibly cause the system to fail. The design is not in accordance with the Development consent and may require a Section 4.55.
2. **Option B:** Continue to run the stormwater drainage line to the West towards Park Road but at a different alignment parallel to the grassed netball court to the North of the existing play equipment so as to avoid tree roots, the drainage is to run at the appropriate grade and discharge to a boundary pit located adjacent to the Park road

footpath, two or more smaller pipes would discharge from this pit to the kerb via gravity. **Pro's:** The advantages for this option is we can avoid the majority of tree roots and there will not be an impact on the existing trees in the vicinity; **Con's:** There is known to be rock and we believe ACM in the proposed line of trenching. Whilst this system works well as a gravity discharge system, there are obviously concerns regarding possible additional costs for remediation and disposal of asbestos and excavation in rock and the design is not in accordance with the development consent and may require a Section 4.55.

3. **Chosen Option:** Laser boring under the trees in the documented route to mitigate large amounts of potential contaminated soil being excavated and disturbing tree roots. The machine drills down to the desired depth and then is steered under the ground. Once the pilot bore is completed, a reamer/back reamer is attached to the drill and pulled back, enlarging the bore hole to easily accommodate the conduit or pipe, which is then pulled or pushed into place. **Pro's:** This method provides less traffic disruption, lower cost, greater precision and accuracy, deeper and/or longer installation, shorter completion times and also environmentally safe. The design is in accordance with the Development Consent. **Con's:** This will be an additional cost of up to \$175,000.

Two quotes were obtained by Paynter Dixon for the boring and works commenced on 15 April, 2024. These stormwater works are nearing final completion. The costs for these additional works were not budgeted and a review of the 2023/2024 capital works budget has identified sufficient capital savings, which are proposed to be re-allocated to the Project. This revised budget allocation will be reported within the quarterly budget review.

REMEDIATION OF CONTAMINATED SPOIL

During the excavation at both stormwater locations, as shown marked green at Diagram 1, the contaminated material was stockpiled, and an 'Asbestos Removal Control Plan' (ARCP) was issued in accordance with the Construction Management Plan (CMP). Stockpiles were covered, an exclusion zone created and air monitoring established to manage the soil, in accordance with the ARCP.

The ARCP has been compiled by Integrated Environmental Pty Ltd in accordance with the Code of Practice for site specific management and removal of asbestos containing materials (ACM) from Boronia Park Hunters Hill. The purpose of this plan is to help ensure the ACM is well managed and removed in a safe manner.

A hygienist and environmental engineer were engaged to test the soil and produce a waste classification report. This report concluded:

'The stockpiled waste soil material which is the subject of this waste classification is Special Waste – Asbestos and General Solid Waste (Non-putrescible) and must be disposed at a landfill that is licenced to accept this classification of waste. '

The estimated quantity of spoil stockpiled on site is approx. 450 cubic metres. This equates to between 540T and 1100T, dependent on compaction and moisture levels.

INTERIM SITE MANAGEMENT PLAN (ITSMP)

Council has engaged an Environmental Scientist to provide advice regarding the remediation methodology, and the ongoing environmental management considerations for Council, given the contaminants found within Boronia Park.

It is recommended that Council obtain an ISMP for the whole park. The ISMP would detail the structure and controls to manage potential risks associated with buried legacy waste (including the potential for Asbestos Containing Materials (ACMs) in exposed cover soils. The ISMP would require the development of a detailed, staged plan to investigate environmental conditions at the site (cover soil, buried legacy waste, landfill gas, landfill leachate). The purpose of the ISMP is to manage potential risks while the investigation programme is underway.

The ISMP would prescribe an environmental operational management plan, such as scheduled asbestos walks, gas monitoring within buildings, development of standard operating procedures and Safe Work Method Statements for staff and contractors maintaining and working within the park, grass cover requirements, grass length requirements.

The costs associated with the development of the ISMP are approximately \$25,000 excl GST with additional testing required over several years. The additional costs associated with the investigation program will be outlined as part of the development of the ISMP and will be brought back to Council.

CONCLUSION

In consideration of the above this report recommends that Council undertake the following next steps.

Next Steps:

- At the quarterly review of the budget, Council approve the re-allocation of \$175,000 Excl GST from the 2023/24 capital works program to the Boronia Sports and Community Facility project to pay for the stormwater boring works, as outlined in the body of this report.
- Council approve the disposal of stockpiled spoil, associated with the trenching for the Boronia Sports and Community Facility project.
- Council approve the additional funding for the disposal of spoil and associated costs, as outlined in the confidential and related report {re: 10A(2)(d)(i) of the Local Government Act 1993} within the current Council agenda.
- That Council proceed with the development of an Interim Site Management Plan for Boronia Park, as outlined in the body of this report.
- That the outcomes of the Interim Site Management Plan and associated additional costs be brought back to Council at a future briefing.

FINANCIAL IMPACT ASSESSMENT

Refer to the confidential and related report within the current Council agenda.

ENVIRONMENTAL IMPACT ASSESSMENT

The discovery of ACM has been managed in accordance with the Conditions of Consent and within the parameters of the CMP for the site. Appropriate plans have been prepared and adherence to these plans has been managed well throughout the project.

Ongoing environmental management of this site is being developed through an ISMP, with a view to developing a Long-Term Environmental Management Plan upon the completion of further testing throughout the site. This plan will ensure that the future management of the park considers any environmental factors.

RISK ASSESSMENT

Should Council proceed with the following recommendations, the risks associated with the environmental management of this site will be effectively managed.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.4
SUBJECT	: DRAFT CONSOLIDATED STORMWATER MANAGEMENT POLICY
STRATEGIC OUTCOME	: LEVELS OF SERVICE AND COMMUNITY NEED ARE REFLECTED IN THE ASSET MANAGEMENT PLAN
ACTION	: REVIEW AND UPDATE THE DIGITAL ASSET MANAGEMENT PLAN
REPORTING OFFICER	: MOHAMAD BADARANI

Ref:689641

PURPOSE

The Stormwater Management Policy (Policy) will be developed to provide clear objectives as follows:

- To develop a set of uniform guidelines and controls relevant to the Hunter's Hill Council Local Government Area.
- To achieve consistency in the assessment of private developments and the conditioning of Development Applications.
- To provide clear guidelines for the design and construction of public domain stormwater drainage assets which will help in the reduction of capital and ongoing maintenance costs to Council.
- To minimize adverse impacts of stormwater on properties and local communities as a result of natural causes and of development.
- To minimize the impact on water quality on the receiving waterway.
- To protect public health and safety.

RECOMMENDATION

1. That the report be received and noted.
2. That the Stormwater Management Policy be placed on public exhibition for a period of 28 days.
3. That a Final Report be submitted to Council and the revised Stormwater Management Policy be adopted.

BACKGROUND

Hunter's Hill Council adopted the Consolidated Development Control Plan 2013 (DCP) on the 24 June 2013, which was enforceable after the 12 August 2013. This document provided requirements for all development types within the Hunter's Hill Council Local Government Area. It was prepared in accordance with Section 74 of the Environmental Planning and Assessment Act and supported the Hunters Hill Local Environment Plan 2012 (LEP 2012).

The relevant sections of the DCP, relating to stormwater management are covered in Part 3, Chapter 3.2.7 Concept Stormwater Plans and in Part 5, Chapter 5.6 Stormwater Management.

Although there are supporting technical documents known as Sustainable Water (DCP 25) Parts I, II and III, the Hunter's Hill Council Consolidated DCP 2013 does not make specific reference to these.

1. **Sustainable Water Part I:** References the DCP's zoning map to identify various catchment treatment methods.
2. **Sustainable Water Part II:** Includes the technical guidelines.
3. **Sustainable Water Part III:** Is a separate document which includes practice notes for rainwater harvesting, bio-retention and bio-swales, infiltration systems and on-site stormwater detention facilities. These are more of a descriptive nature and do not provide concise guidelines for design practitioners.

In addition, these technical documents are general and do not provide guidance on all drainage situations, nor are there guidelines for the design of the public stormwater drainage system.

For these reasons, it is important that a revised consolidated policy be developed to reflect current best practice. It is noted that the relevant technical guidelines in Sustainable Water Parts I, II and III will be incorporated into this new document, and it will be simplified and expanded to cover both private and public drainage infrastructure.

REPORT

The development of a consolidated a Policy will compliment Council's DCP and provide a clear methodology to achieve the objectives of stormwater control.

The consolidated policy will satisfy the Hunter's Hill Council environmentally sustainable water objectives, which are to:

- Promote water sensitive urban development, providing better integrated solutions for the management of the urban water cycle.
- Reduce adverse impacts upon water quality within the Hunter's Hill Council local environment, which result from urbanisation, and to protect water quality in the receiving waters that surround the municipality.
- Provide guidance to professionals involved in planning, design and assessment of water cycle systems at the site level on the selection, sizing and assessment of management measures to achieve the set water cycle objectives and performance criteria for water quality and quantity.
- Provide guidance to professionals involved in planning, design and assessment of public drainage systems to benefit the community.

The above objectives will be achieved by designing systems that will result in the following actions:

- Reduce water-borne pollutants prior to discharge to Lane Cove and Parramatta Rivers and the bushland. The main pollutants include sediments, suspended solids and nutrients.
- Control soil erosion during and after the construction phase.

- Reduce stormwater volume discharges into the existing drainage system and to bushland.
- Reduce erosion and sedimentation problems to the natural bushland.
- Conserve water and reduce mains water consumption.
- Utilize stormwater as a natural water resource.
- Reduce downstream flooding and drainage impacts.
- Reduce stormwater discharges.

The above objectives and actions will provide benefits to the community, in terms of better water quality for receiving water bodies and reduce the impact of nuisance flooding to properties as a result of developments and climate change.

This Policy is **not** related to the Hunters Hill LGA Flood Study (Study) that was finalised on 18th November 2021. The objective of this study is to improve understanding of flood behaviour, and better inform management of flood risk for the Hunters Hill LGA.

CONCLUSION

The objectives and actions as outlined in this report through the consolidation of existing stormwater management documents into one policy, provides greater clarity and is more concise. This will provide benefits to the community, in terms of better water quality for the receiving water bodies and reduce the impact of nuisance flooding to properties as a result of developments and climate change.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

There will be no direct environmental impact on Council arising from the adoption of this report. However, there will be positive outcomes and benefits to the community if the report is adopted. This will be in the form of improved development outcomes and better stormwater management controls/facilities installed.

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. Draft Stormwater Management Policy [↓](#)



HUNTER'S HILL COUNCIL

PART 1 CONSOLIDATED STORMWATER MANAGEMENT POLICY

**VERSION: DRAFT
DATE: 14/03/2024**

DRAFT Consolidated Stormwater Management Policy

1

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DRAFT Consolidated Stormwater Management Policy

1. INTRODUCTION

The Hunter's Hill Council Consolidated Development Control Plan 2013 (DCP 2013) was adopted on 24 June 2013 and applied to all developments after the 12 August 2013.

The document covered the requirements for all development types within The Hunter's Hill Council Local Government Area and consists of three parts covering all developments and land use. It was prepared in accordance with Section 74 of the Environmental Planning and Assessment Act and supported the Hunters Hill Local Environment Plan 2012 (LEP 2012).

The relevant sections of The Hunter's Hill Council Consolidated DCP 2013 in relation to stormwater management are covered in Part 3, Chapter 3.2.7 Concept Stormwater Plans and in Part 5, Chapter 5.6 Stormwater Management.

There are also supporting documents known as Sustainable Water Parts I, II and III. These technical documents supported the Development Control Plan, provided a zoning map showing areas in catchments for different treatment methods, provided manual calculation methods for various stormwater treatments and design guidance practice notes.

However, The Hunter's Hill Council Consolidated DCP 2013 does not make specific references to these technical documents.

These technical documents although covered different stormwater treatment methods, is overly complicated and does not provide guidance on all drainage situations, and it does not provide guidelines for the design of the public drainage system.

Because of the above reasons, the Hunter's Hill Council Consolidated DCP 2013, in relation to stormwater management, needs to be revised and the technical documents will need to be updated to reflect current best practice design criteria. The relevant technical guidelines will be incorporated into this new document.

It is noted that the technical documents need to be simplified and expanded to cover both private and public drainage systems. However, the main objectives of Hunter's Hill Council Stormwater Management Policy will still be relevant and will be retained.

2. STORMWATER MANAGEMENT OBJECTIVES

The main objectives in relation to stormwater management are to:

- Promote water sensitive urban development, which provides better integrated solutions for the management of the urban water cycle.
- Reduce adverse impacts upon water quality within the Hunter's Hill Council local environment, which result from urbanization, and to protect water quality in the receiving waters that surround the municipality.
- Provide guidance to professionals involved in planning, design and assessment of water cycle systems at the site level on the selection, sizing and assessment of management measures to achieve the set water cycle objectives and performance criteria for water quality and quantity.
- Provide guidance to professionals involved in planning, design and assessment of public drainage systems to benefit the community.

The above objectives can be achieved through the following actions:

- Reduce water-borne pollutants prior to discharge to Lane Cove and Parramatta. Rivers and the bushland. The main pollutants include sediments, suspended solids and nutrients.
- Control soil erosion during and after the construction phase.
- Reduce stormwater volume discharges into the existing drainage system and to bushland.
- Reduce erosion and sedimentation problems to the natural bushland.

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- Conserve water and reduce mains water consumption.
- Utilize stormwater as a natural water resource.
- Reduce downstream flooding and drainage impacts.
- Reduce stormwater discharges.

3. CONCEPT STORMWATER MANAGEMENT PLANS

A *Concept Stormwater Management Plan* (CSMP) will need to be submitted with the Development Application, and which satisfies the requirements of Hunter's Hill Council Consolidated Development Control Plan 2013 (DCP 2013), Chapter 5.6 Stormwater Management in the following situations:

- The site slopes towards the rear and/or side boundary and where the downstream rear and/or side property/s is residential (that is, not a reserve, bushland or waterway) and is not benefitted by any legal drainage easement.
- The site is located in a catchment area where nuisance flooding is known.
- The site is located in a catchment area where the catchment zone requires On-site Stormwater Detention.
- The proposed development is a multi-residential development and/or sub-division.
- A public stormwater drainage conduit or easement passes through the site in development.

Although not mandatory unless the above situations apply, it is recommended that a basic CSMP be submitted to assist Council in support of the proposed development.

4. DEVELOPMENT TYPES AND STORMWATER CONTROL REQUIREMENTS

This section has been designed to assist applicants when preparing submission documents as part of a Development Application (DA) to understand what type of stormwater control is required for the proposed development and is summarized in **TABLE 4.1**.

TABLE 4.1

	Single residential	Multi-residential (including villas, townhouses, units)	Commercial, industrial	Alterations and additions	Paving works
On-site Stormwater Detention	YES (1)	YES (1)	YES (1)	(1), (2)	(1), (2)
Drainage easement through downstream property	YES (3)	YES (3)	YES (3)	YES (3)	YES (3)
Infiltration and dispersion system	(4)	(4)	(4)	(4)	(4)
Holding sump and mechanical pump-out	(5), (6)	(5), (6)	(5), (6)	(5), (6)	(5), (6)
Rainwater harvesting	YES (7)	YES (7)	YES (7)	YES (7)	NO
Erosion and sediment control plan	YES	YES	YES	YES	YES

Notes:

1. If the site is located in the catchment zone that requires On-site Stormwater Detention, it may be required.
2. Only required if the increase in impervious area is > 40sqm.
3. For sites which fall away from the street frontage, it is important to note that a legal drainage easement must be sought first before any other stormwater disposal method will be considered.
4. Infiltration and absorption systems will only be approved in the following circumstances:
 - The site falls to the rear and a stormwater drainage easement cannot be obtained, and
 - There is a supporting geotechnical report which indicates that the soil infiltration rate is high enough to dispose of the collected runoff.
5. Holding sumps and mechanical pump-out systems are permitted only in the following circumstances:
 - For draining sub-floor areas, basements and underground car parking areas.
 - Where the site falls to the rear and a stormwater drainage easement cannot be obtained, and
 - The soil infiltration rate is too low to design an absorption system, and
 - An On-site Stormwater Detention System (OSD) component is incorporated into the design.
 - **Important Note:** Where known flooding has been identified, the discharge of the site runoff into the catchment would be prohibited. In this regard, easement acquisition is mandatory. The applicant must seek a formal drainage easement through Section 88k of the Conveyancing Act via the Court.
6. The OSD component is generally only required where the site is in the designated catchment zone. However, if the site falls away from the street frontage, then OSD may be required to limit the site's discharge being directed to the street frontage.
7. A minimum volume for rainwater harvesting shall be provided in accordance with the greater of either the BASIX Certificate or Council's calculated rainwater re-use volume.

5. CATCHMENT ZONE MAP

This section provides guidelines for determining what type of stormwater management controls are required for a proposed development.

There are three (3) distinct zones within the local government area which specifically require On-site Stormwater Detention (OSD) to be implemented as a mandatory requirement for certain development types.

In addition, there are other stormwater management elements which also need to be satisfied. These are:

- Water conservation – which includes rainwater harvesting as a requirement.
- Control Stormwater Pollution and Erosion – which includes devices such as trash screens, sediment traps, gross pollutant traps, proprietary devices such as HumeCeptor™ units, StormFilter™ devices, infiltration systems, grass lined swales, bioswales, on-site stormwater detention systems and the like, rainwater tanks, etc.
- Maintaining Water Balance – these also include rainwater tanks and infiltration systems.
- Preventing increased flooding – these include on-site stormwater detention systems, rainwater tanks and on-site absorption systems.

The **Zone Map** is given in **FIGURE 5.1** below.

Further description of the stormwater management controls and their required performance standards are given in the proceeding pages.

How to use the Map:

- Identify the site location from **FIGURE 5.1 – ZONE MAP**.
- Identify what the Stormwater Management Criteria is required for the proposed development.

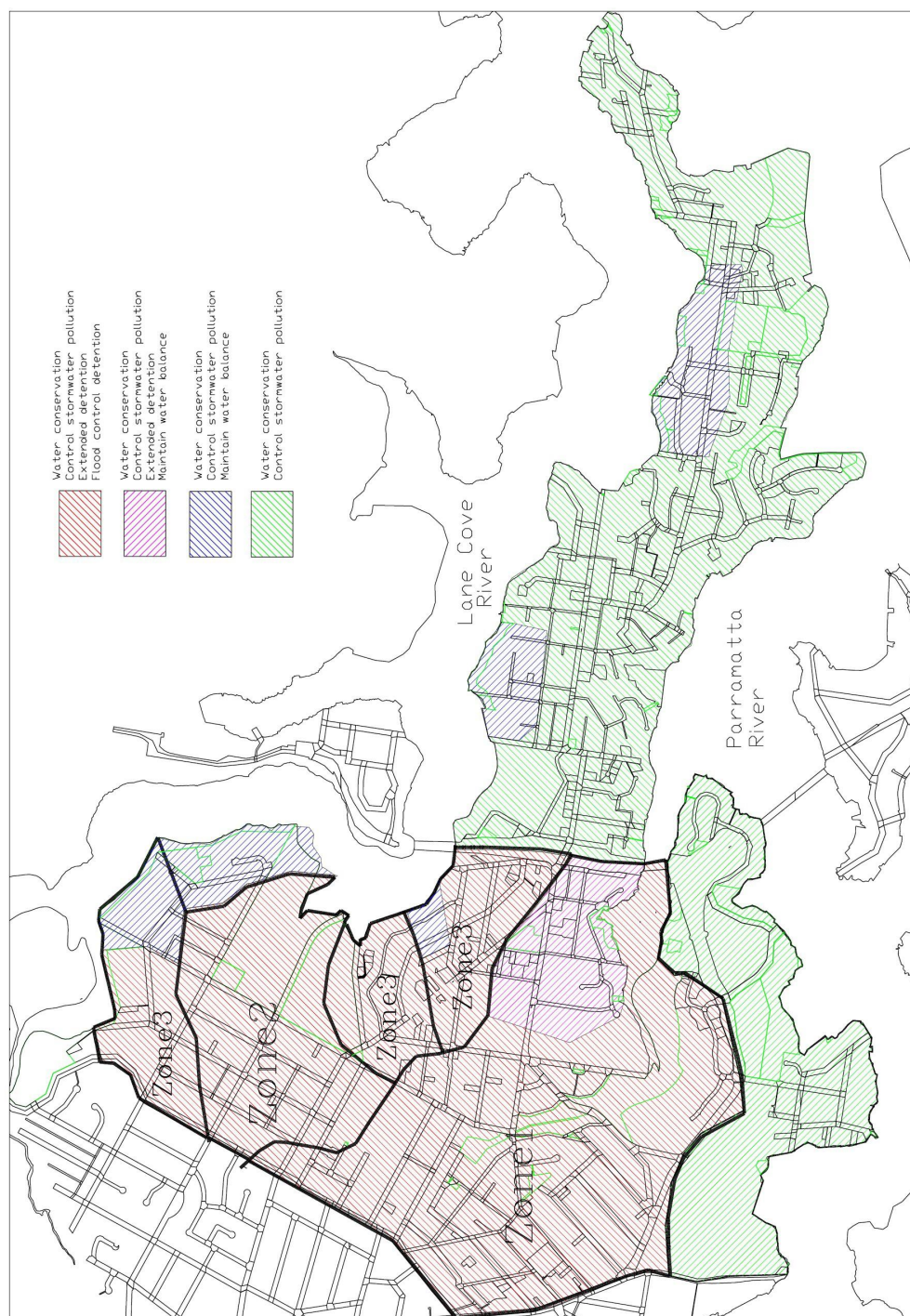
For example, if the site is located in **Zone 2**, the design criteria will be:

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- water conservation
 - control stormwater pollution
 - extended detention, and
 - flood control detention.
- If on-site stormwater detention is specified, check if the proposed development can be exempt – refer to **TABLE 4.1** above.
For example, if the proposed development is an 'alterations and additions', with an impervious area increase of less than 40sqm, and the site slopes towards the street frontage, then OSD is not required.
- Refer to **SECTIONS 6 to 10** for the Stormwater Management design guidelines.

DRAFT STORMWATER MANAGEMENT PLAN

FIGURE 5.1 – ZONE MAP



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6. MAINTAIN WATER BALANCE AND WATER CONSERVATION

Objectives:

- To ensure more efficient use of water.
- To reduce consumption of potable mains water supply.

Performance Standards:

- Rainwater harvesting shall be provided in accordance with **TABLE 6.1** below.
- Rainwater harvesting systems shall satisfy the **design criteria** as stipulated below.
- The minimum volume to be provided shall be the greater of the BASIX Certificate volume and Council's volume as calculated from **TABLE 6.1**.
 - For example, the BASIX Certificate volume for an 'alterations and additions' development is 2,000L. The alterations and additions development has an impervious area of 70sqm. From **TABLE 6.1**, the Hunter's Hill Council volume is $35 \times 70 = 2,450\text{L}$. Therefore adopt 2,450L minimum rainwater volume.
- In addition to rainwater harvesting requirements, the following shall be implemented:
 - Installation of water efficient fixtures and appliances
 - Covering over swimming pools
 - Drip irrigation systems in the garden

TABLE 6.1

	Single residential	Multi-residential (incl. villas, townhouses, units)	Commercial, industrial	Alterations and additions	Paving works
Hunter's Hill Council Volume (L per sqm)	25	30	30	35	0

Rainwater re-use design criteria:

- The above table provides on average a 30% reduction in mains water usage.
- Rainwater systems must be located sympathetic to the site and the surrounding environment and must not be visually or sound intrusive.
- A Schematic Diagram of the rainwater harvesting system must be included on the Stormwater Management Plan and must show, at a minimum, the following:
 - the net storage volume (excluding the 'sludge' volume),
 - the 'first flush' device,
 - inlet and outlet pipes and sizes,
 - connection from roof areas only,
 - diversion switch or top-up from potable water supply,
 - signage noting "rainwater – not for human consumption",
 - connection to washing machine/s, toilet/s, and/or external tap/s, etc.
- Above-ground or below-ground tanks for storage are permitted.
- Refer to **APPENDIX A, FIGURES A1 and A2** for details of basic schematic layouts of above and below ground rainwater harvesting storage systems.
- It is noted that a rainwater re-use system is an enclosed 'pressure' or 'charged' system and all pipes leading into the system must be designed for pressure applications. However 'charged systems' are only permitted for rainwater re-use applications and generally operate between the roof gutters and the rainwater tank. All other systems such as OSD and OSA cannot be a 'charged system'. The outlet pipe for overflows from the rainwater re-use facility must be by gravity fall to the street, to the receiving drainage system or to the receiving waterway.
- To maintain sufficient pressure, a mechanical pump is usually installed. This is equivalent to a pressure head of 20m. A gravity height of 20m would need to be provided to achieve this same pressure.
- Pre-fabricated (manufactured) units are preferred over in-situ formed tanks. However, if in-situ formed tanks are to be used, they must be fully waterproof and certified by a qualified Structural Engineer.

- A minimum storage volume, generally achieved by mains top-up, or by toggle switch to the mains water supply when the volume drops below a designated water level, must be specified. A simple float valve system can be installed to achieve this automatically.
- An anaerobic zone or 'sludge' level is to be provided. This is to ensure water is not drawn below this level so that sediment is not entrained.
- The rainwater storage zone comprises the total volume available for draw-down, which is between the overflow or outlet pipe and the anaerobic zone or sludge level. The air gap between the overflow pipe and the top of the tank may be used for on-site stormwater detention purposes, if required.
- Refer to **FIGURE A3** for details showing the storage components of a dual supply system.
- All rainwater systems shall include a 'first flush' device incorporated into all inlet pipe/s. This device separates the first part of the rainfall entering the rainwater tank and is required to prevent pollutants and other material captured on the roof or gutters from contaminating the tank water. The device operates by filtering roof runoff through a mesh screen to capture leaves and other debris. The first part of the runoff is captured in the chamber to slowly trickle through a small hole whilst cleaner water at the top of the chamber passes into the tank. Refer to **FIGURE A4** for simplistic detail of a 'first flush' mechanism.
- Roof and gutters shall not be painted with lead-based or tar-based paints and roofs shall not contain asbestos. Galvanized iron, Colorbond™, Zinalume™, slate or ceramic tiles are acceptable.
- Rainwater shall not be used for drinking. Therefore, appropriate signage must be installed.
- The Australian Standard **AS/NZ 3500.1.2-1998: 'National Plumbing and Drainage - Water Supply – Acceptable Solutions'** provides guidance on the design of stormwater and rainwater re-use plumbing systems. The standard categorizes cross connection between mains water supply and a domestic roof water tank as a 'low hazard' connection. This requires a non-testable backflow prevention device, such as:
 - No physical connection between the tank and the mains water system
 - An air gap
 - A reduced pressure zone device (RPZD)
- An air gap refers to a physical separation between the mains water and rainwater supplies within the tank. This is a simple, reliable and maintenance-free solution. A RPZD is a mechanical device that separates mains and other water supplies. It requires regular servicing and replacement. Under **AS/NZ 3500.1.2-1998**, dual supply systems that utilize an air gap or an RPZD can be configured as shown in **FIGURE A5**.
- Types of materials that can be used for rainwater re-use storage are:
 - Concrete – these can be pre-formed or in-situ poured and can be placed above or below ground. However, they must be fully waterproof and certified by a qualified Structural Engineer.
 - Fibreglass and plastic – fibreglass materials used would be constructed from similar materials to the manufacture of boats and can be used for above-ground storage applications. Plastic or poly tanks are constructed from food grade polyethylene that has been UV stabilized and impact modified. These tanks would have a manufacturer's warranty and are generally strong and durable.
 - Metal – galvanized iron tanks are constructed from steel with a zinc coating and can be used in above-ground installations. They are strong and durable but can be subject to corrosion if the copper pipe for the household water service is connected to the tank. The first section of the plumbing connected to the tank should therefore be uPVC or other non-metallic material to prevent galvanic reaction. Zinalume™ tanks are constructed from steel with a zinc/aluminium coating and are similar to galvanized iron tanks. Aquaplate™ are tanks made from Colorbond™ lined with a food-grade polymer. They can be used in above-ground installations. This tank is strong, durable and corrosion resistant. However, when cleaning the tank, it is important to avoid damaging the polymer lining.

- Maintenance – a rainwater tank requires minimal maintenance but generally requires the occasional cleaning. The frequency of cleaning will depend on the amount of sediment and debris that enters the tank. A 'first flush' device and adequate mesh screens on all inlets and outlets will ensure that the majority of sediment and debris does not enter the tank. This will reduce the frequency of cleaning to approximately every 10 years. Regular maintenance tasks include:
 - Cleaning the 'first flush' device every three (3) to six (6) months
 - Removing leaves and debris from the inlet mesh on the tank every three (3) to six (6) months
 - Removing leaves and debris from gutters every three (3) to six (6) months
 - Checking the level of sediment in the tank every two (2) years.
- Clean-out Pit – some rainwater harvesting tanks (especially those that are located above-ground) continue to hold water in the sealed pipe between the roof gutter and the rainwater tank and the 'low point' in the pipe network is below the level of the inlet going into the rainwater tank. In this situation, a 'clean-out' pit must be installed at the 'low point' in the pipe network to allow for 'bleeding' of the pipe network and for general cleaning and maintenance. This 'clean-out' pit is to have a minimum 200mm deep sediment trap with weep holes installed in the base of the pit to ensure that it does not hold permanent water which would result in insect breeding. The off-line connection is to have a screw cap which can be opened to empty the water in the pipeline during regular maintenance. Screw cap inspection eyes will not be accepted.
- Refer to **FIGURE A6** showing a typical detail of a 'clean-out' pit.

7. CONTROL STORMWATER POLLUTION

Objectives:

- To capture and treat stormwater flows during regular rainfall events.
- To achieve stormwater treatment objectives as specified in the relevant stormwater management plans or other adopted plans or strategies.

Performance Standards:

- Stormwater pollution control performance standards shall be in accordance with **TABLE 7.1** below.
- This requirement applies to all residential, commercial, industrial, community service and recreational development across the whole of the local government area, as stipulated in the Catchment **FIGURE 5.1 – ZONE MAP**.
- The expected average annual post-development pollutant loads in stormwater runoff from the developed site must not exceed the values that are given in **TABLE 7.1**.

TABLE 7.1

	Single residential with impervious areas < 50%	Single residential with impervious areas > 50%	Multi-residential (incl. villas, townhouses, units)	Commercial, industrial, community, recreational	Alterations and additions
Minimum Standards to be achieved	60% TSS 30% TP 30% TN reduction of baseline annual pollutant load	80% TSS 40% TP 40% TN reduction of baseline annual pollutant load	80% TSS 45% TP 45% TN reduction of baseline annual pollutant load	80% TSS 45% TP 45% TN reduction of baseline annual pollutant load	60% TSS 30% TP 30% TN reduction of baseline annual pollutant load

Legend:

TSS = Total Suspended Solids

TP = Total Phosphorus

TN = Total Nitrogen

Control stormwater pollution design criteria:

- To achieve the above performance standards, the computer program known as the Model for Urban Stormwater Improvement Conceptualization (MUSIC), can be used to simulate various stormwater treatment methods for the site.
- Reference: www.ewater.com.au/music
- The **MUSIC** program is a decision support tool for stormwater designers and assists in planning and design (at a conceptual level), appropriate stormwater management systems to achieve the water quality objectives.
- The **MUSIC** modelling software was developed by researchers and practitioners of the former CRC for Catchment Hydrology and eWater CRC and represents an accumulation of the best available knowledge and research into urban stormwater management in Australia.
- The **MUSIC** program estimates stormwater pollution generation and simulates the performance of stormwater treatment devices individually and as part of a treatment train (individual devices connected in series to improve overall treatment performance).
- By simulating the performance of the stormwater quality improvement measures, **MUSIC** provides information on whether a proposed system conceptually would achieve design objectives such as water quality and hydrologic management objectives.
- Use the **MUSIC** program where the proposed development poses a medium to high risk impact on the water quality of the receiving environment.
- Where the risk is low (for example, for a residential alterations and additions development with an increase in impervious area footprint of less than 40sqm or is a first-floor addition within the building footprint), a more simplistic approach such as 'deemed to comply solutions' may be adopted.
- Should the designer choose to undertake manual calculations, The Hunter's Hill Council Sustainable Water Part II, Technical Appendix can be used for guidance. A manual worked example is given in the Appendices.
- If the **MUSIC** program is to be used, the designer must, at a minimum, provide the following information:
 - Input model parameters and treatment plan,
 - Output model results,
 - Plan showing the appropriate treatment device/s or system/s used.
 - Screenshots of the above.
 - Submission of the supporting **MUSIC** digital files (.sqz).
- If manual calculations are to be undertaken, provide a spreadsheet with a summary of the input and output information and on the Stormwater Management Drawings.

7.1 Roof water tanks

- Purpose – to manage pollutants from roof and balcony runoff.
- Rainwater tanks may be used to control stormwater pollution directly from these areas to satisfy a component of the stormwater pollution objectives.
- The stormwater volume and pollutant loads need to be calculated. For a worked example, refer to **APPENDIX B**. Alternatively, apply the **MUSIC** program to model the pollutant loads and the required rainwater tank volume.
- For rainwater re-use tank volume design criteria – refer to **SECTION 5.1**.

7.2 Porous Paving

- Purpose – to manage stormwater pollutants due to runoff from on-ground areas and to reduce load from impervious surfaces. The allowable reduction in impervious surfaces is shown in **APPENDIX B, TABLE B1** and **TABLE B2**.
- Types – various types of surface treatments may be utilized, which include:
 - Concrete grid and modular paving (e.g. over gravel, sand or soil/grass). The concrete, ceramic or plastic grids provide structural integrity for vehicle traffic loads with voids to allow infiltration of runoff. These products generally contain voids that are filled with sand, gravel or soil/grass. Stormwater filters through these voids to a sand or gravel sub-base which provides the clean filtering effect – refer **APPENDIX B, FIGURE B1**. However, they are only

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effective for 'low flows' and acts as a 'first flush' system. During larger storm events, overflows are taken to the street drainage system. Therefore, they are not intended to be used for the disposal of the site's runoff unless the design parameters of the soil infiltration are able to dispose of storms up to and including the 50-year Average Recurrence Interval (ARI) or 2% Annual Exceedance Probability (AEP) storm. A safe overland flow route is required for overflows.

- Asphalt porous pavements. These types of pavements are laid on a sand/gravel sub-base over natural soil. Rainfall percolates through the porous asphalt layer and into the sub-base where it spreads and infiltrates into the soil. Where they are installed over impermeable ground, they require subsoil drainage which are connected to the internal or street drainage system. Again, these types of systems are used for pollution control and not generally intended to cater for large storm events and a 'fail-safe' overflow mechanism is required. These pavements are susceptible to sediment clogging and require regular maintenance such as vacuum sweeping or high pressure hosing to remove sediment and over time may revert to being an impervious surface. A typical section is given in **APPENDIX B, FIGURE B2**. These systems should not be located in areas where sediment deposition is likely. They should also not be designed for accessways with high vehicle traffic volumes or where heavy vehicles frequent. The installation of sediment traps, vegetated filter strips or specially designed gutter systems to remove sediments should be considered.
- Aquifer contamination – porous pavements shall not be installed over shallow aquifers because they risk contamination by transfer of toxic materials from the asphalt, vehicular traffic and general road use.
- Contaminant capture – porous pavements shall include a sand sub-base layer over a retention trench with a geotextile fabric lining to capture contaminants.
- Structural Integrity – porous pavements must be designed to handle the design vehicle traffic loads.
- Surface gradient – the finished levels of the porous pavement shall be such that the gradient of the pavement is not greater than 5%, in any direction, unless certified by the designer that a greater slope will not affect the capture/infiltration ability of the system.
- Rock and shale stratum – do not install porous pavements over rock or shale, where there is little to no permeability. Severely weathered rock such as sandstone may be acceptable but will require a Geotech Engineer to certify.
- Manufactured systems – where a porous pavement system is sourced from a manufacturer, the manufacturer's recommendations and specifications shall be adhered to. Case studies or constructed examples showing proven track record of such manufactured systems shall be provided in support of the proposed system to be used.

7.3 Bioretention Systems

- Purpose – to manage and treat stormwater pollutants due to runoff from roof and on-ground areas.
- Calculations – a worked example is given in **APPENDIX B** showing the manual method or alternatively use the **MUSIC** program to determine the required control systems.
- Functionality – water is passed through a filter medium of sand, organic matter, soil or other media. After exiting the filter device, the stormwater may be returned to the conveyance system through an underdrain or be allowed to infiltrate into the soil. Stormwater runoff from larger storm events is generally diverted past the facility to the stormwater drainage system. They are designed to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. They are usually very effective in treating stormwater pollution and are applied to land use with a high percentage of impermeable surfaces. Stormwater is conveyed to the filtering device as piped flow or as overland flow. Many of these overland flow paths can be integrated into the landscaping for the site. Bioretention can also be used as a stormwater retrofit-management measure put into place after development has

occurred- by modifying existing landscaped areas, or if a parking lot is being resurfaced.

- Types – various types of bioretention systems may be utilized. A typical detail showing a bioswale system is given in **APPENDIX C, FIGURE C1** and **FIGURE C2**. Bioretention systems are landscaped areas adapted to treat stormwater runoff. Types of systems which fall into this category include the following:
 - Sand filters – a surface sand filter consists of a sand bed that can be covered by a layer of topsoil, allowing grass to cover the filter medium. Geotextile surrounds the filter medium on all sides. Under the filter medium is a gravel layer with an underdrain, allowing drainage of filtered stormwater. Before entering the filter medium, stormwater runoff passes through an open sedimentation chamber to remove litter and coarse sediments. Surface sand filters are the type of filter devices that can treat the largest drainage area.
 - Organic filters – a surface organic filter is similar to a sand filter but instead of sand, an organic material such as leaf compost or similar is used as the filter medium. The organic filter is used when removal of nutrients and trace metals is of major concern.
 - Planting soil filters – stormwater enters the bioretention unit by overland flow or as piped flow. The runoff should be passed through pre-treatment in the form of sedimentation ponds and/or filter strips before entering the bioretention system. The filter medium consists of a thick layer of planting soil, covered by a thinner layer of mulch. The unit is usually covered with vegetation. The filter medium may or may not be surrounded by a sand filter layer and/or gravel curtain drains. Filter fabric should line the unit. As in the case of sand and organic filters, planting soil systems are equipped with a gravel layer and a drainage pipe at the bottom. The unit should be constructed so that ponding of 150mm to 300mm of water is allowed, thus increasing the volume of water that can pass through the filter medium. At the bottom of the unit there is a drainage pipe that will convey the filtered water away from the unit.
- Design Issues – there are a number design issues which need to be considered and these include:
 - Hydraulic design - if the stormwater is delivered to the device through pipes or is along the main conveyance system, the filtering device should be designed off-line. An overflow must be provided for storms exceeding the design flow. This should be designed so that downstream erosion is prevented. Most stormwater filtering devices require 600mm to 1800mm of head. The system should be designed so that the stormwater runoff volume from regular design storms of 3 months to 1 year ARI is retained for 24 to 48 hours in the provided retention storage. The underdrain should be a 100mm perforated pipe (150mm is preferred) in a gravel layer.
 - Pre-treatment - it is necessary to have pre-treatment of the runoff entering the filter medium to remove litter and coarse sediments. This could otherwise have a negative impact on the performance of the filtering device. A sand pit, sediment bay (equivalent to at least 25% of the provided retention storage volume), or filter strips are examples of acceptable pre-treatment techniques.
 - Retention storage – the retention storage volume of the filter devices is essential for the sustainable management of the bioretention system. It evens out the flow rate through the filter and provides some measure of pre-treatment. The retention storage should be sized based on the hydraulic design criteria described earlier. A 300mm to 500mm depth is recommended. This can be increased to 1200mm provided that the side slopes of the basin are 1V:6H or more. Ponding depths in excess of these shall be fenced off.
 - Landscape design – landscaping is critical to the performance and function of bioretention areas. Therefore, details of landscaping elements and planting should be included in the Landscaping Plan required by Council. Sand and organic filters may have a grass cover to aid in pollutant adsorption. The grass should be capable of withstanding frequent periods of inundation and drought. Planting recommendations for bioretention facilities are as follows:
 - Native plant species should be specified over non-native species.
 - Vegetation should be selected based on a specified zone of hydric tolerance.

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- A selection of trees with an understory of shrubs and herbaceous materials should be provided.
- Woody vegetation should not be specified at inflow locations.
- Filter bed – the filter medium in sand and organic filters should have a depth of about 450mm, covered by an approximately 100mm thick layer of topsoil. For planting soil systems, the filter medium should be thicker, approximately 750mm to 1200mm, covered by a 50mm to 100mm thick layer of mulch. The gravel layer should have a depth of about 150mm to 200mm. The surface area of the filtration device is determined by the permeability of the filter medium, the designed retention time of the device, design water volume to be treated, average ponding depth and the depth of the filter medium.

The area of the filter bed is calculated based on the following equation:

$$A_f = (WQv) (df) / [(k) (hf + df) (tf)]$$

where:

A_f = Surface area of filter bed [sqm]

WQv = water quality volume [cum]

df = filter bed depth = 0.46 [m]

k = coefficient of permeability of filter media [m/day]:

1.07 m/day for sand

0.6 m/day for peat

0.15 m/day for planting soil

hf = average height of water above filter bed = 0.4 [m]

tf = design filter bed drain time = 1.5 [days]

- Maintenance – sediment should be cleaned out of the pre-treatment device when it accumulates to a depth of more than 150mm. When the filtering capacity of the filter diminishes substantially (e.g. when water ponds on the surface of the filter bed for more than 72 hours), the top discoloured material shall be removed and be replaced with fresh material. The removed sediments should be disposed of in an acceptable manner (e.g. landfill). Silt/sediment should be removed from the filter bed when the accumulation exceeds 25mm. Organic filters or sand filters that have a grass cover should be mowed a minimum of 3 times per growing season to maintain maximum grass heights less than 300 mm. Trash and debris shall be removed as necessary. For additional information, refer to the document **Guidelines for the Maintenance of Stormwater Treatment Measures, dated January 2022, prepared by Stormwater NSW**, which will provide more guidance for the maintenance of Water Sensitive Urban Design (WSUD) devices.

7.4 Grass lined swales

- Purpose – to manage, divert and treat stormwater pollutants due to runoff from roof and on-ground areas.
- Calculations – use the manual method as shown in **APPENDIX B** or the **MUSIC** program.
- Functionality – grassed swales are conveyance systems for stormwater in which removal of pollutants can be achieved by filtration through the grass and by infiltration into the ground. The purpose of a grassed swale is to:
 - Convey stormwater
 - Divert stormwater around potential pollutant sources
 - Reduce runoff volumes and peak flows by attenuating runoff velocities and provide an opportunity for infiltration
 - Reduce sediments and other pollutants in runoff, and hence provide pretreatment of stormwater for other treatment measures.
- System overview – vegetated swales are most applicable in residential areas where the percentage of impervious cover is relatively small such as low density urban areas. Typical details are given in **APPENDIX D, FIGURE D1** and **FIGURE D2**. Swales are usually located in a drainage easement at the back or side of a residential

lot. They can also be part of a treatment train, i.e. in conjunction with other measures for stormwater treatment or used along roads in place of curb and gutter. Stormwater is directed to the swale through pipes or overland flow. If stormwater is piped to the swale, energy dissipaters and flow spreaders must be installed, so as to not cause scouring. The swale itself consists of a grass-lined, trapezoid channel, in which the stormwater is conveyed. As the water passes through the channel, pollutants are removed through filtration by the vegetation of the swale. Swale vegetation could be local native grasses and ground covers and not necessarily lawns. If properly maintained, a grassed swale can be expected to have a high removal rate of sediments, oil and grease and bacteria, while the removal rate for litter and nutrients will be relatively low.

- Design Issues – there are a number of design issues which need to be considered and these include:
 - Hydraulic design – a 1-year ARI storm event can be used as a guideline when designing the swale. The maximum velocity in the swale should not exceed 0.3m/s to 0.5m/s and the swale's depth is preferably between 0.3m to 0.5m. Manning's Equation can be used to design the swale with the following 'n' values:
 - $n = 0.2$ for mowed grass.
 - $n = 0.24$ for natural or infrequently mowed grass.
 - Sump overflows to the pipe system can be used to bypass major storms (exceeding the design storm) away from the grassed swale. If no overflow arrangement is considered, swales should be designed to safely convey the 10-year ARI or 10% AEP storm with a 75mm freeboard. The 100-year ARI or 1% AEP design storm should also be considered and all habitable floor levels need to be set a minimum of 300mm above the maximum water surface level during the 1% AEP storm.
 - Slope – grassed swales can be constructed on longitudinal slopes of 5% or less. If small check dams are installed, swales can be constructed on slopes up to 6%. The purpose of these dams is to decrease velocity, and by doing so, making pollutant removal more efficient. For slopes of less than 2%, a subsoil drainage system shall be installed to ensure effective drainage and minimize the risk of standing water that can have a negative impact on vegetation establishment and growth. For steeper ground, swales shall be installed parallel to the contour lines. The swale shall have a uniform longitudinal grade to ensure a constant non-scouring flow.
 - Dimensions – a trapezoid shape is recommended for the swale, due to ease of maintenance and construction. The bottom width should be between 0.6m and 2.5m. The sides of the swale are to be constructed with a grade of 3H:1V or less, or if permanent stabilization is adopted, 2H:1V.
 - Retention storage – retention storage will be increased if check dams are installed. This will also promote infiltration. If this approach is chosen it is important that the dams are constructed of durable material so that they will not erode. The area downstream from the check dams should also be protected from erosion. Further, the dams should be constructed so that ponded water will infiltrate within 24 hours or less.
 - Landscape design – a grassed swale is more aesthetically appealing than kerb and gutter, and can easily be integrated into the landscape design. It is important that soil stabilization measures are taken into account during the establishment of a vegetation cover. If not, water entering the swale might cause scouring and increased sediment loads in the stormwater runoff. Mats, blankets or mulch can be used to cover the swale while vegetation cover is established. Native grasses and groundcovers are encouraged to be used for vegetating the swale and not necessarily just lawns.
- Maintenance – a swale will demand more maintenance than kerb and gutter. The vegetation has to be cut to maintain the effectiveness of the swale, and litter and sediment must be removed. Further, any erosion that has occurred must be repaired. Grassed swales can be maintained solely by mowing and trimming. However, it is best to allow swale grasses to grow and develop a healthy sward. The vegetation cover should not be higher than 300mm, as high grass is more likely not to remain upright during a storm event. This will significantly reduce the effectiveness of the

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swale. It is recommended that the height of the vegetation be kept between 150mm to 200mm to ensure effective filtration. Any spraying undertaken shall only be spot spraying, where required, of plant pest species. Any chemicals used shall be applied in accordance with the manufacturer's recommendations.

8 FLOOD MITIGATION AND EROSION CONTROL

Objectives – the objectives in relation to flood mitigation and erosion control are to:

- Ensure that developments do not contribute to increased risk of flooding during moderate rainfall events with an average recurrence interval of up to 1.5-years.
- Ensure that developments are compatible with the design and capacity of existing stormwater systems.
- Avoid damage to stream banks, adjacent bushland and aquatic habitat due to stormwater that is discharged in a large volume or at a high velocity.

Performance Standards – to achieve the above objectives, On-site Stormwater Detention (OSD) systems shall be used for flood mitigation and erosion control. On-site Absorption systems (OSA) may also be used and is covered in **SECTION 9 INFILTRATION AND ABSORPTION SYSTEMS**. The following standards are applicable:

- The requirement for OSD applies to all developments across the whole of the local government area, as stipulated in **TABLE 4.1** and the site location in **FIGURE 5.1 – ZONE MAP**.
- The minimum OSD site storage volume (SSV) to achieve the required stormwater control performance standards shall be in accordance with **TABLE 8.1**.
- The maximum permissible site discharge (PSD) to achieve the required stormwater control performance standards shall be in accordance with **TABLE 8.2**.

TABLE 8.1

ZONE (FIGURE 5.1)	Flood Mitigation SSV (m³ per 100m² of impervious area)	Erosion Control SSV (m³ per 100m² of impervious area)
1	3.04	1.2
2	2.63	1.1
3	2.47	1.0

TABLE 8.2

ZONE (FIGURE 5.1)	Flood Mitigation PSD (L/s per 100m² of impervious area)	Erosion Control PSD (L/s per 100m² of impervious area)
1	1.80	0.41
2	2.20	0.57
3	2.40	0.64

On-site Stormwater Detention Design Criteria:

- Types – OSD systems may be designed as a 'stand-alone' system or incorporated into the rainwater re-use tank. It may also be combined with the infiltration, absorption and bio-retention systems.
- Orifice – an orifice is to be fitted to the outlet. Two types of orifice outlet controls are acceptable. For orifice plate fixtures, these must be dyna-bolted into the wall to prevent their removal. Refer to **APPENDIX E, TABLE E1** for orifice coefficient values. The size of the orifice shall not be less than 30mm in diameter, to minimize blockages.
- Offsets – there will be no volume offsets for rainwater harvesting.
- Control types – the centre-line of the orifice must be set at least 50mm above the top of the kerb level at the point of discharge into the gutter. If a lower level is to be adopted (e.g. when connecting into a drainage inlet pit), a hydraulic grade line (HGL) analysis, to determine the water level, must be provided. The HGL analysis shall be determined for the 20-year ARI or 5% Annual Exceedance Probability (AEP) storm.

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- Areas to drain into the OSD system – If practical, the area of the whole site shall be routed through the OSD system. If site constrained, at least all impervious areas are routed through the OSD system.
- Sediment trap – a minimum 600mm (W) x 600mm (L) x 200mm (D) sediment trap will be required in the OSD control pit in front of the orifice outlet. This sediment trap shall have weep holes in the base for drainage to prevent holding permanent water.
- Trash Screens – trash screens must be installed over the outlet orifice in all OSD systems, generally in the control pit. The minimum requirements for trash screens are:
 - Be of rust proof material. Lysaght maxi-mesh RH3030 or equivalent may be used.
 - Be removable for inspections and routine maintenance.
 - Must completely cover the outlet conduit at not less than 200mm away from the outlet.
 - Orientated such that the incoming flows are across the face of the mesh.
 - Shall include a lifting handle for ease of removal.
- Under-ground OSD systems shall comply with the following:
 - Are not to be located in an overland flow path or in a public drainage easement.
 - Must be located external to all buildings. This includes basements and garages. However, dispensation may be permitted if there is no other alternative. In this situation, the inspection grates must be external to the building footprint so that it can be inspected external to the building.
 - If located in landscaped areas, it must have at least 300mm of topsoil cover on top of the tank, to satisfy minimum landscape requirements.
 - Must be located in common areas and not in private courtyards.
 - Must be located outside of tree root zones.
 - For strata subdivisions and community title developments, it must be located in common areas and have unimpeded access for external personnel to carry out routine inspections and maintenance.
 - Must include a safe formal surcharge path for overflows out of the OSD system to cater for the 1% AEP storms.
 - Must be designed for structural and soundproof adequacy. In this regard, a Structural Engineer must provide a certification.
 - The base of the tank must be graded to fall towards the outlet at a minimum 1% gradient.
 - Must have an access grate over the control outlet with a second access at the extreme corners of the tank. Additional access points may be required for irregular shaped tanks or large tanks.
 - Must comply with **AS2865 'Safe Working in a Confined Space'**.
 - Must have step irons for internal access where the tank is deeper than 1.0m (measured from the top of the grate to the floor of the tank).
 - OSD tanks must have an internal depth of not less than 300mm.
- On-ground OSD systems in landscaped areas shall comply with the following:
 - Must not be located in an overland flow path, in a public drainage easement or across boundaries of allotments.
 - Must be located external to all buildings including basements. Where the OSD system is near sub-floor areas, adequate waterproofing of the underlying building structure must be provided.
 - Must be located where they can be accessible by external personnel for routine inspections and maintenance.
 - Must be located in common areas and not located in private courtyards.
 - Must include a safe formal surcharge path to cater for overflows out of the OSD system for the 1% AEP storms.
 - Must have a minimum fall towards the control outlet at 1% gradient.
 - The perimeter barrier around the OSD system shall be constructed of masonry type or solid material which is durable and impermeable to enable the containment of the design storage volume.
 - Subsoil drainage is to be installed to avoid soil saturation where gradients are less than 3%.

- In landscaped areas, ponding depths must not exceed 300mm around the perimeter of the OSD system and not more than 350mm near the control pit. If the ponding depth around the perimeter exceeds 300mm, then a pool type fence is to be installed. Refer to **TABLE 8.3** for allowable ponding depths for various locations.
 - Embankment slopes 1V:4H desirable, 1V:3V absolute.
 - A minimum freeboard of 300mm is to be provided between the maximum design water level in the OSD system and the finished floor level of all residential habitable floors and a minimum freeboard of 150mm for garages. Refer to **TABLE 11.2** for freeboard requirements.
- Calculations – refer to **APPENDIX E** for a worked example for sizing of an underground OSD tank.

TABLE 8.3

On-ground Detention System	Maximum ponding depth (mm)
Soft Landscaping (without fencing)	300
Soft Landscaping (with fencing)	1200
Tennis Courts (any surface)	200
Car Parking Areas	150

- Outlets – the outlet conduit from the OSD system connecting to the kerb, receiving drainage system or receiving waterway must not have a negative slope. Only one outlet point to the street kerb and gutter, receiving drainage system or receiving waterway is allowed. This outlet point can consist of double, triple or quadruple outlets. If the property draining to the street has a frontage width greater than 30m, a second outlet point may be permitted but the spacing of the outlet points must be at least 15m or greater. Where cover over the conduit cannot be achieved, the outlet is to be replaced with equivalent conduit/s.
Conduit equivalencies are given in **TABLE 8.4**. The outlet conduit must be taken directly to the kerb face at not more than 45 degrees angle to the boundary. Private pipes can only be allowed to be laid within the verge and must not be laid parallel with the kerb. If it is necessary to lay the pipe further downslope to enable efficient fall, then a standard kerb inlet pit with lintel (min. 1.2m length) shall be installed at the kerb and gutter and then a minimum 375mm-dia reinforced concrete pipe (RCP), shall be laid under the road pavement and connecting to the nearest downstream public drainage line.

TABLE 8.4

Pipe	Equivalent Conduit
150mm-dia	100mm (D) x 200mm (W) x 6mm (thick) RHS
225mm-dia	Twin 100mm (D) x 200mm (W) x 6mm (thick) RHS
300mm-dia	4 x 100mm (D) x 200mm (W) x 6mm (thick) RHS

Note: All rectangular hollow sections (RHS) are to be hot dipped galvanized.

- Gravity System – all pipes leading to and out of the OSD system shall be by gravity fall to enable the conduit to self-drain after a storm event. A 'charged' network is generally not permitted for OSD systems.
- Discharging to a different catchment – stormwater runoff must be disposed of in the same direction of fall. That is, if the site falls away from the street frontage, then a legal drainage easement will be required. Only if genuine attempt at easement acquisition has been unsuccessful, will an alternative disposal method be considered. This may require a catchment analysis if the proposal is to drain the site's stormwater runoff to a different catchment (or sub-catchment).
- Legal Obligations – all OSD systems must have a **"Positive Covenant"** and a **"Restriction on the Use of Land"** imposed on the title of the property. The purpose of the Covenant is to ensure that the registered proprietor of the land is made aware and takes responsibility for the control, care and maintenance of the OSD system. The purpose of the Restriction on the use of land is to ensure that the system cannot be tampered with or altered in any manner, shape or form. For newly created parcels

of land, the Terms are to be created under Section 88B of the Conveyancing Act 1919. For existing properties, the Terms are to be created by an application to the Lands Department using Forms 13PC and 13RPA. Standard wording is given in **APPENDIX F**.

- Design Submission - A Stormwater Management Plan (SMP) showing the OSD system must be submitted with the Development Application. The minimum OSD information to be included on the SMP, shall be:
 - Summary Sheet with the site address, designated stormwater control zone, calculated impermeability value of the proposed development, minimum storage volume/s and corresponding permissible site discharge/s (for both erosion and flood control), orifice size/s,
 - Control pit showing configuration of the trash screen, sediment trap, orifice, inlet and outlet pipe with overflow weir and dimensions,
 - pit grate dimensions, finished surface levels and invert levels,
 - size and gradients of all pipes,
 - plan dimensions of the OSD system,
 - finished design levels with gradients (for above-ground OSD),
 - maximum design water level,
 - pool fencing (if required).

9. INFILTRATION AND ON-SITE ABSORPTION SYSTEMS

Objectives – the objectives in relation to flood mitigation and erosion control are to:

- Provide an alternative solution for the disposal of stormwater runoff from low-lying sites in development, where the site is not benefitted by any legal drainage easement.
- Avoid damage to stream banks, adjacent bushland, and aquatic habitat due to stormwater that is discharged in a large volume or at a high velocity.

Definitions – for the purpose of this document, the term used for 'infiltration systems' refers to basic devices such as porous pavements and modular paving where the purpose of which is to reduce the impermeability of the site and to provide a water treatment option as described and covered in **SECTION 7.2 POROUS PAVING**, to satisfy the water quality objectives. The term used for 'On-site Absorption (OSA) Systems' refers to a complete system which is used to manage the majority of the development site's runoff as an alternative to off-site stormwater disposal, collected from impermeable and permeable surfaces, and where off-site disposal of the site's runoff may not be practical.

Performance Standards – to achieve the above objectives, On-site Absorption (OSA) systems may be used in combination with a fail-safe dispersion device. In some situations, an OSD system may be required immediately upstream of the OSA system to enable effective soil infiltration. The OSA may only be considered in the following circumstances:

- A formal drainage easement cannot be obtained through downstream property/s to enable legal rights of drainage for the proposed development site. To assist the applicant in pursuing a legal drainage easement, the generic letter given in **APPENDIX G**, can be used.
- A Geotechnical Report, prepared by a qualified Geotech Engineer, has been undertaken for the site and the recommendations of the Geotechnical Report indicate that an OSA system can be used to safely dispose of the site's runoff.
- The requirement for OSA can be applied to all developments across the whole of the local government area, where the site drains away from the street frontage and the above circumstances exist. Typical details and a worked example of an OSA system is given in **APPENDIX H**.

Design Criteria – the following design criteria applies to all OSA systems:

- Subject to the recommendations as given in the Geotechnical Report, the Mass Curve Method of calculating the size of the OSA system can be used.
- OSA systems may be located in soft landscaped or hard landscaped areas. It shall not be located in an area where there will be vehicle loads such as under a driveway.

- OSA systems shall not be located under or over a sewer system without Sydney Water approval.
- OSA systems shall not be located in rock (this includes sedimentary rocks such as shale and some unsuitable non-sedimentary rock), which have zero to near zero permeability.
- If the Geotechnical Report allows the OSA system to be constructed over rock, the OSA shall be at least 500mm above the rock.
- OSA systems shall follow the line of contours.
- Access chambers shall be provided at each end of the OSA system for routine inspections and maintenance.
- The design storm shall be the 100-year ARI or 1% AEP storm.
- Soil type must not be predominantly loose aeolian sands or clays.
- Suitable soils must have a uniform depth or thickness of at least 2.0m.
- The hydraulic conductivity of the soil must be greater than 1×10^{-6} m/s.
- The minimum clearance to any downstream structure or building shall be 3.0m and to the rear boundary it shall be 1.5m.
- The minimum clearance to sewer lines shall be 1.0m without a report from Sydney Water allowing the OSA system to be in closer proximity.
- OSA will not be permitted for site slopes greater than 5% (unless supported by the Geotechnical Report).
- OSA will not be permitted where a high-water table is encountered. The base of the OSA trench must be at least 500mm above the water table.
- The inspection pits into the OSA system must have a 200mm deep sediment traps with trash screens.
- A dispersion system shall be provided downslope of the OSA system to prevent concentrated runoff should the system overflow during higher storm events.

10. MECHANICAL PUMP-OUT SYSTEMS

Objectives – the objectives in relation to stormwater management is to:

- Provide an alternative solution for the disposal of stormwater runoff from low-lying sites in development, where the site is not benefitted by any legal drainage easement and the soil condition does not allow it to be considered for on-site disposal such as an absorption system.
- Have a method for the disposal of subsoil drainage water in sub-floor areas.
- Provide a method for the safe disposal of the site's stormwater runoff where alternative disposal methods cannot be achieved.

Performance Standards – where drainage is to be directed to a different catchment, to achieve the above objectives, it may be necessary to incorporate an On-site Stormwater Detention (OSD) system to minimize the discharge to the street.

Important Note: Where known flooding has been identified, the discharge of the site runoff into the catchment would be prohibited. In this regard, easement acquisition is mandatory. The applicant will need to seek a formal drainage easement through Section 88k of the Conveyancing Act, via the Court.

Design Criteria – the following design criteria applies to mechanical pump-out systems:

- For the sizing of the storage sump and mechanical pump-out system, the Australian standards **AS/NZS 3500.3:2003 “Plumbing and Drainage Part 3: Stormwater Drainage”** Code, **Section 9 Pumped Systems**, and **Appendix L**, shall be used. However, where there is conflict between the Code and this document, the design criteria given in this document takes precedence.
- Step irons are to be installed where the tank depth exceeds 1.0m, measured from the top of the grate to the floor of the holding tank.
- A holding sump and mechanical pump-out system is generally to be used for the temporary storage and conveyance of seepage water in sub-floor areas and runoff collected from sections of the driveway that cannot be graded away from the low-lying area.

- The maximum on-ground driveway area allowed to be directed into the holding sump is 50sqm, unless otherwise approved by Council.
- Without a known seepage water inflow rate, the minimum area to be adopted for calculating the minimum size of the holding sump is 25sqm.
- Dual mechanical pumps, connected in parallel shall be used, with each pump capable of emptying the holding tank at a rate equal to the 100-year ARI, 2-hour duration storm event.
- Pumps shall be arranged such that they operate alternately, and both pumps shall operate simultaneously when the water level exceeds the design storage level.
- A sediment trap is to be installed on the inlet side of the holding tank. This can be provided in the inlet pits.
- The rising main from the holding sump and pump-out system shall be discharged to a junction pit within the property and then gravity fed to the receiving drainage system or receiving waterway. This junction pit shall be located such that overflows will be safely directed to the street, receiving drainage system or receiving waterway but away from structures, buildings or low-level driveways.
- The rising main outlet shall have a one-way valve installed to prevent any back surge.
- An automatic alarm system shall be provided to warn of failure of any part of the pump system. The alarm is to have visual indicators (e.g. strobe light) and an audible alarm siren.
- A rechargeable back-up battery for the alarm is to be provided in the event of power failure.
- Seepage water pumped to the street must be directed into an under-ground drainage system such as a public stormwater pit and pipe system. It cannot be drained directly to the kerb and gutter for health and safety reasons. The constant pumping of seepage water into the gutter will result in slime build-up and erosion over time.
- A worked example for sizing the holding sump and mechanical pump-out system is given in **APPENDIX I**

11. PUBLIC AND PRIVATE STORMWATER DRAINAGE SYSTEMS

Objectives – the objectives in relation to stormwater management is to:

- Provide minimum guidelines for the design of a drainage network to enable the safe conveyance of stormwater runoff from both private and public land.
- Minimize the impact of stormwater runoff by collecting and conveying stormwater safely and to control its quantity and quality.

Performance Standards – stormwater drainage systems are to be designed to safely collect and convey stormwater runoff to the receiving drainage system or waterway with minimal nuisance, danger to life and damage to properties.

Design Criteria – the following design criteria applies to all stormwater drainage networks:

- The design of the stormwater drainage network shall be in accordance with the **Australian Rainfall and Runoff Handbook** utilizing the 'major' and 'minor' system design criteria and the Australian Standards **AS/NZS 3500.3:2015 "Plumbing and Drainage Part 3: Stormwater Drainage"** Code. Where there is discrepancy between the Codes and this document, the design criteria given in this document takes precedence.
- Roof eaves and box gutters and downpipes shall be designed in accordance with the Australian Standards **AS/NZS 3500.3:2015 "Plumbing and Drainage Part 3: Stormwater Drainage"** Code.
- Stormwater drainage pipes and other conduit types must be laid with a positive gradient, to fall towards the outlet (downstream).
- Without a known tailwater level, the top of the pit level or the ground finished surface level is to be adopted as the starting Hydraulic Grade Line (HGL) level, for calculation purposes.
- The re-direction of stormwater runoff from one catchment into another catchment is prohibited, unless supporting calculations show that this will not cause a negative impact on the receiving drainage system and is approved by Council.

- Stormwater drainage networks must have sufficient capture points to prevent stormwater entering buildings or structures and hence minimize damage to the buildings or structures, to minimize nuisance and minimize danger to persons and vehicular traffic, and to prevent long term water ponding.
- Stormwater drainage networks must include a failsafe overland flowpath, in case the design storm event is exceeded.
- Stormwater drainage networks must include provision/s for silt and sediment traps and trash screens to capture water borne pollutants.
- Stormwater drainage networks shall be designed in accordance with **SECTION 11.1** to **SECTION 11.11**.

11.1 Minor Stormwater Drainage System

- The 'minor' stormwater drainage system shall be accommodated in gutters, pits and pipes (conduits), to safely collect and convey stormwater runoff during the 'minor' design storm event.
- The 'minor' design storm event is given in **TABLE 11.1**.

TABLE 11.1

Location	Private Drainage System Design Storm ARI (year)	Public Drainage System Design Storm ARI (year)
Local Road		10
Collector Road		10
State and Regional Road		50
Emergency Facility Access	100	100
Road Depression (low point)	50	50
Drainage Easement	20	20
Residential – low density	10	
Residential - multi	20	
Commercial and Industrial	50	

11.2 Major Stormwater Drainage System

- The 'major' stormwater drainage system design storm event shall be the 100-yr ARI or 1% AEP.
- The 'major' stormwater drainage system shall be accommodated in pits, pipes (conduits), formal overland flow routes, roads, channels, creeks and rivers.
- If the overland flow route is through a road, it shall be located within the road carriageway and between kerbs.
- Where the overland flow route within the road carriageway or drainage easement cannot be accommodated safely, then the pit and pipe network are to be designed for the 'major' storm event.
- The minimum freeboard between structures and the 100-yr ARI or 1% AEP design water level are given in **TABLE 11.2**.

TABLE 11.2

Location	Freeboard (mm) (100-yr ARI or 1% AEP)
Habitable floor (residential)	300 (1)
Non-habitable floor (patio, verandah, porch)	150
Commercial or Industrial internal areas	150 (2)
Garage floor	150 (3)
Carport (open on all sides)	75 (3)
Sub-floor areas such as basements and low-level parking areas	150 (2)

Notes:

1. Freeboard to be increased to 500mm if in a known flood area.
2. Freeboard to be increased to 300mm if in a known flood area.
3. Freeboard may be reduced at Council's discretion.

11.3 Catchment Area and Runoff

- The catchment area is defined by the limits from where surface runoff will make its way towards the point of exit either by natural or man-made paths. This is usually measured in hectares (ha) or square meters (sqm).
- The impervious areas of a catchment in determination of the runoff from the catchment area is given in **TABLE 11.3a**.
- The catchment runoff shall be determined using a suitable hydrological method depending on the size and shape of the catchment area. Two (2) methods that can be employed is given in **TABLE 11.3b**. The Rational Method determines peak flows and is acceptable for smaller sized catchment areas and for site specific applications such as a residential development lot. Where the area becomes large, then a hydrological computer model will be required. Acceptable hydrological computer models include ILSAX, DRAINS, RAFTS, and RORB. It is noted that Council does not have all these computer models available and therefore the onus is on the designer to provide sufficient supporting information so that Council can make a sound determination of the application.

TABLE 11.3a

Location	Imperviousness (%)
Site specific development	Use impermeability factor as determined in APPENDIX B
Road reserve	100
Residential catchment area	60
Commercial and industrial catchment areas	90

TABLE 11.3b

Method	Size of Catchment Area
Rational Method	< 1000 sqm
Hydrological Model	> 1000 sqm

11.4 Flow Widths

- For the 'minor' design storm event, the width of flow in the gutter shall not exceed 0.45m, that is, runoff must be fully contained within the gutter.
- For the 'major' design storm event, the width of flow shall be contained within the road carriageway between kerbs. If stormwater cannot be accommodated safely, then the under-ground drainage network is to be designed to cater for the 'major' design storm event.

11.5 Conduits

- The network of pipes, box culverts and other type of conduit capable of conveying stormwater runoff during the 'minor' or 'major' storm event.

- For determining hydraulic losses in conduits, use the Darcy-Weisbach Equation. The Colebrook-White friction factor or conduit roughness of certain conveyance systems are given in **TABLE 11.5a**.
- The minimum conduit size, slope, cover and allowable material to be used is given in **TABLE 11.5b**.
- Reinforced concrete pipes shall be rubber ring jointed.
- Domestic PVC pipes for pressure applications (e.g. rainwater system) shall be solvent welded and drinking water safe.

TABLE 11.5a

Material	Roughness factor, k_s (mm)
uPVC pipe/conduit	0.015
Vitrified clay pipe	0.15
Reinforced concrete pipe/conduit	0.60
Fiber reinforced concrete pipe	0.03
'Blackbrute', 'Bluebrute' pipe (1)	0.03

TABLE 11.5b

	Shape	Material	Minimum size (mm)	Minimum Slope (%)	Min. cover to obvert (mm)
Private Systems	Circular - pipes	uPVC, concrete	50-dia	1%	450 (3)
	Rectangular - culverts	galvanized steel	100 x 100	1%	50
Public Systems	Circular – pipes (6)	reinforced concrete	375-dia (2)	1%	600 (4)
	Rectangular - culverts	reinforced concrete	300 x 300	0.75%	600 (5)

Notes:

1. If used on public land, will be subject to Council approval.
2. A 300mm diameter pipe may be acceptable subject to Council approval.
3. A cover of 300mm may be acceptable in landscaped areas not traversed by vehicular traffic.
4. A cover of 450mm may be acceptable in pedestrian only areas.
5. Less cover may be permitted if culvert is designed for vehicle traffic load.
6. Minimum Class 2 for pipes. Higher class required if cover is reduced.

11.6 Hydraulic Grade Line

- Hydraulic Grade Line (HGL) calculations are required when designing public drainage systems. This is generally not necessary for private drainage systems unless the water surface profile is critical at the point of discharge, for example, when designing an OSD system with 'free outlet' control. For private networks, a check on the slope and friction value with its capacity based on 'pipe flowing full but unpressurised' is sufficient.
- Drainage networks shall be designed to have minimal hydraulic losses. Therefore, bends in the pipe network is to be minimized, and drops in the pits (level difference between the inlet pipe and outlet pipe), and the reduction in downstream pipe sizes are to be avoided.
- Where bends in the pipe network are greater than 22.5 degrees, a junction pit is to be installed. A junction pit may also be necessary for sharper angles at Council's request.
- To avoid 'choke points', pipes will not be permitted to be installed such that a larger pipe joins into a smaller pipe downstream. However, this may be unavoidable when designing public drainage networks, where the proposed drainage line is to be connected into an existing drainage network originally designed for lower intensity storm events. In this situation, the starting water level is to be assumed to be at the top of the pit lid where the new line joins into the existing line.
- The Missouri Charts, Hare Equation, US Corps of Engineers Mitre Bend Charts and the Australian Rainfall and Runoff are to be used to determine pit losses and the Darcy-Weisbach/Colebrook-White Equation is to be used to determine the losses due to friction within the pipe network, if manual HGL calculations are to be performed. Alternatively, the computer program **DRAINS** can be used to determine the HGL when designing the

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drainage network. An electronic copy of the **DRAINS** (DRN) files will need to be submitted along with a summary of the design in EXCEL format.

- For uniform open channels, use the Mannings Equation, when manually calculating the size of the channel with the design water surface profile. The computer programs **DRAINS** or **HEC-Ras** can be used for non-uniform and irregular shaped channels.
- Full hydraulic calculations must be submitted for assessment to enable Council to determine the feasibility of the proposal.

11.7 Stormwater Drainage Pits

- Stormwater drainage pits in a road reserve shall be located generally along the kerb line. Inlet pits shall have grates (of minimum dimension 450mm x 900mm) and a lintel opening of not less than 1.2m long. Minimum dimensions for various types of pits are given in **TABLE 11.7**.
- Pits that are in public ownership shall have grates of minimum 450mm x 450mm. Grates that will be subject to vehicular traffic shall be heavy duty class D. Grates in landscape areas which are not subjected to vehicle traffic shall be minimum Class C. All public grates are to be galvanized, bicycle friendly with grate hinged to frame and lockable.
- Private pits may be prefabricated provided that the correct load type is specified (that is, load class for either non-vehicle trafficable or vehicle trafficable areas as per Manufacturer's specifications). Public pits can be either cast insitu reinforced concrete or precast units. If precast units are to be used, the correct load class must be specified.
- Where private pits are designed for surcharging or upwelling of stormwater, they must be hinged to frame and lockable. Solid covers over public junction pits shall be gatic type.
- Letterbox type pits may be specified but they are not to be used at or near kerb locations. In the road reserve where there are no kerb and gutter, butterfly type grates may be used but must be flush with the surrounding ground surface level.
- Pits deeper than 1.0m (measured between the finished ground level and the base of the pit) shall have galvanized or stainless steel step irons installed.
- Inlet pits shall be installed at 'low points', at intervals where the flow width in the gutter is to be maintained at 450mm. Junction pits shall be located at changes in gradients in the pipe network, changes in direction of the pipe alignment (only when > 22.5 degrees deflection for private pipes), and where there is a level difference greater than 75mm between the inlet pipe and outlet pipe.
- Kerb inlet pits shall have lintels of minimum 1.2m in length but not more than 3.6m.

TABLE 11.7

Pit Type	Minimum internal dimensions (mm)
Kerb inlet with 1.2 min. lintel and grate in the kerb and gutter	600 x 900
Grated inlet pit (no lintel) or junction pit (solid cover) in landscape area not under the kerb and gutter (public asset) < 1.0m deep	600 x 600
Grated inlet pit (no lintel) or junction pit (solid cover) in landscape area not under the kerb and gutter (public asset) > 1.0m deep	900 x 900
Grated inlet pit (no lintel) or junction pit in private property (not public asset) < 1.0m deep	300 x 300
Grated inlet pit or junction pit in private property (not public asset) between 1.0m and 1.5m deep	450 x 450
Grated inlet pit or junction pit in private property (not public asset) between 1.5m and 2.0m deep	600 x 600
Grated inlet pit or junction pit in private property (not public asset) > 2.0m deep	900 x 900

11.8 Open Channels

- Where-ever possible, an underground piped drainage network is preferred over an open channel conveyance system.
- Open channels will only be permitted to convey overland flows as part of the 'failsafe' design for the 'major' stormwater drainage system.
- Open channels shall have smooth transitions and must avoid sharp changes in direction and in levels where-ever practical, to avoid 'hydraulic jumps', which may cause instability and rise in water levels in the channel.
- Open channels shall be designed in accordance with the **Australian Rainfall and Runoff Handbook** and the **NSW Government Flood Plain Development Manual**. Where there is discrepancy between the Codes and this document, the design criteria as given in this document shall take precedence.
- Flow velocities shall not exceed the lesser value between that which would cause scour to a particular surface treatment or the safe values as given in the **NSW Government Flood Plain Development Manual**.
- Side slopes shall not exceed 1V:3H unless fully fenced.
- The Mannings Roughness coefficients shall be used for open channel design. Typical values for various types of surfaces can be obtained from the **Australian Rainfall and Runoff Handbook** or **AS/NZS3500.3:2015 Plumbing and Drainage – Stormwater Drainage**.
- The **HEC-Ras** or **DRAINS** program can be used to determine water surface profiles for non-uniform or irregular open channels.

11.9 Building adjacent to Stormwater Drainage Systems

- Where new buildings and structures are to be constructed, their support structures which includes foundations, piers and footings are not to load bear onto the underlying stormwater drainage network. The base of all footings and piers must be found outside of the Zone of Influence. This is the zone created by an angle of 45 degrees to the horizontal extended from the invert of the drainage conduit to the surface.
- If a new drainage pipe is to be installed in proximity to a building or structure, the exact location of the buildings or structure's foundations are to be found and the new pipe network shall be designed such that it is located outside of the Zone of Influence.
- Public drainage networks are not to be laid under buildings or structures.
- Consult with and obtain consent from Sydney Water if the proposed drainage network is to be laid under or over a sewer main.
- If a proposed development requires the relocation of a public drainage line to enable the proposed development to proceed, then a full hydrological and hydraulic analysis shall be provided to Council. This will include the HGL for the existing and proposed conditions. The HGL must not be worse for the relocated line. A plan and longitudinal section of the proposed line showing design flows (for the design ARI storm event), finished grate levels, conduit invert levels, conduit sizes, conduit gradients, crossing services, and an HGL shall be submitted to support the proposal.

11.10 Connections to the receiving Stormwater Drainage System or Waterway

- Non-return valves are not to be installed in the public stormwater drainage network.
- Where the private outlet for the conveyance of stormwater runoff from a site is to be discharged directly to the street kerb and gutter, the outlet must be connected into the back of the kerb with a minimum cover of 50mm. Equivalent conduit sizes may be required if minimum cover cannot be achieved. Alternatively, it may be necessary to connect into an existing public drainage pipe.
- Where the private outlet pipe is to convey sub-surface water, it shall be taken to the nearest downstream public stormwater drainage under-ground network.
- Where the private pipe is conveying stormwater runoff into a public pipe, a standard Council junction pit shall be installed at the point of connection. A direct pipe connection will only be permitted if the ratio between the diameter of the private pipe to the diameter of the public stormwater drainage pipe is less than one third. A flowcon™ 'conconnect' fitting device shall be installed to facilitate the connection between the private and public pipe.

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11.11 Services

- Care shall be taken to ensure that there will be no clashes with any utility services.
- A 'Before You Dig' services search shall be undertaken prior to the design of the drainage system network. Where services are found to cross the line either over or under the proposed stormwater drainage conduit, a physical investigation by potholing shall be undertaken at the crossing point prior to the finalization of the construction plans.
- Public stormwater drainage lines shall generally be located under the kerb and gutter or in the road pavement adjacent to the gutter to avoid conflict with utility services in the road verge (nature strip).
- Locating the proposed public stormwater drainage conduit within the nature strip may be approved, at Council's discretion, if it is not practical to locate the new conduit within the road carriageway due to either busy traffic on a main road and/or is likely to clash with major services.
- Where private stormwater pipes are to be connected into the back of the kerb, it must be laid within the verge at the shortest possible distance between the kerb and the boundary and projected at an angle of not more than 45 degrees to the site boundary, to avoid clash with services. The laying of private stormwater pipes parallel with the kerb line is prohibited.

12 STORMWATER DRAINAGE EASEMENTS AND INTER-ALLOTMENT DRAINAGE

Objectives – the objectives in relation to stormwater management is to:

- Provide formal legal rights of access for the unhindered disposal of stormwater runoff for both private and public drainage infrastructure that must pass through private land.
- Avoid unnecessary reduction in capacity of the existing drainage system by maintaining flows within the same catchment.

Performance Standards – legal stormwater drainage easement acquisition enables the legal rights of drainage for future maintenance, upgrade and identification.

Requirements – where the site grades away from the street frontage, the creation of a formal drainage easement will be required. To enable the development to proceed, the applicant must provide evidence in the form of a Legal Agreement between the affected parties or copies of titles showing the created or intention to create an easement. The applicant must undertake a genuine attempt to acquire an easement on the downstream property/s before consideration of alternative method of drainage disposal may be considered. To assist the applicant in obtaining a legal drainage easement, the generic letter as given in **APPENDIX G**, can be used.

Although an existing public stormwater drainage conduit through a private property has the same legal rights of drainage even if there is no easement created over it, Council will take the opportunity to pursue an easement over the public drainage system when-ever possible, to enable Council full rights of access to inspect, maintain or upgrade the underlying conduit. This means that when a development is proposed on a site, which currently has a stormwater conduit passing through it, Council will require that a stormwater drainage easement be created over the line of the existing stormwater conduit as a condition of approval for the development.

Design Criteria – the following design criteria are to be followed:

- Where an easement is to be created over an existing public stormwater conduit, all legal costs including surveys and searches associated with the acquisition of the drainage easement over the public stormwater drainage conduit shall be borne by Council but there will be no compensation for the value of the land for the easement.
- A sub-division of land will not be approved unless a legal drainage easement can be obtained through the downstream property/s to enable the newly created allotments the rights of drainage in the same direction of the fall of land by gravity means.

- Buildings and structures shall not be permitted to be constructed over drainage easements. This includes any structures that may overhang the building such as balconies and eaves gutters up to a height of 4.5m.
- The creation of a public drainage easement is to allow Council reasonable access to the underlying conduit for the purpose of inspections, maintenance, or upgrade. It may be necessary to relocate the underlying stormwater conduit to enable future access to the conduit.
- Encroachments over easements are prohibited because this may impede the overland flowpath over the line of the easement.
- No load bearing structure shall be permitted to be constructed within the drainage easement. This includes any private stormwater pits, pipes and services. For existing conduits, it may be necessary to relocate the conduit prior to the creation of an easement to ensure that there will be no future structural load onto the conduit.
- The planting of trees or shrubs with invasive roots will not be permitted within the drainage easement.
- Paved surfaces may be permitted to be constructed over the easement provided that the construction joints are located along the longitudinal edge of the easement to enable ease of future access to the underlying conduit.
- An easement for the disposal of the site's stormwater and the installation of inter-allotment drainage pipes shall be provided to enable drainage of low-lying properties where-ever possible.
- The widths of stormwater drainage easements are given in **TABLE 12.1**.

TABLE 12.1

Easement Type	Minimum Width (m)
Public Drainage System	External width of the conduit + 1.0m (rounded to the nearest 0.1m)
Private Drainage System (inter-allotment)	External width of the conduit + 0.5m (rounded to the nearest 0.1m)

13 DOCUMENTATION SUBMISSION

Minimum Requirements – where required by condition, at the completion of construction of the stormwater drainage system, the following minimum documentation must be submitted to Council:

- Works-as-Executed drawings, signed and dated by a Registered Surveyor.
- Compliance Certificate from the Certifying Professional Engineer, who must be a current Corporate member of the Institution of Engineers, Australia with N.E.R standing.
- Copies of titles showing the creation of easements (where easement acquisition is required), Positive Covenant and Restriction on the Use of Land (where an OSD system is required). Refer to **APPENDIX F** for legal instruments.

APPENDIX A – RAINWATER HARVESTING SYSTEMS

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FIGURE A1 – TYPICAL ABOVE-GROUND RAINWATER SYSTEM

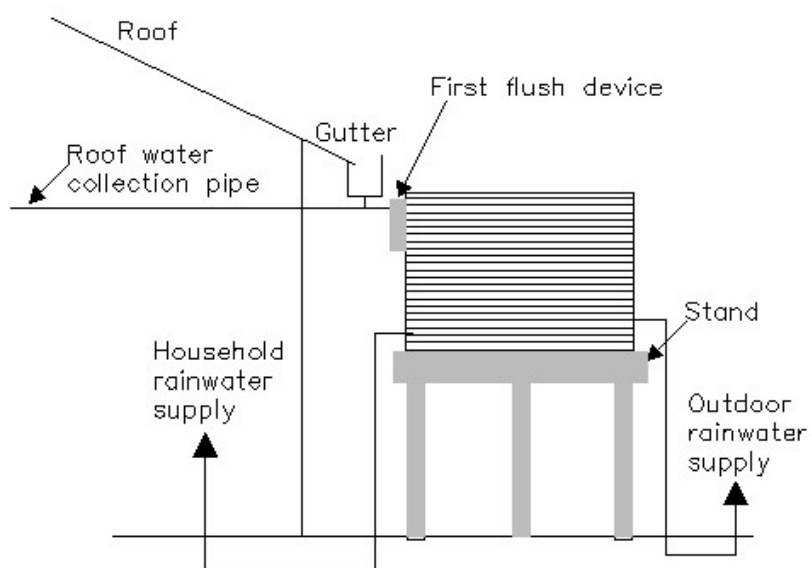
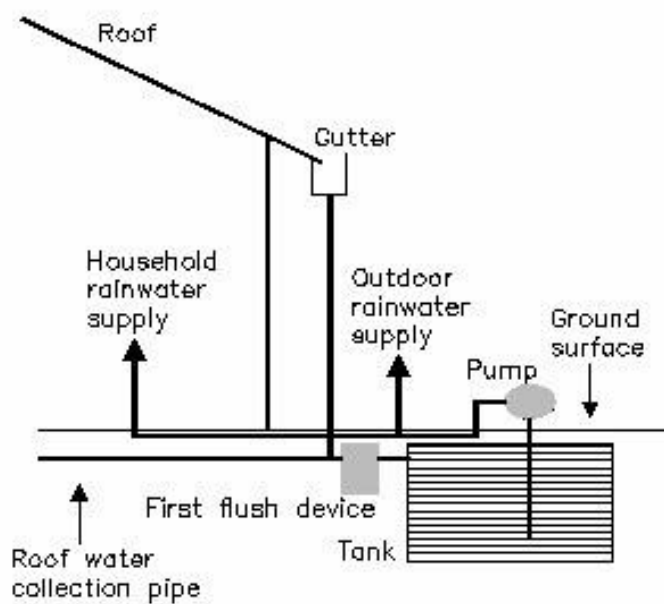


FIGURE A2 – TYPICAL BELOW-GROUND RAINWATER SYSTEM



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FIGURE A3 – PLAN AND ELEVATION

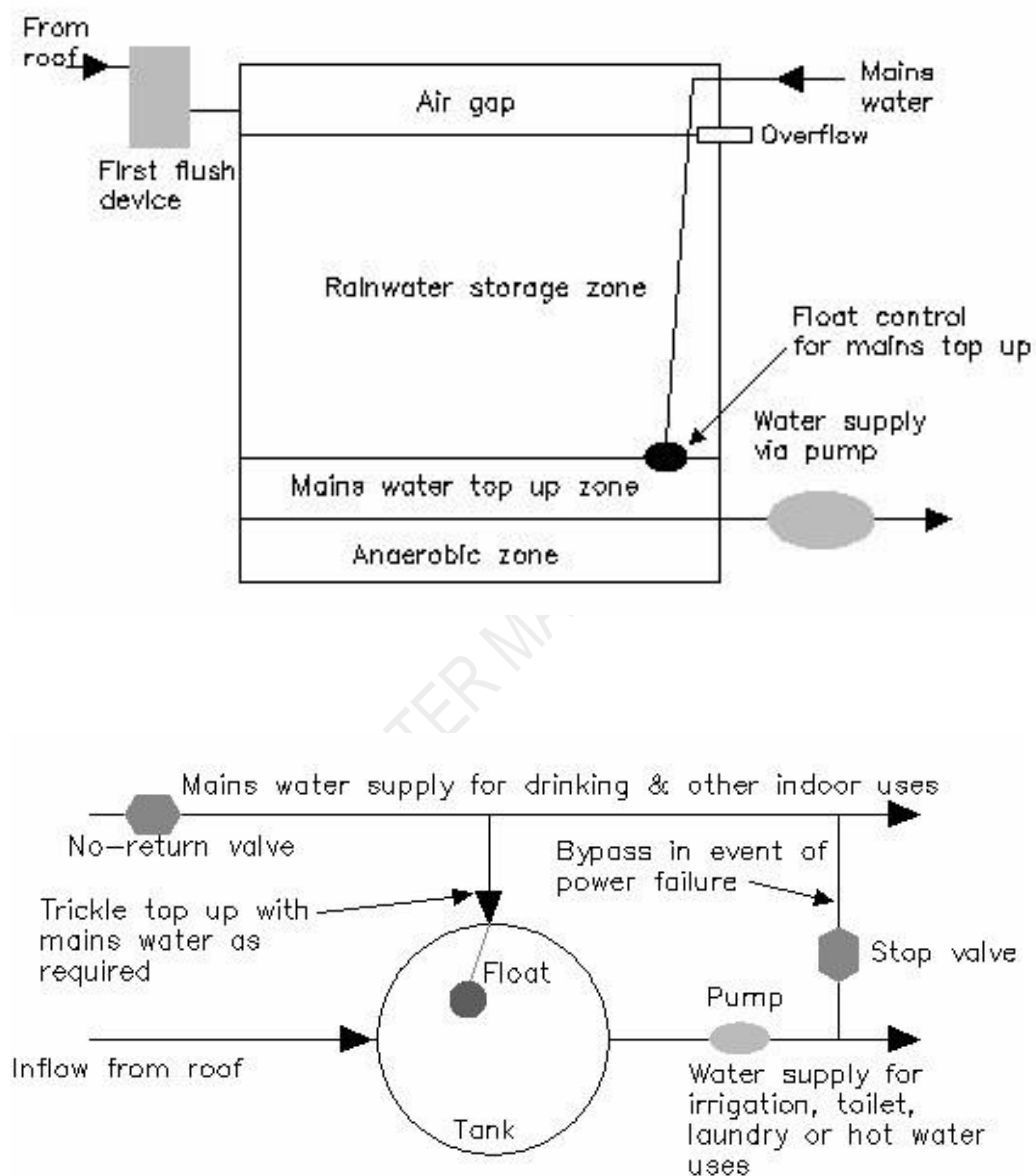


FIGURE A4 – BASIC ‘FIRST FLUSH’ DEVICE DETAIL

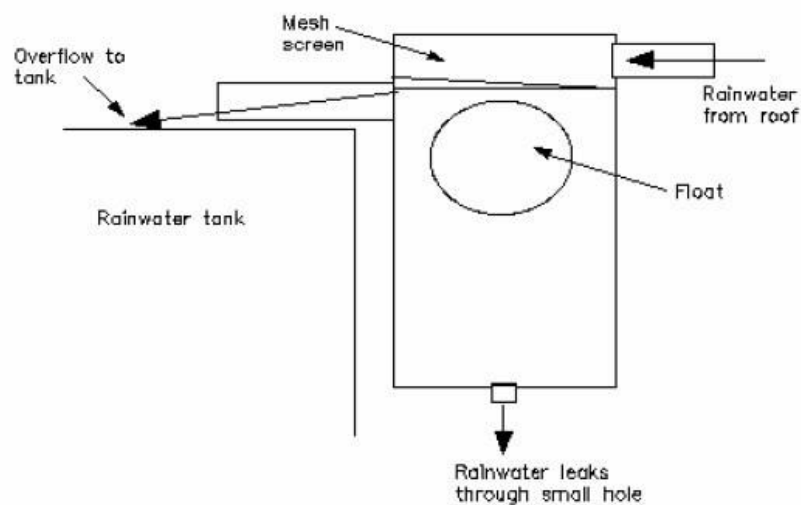
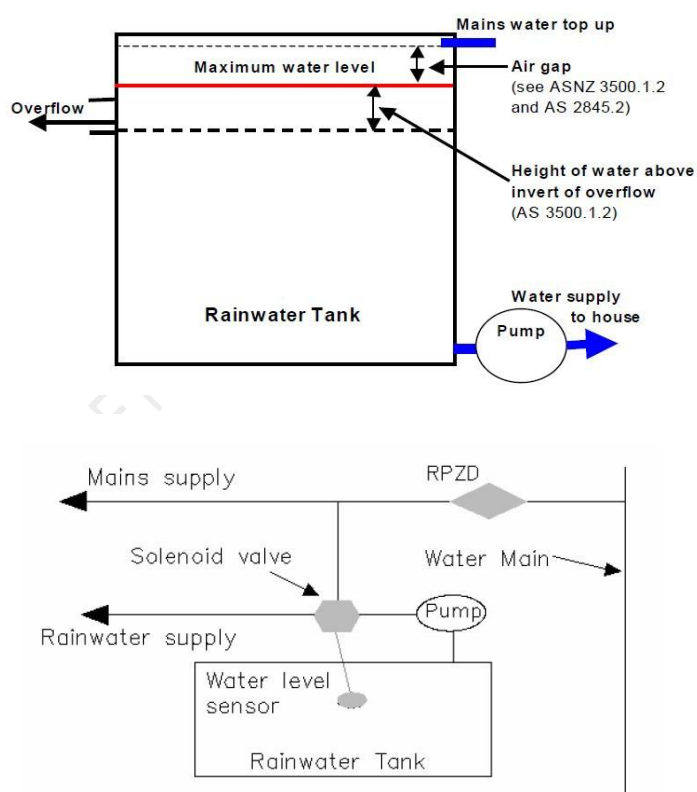
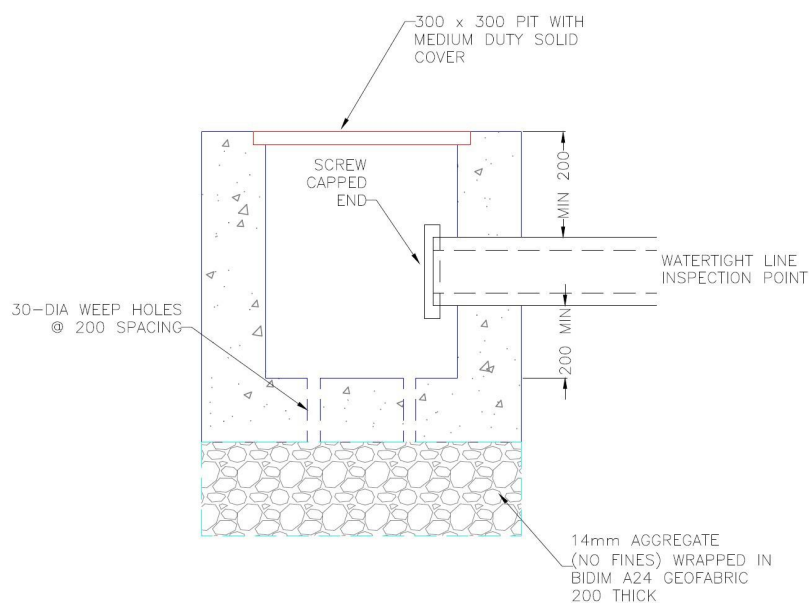


FIGURE A5 – BACKFLOW PREVENTION USING AIR GAP OR AN RPZD



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FIGURE A6 – TYPICAL ‘CLEAN-OUT’ PIT DETAIL



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APPENDIX B – CALCULATING ROOF WATER VOLUME AND POLLUTANT LOADS

WORKED EXAMPLE

This is a manual hand calculated worked example. The designer may choose to use the **MUSIC** program to determine the required rainwater tank volume and pollution control devices required to satisfy the reduction in pollutant loads coming directly from roof areas. Where **MUSIC** is to be used, the reduction in mains potable water usage is to be specified as 30%.

STEP 1 – Calculate the impermeable areas of the site using **TABLE B1** below for guidance.

TABLE B1

SURFACE TYPE	MATERIAL	IMPERMEABILITY FACTOR (1)
Roof areas	Metal, concrete, slate, and other impermeable materials	1.00
	'Green Roofs'	0.50
Ground surfaces	Concrete, paving and other non-porous material	1.00
	Gravel	1.00 (2)
	Porous paving	0.50
	Grid pavers (e.g. 'grass-grid')	0.20
Decks and patios	Concrete, paving and other non-porous material	1.00
	Timber over natural soil	0.50
Swimming pools	All types	0.50 (3)

Notes:

1. Sourced from Maryland Design Manual (200 Ed.), Maryland Department of the Environment U.S.A.
2. Taken generally the same as for concrete for Australian conditions.
3. Overflows from swimming pools generally to be directed to the sewer system and not to the stormwater system.

Site Details

Development Type: New single residential dwelling home

Site area: 650 sqm

Proposed footprint of roof area: 300 sqm

Associate works: includes path, driveway and associated landscaping

This is tabulated in **TABLE B2** below.

TABLE B2

Surface Type	(1) Area (sqm)	(2) Impermeability Factor	Impermeable Area (1) X (2)
Roof	300	1.00	300
Driveway – concrete	100	1.00	100
Landscaped area	150	0.00	0
Path - grid pavers	100	0.20	20
Total Impermeable Site Area			420 sqm

Therefore, the Site Impermeability Indicator (%), $I = 420/650 \times 100 = 65\%$

STEP 2 – Calculating pollutant loads and runoff volumes

L = Average annual load of pollutant exported from the site through the stormwater runoff [kg/yr]
 $= (\text{Vol} \times \text{EMC}) / 100$

Where **Vol** = Average annual stormwater volume from the site
 $= (\text{Rv} \times \text{Rainfall} \times \text{A}) / 1000$ [cum/yr]

Rv = Volumetric runoff Coefficient
 $= 0.25 + (0.0065 \times I)$ [expressed as fraction of rainfall converted into runoff]

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I = Site impermeability indicator [expressed as a percentage]

A = Total site area [sqm]

Rainfall = Average yearly rainfall for the site [mm]

EMC = Average Event Mean Pollutant Concentration [mg/L]

Where TSS = 140 mg/L

TP = 0.25 mg/L

TN = 2.00 mg/L

Note: The above values are based on the stormwater flow and quality data provided by the Cooperative Research Centre for Catchment Hydrology, undertaken by the NSW Department of Environment and Conservation.

The above worked example is shown below in tabulated summary format:

site area (m ²)	650						
roof area (m ²)	300						
impervious paved area (m ²)	100						
grid pavers area (m ²)	100						
landscaped irrigated area (m ²)	150						
average rainfall (mm)	1150						
Task							
calculate site imperviousness, % (I _{site})	65						
Refer to Table 1							
Determine WSUD performance standards							
The site is assumed to be located in Zone1-Purple							
	Mains water reduction	OSD storage	ED storage (m ³)	Volume reduction	TSS reduction	TP reduction	TN reduction
Site performance standards	30%		5.0	10%	80%	40%	40%
Select site options & assess meeting performance standards							
Ruinwater tank to manage roof runoff							
roof area (m ²) to rainwater tank (A _{roof})	300						
rainwater tank size	5						
reuse option	toilet flushing, laundry and irrigation						
irrigation area	100						
Calculate pollutant loads and stormwater volume for tank's roof area (refer to Box-1)							
Vol _{roof} (m ³ /yr) = 0.25+0.0065x100xRainfall (mm/yr)x A _{roof} (m ²)/1000				Vol _{roof}	TSS _{roof}	TP _{roof}	TN _{roof}
TSS _{roof} (kg/yr) = Vol _{roof} (m ³ /yr)x140(mg/l)/1000				310.5	43.5	0.078	0.621
TP _{roof} (kg/yr) = Vol _{roof} (m ³ /yr)x0.25(mg/l)/1000							
TN _{roof} (kg/yr) = Vol _{roof} (m ³ /yr)x2.0(mg/l)/1000							
Calculate Tank's hydraulic load							
Hydraulic load = tank's size (m ³)/Vol _{roof} (m ³ /yr)	1.6%						
Estimate rainwater tank performance based on Box-3							
	OSD (m ³)	ED storage (m ³)	Volume reduction	TSS reduction	TP reduction	TN reduction	
	1.8	2.9	31%	82%	59%	55%	
Estimate Tank's removed volume, pollutant loads and savings in mains water							
Vol _{tank} (m ³ /yr) = Vol _{roof} (m ³ /yr) x % vol reduction				Vol _{tank}	TSS _{tank}	TP _{tank}	TN _{tank}
TSS _{tank} (kg/yr) = TSS _{roof} (kg/yr) x % TSS reduction				96	35.7	0.046	0.343
TP _{tank} (kg/yr) = TP _{roof} (kg/yr) x % TP reduction							
TN _{tank} (kg/yr) = TN _{roof} (kg/yr) x % TN reduction							

STEP 3 – Calculation for management of pollutant loads using bioretention and combined results

Bioretention to manage remaining site area runoff						
remaining site area to bioretention, m ² (A _{Rsite})	300	assumed 100m ² paved + 100m ² grid pavers				
Remaining site imperviousness to bioretention, % (I _{Rsite})	40	+ 100m ² landscaped area				
It is assumed that the bioretention filter media dia. is 0.5mm and that the filter area is 10% of the retention area						
Bioretention area (m ²)	16	Bioretention depth (m)			0.5	
Bioretention size (m ³)	8.0					
Calculate stormwater volume and pollutant loads for Bioretention's remaining site area						
Vol _{Rsite} (m ³ /yr) = (0.25+0.0065xI _{Rsite})xRainfall (mm/yr)xA _{Rsite} (m ²) / 1000						
TSS _{Rsite} (kg/yr) = Vol _{Rsite} (m ³ /yr)x140(mg/l)/1000			Vol _{Rsite}	TSS _{Rsite}	TP _{Rsite}	TN _{Rsite}
TP _{Rsite} (kg/yr) = Vol _{Rsite} (m ³ /yr)x0.25(mg/l)/1000			175.95	24.6	0.044	0.352
TN _{Rsite} (kg/yr) = Vol _{Rsite} (m ³ /yr)x2.00(mg/l)/1000						
Calculate Bioretention's hydraulic loading rate						
Hydraulic loading rate = Bioretention's size (m ³) / Vol _{Rsite} (m ³ /yr)	4.5%					
Estimate Bioretention's performance based on Box-4	ED storage (m ³)		TSS reduction	TP reduction	TN reduction	
	4		82%	74%	70%	
Estimate bioretention's removed pollutant loads						
TSS _{bio} (kg/yr) = TSS _{Rsite} (kg/yr) x % TSS reduction			TSS _{bio}	TP _{bio}	TN _{bio}	
TP _{bio} (kg/yr) = TP _{Rsite} (kg/yr) x % TP reduction			20.2	0.033	0.246	
TN _{bio} (kg/yr) = TN _{Rsite} (kg/yr) x % TN reduction						
Estimate collective site performance for selected options						
Total site area, m ² (A _{site})		650				
Total site imperviousness, % (I _{site})		65				
Calculate total pollutant loads and stormwater volume removed by selected management options						
Vol _{tem} (m ³ /yr) = Vol _{tank} + Vol _{bio}			Vol _{tem}	TSS _{tem}	TP _{tem}	TN _{tem}
TSS _{tem} (= TSS _{tank} + TSS _{bio})			96	56.0	0.078	0.589
TP _{tem} = TP _{tank} + TP _{bio}						
TN _{tem} = TN _{tank} + TN _{bio}						
Calculate site's pollutant loads and stormwater volume for post-development conditions without controls						
Vol _{post} (m ³ /yr) = (0.25+0.0065xI _{site})xRainfall (mm/yr)xA _{site} (m ²) / 1000			Vol _{post}	TSS _{post}	TP _{post}	TN _{post}
TSS _{post} (kg/yr) = Vol _{post} (m ³ /yr)x140(mg/l)/1000						
TP _{post} (kg/yr) = Vol _{post} (m ³ /yr)x0.25(mg/l)/1000			500.8	70.1	0.125	1.002
TN _{post} (kg/yr) = Vol _{post} (m ³ /yr)x2.0(mg/l)/1000						
Calculate proposed site's total performance for pollutant loads and stormwater volume						
Site Volume reduction (%) = 100 x Vol _{tem} / Vol _{post}			Site Vol. reduction	Site TSS reduction	Site TP reduction	Site TN reduction
Site TSS reduction (%) = 100 x TSS _{tem} / TSS _{post}			19%	80%	63%	59%
Site TP reduction (%) = 100 x TP _{tem} / TP _{post}						
Site TN reduction (%) = 100 x TN _{tem} / TN _{post}						

FIGURE B1 – TYPICAL COMPONENT OF A GRID PAVEMENT

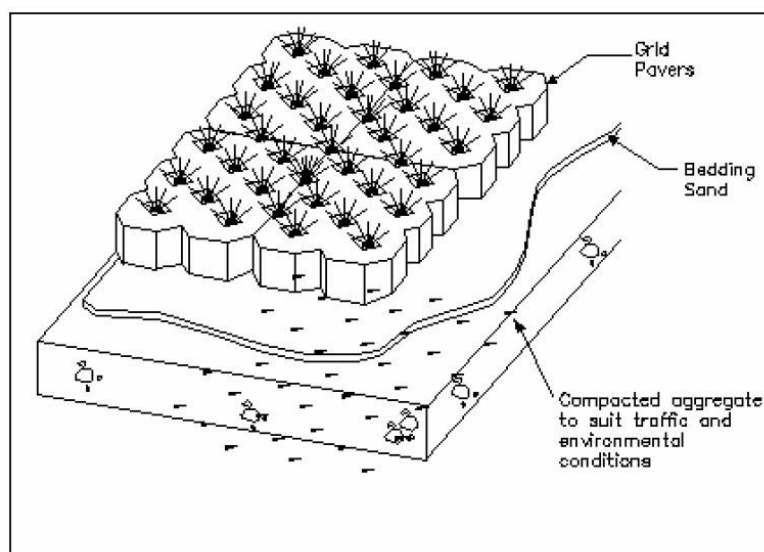
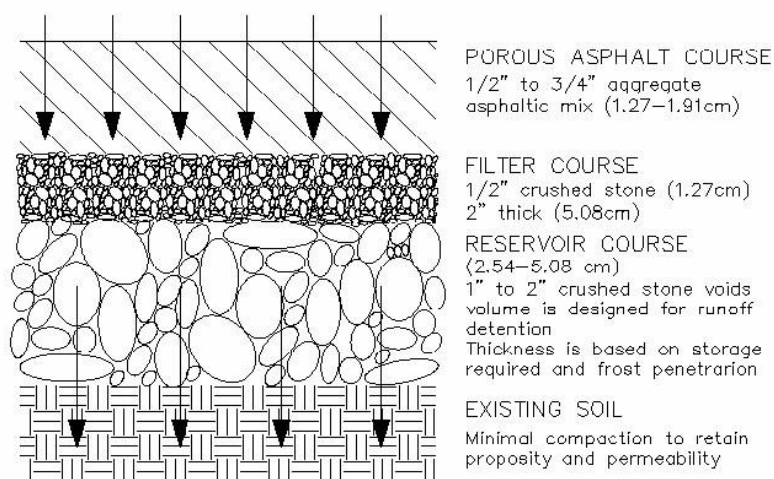


FIGURE B2 – TYPICAL SECTION THROUGH ASPHALT POROUS PAVEMENT



APPENDIX C – BIORETENTION SYSTEMS

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FIGURE C1 – TYPICAL BIORETENTION SYSTEM

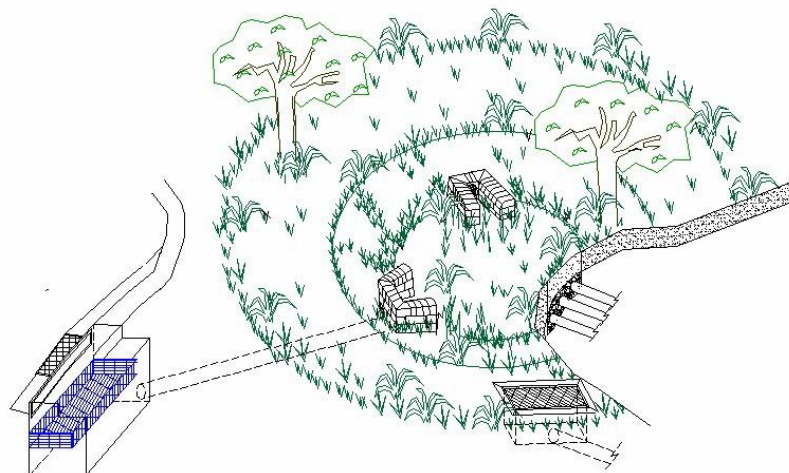
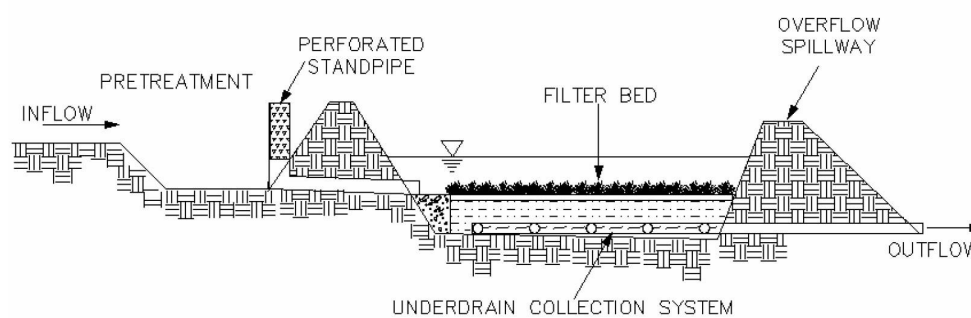


FIGURE C2 – TYPICAL SECTION THROUGH BIORETENTION SYSTEM



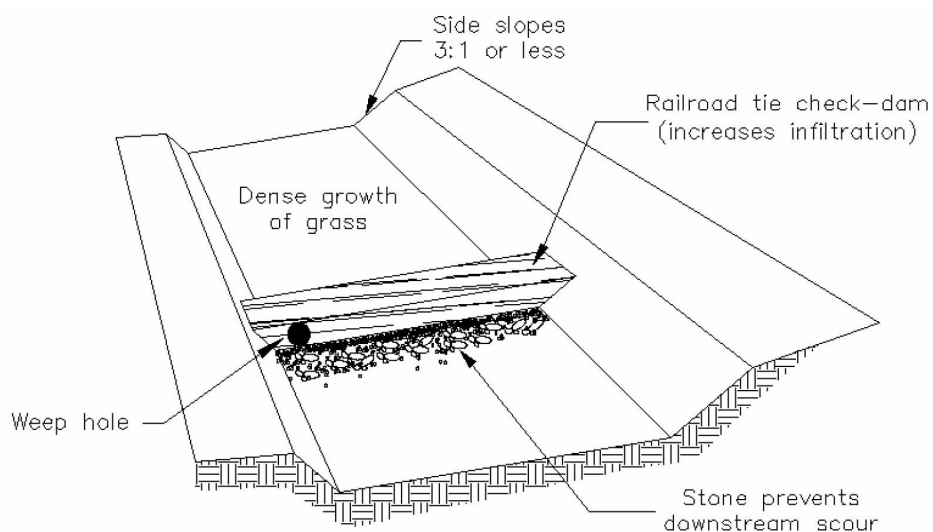
APPENDIX D – GRASS LINED SWALES

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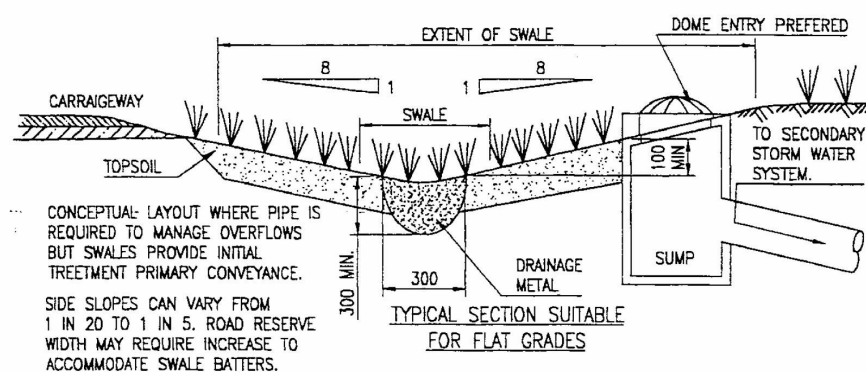
40

FIGURE D1 – TYPICAL GRASS LINED SWALE



Schematic of an enhanced grassed swale (source: Schueler, 1987)

FIGURE D2 – GRASSED LINE SWALE TYPICAL SECTION



APPENDIX E – ON-SITE STORMWATER DETENTION SYSTEM DESIGN

WORKED EXAMPLE

This is a worked example for the design of a below-ground On-site Stormwater Detention (OSD) system.

Following from previous example given in **APPENDIX B**

Development Type: New single residential dwelling home
 Site area: 650 sqm
 Proposed footprint of roof area: 300 sqm
 Associate works: paths, driveway and associated landscaping
 Site is located in Zone 1, RED hatched area

For the site located in **ZONE 1** (from Catchment **FIGURE 5.1 ZONE MAP**), the proposed development requires **Extended Detention** and **Flood Control Detention**.

From the previous example, the impermeability factor is 65%.

STEP 1 – Calculate the minimum Site Storage Volumes (SSV) and the maximum Permissible Site Discharge (PSD) values from **TABLE 8.1** and **TABLE 8.2**.

For Extended Flood Detention (Erosion Control):

$$V_{EC} = 1.2 \times (0.65 \times 650) / 100 = 5.07 \text{ cum}$$

$$PSD_{EC} = 0.41 \times (0.65 \times 650) / 100 = 1.73 \text{ L/s}$$

For Flood Control Detention:

$$V_{FC} = 3.04 \times (0.65 \times 650) / 100 = 12.85 \text{ cum}$$

$$PSD_{FC} = 1.80 \times (0.65 \times 650) / 100 = 7.61 \text{ L/s}$$

Total SSD and PSD:

$$V_{total} = V_{EC} + V_{FC} = 5.07 + 12.85 = 17.92 \text{ cum}$$

$$PSD_{total} = PSD_{EC} + PSD_{FC} = 1.73 + 7.61 = 9.34 \text{ L/s}$$

STEP 2 – Design the required OSD tank and configuration.

Only two types of orifice configurations can be used. Refer **TABLE E1** below for coefficient values. The nominated outlet control is a circular ORIFICE PLATE dyna-bolted over an oversized outlet pipe.

TABLE E1

ORIFICE TYPE	Discharge Coefficient (dimensionless)
Stainless Steel Flat Plate with circular cut hole	0.60
Pipe Stub 150mm long	0.80

Adopting a stainless steel flat plate with orifice coefficient, $C = 0.6$.

Using the Orifice Equation $Q = C \times A \times \sqrt{(2 \cdot g \cdot h)}$

Where:

D = diameter of orifice = $\sqrt{(4 \cdot A / \pi)}$ in meters

A = area of orifice hole in square meters

π = pi = 3.1416 (dimensionless)

g = acceleration due to gravity = 9.81 m/s²

C = orifice coefficient (dimensionless) = 0.6

h = depth of water to centre of orifice in meters

If only one tank is to be used

$$\text{PSD}_{\text{tot}} = 9.34 \text{ L/s}$$

Adopt $h = 650\text{mm}$

Therefore Orifice = 76mm-dia

Adopt tank dimensions = 0.65m (H) x 3.5m (W) x 8m (L) = 18.2cum > 17.92cum OK.

The basic under-ground OSD tank design details are given in **FIGURE E1**.

FIGURE E1 – OSD UNDERGROUND TANK DESIGN DETAILS

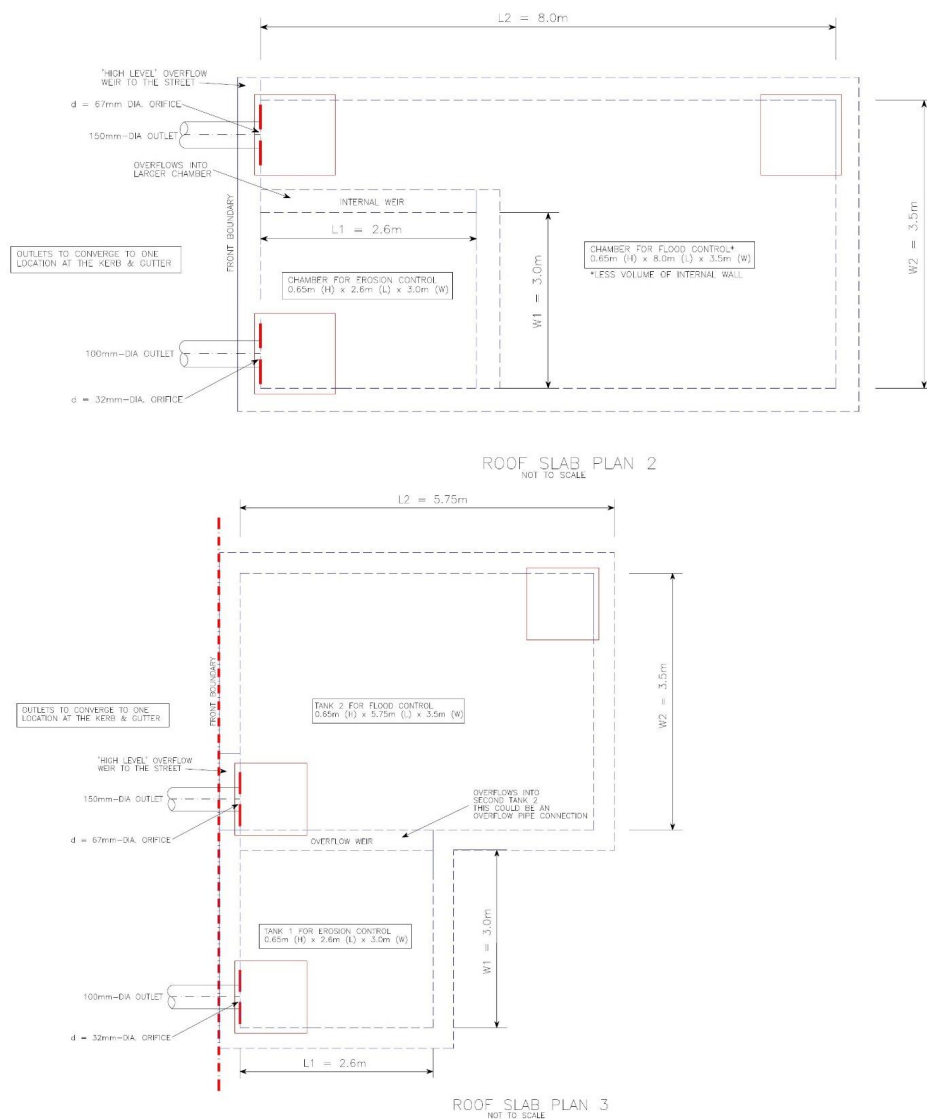
43

More accurately, the tank should be separated into two chambers or two separate tanks to cater for Erosion Control and Flood Control respectively. The plan that best illustrates the typical separation is shown in **FIGURE E2**.

The separated chambers require duplicate sediment traps, trash screens and outlet conduits and would be more difficult to maintain than a single tank with no internal chambers.

The application of two separate tanks would be most suitable where space is limited in one location and which an upstream smaller OSD tank can be constructed with the larger secondary tank installed downstream of it. The second tank can be smaller and may be ideal where space is limited in that location.

FIGURE E2 – EXAMPLES OF RECONFIGURED OSD TANKS WITH SEPARATE CHAMBERS



APPENDIX F – LEGAL INSTRUMENTS

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F1 – FOR EXISTING ALLOTMENTS

Use where there is no land sub-division, that is, no Section 88B instrument required. The following standard wording for POSITIVE COVENANT is to be used and is to be lodged with the Lands Department along with Form 13RPC.

TERMS OF POSITIVE COVENANT

(Show full details of Positive Covenant)

The registered proprietors covenant with Hunter's Hill Council (Council) that they will maintain and repair the structure and works on the land in accordance with the following terms and conditions:

I. The registered proprietor will:

- i. keep the structure and works clean and free from silt, rubbish and debris
- ii. maintain and repair at the sole expense of the registered proprietors the whole of the structure and works so that it functions in a safe and efficient manner.

II. For the purpose of ensuring observance of the covenant the Council may by its servants or agents at any reasonable time of the day and upon giving to the person against whom the covenant is enforceable not less than two days notice (but at any time without notice in the case of an emergency) enter the land and view the condition of the land and the state of construction maintenance or repair of the structure and works on the land.

III. The registered proprietors shall indemnify the Council and any adjoining land owners against any claims for damages arising from the failure of any component of the OSD system, or failure to clean, maintain and repair the OSD system.

IV. By written notice the Council may require the registered proprietors to attend to any matter and to carry out such work within such time as the Council may require to ensure the proper and efficient performance of the structure and works and to that extent section 88F(2) (a) of the Act is hereby agreed to be amended accordingly.

V. Pursuant to section 88F(3) of the Act the authority shall have the following additional powers pursuant to this covenant:

i. In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in I hereof.

ii. The Council may recover from the registered proprietor in a Court of competent jurisdiction:

(a) Any expense reasonably incurred by it in exercising its powers under sub-paragraph i hereof. Such expense shall include reasonable wages for the Council's own employees engaged in effecting the said work, supervising the said work and administering the said work together with costs, reasonably estimated by the Council, for the use of machinery, tools and equipment in conjunction with the said work.

(b) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

VI. This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Structure and Works shall mean the on-site stormwater detention (OSD) system constructed on the land as set out in the plan annexed hereto and marked with the letter "A" or alternatively as detailed on the plans approved by the Principal Certifying Authority: {INSERT DA NUMBER, DRAWING NUMBER, DATE, REVISION NUMBER AND DESIGNER DETAILS} including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land. The Act means the Conveyancing Act 1919.

Use where there is no land sub-division, that is no Section 88B instrument required. The following standard wording for RESTRICTION ON THE USE OF LAND is to be used and is to be lodged with the Lands Department along with Form 13RPA.

Terms of Restriction on the Use of Land
(Show full details of the Restriction)

The registered proprietors covenant with Hunter's Hill Council (Council) that they will not:

I. Do any act, matter or thing which would prevent the structure and works from operating in an efficient manner.

II. Make any alterations or additions to the structure and works or allow any development within the meaning of the Environmental Planning and Assessment Act 1979 to encroach upon the structure and works without the express written consent of the authority.

III. This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Structure and Works shall mean the on-site stormwater detention (OSD) system constructed on the land as set out in the plan annexed hereto and marked with the letter "A" or alternatively as detailed on the plans approved by the Principal Certifying Authority: {INSERT DA NUMBER, DRAWING NUMBER, DATE, REVISION NUMBER AND DESIGNER DETAILS} including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land. The Act means the Conveyancing Act 1919.

F2 – FOR SUB-DIVISIONS AND NEWLY CREATED ALLOTMENTS

Where a sub-division has been lodged and a Section 88B instrument created, then the following standard wording for "The Terms of Positive Covenant" shall be used.

Terms of Positive Covenant referred to in the above-mentioned Plan

The registered proprietors covenant with Hunter's Hill Council (Council) that they will maintain and repair the structure and works on the land in accordance with the following terms and conditions:

I. The registered proprietor will:

i. keep the structure and works clean and free from silt, rubbish and debris

ii. maintain and repair at the sole expense of the registered proprietors the whole of the structure and works so that it functions in a safe and efficient manner.

II. For the purpose of ensuring observance of the covenant the Council may by its servants or agents at any reasonable time of the day and upon giving to the person against whom the covenant is enforceable not less than two days notice (but at any time without notice in the case of an emergency) enter the land and view the condition of the land and the state of construction maintenance or repair of the structure and works on the land.

III. The registered proprietors shall indemnify the Council and any adjoining land owners against any claims for damages arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

IV. By written notice the Council may require the registered proprietors to attend to any matter and to carry out such work within such time as the Council may require to ensure the proper and efficient performance of the structure and works and to that extent section 88F(2) (a) of the Act is hereby agreed to be amended accordingly.

V. Pursuant to section 88F(3) of the Act the authority shall have the following additional powers pursuant to this covenant:

i. In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in I hereof.

ii. The Council may recover from the registered proprietor in a Court of competent jurisdiction:

(a) Any expense reasonably incurred by it in exercising its powers under sub-paragraph i hereof. Such expense shall include reasonable wages for the Council's own employees engaged in effecting the said work, supervising the said work and administering the said work together with costs, reasonably estimated by the Council, for the use of machinery, tools and equipment in conjunction with the said work.

(b) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

VI. This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Structure and Works shall mean the on-site stormwater detention system constructed on the land as set out in the plan annexed hereto and marked with the letter "A" or alternatively as detailed on the plans approved by the Principal Certifying Authority: {INSERT DA NUMBER, DRAWING NUMBER, DATE, REVISION NUMBER AND DESIGNER DETAILS} including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land.

The Act means the Conveyancing Act 1919.

Where a sub-division has been lodged and a Section 88B instrument created, then the following standard wording for the "The Terms of Restriction on the Use of Land" shall be used.

Terms of Restriction on the Use of Land referred to in the above-mentioned Plan

The registered proprietor covenant with Hunter's Hill Council (Council) in respect to the structure erected on the land described as "on-site stormwater detention system" (which expression includes all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater) shown on plans approved by the Principal Certifying Authority: {INSERT DA NUMBER, DRAWING NUMBER, DATE, REVISION NUMBER AND DESIGNER DETAILS} (hereinafter called "the system").

The registered proprietors covenant with Hunter's Hill Council that they will not:

I. Do any act, matter or thing which would prevent the structure and works from operating in an efficient manner.

II. Make any alterations or additions to the structure and works or allow any development within the meaning of the Environmental Planning and Assessment Act 1979 to encroach upon the structure and works without the express written consent of the authority.

III. This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Structure and Works shall mean the on-site stormwater detention system constructed on the land as set out in the plan annexed hereto and marked with the letter "A" or alternatively as detailed on the plans approved by the Principal Certifying Authority: {INSERT DA NUMBER, DRAWING NUMBER, DATE, REVISION NUMBER AND DESIGNER DETAILS} including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land.

The Act shall mean the Conveyancing Act 1919.

APPENDIX G – GENERIC LETTER FOR SEEKING STORMWATER DRAINAGE EASEMENT/S ON ADJOINING LAND

The following generic letter may be used to seek easement/s from adjoining property/s.

Dear

I/we are proposing to redevelop our property at

Before we can proceed with this proposal, Hunter's Hill Council has advised us that we need to seek a formal drainage easement (Council's preferred option) to convey the stormwater runoff from our property to the nearest downstream public stormwater drainage infrastructure or to a Council approved discharge point, being (street).

This will require you to grant me/us a drainage easement through your property with all legal and survey costs for the creation of the easement being borne by us, together with any consideration for the use of your property as determined by an independent valuation or agreement.

(Attach independent valuation/agreement to this form)

The other alternative is to have the development of our site limited to a discharge rate nominated by Council to allow sufficient area between the house and our rear/side boundary next to your property to install an underground absorption system (if appropriate for this site) to spread and disperse the stormwater flows into the ground. Discharging our stormwater to the street frontage is not a preferred option for Council as this could severely impact on the capacity of the existing drainage system in the street.

As the runoff and seepage from this system may flow towards your property because of the slope of the land, the best solution would be to have a drainage system that will convey our stormwater to (downstream street)

You are advised that if Council determines that the only way for the drainage of stormwater is via an easement through your property, I/we may have to use Section 88K of the Conveyancing Act 1919 to request the Supreme Court to grant me/us the drainage easement.

This will probably result in legal expenses and time spent for both you and I/us.

Could you please indicate your position regarding this matter so that we can advise Council to enable our application to progress?

YES I/we are/are not willing to grant you a drainage easement.

NO I/we are not willing to grant you a drainage easement.

Signed

Dated

DRAFT Consolidated Stormwater Management Policy

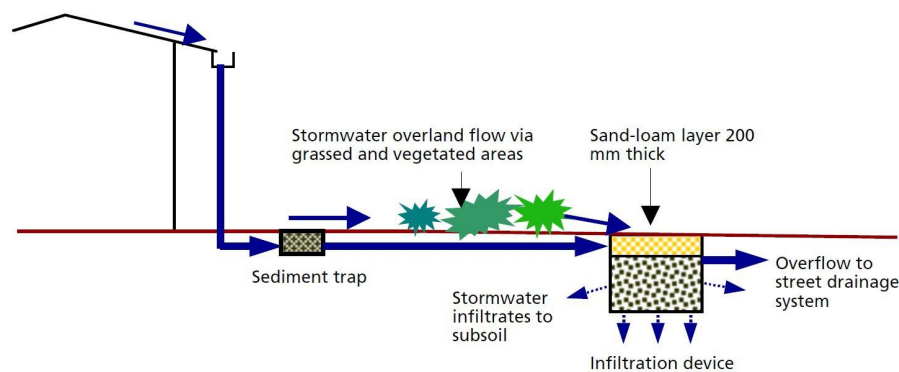
APPENDIX H – ABSORPTION SYSTEMS

DRAFT STORMWATER MANAGEMENT PLAN

DRAFT Consolidated Stormwater Management Policy

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FIGURE H1 – TYPICAL ABSORPTION SYSTEM CONFIGURATION

**WORKED EXAMPLE**

This is a worked example for the design of an On-site Stormwater Absorption (OSA) system.

Using the same development from previous example as given in **APPENDIX B**

Development Type: New single residential dwelling home
 Site area: 650 sqm
 Proposed footprint of roof area: 300 sqm
 Associate works: paths, driveway and associated landscaping
 Site is located in Zone 1, RED hatched area

Assuming the site falls away from the street frontage.
 Although the site is designated in Zone 1, which requires OSD, if the soil conditions are suitable for infiltration, then OSD may not be necessary. In this situation, the OSD system may be required to reduce the inflow of the stormwater into the OSA system such that the soil's capacity for infiltration can be achieved. For this example, it is not necessary.

A Geotechnical Report prepared by ABCD Geotechnical Engineers Pty Ltd gives the following field results:

Parameter	Result	Description
Water Table	No water table encountered	Testing extended to 2.0m
Bore Logs	0.0m to 0.3m	Topsoil brown grey fine loose soil
	0.3 to 1.5m	Sandy soils of uniform consistency
Stand Pipe Test at 0.6m	0.65 L/s per sqm	Measure infiltration rate
	0.60 L/s per sqm	Design infiltration rate (long term)

STEP 1 – Calculate impervious area which is to be routed into the absorption system and set the minimum design parameters.

It is required that all the site's impervious areas are to be routed into the OSA system.

$A_{imp} = 420 \text{ sqm}$
 $C = 1$ impervious coefficient
 ARI = 100-year design storm event
 Clogging Factor = 15%
 Absorption Rate = 0.0006 m/s from Geotech Report
 Adjust Rate = 0.00051 m/s
 Trial Length, $L = 5.0\text{m}$

DRAFT Consolidated Stormwater Management Policy

Trial Width, $W = 3.0\text{m}$
 Trial Depth, $h = 1.0\text{m}$
 Trench Area = $5 \times 3 = 15\text{sqm}$
 Available Storage = $15\text{cum} = 15,000\text{L}$

STEP 2 – Using the Mass Curve Method (reference **Australia Rainfall and Runoff Volume 1**) and tabulating this in **TABLE H1**.

TABLE H1

Duration (min)	Intensity (mm/hr)	Inflow Rate (L/s)	Vi (L)	Vo (L)	Vi – Vo (L)
5	240	28	8400	2295	6105
6	225	26	9450	2754	6696
7	211	25	10339	3213	7126
8	202	24	11312	3672	7640
9	194	23	12222	4131	8091
10	188	22	13160	4590	8570
11	180	21	13860	5049	8811
12	174	20	14616	5508	9108
13	169	20	15379	5967	9412
14	164	19	16072	6426	9646
15	168	20	17640	6885	10755
20	143	17	20020	9180	10840
25	132	15	23100	11475	11625
30	122	14	25620	13770	11850
40	102	12	28560	18360	10200
45	100	12	31500	20655	10845
50	90.6	11	31710	22950	8760
55	85.8	10	33033	25245	7788
60	86	10	36120	27540	8580
65	77.9	9	35445	29835	5610
70	74.6	9	36554	32130	4424
75	71.5	8	37538	34425	3113
80	68.7	8	38472	36720	1752
85	66.2	8	39389	39015	374
90	69	8	43470	41310	2160
100	59.8	7	41860	45900	-4040
120	58	7	48720	55080	-6360

Note:

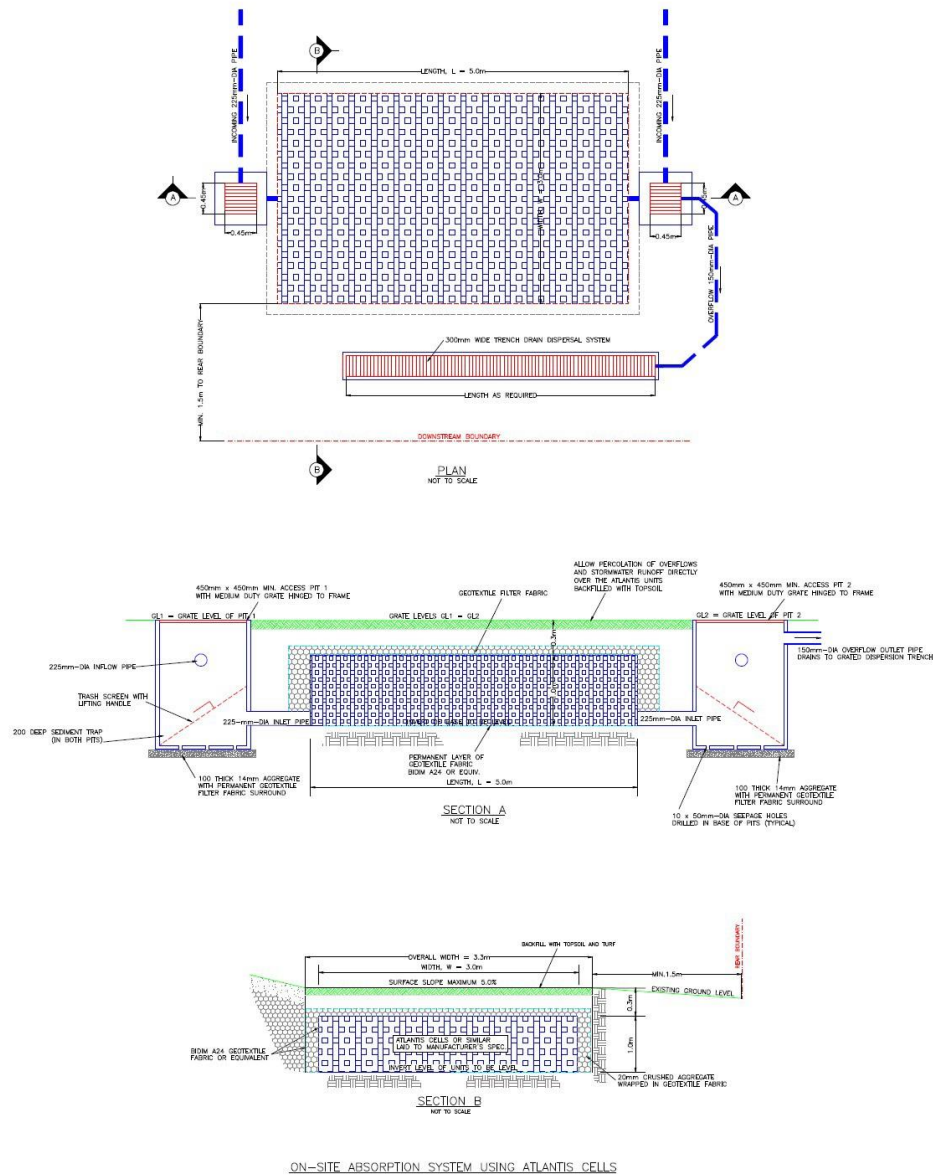
1. This method does not allow for emptying time. It is assumed that the trench fills and quickly empties instantaneously and is a conservative estimate.
2. The rainfall data and IFD values are to be obtained from the Bureau of Meteorology (BoM) website for the specific site.

Since Available Storage [15,000L] > the maximum (Vi – Vo) [11,850L], the storage provided is adequate.

The basic OSA tank design details using Atlantis™ cells are given in **FIGURE H2**.

It is noted that alternative types of absorption systems such as half round pipes (e.g. Everhard™ jumbo system) may be used. As the soil can fully absorb all the site's runoff from the impervious areas into the ground, an OSD system was not required in this situation. It is noted that runoff from pervious areas of the site were not routed into the OSA system, because it was assumed that these surfaces were not concentrated and some of these areas were able to be graded to the street.

FIGURE H2 – OSA DESIGN DETAILS



APPENDIX I – HOLDING SUMP AND MECHANICAL PUMP-OUT SYSTEM**WORKED EXAMPLE**

This is a worked example for the design of a holding sump with mechanical pump-out system.

Following from previous example given in **APPENDIX B**

Development Type: New single residential dwelling home
 Site area: 650 sqm
 Proposed footprint of roof area: 300 sqm
 Associate works: paths, driveway and associated landscaping

The proposed development includes a basement garage.
 All the driveway of 100sqm slopes back into the basement.

STEP 1 – Calculate the minimum design parameters

Area_{driveway} = 100sqm
 Area_{subsoil water} = 25sqm (without known seepage rate, 25sqm is to be used as per Design Criteria)
 Therefore Contributing Area_{total} = Area_{driveway} + Area_{subsoil water} = 125sqm = 0.0125 ha

Design Storm = 100-years ARI
 Duration = 2-hour storm
 Rainfall Intensity = 58 mm/hr
 Coefficient of Runoff, C = 1.0

STEP 2 – Calculate Peak Discharge and volume

Peak Discharge using the Rational Method (for areas < 1200sqm):

Therefore, $Q_{peak} = (C \times A \times I) / 0.360 = (1 \times 0.0125 \times 58) / 0.360 = 2.02 \text{ L/s}$

Volume for the 2 hour storm:

Therefore, $V_{2hr} = 2 \times 60 \times 60 \times 2.02 = 14,500\text{L} = 14.50\text{cum}$

The minimum required holding tank volume is 14.50cum.
 We now wish to reduce the size of the tank by increasing the pump-out capacity.
 This is achieved in the following tabulation.

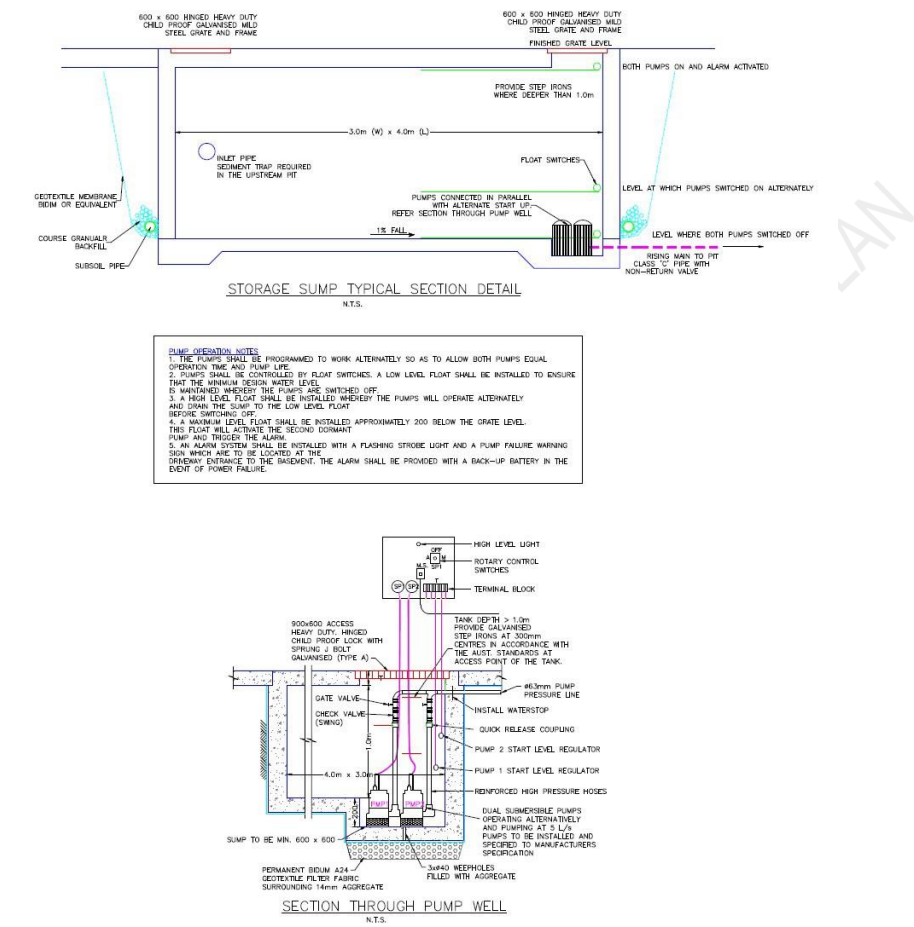
Pump Capacity (L/s)	Volume pumped in 30 min. (cum)	Required Wet well Volume (cum)
5	9	5.50
6	10.8	3.7
7	12.6	1.9
8	14.4	0.1

In accordance with Clause 9.3.6. of AS 3500, the storage volume cannot be less than 3cum.
 Therefore adopt tank volume 5.50cum with pump-out rate 5L/s.

Min. tank dimensions: Adopt 0.50m (H) x 3.0m (W) x 4.0m (L)

Design details are given in **FIGURE I1**.

FIGURE 11 – HOLDING SUMP AND MECHANICAL PUMP-OUT SYSTEM DETAILS



END OF DOCUMENT

DRAFT STORMWATER MANAGEMENT PLAN

DRAFT Consolidated Stormwater Management Policy

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ITEM NO	: 4.5
SUBJECT	: WATERCRAFT STORAGE ON FORESHORE & PUBLIC LANDS POLICY
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	: SAMANTHA URQUHART

Ref:672030

PURPOSE

The purpose of this report is to recommend minor updates, and to place Council's updated Watercraft Storage on Foreshore and Public Lands Policy (Policy) on public exhibition, for a period of 28 days.

RECOMMENDATION

1. That Council places the Watercraft Storage on Foreshore and Public Lands Policy, as shown at Attachment 1, on public exhibition for 28 days; and
2. That Council amend the Fees and Charges, as outlined in the body of this report as part of the assessment of its operational plan, for adoption from 1 July 2024; and
3. That a further report be brought back to a future Council Meeting, for consideration and adoption of the updated Watercraft Storage on Foreshore and Public Lands Policy.
4. That a further review of the Watercraft Storage on Foreshore & Public Lands Policy be undertaken every three (3) years, or in line with any legislative updates.

BACKGROUND

The Policy was adopted by Council on 21 March, 2017, enabling Council to regulate and control the storage of watercraft on foreshore and public land areas within Hunters Hill, and to provide for a system of permits and authorised stickers as part of that control system.

The objectives of this policy are:

- To ensure that all watercraft storage areas operate in an efficient manner and are maintained correctly.
- To provide for the orderly storage of watercraft in Council's designated storage areas.
- To ensure that all users adhere to terms and conditions for the use of watercraft storage areas.

- To ensure that abandoned, derelict or illegally stored watercraft be removed from foreshore areas where they constitute a hazard, cause damage to the environment, or are a nuisance to foreshore areas.
- To stipulate that water craft without current permit stickers will be removed under the Public Spaces Unattended Property Act 2021 (PSUP Act)

REPORT

A three (3) year review of this Policy has been undertaken by Council to ensure continued relevance and compliance with current legislation.

As a result of this review, in addition to legislative amendments, the following minor amendments to the existing Policy are recommended:

- Re-name the policy from Dinghy Storage on Foreshore and Public Lands Policy to Watercraft Storage on Foreshore and Public Lands Policy.
- Re-wording of the terms and conditions.
- Re-wording of definitions.
- Layout and minor wording changes.
- To reflect changes in legislation.

Prior to the policy being updated, Council will need to update its Fees and Charges to reflect the change in name from Dinghy to Watercraft. This will be undertaken as part of Council's operational plan, pursuant to the Local Government Act 1993 and will require public notification for a period of 28 days.

The amendment to Council's Fees and Charges can only commence upon the adoption of the policy post its statutory notification period. Therefore, the commencement date of the policy is anticipated to be 1 July 2024.

NEXT STEPS

The next steps include:

- Undertake public exhibition of the policy for a period of 28 days.
- Upon completion of public exhibition period and Council's exhibition of its fees and charges, submit a further Council report to adopt the Policy, commencing 1 July 2024 subject to the adoption of the Fees & Charges.
- Update Council's website to reflect the changes.

CONCLUSION

The updated Policy will assist Council to regulate and control the storage of watercraft on foreshore and public land areas within Hunters Hill, and to provide for a system of permits and authorised stickers as part of that control system.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

1. Watercraft Storage on Foreshore and Public Lands Policy [↓](#)

HUNTER'S HILL COUNCIL POLICY REGISTER



POLICY NO.	<INSERT POLICY NUMBER>
POLICY TITLE	WATERCRAFT STORAGE ON FORESHORE & PUBLIC LANDS POLICY (Dinghy, Tender, Kayak & Canoe)
STATUS	Council
SERVICE	Service Delivery and Special Projects
DOCUMENT ID	670967

1. PURPOSE

The purpose of this Policy is to regulate and control the storage of Watercraft on foreshore and public land areas within the Hunter's Hill Council (**Council**) local government area, and to provide for a system of permits authorising certain property to be left in a public place pursuant to section 37(4)(b) of the *Public Spaces (Unattended Property) Act 2021 (PSUP Act)*.

2. SCOPE

This policy applies to any person who stores or seeks storage of a Watercraft in public place and authorises the storage of Watercraft at a Watercraft Storage Area provided by the Council on the foreshore and public land areas of the municipality subject to the granting of a valid Permit.

3. DEFINITIONS

Bay: Means an allocated storage space at a Watercraft Storage Area or Designated Watercraft Storage Area.

Permit: Means a permit issued by Council and obtained by a Watercraft owner after completing a Water Craft Permit Form, as evidence of authority to store a Watercraft at a Watercraft Storage Area pursuant to section 37(4)(b) of the PSUP Act.

Waiting List: Means a waiting list maintained by the Council for persons that have expressed an interest in securing a Permit to store a Watercraft at a Watercraft Storage Area.

Watercraft: Means any single hull Watercraft no longer than 3.5m in length, and includes a dinghy, tender, kayak, canoe and the like.

Watercraft Storage areas: Means Council defined areas where Watercraft are permitted to be stored. Such areas may, be provided with a constructed storage facility.

Refer to POLICY GUIDELINES (Section 4.3 – 2 for a list of WATERCRAFT STORAGE Areas)

4. POLICY STATEMENT

4.1 Background

The foreshore public open space areas around Sydney Harbour are limited and under high demand for a wide variety of passive and active recreational activities. Informal, ad-hoc and unauthorised Watercraft storage can among other things negatively impact visual amenity, be potentially dangerous, and alienate and restrict public access to and enjoyment of, public foreshore areas.

In some locations Council will install and maintain purpose-built Watercraft Storage Areas to aid in the management of Watercraft.

4.2 Objectives

The Council will manage the storage of Watercraft on public land for the benefit of Watercraft owners, and for the convenience and enjoyment of the broader community accessing Council foreshore parks and public lands.

The objectives of this policy are:

- To provide for the orderly storage of Watercraft in Council's Watercraft Storage Areas;
- To ensure that all Watercraft Storage Areas operate in an efficient manner and are maintained correctly;
- To ensure that all Watercraft owners adhere to the Terms and Conditions for the use of Watercraft Storage Areas;
- To establish a compliance and enforcement framework pursuant to which unattended, derelict or unlawfully stored Watercraft will be removed by Council from foreshore areas where they constitute a hazard, cause damage to the environment, or are a nuisance to foreshore areas, in accordance with the PSUP Act and *Public Spaces (Unattended Property) Regulation 2022 (PSUP Regulation)*; and
- To provide a policy framework that establishes the circumstances in which Watercraft without a valid Permit will be removed from Council foreshore parks and public lands in accordance with the PSUP Act.

4.3 Policy Guidelines

1. DERELICT, UNATTENDED OR UNLAWFULLY STORED WATERCRAFT

Watercraft stored on the foreshore not under the direct control or supervision of the responsible person and without a valid permit will be removed in accordance with the requirements of the PSUP Act, where Council considers that the unattended Watercraft causes adverse impacts, interferes with the public amenity or public access, poses a risk to persons, animals or the environment, or any other reason specified in the PSUP Act or PSUP Regulation.

Watercraft that are *unattended*, as defined by the PSUP Act, may be taken into possession by Council in accordance with the PSUP Act. Council may conduct inspections of the foreshore and public land areas of the municipality at regular intervals for the purposes of potentially removing unattended Watercraft in accordance with the PSUP Act and PSUP Regulation.

All Watercraft will be held by Council at a secure location and may be disposed of in accordance with the PSUP Act and PSUP Regulation.

Proof of ownership is required for release of any Watercraft taken into the possession of Council. Payment of a release fee will be required in accordance with Council's Fees & Charges.

2. WATERCRAFT STORAGE AREAS

Council has made areas available for the storage of Watercraft, where members of the public may hire a Bay for a fee, as set in [Hunter's Hill Council's Fees and Charges](#).

Any person seeking to store a Watercraft at a Watercraft Storage Area must obtain and hold a valid Permit by completing a [Water Craft Permit Form](#) and [obtaining a Permit](#).

3. TERMS AND CONDITIONS OF USE OF WATERCRAFT STORAGE FACILITIES

Terms and Conditions of use at the Watercraft Storage Area are specified in the Watercraft Permit Form and include, but are not limited to the following terms and conditions (**Terms and Conditions**):

- Council accepts no liability or responsibility for loss, damage or theft of a Watercraft stored at a Watercraft Storage Area;
- The Permit allows the storage of only one Watercraft per allocated Bay at a Watercraft Storage Area;
- The maximum permissible length for Watercraft stored at a Watercraft Storage Area is 3.5m and this maximum must not be exceeded;
- Council must be notified within seven (7) days by a permit holder of their intention to dispose of a Watercraft, or that storage of a Watercraft at a Watercraft Storage Area is no longer required;
- The permit holder must notify Council within seven (7) days of a change of address or contact details. If contact cannot be made with the permit holder, the agreement may be terminated;
- Council reserves the right to terminate the permit if any of the relevant conditions are breached, or if the permit holder misuses the Watercraft Storage Area in any way;
- A Watercraft permit sticker must be firmly affixed to the outside of the Watercraft in such a manner as to be clearly visible. Watercraft are to be stored on the racks provided by Council at a Watercraft Storage Area;
- Lost or damaged permits must be reported to Council as soon as possible;
- Permits must not be transferred, sold to another person or duplicated. If permits are used in contravention of the conditions of issue or fraudulently, the Council may withdraw the permit.

4. ISSUE OF ANNUAL PERMIT STICKERS

A Permit renewal notice will be forwarded to all current permit holders annually. Each Permit holder will be required to:

- Pay the annual fee within the allocated time; and
- If the fee is not paid within the allocated time, the storage bay may be reallocated to the next person on the Waiting List.

5. WATERCRAFT PERMIT STICKERS

Annual permit stickers for Watercraft Storage shall be made available to both residents and non-residents that have obtained a Permit for storing of Watercraft, on the following basis:

- Permits shall be in the form of stickers for attachment to the outside of the Watercraft, firmly affixed and in a clearly visible location; and
- Permits once attached to a Watercraft will allow the owner to store the vessel for the current year in accordance with the prescribed Terms and Conditions.

6. WAITING LISTS FOR STORAGE OF WATERCRAFT

The procedure for obtaining a permit for a Council Watercraft Storage Area is as follows:

- The [Water Craft Permit Form](#) is to be completed and returned to Council;
- Once Council receives the completed Watercraft Permit Form, the applicant will be placed on a waiting list for the Watercraft Storage Area specified on the Watercraft Permit form;
- When a Bay becomes available, Council will notify the applicant for a Permit and raise an invoice for the appropriate Permit.

7. WATERCRAFT WITHOUT CURRENT PERMIT STICKER/ IN BREACH OF TERMS AND CONDITIONS/ UNATTENDED

Watercraft that:

- Do not display a valid Permit sticker; or
- Are in breach of the terms and conditions of the relevant Permit (including but not limited to a breach of the maximum length of the Watercraft); and
- Are otherwise determined to be unattended for the purposes of the PSUP Act and PSUP Regulation, may be taken into possession by Council or otherwise dealt with by Council in accordance with the PSUP Act and PSUP Regulation.

If Watercraft are not claimed by the owner after being taken into possession by Council, Council may dispose of the Watercraft, in accordance with PSUP Act.

8. FEES & CHARGES – WATERCRAFT

Please refer to [Hunter's Hill Council's Fees and Charges](#) for more information.

5. POLICY OWNER

The policy authority is the Works Manager.

6. AUTHORISATION AND REVIEW

This policy is to be reviewed in 2027 or with any changes to relevant legislation or Council policy.

7. VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
14 June 2005	1.0	214/05	Adoption of Policy	Manager W&I
21 March 2017	1.1	Approved by General Manager	Minor update to new policy format	Wendy McGuirk
19 April 2024	2.0		Minor update to new policy format	Hugh Peebles

ITEM NO	: 4.6
SUBJECT	: REQUEST FOR FEE WAIVER - MAMAS & CO. CHOIR FUNDRAISING CONCERT
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:692468

PURPOSE

For Council to consider a request for sponsorship of the Mamas & Co. Choir fundraising concert through a fee waiver for the hire of Henley Community Centre on Saturday 2 November 2024.

RECOMMENDATION

1. That Council supports the Mamas & Co. Choir fundraising concert by waiving the hire fees for the Henley Community Centre on 2 November in the amount of \$1524.
2. That the Mamas & Co. Choir be required to pay a bond of \$500.
3. That the Mamas & Co. Choir be required to pay a fee to cover the cost of cleaning Henley Community Centre following the event in the amount of \$200.
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 the Mamas & Co. Choir be required to acknowledge Council's sponsorship in presenting the fundraising concert.

BACKGROUND

The Mamas & Co. Choir fundraising concert is due to be held in Henley Community Centre on Saturday 2 November 2024.

Council approved a fee waiver for the Choir's 2023 fundraising concert where they raised \$10,000 for Streetside Medics, a not-for-profit organisation bringing primary health care to the homeless.

REPORT

The Mamas & Co. Choir has made a request in writing for Council to once again sponsor its 2024 fundraising concert by waiving the hiring fees for Henley Community Centre.

See Attachment 1 for a copy of the letter.

The Mamas & Co Choir is a local community choir led by musical director Jenny Nylund.

The choir holds concerts to raise funds for various charities.

The 2024 annual fundraising concert is scheduled for Saturday 2 November.

This year, the choir is raising funds for Riding for the Disabled in Ryde, a local not-for-profit organisation providing equine assisted activities for children with disabilities. It is run by dedicated volunteers.

The letter requesting sponsorship for the 2 November event states that one of the choir members is a longstanding volunteer for the organisation.

The choir committee is seeking a fee waiver to cover the cost of hire of Henley Community Centre to support its fundraising.

The total hiring fee for the event at Henley Community Centre (main hall and green room) would be \$1524

The recommendation in this report to charge a cleaning fee is intended to prevent a direct cost to Council, notwithstanding the loss of potential income should Council resolve to grant a fee waiver.

Council resolved to support the last two annual Mamas & Co. Choir fundraising concerts by waiving the hire fees for the Henley Community Centre on those occasions.

CONCLUSION

It is a matter for Council to consider whether it wishes to support the Mamas & Co. Choir's fundraising efforts through a fee waiver for the use of Henley Community Centre for its fundraising concert.

FINANCIAL IMPACT ASSESSMENT

The cost to hire Henley Community Centre for this event is \$1524. The direct impact on Council's budget would be a loss of \$1524 income from the hire of Henley Community Centre.

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. Mamas and Co Choir fee waiver request [↓](#)



Hunters Hill Council
22 Alexandra Street
Hunters Hill
NSW2110

March 28th 2024

Request for Hall Fee Waiver : Mamas & Co Choir Fundraising Concert

2024

Dear Mayor, Deputy Mayor , General Manager & Councilors,

On behalf of the Mamas & Co choir committee, I would like to thank you for the fee waiver to cover the cost of hire of the Henley Community Hall for our fund-raising concert on Sunday Nov 12th 2023.

The event was a tremendous success and we were able to raise **\$10,000** for Streetside Medics a not for profit organisation bringing primary health care to the homeless.

We kindly request that the Council again consider a fee waiver again this year for our fundraising concert to be held on Sat November 2nd 2024 at Henley Community Centre .

This year the choir has voted to fundraise for Riding for the Disabled, Ryde (<https://rdaryde.org.au/>) a local not for profit organisation providing equine assisted activities for children with disabilities. It is run by dedicated volunteers including a member of our choir who has volunteered for many years.

The choir has been very appreciative of the support the council has provided to help us fundraise for these much needed not for profit organisations. We hope Council can continue to support us this year with a hall fee waiver.

With Kind Regards,

Dr Anuka Parapuram
Committee Member
The Mamas & Co Choir

ITEM NO	: 4.7
SUBJECT	: ACCESS TO INFORMATION POLICY
STRATEGIC OUTCOME	: TECHNOLOGY BASED INITIATIVES ARE USED TO IMPROVE THE CUSTOMER SERVICE EXPERIENCE
ACTION	: IMPLEMENT THE DIGITAL AND CUSTOMER INFORMATION PLAN (DCIP)
REPORTING OFFICER	: JADE REED

Ref:694770

PURPOSE

The purpose of this report is to seek adoption of the revised Access to Information Policy.

RECOMMENDATION

1. That the report be received and noted.
2. That Council adopt the Access to Information Policy.

BACKGROUND

The Access to Information and Access to Information held by Council policy was adopted by Council in 2006, and updated in 2010 when the *Government Information (Public Access) Act 2009* (the GIPA Act) commenced.

The GIPA Act establishes a proactive, more open approach to gaining access to government information in New South Wales (NSW). The objects of the GIPA Act are to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective.

The GIPA Act:

- authorises and encourages the proactive release of information by NSW public sector agencies
- gives members of the public a legally enforceable right to access government information
- ensures that access to government information is restricted only when there is an overriding public interest against releasing that information.

REPORT

Council is committed to the following principles regarding public access to documents and information:

- open and transparent government;
- presumption in favour of disclosure, unless there is an overriding public interest against disclosure;
- proactive disclosure and dissemination of information;
- respect for the privacy of individuals.

The Access to Information Policy covers informal and formal methods of information disclosure including those authorised by the GIPA Act.

The Policy has been rewritten to improve clarity and the understanding of its provisions. The changes to this policy do not impact the current access to information procedures.

CONCLUSION

The Access to Information Policy establishes clear processes for accessing information, and is an important step towards transparency and trusted government.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

1. Access to Information Policy [↓](#)

HUNTER'S HILL COUNCIL POLICY REGISTER



POLICY NO.

POLICY TITLE

Access to information and access to information held by Council

STATUS

Council

SERVICE

Access to Information

DOCUMENT ID

PURPOSE

The purpose of this policy is to describe Council's principles regarding public access to information and to outline the process for managing such requests in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).

SCOPE

This policy applies to all Council representatives, and covers all situations where members of the public seek information or copies of documents from Council regardless of their format or type.

DEFINITIONS

Agency Information Guide (AIG)	An AIG is required under section 20 of the GIPA Act. The purpose of the AIG is to provide information on Council's structure and functions, and how functions including decision making affect members of the public. The AIG specifies arrangements to enable members of the public to participate in the formulation of policy and the exercise of the functions, and outlines the kinds of information held by Council, what information will be made publicly available and how.
Council representative	Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.
CPA direction	A direction that a record is closed to public access under the <i>State Records Act 1998</i> .
Disclosure log	A disclosure log is a record containing details of government information already released under the GIPA Act, and is a requirement under Section 25 of the GIPA Act.
GIPA Act	The GIPA Act applies all NSW government agencies, including Councils and establishes a proactive and open approach to gaining access to government information. The objects of the act are to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective.
Government information	The GIPA Act, defines <i>government information</i> as information contained in a record held by an agency.
Redaction	The process of removing words or information from a document before it is made available.

Right to Information Officer	Right to Information Officers (RIOs) are government agency staff who have been given specific authority and responsibility to meet some of their agency’s day-to-day obligations under the GIPA Act.
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POLICY STATEMENT

1. PRINCIPLES

Council is committed to the following principles regarding public access to documents and information:

- open and transparent government
- presumption in favour of disclosure, unless there is an overriding public interest against disclosure
- proactive disclosure and dissemination of information
- respect for the privacy of individuals.

2. LEGISLATION

The primary legislative provisions regarding Access to Information are:

- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *State Records Act 1998*

3. OPEN ACCESS INFORMATION

Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. This includes, but is not limited to information outlined in [Section 18 of the GIPA Act](#) and the [Government Information \(Public Access\) Regulation 2018](#).

In accordance with Section 7 of the GIPA Act, Council is committed to the proactive release of other information, unless there is an overriding public interest against disclosure. Council will annually review and identify any additional kinds of information that can be made publicly available free of charge or at the lowest reasonable cost.

State Records that are at least 20 years old, are open access in accordance with Part 6 of the *State Records Act 1998* unless they are subject to a CPA direction.

4. INFORMAL ACCESS TO INFORMATION

Any member of the public can request access to information that is not publicly available on Council’s website, by completing the Informal Request for Access to Information application form.

There is no application fee for informal requests, however, an hourly reproduction fee applies to any request that requires photocopying, scanning or ordering of files from records repositories, in accordance with Council’s adopted fees and charges. Council will notify the applicant of any applicable fees following an initial review of the application.

Council's Right to Information Officer may reduce or waive a fee at their discretion, taking into consideration the nature of the request and the type of information that is sought.

Informal requests for access to information will be processed as soon as practicable, however, in some circumstances this may take up to 20 working days.

5. FORMAL ACCESS TO INFORMATION

In some circumstances, a request for information may require a formal access application in accordance with the GIPA Act. Council will assess all requests for access to documents and information in accordance with Council's Agency Information Guide and all relevant legislation.

Council has a responsibility to process formal application's as soon as possible and provide the applicant with a decision within 20 working days after the application is received. This period may be extended further by 15 days if special circumstances apply, such as the need to consult with a third party or when records need to be retrieved from archives.

Council may refuse any request that is broad or that requests a large number of unspecified documents, that may require unreasonable and substantial diversion of Council resources. In these circumstances, the applicant will be asked to review or reduce the scope of their request.

Where information is released to an applicant under a formal access application, and Council deem this to be of interest to other members of the public, Council will provide details of the information in a disclosure log.

In accordance with Section 64 of the GIPA Act, a \$30 application fee is applicable to all formal applications and counts as payment for the first hour of processing. Council will also charge a rate of \$30 for each hour of processing time.

Council may reduce or waiver fees or payable charges as they deem appropriate, subject to regulations as outlined in Section 65, 66 and 127 of the GIPA Act.

6. COUNCILLOR ACCESS TO INFORMATION

Councillors must direct all requests for access to information necessary to undertake their official functions, in writing, using their official email address to the General Manager or delegated Director.

Councillors who have a private interest only in council information have the same rights of access as any member of the public.

Further information regarding Councillors rights for access to information and Council resources can be found in Section 8 of Council's Code of Conduct.

7. COPYRIGHT

Many of the records held by Council are the subject of copyright, even if the information is deemed open access information. For example, the majority of plans and reports submitted with development applications are subject to copyright and cannot be reproduced without written consent from the copyright holder.

Where Council receives a request for information that is copyright protected, Council may:

- provide the applicant with the copyright holders details
- make the information available for viewing purposes only.

Applicants are advised to seek the consent of the copyright holder before reproducing the information in any way.

8. RESTRICTION OR REFUSAL OF ACCESS TO INFORMATION

Council will refuse or restrict access to any information where there is an overriding public interest against disclosure of the information, in accordance with Section 14 and Schedule 1 of the GIPA Act.

Council will refuse access to any document, or section of a document containing:

- personnel matters concerning staff members or particular individuals
- personal hardship of any resident or ratepayer
- personal details of complainants (this does not personal details contained in submissions to development applications)
- information that if disclosed would contravene the principles of the *Privacy and Personal Information Protection Act 1998* or *Health Records and Information Privacy Act 2002*.
- matters of Council meetings closed to the public in accordance with section 10A of the *Local Government Act 1993*.

Where Council receives an informal request for access to information and upon initial review determines that access may need to be restricted or refused, Council will restrict information by means of redaction or reject the application and advise the applicant to submit a formal application.

If a formal request for access to information is refused or restricted, the applicant can seek an internal review from Council. The request for an internal review must be made within 20 days of the original decision, and requires payment of a \$40 application fee. Internal reviews are undertaken by a senior officer and in accordance with Part 5, Division 2 of the GIPA Act.

9. REPORTING

Council uses the Information and Privacy Commission GIPA Reporting tool for further management and recording of Access to Information decisions. Designated Council Officers will utilise this tool to record the details and decisions in relation to information release.

The Right to Information Officer will report to Council as required and in Council's Annual Report.

RELATED POLICIES/PROCEDURES

- Hunter's Hill Council Agency Information Guide
- Hunter's Hill Council Code of Conduct
- Hunter's Hill Council Privacy Management Plan
- Hunter's Hill Council Records Management Policy and Program

POLICY AUTHORITY

Council.

GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

REVIEW

This policy to be reviewed every two (2) years or in accordance with legislative changes.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 26 June 2006
RESOLUTION NO: 263/06

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
26 June 2006	1.0	263/06	Adoption of policy by Council	D. McFayden
15 June 2010	1.1	164/10	Amendments changes to legislation.	D. McFayden
29 April 2024	2.0		Major review, policy name changed from Access to Information and Access to Information held by Council.	J. Reed, Manager Digital and Customer Information

ITEM NO	: 4.8
SUBJECT	: SUMMARY OF COUNCIL INVESTMENTS AS AT 31 MARCH 2024
STRATEGIC OUTCOME	: COUNCIL IS FINANCIALLY SUSTAINABLE
ACTION	: PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG TERM FINANCIAL PLAN
REPORTING OFFICER	: MARIA KENNY

Ref:692998

PURPOSE

The purpose of this report is to provide a summary of the performance of Council's investments as at 31 March 2024.

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

RECOMMENDATION

1. That the report be received and noted.

REPORT

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

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

Table 1 lists the terms and rate of return of all of Council's investments including the interest earned for Term Deposits held to maturity.

Council's investment portfolio posted a marked-to-market return of 5.46%pa (0.45% actual) versus the bank bill index benchmark return of 4.41%pa (0.37% actual). For the past 12 months, the investment portfolio has returned 4.83% versus the benchmark's 4.19%.

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

TABLE 1 - SUMMARY OF COUNCIL'S INVESTMENTS AS AT 31 March 2024

Institution	Reference	Rating	Principal	Lodged	Matures	Rate	Interest earned at maturity
NAB	Term Deposit	AA-	\$500,000.00	30-Mar-23	3-Apr-24	4.45%	\$22,554.79
NAB	Term Deposit	AA-	\$2,375,000.00	1-May-23	1-May-24	4.58%	\$109,073.01
NAB	Term Deposit	AA-	\$1,000,000.00	31-May-23	28-May-24	4.99%	\$49,626.58
BOQ	Term Deposit	BBB+	\$500,000.00	22-Jun-23	25-Jun-24	5.59%	\$28,256.30
NAB	Term Deposit	AA-	\$1,000,000.00	4-Jul-23	3-Jul-24	5.56%	\$55,600.00
BOQ	Term Deposit	BBB+	\$1,000,000.00	4-Jul-23	3-Jul-24	5.62%	\$56,200.00
NAB	Term Deposit	AA-	\$1,000,000.00	25-Jul-23	24-Jul-24	5.51%	\$55,100.00
NAB	Term Deposit	AA-	\$500,000.00	9-Aug-23	8-Aug-24	5.25%	\$26,178.28
AMP	Term Deposit	BBB	\$526,676.71	11-Aug-23	12-Aug-24	5.35%	\$26,676.71
NAB	Term Deposit	AA-	\$1,000,000.00	10-Aug-23	13-Aug-24	5.25%	\$53,075.34
CBA	Term Deposit	AA-	\$2,500,000.00	29-Aug-23	27-Aug-24	5.41%	\$134,879.45
NAB	Term Deposit	AA-	\$1,000,000.00	12-Sep-23	12-Sep-24	5.25%	\$52,500.00
AMP	Term Deposit	BBB	\$500,000.00	18-Oct-23	17-Oct-24	5.15%	\$25,750.00
Westpac	Term Deposit	AA-	\$1,000,000.00	2-Nov-23	30-Oct-24	5.47%	\$54,400.27
AMP	Term Deposit	BBB	\$500,000.00	16-Nov-23	18-Nov-24	5.40%	\$27,000.00
Suncorp	Term Deposit	A+	\$1,000,000.00	29-Nov-23	26-Nov-24	5.52%	\$54,897.53
Macquarie	Call	A+	\$2,620.74			4.25%	
CBA	Floating Rate Note	AA-	\$500,000.00	13-Jan-23	13-Jan-28	5.52%	

Institution	Reference	Lodged	Month-end	Balance at month-end	Month return
TCorp	Medium Term Growth Fund	2-Jun-21	June-2021	\$1,515,096.51	1.01%
			July-2021	\$1,538,434.43	1.54%
		9-Aug-21	August-2021	\$2,052,149.68	0.79%
			12mths to Sept 22	\$2,026,923.72	-0.73%
			12mths to Sept 23	\$1,988,672.64	0.50%
			October-2023	\$1,972,670.14	-0.80%
			November-2023	\$2,018,775.54	2.34%
			December-2023	\$2,068,767.85	4.01%
			January-2024	\$2,084,604.95	4.80%
			February-2024	\$2,104,577.06	5.81%
		Closing Balance	March-2024	\$2,130,627.65	1.24%
				\$18,534,925.10	
	CBA	General	\$2,964,095.44 31.3.2024 Bank Account Balance		
	Total			\$21,499,020.54	

Certification – Responsible Accounting Officer

Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2024	5.46%	4.41%	1.05%
Last 3 months	5.47%	4.42%	1.05%
Last 6 months	5.66%	4.34%	1.32%
Financial Year to Date	5.20%	4.35%	0.85%
Last 12 months	4.83%	4.19%	0.64%

Below is a summary of the total portfolio by credit exposure, maturity terms and investment holdings as at 31 March 2024:

TABLE 2 – PORTFOLIO TOTAL BY CREDIT EXPOSURE

Credit Rating Group	Face Value (\$)	Policy Max	
AA	15,339,095	71% 100%	✓
A	1,002,621	5% 60%	✓
BBB	3,026,677	14% 30%	✓
TC	2,130,628	10% 10%	✓
	21,499,021		

TABLE 3 – PORTFOLIO TOTAL BY MATURITY TERMS

	Face Value (\$)	Policy Max	
Between 0 and 1 years	20,999,021	98% 100%	✓
Between 3 and 10 years	500,000	2% 40%	✓
	21,499,021		

TABLE 4 – PORTFOLIO TOTAL BY INVESTMENT HOLDINGS

	Face Value (\$)	Current Value (\$)
Cash	2,966,716	2,966,716
Floating Rate Note	500,000	505,880
Managed Funds	2,130,628	2,130,628
Term Deposit	15,901,677	15,901,677
	21,499,021	21,504,901

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

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

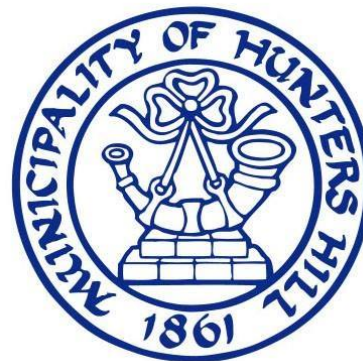
Internal restrictions refer to cash assets defined by Council to cover commitments that are expected to arise in the future, and where it is prudent to hold cash in restrictions to cover these obligations.

Table 5 - EXTERNAL & INTERNAL RESTRICTIONS

	Actual as at 29 February 2024	Actual as at 31 March 2024
Developer contributions - S7.12	\$2,133,157	\$2,064,544
Other developer contribution	\$138,001	\$138,001
Specific purpose unexpended grants	\$1,425,870	\$1,220,257
Domestic waste management	\$1,023,411	\$1,023,411
Other special levies	\$1,515,638	\$1,515,638
Total External Restrictions	\$6,236,076	\$5,961,850
Internal Restrictions		
Plant and vehicle replacement	\$426,421	\$426,421
Employee leave entitlements	\$777,393	\$777,393
Deposits, retentions and bonds	\$3,650,543	\$3,709,066
Construction of building	\$195,122	\$195,122
Office equipment & furniture	\$302,193	\$276,987
Elections	\$278,583	\$278,583
Insurance reserve	\$237,860	\$237,860
Road Reconstruction	\$223,760	\$223,760
Traffic & Transport	\$102,400	\$102,400
Sustainability Reserve	\$214,319	\$196,500
Asset Re-purposing	\$6,665,101	\$6,665,101
Safety & welfare expenses OH&S Incentive	\$39,963	\$39,963
Community Initiatives & Minor Capital Works	\$20,000	\$20,000
Stormwater & marine maintenance reserve	\$50,000	\$15,000
Community building maintenance reserve	\$11,300	\$11,300
Boronia Park Sporting & Community Facility Fundraising	\$965,000	\$421,379
Boronia Park Sporting & Community Facility - Council Contribution	\$318,407	\$0
Depot Operations Strategy	\$513,000	\$511,515
Gladesville Masterplan	\$530,000	\$530,000
Total Internal Restrictions	\$15,521,365	\$14,638,350
Total Restrictions	\$21,757,441	\$20,600,200

ATTACHMENTS

1. Investment Summary Report March 2024 [↓](#)



Investment Summary Report
March 2024



Hunters Hill Council

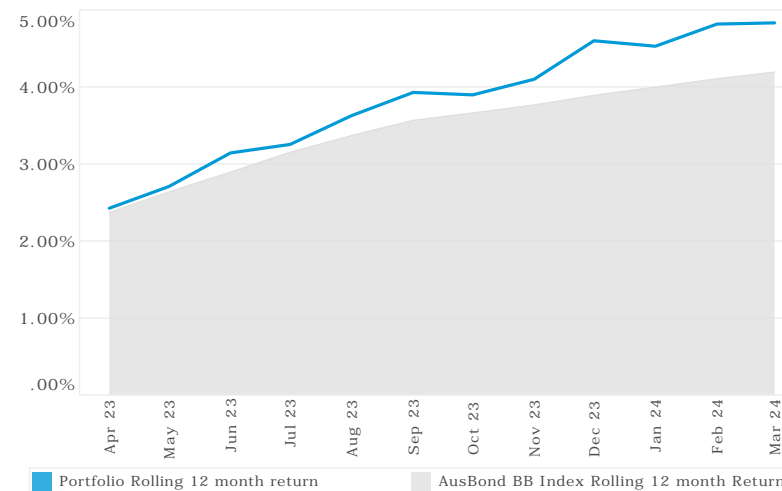
Executive Summary - March 2024



Investment Holdings

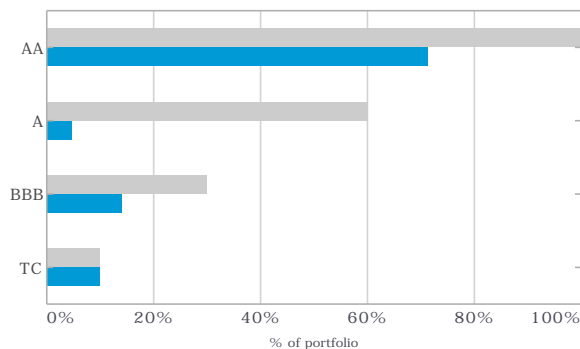
	Face Value (\$)	Current Value (\$)
Cash	2,966,716	2,966,716
Floating Rate Note	500,000	505,880
Managed Funds	2,130,628	2,130,628
Term Deposit	15,901,677	15,901,677
	21,499,021	21,504,901

Investment Performance

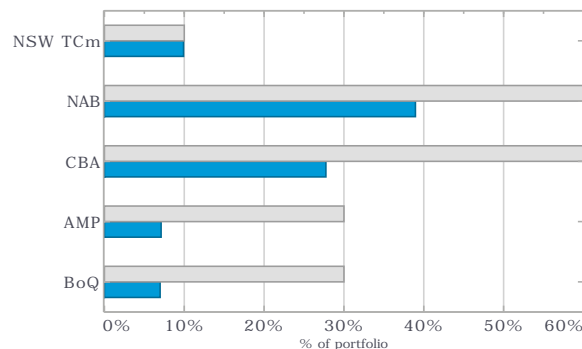


Investment Policy Compliance

Total Credit Exposure



Individual Institutional Exposures



Term to Maturities

	Face Value (\$)	Policy Max
Between 0 and 1 years	20,999,021	98% 100% a
Between 3 and 10 year:	500,000	2% 40% a
	21,499,021	

Portfolio Exposure

Investment Policy Limit



Hunters Hill Council

Investment Holdings Report - March 2024

Cash Accounts											
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating			Current Value (\$)	Deal No.			Reference
	2,620.74	4.2463%	Macquarie Bank	A+			2,620.74	540871			Accelerator
	2,964,095.44	0.0000%	Commonwealth Bank of Australia	AA-			2,964,095.44	538227			General
	2,966,716.18	0.0038%					2,966,716.18				
Managed Funds											
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name		Current Value (\$)	Deal No.			Reference
	2,130,627.65	1.2378%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund		2,130,627.65	541469			
	2,130,627.65	1.2378%					2,130,627.65				
Term Deposits											
Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
3-Apr-24	500,000.00	4.4500%	National Australia Bank	AA-	500,000.00	30-Mar-23	522,432.88	543970	22,432.88	At Maturity	
1-May-24	2,375,000.00	4.5800%	National Australia Bank	AA-	2,375,000.00	1-May-23	2,475,132.60	544053	100,132.60	At Maturity	
28-May-24	1,000,000.00	4.9900%	National Australia Bank	AA-	1,000,000.00	31-May-23	1,041,833.97	544138	41,833.97	At Maturity	
25-Jun-24	500,000.00	5.5900%	Bank of Queensland	BBB+	500,000.00	22-Jun-23	521,747.40	544221	21,747.40	At Maturity	
3-Jul-24	1,000,000.00	5.5600%	National Australia Bank	AA-	1,000,000.00	4-Jul-23	1,041,433.42	544286	41,433.42	At Maturity	
3-Jul-24	1,000,000.00	5.6200%	Bank of Queensland	BBB+	1,000,000.00	4-Jul-23	1,041,880.55	544287	41,880.55	At Maturity	
24-Jul-24	1,000,000.00	5.5100%	National Australia Bank	AA-	1,000,000.00	25-Jul-23	1,037,890.68	544335	37,890.68	At Maturity	
8-Aug-24	500,000.00	5.2500%	National Australia Bank	AA-	500,000.00	9-Aug-23	516,972.60	544372	16,972.60	At Maturity	
12-Aug-24	526,676.71	5.3500%	AMP Bank	BBB	526,676.71	11-Aug-23	544,741.00	544381	18,064.29	At Maturity	
13-Aug-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	10-Aug-23	1,033,801.37	544379	33,801.37	At Maturity	
27-Aug-24	2,500,000.00	5.4100%	Commonwealth Bank of Australia	AA-	2,500,000.00	29-Aug-23	2,580,038.36	544436	80,038.36	At Maturity	
11-Sep-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	12-Sep-23	1,029,054.79	544504	29,054.79	At Maturity	
17-Oct-24	500,000.00	5.1500%	AMP Bank	BBB	500,000.00	18-Oct-23	511,710.96	544582	11,710.96	At Maturity	
30-Oct-24	1,000,000.00	5.4700%	Westpac Group	AA-	1,000,000.00	2-Nov-23	1,022,629.32	544612	22,629.32	At Maturity	
18-Nov-24	500,000.00	5.4000%	AMP Bank	BBB	500,000.00	16-Nov-23	510,134.25	544649	10,134.25	At Maturity	

Hunters Hill Council

Investment Holdings Report - March 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
26-Nov-24	1,000,000.00	5.5200%	Suncorp Bank	A+	1,000,000.00	29-Nov-23	1,018,752.88	544673	18,752.88	At Maturity	
	15,901,676.71	5.2391%			15,901,676.71		16,450,187.03		548,510.32		

Floating Rate Notes

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
13-Jan-28	500,000.00	5.5002%	CBA Snr FRN (Jan28) BBSW+ 1.15%	AA-	500,000.00	13-Jan-23	511,681.58	543689	5,801.58	15-Apr-24	
	500,000.00	5.5002%			500,000.00		511,681.58		5,801.58		



Hunters Hill Council

Accrued Interest Report - March 2024

Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Cash									
Commonwealth Bank of Australia	538227					0.00	0	0.00	0.00%
Macquarie Bank	540871					9.24	0	9.24	4.25%
						9.24		9.24	0.00%
Floating Rate Note									
CBA Snr FRN (Jan28) BBSW+ 1.15%	543689		500,000.00	13-Jan-23	13-Jan-28	0.00	31	2,335.70	5.50%
						0.00		2,335.70	5.50%
Term Deposits									
AMP Bank	544230		1,000,000.00	27-Jun-23	1-Mar-24	23,237.26	0	0.00	
AMP Bank	544350		518,986.30	3-Aug-23	1-Mar-24	9,810.55	0	0.00	
AMP Bank	544351		518,986.30	3-Aug-23	1-Mar-24	9,810.55	0	0.00	
National Australia Bank	544450		1,000,000.00	1-Sep-23	5-Mar-24	26,243.84	4	564.39	5.15%
AMP Bank	543944		500,000.00	21-Mar-23	21-Mar-24	24,065.75	20	1,315.07	4.80%
AMP Bank	544963		500,000.00	21-Mar-24	26-Mar-24	325.34	5	325.34	4.75%
National Australia Bank	543970		500,000.00	30-Mar-23	3-Apr-24	0.00	31	1,889.73	4.45%
National Australia Bank	544053		2,375,000.00	1-May-23	1-May-24	0.00	31	9,238.42	4.58%
National Australia Bank	544138		1,000,000.00	31-May-23	28-May-24	0.00	31	4,238.08	4.99%
Bank of Queensland	544221		500,000.00	22-Jun-23	25-Jun-24	0.00	31	2,373.84	5.59%
Bank of Queensland	544287		1,000,000.00	4-Jul-23	3-Jul-24	0.00	31	4,773.15	5.62%
National Australia Bank	544286		1,000,000.00	4-Jul-23	3-Jul-24	0.00	31	4,722.19	5.56%
National Australia Bank	544335		1,000,000.00	25-Jul-23	24-Jul-24	0.00	31	4,679.72	5.51%
National Australia Bank	544372		500,000.00	9-Aug-23	8-Aug-24	0.00	31	2,229.45	5.25%
AMP Bank	544381		526,676.71	11-Aug-23	12-Aug-24	0.00	31	2,393.13	5.35%
National Australia Bank	544379		1,000,000.00	10-Aug-23	13-Aug-24	0.00	31	4,458.90	5.25%
Commonwealth Bank of Australia	544436		2,500,000.00	29-Aug-23	27-Aug-24	0.00	31	11,486.99	5.41%
National Australia Bank	544504		1,000,000.00	12-Sep-23	11-Sep-24	0.00	31	4,458.90	5.25%
AMP Bank	544582		500,000.00	18-Oct-23	17-Oct-24	0.00	31	2,186.99	5.15%

Hunters Hill Council

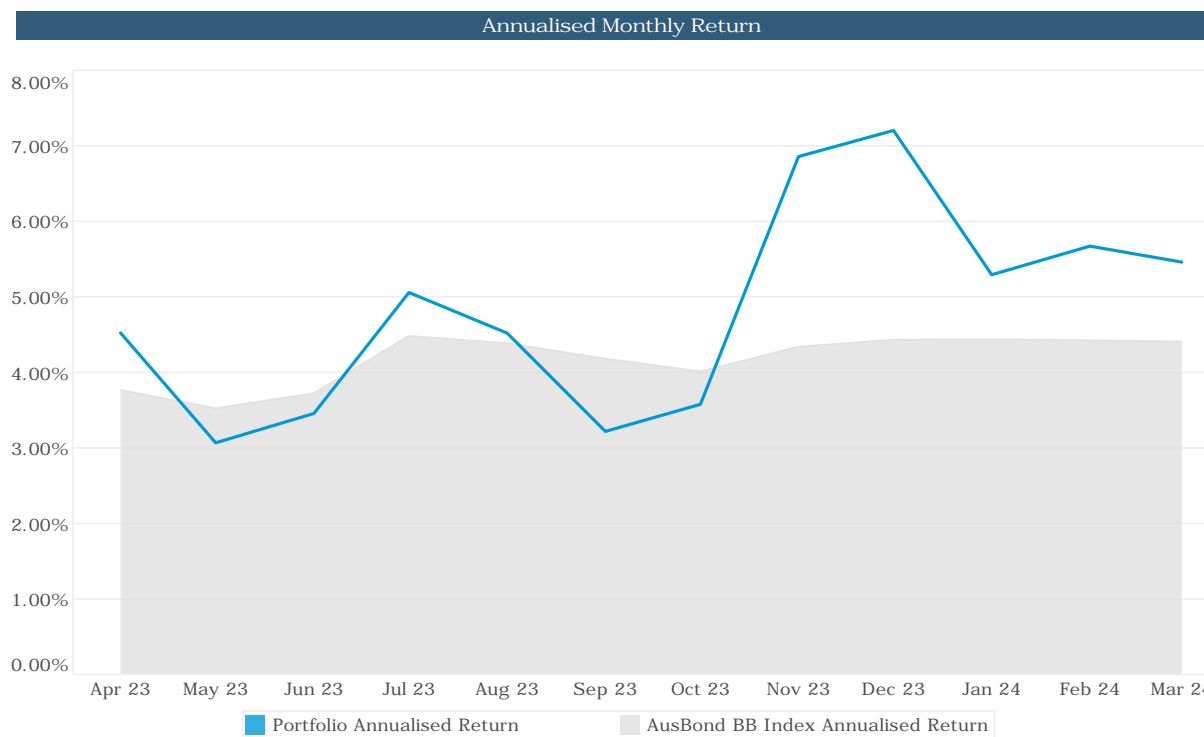
Accrued Interest Report - March 2024



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Westpac Group	544612		1,000,000.00	2-Nov-23	30-Oct-24	0.00	31	4,645.76	5.47%
AMP Bank	544649		500,000.00	16-Nov-23	18-Nov-24	0.00	31	2,293.15	5.40%
Suncorp Bank	544673		1,000,000.00	29-Nov-23	26-Nov-24	0.00	31	4,688.22	5.52%
						93,493.29		72,961.42	5.23%
<u>Grand Totals</u>						<u>93,502.53</u>		<u>75,306.36</u>	<u>4.46%</u>

Hunters Hill Council

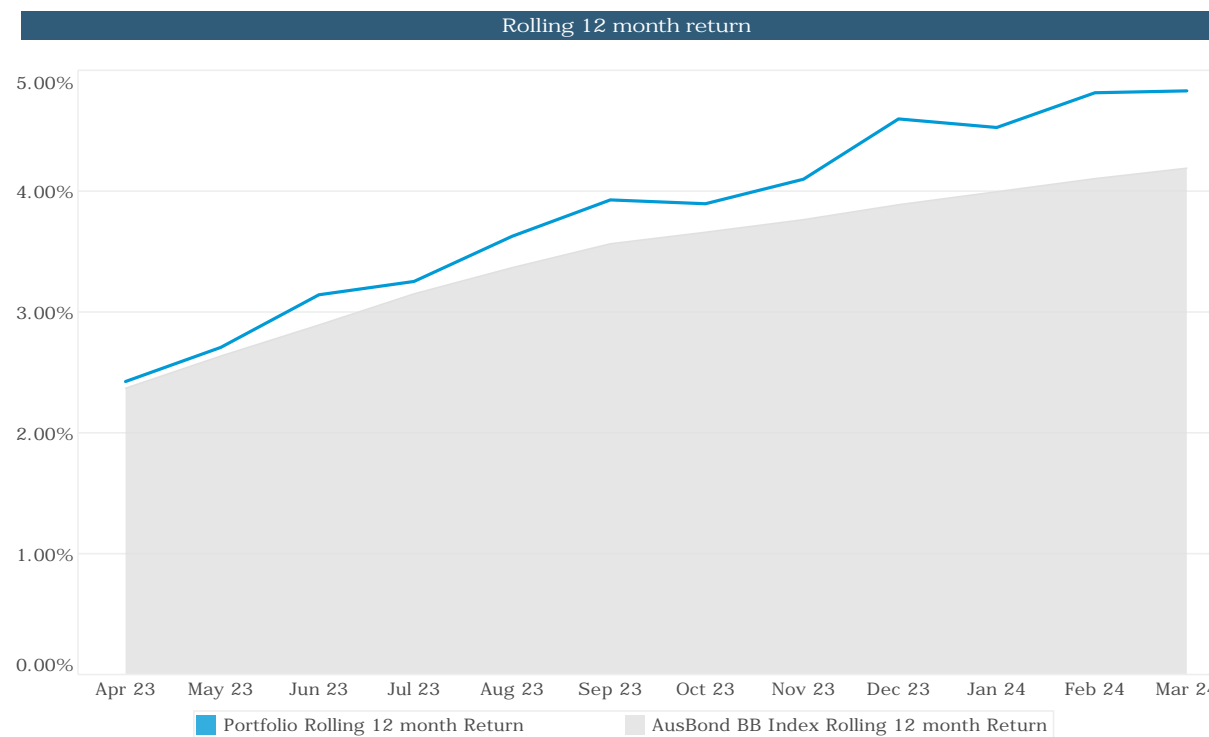
Investment Performance Report - March 2024



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2024	5.46%	4.41%	1.05%
Last 3 months	5.47%	4.42%	1.05%
Last 6 months	5.66%	4.34%	1.32%
Financial Year to Date	5.20%	4.35%	0.85%
Last 12 months	4.83%	4.19%	0.64%

Hunters Hill Council

Investment Performance Report - March 2024

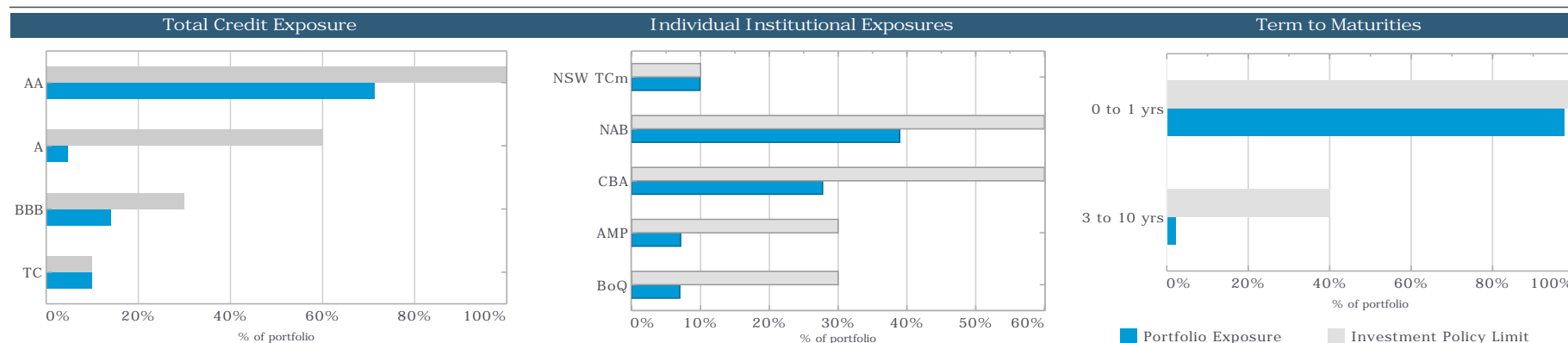


Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Mar 2024	0.45%	0.37%	0.08%
Last 3 months	1.34%	1.09%	0.25%
Last 6 months	2.80%	2.15%	0.65%
Financial Year to Date	3.89%	3.26%	0.63%
Last 12 months	4.83%	4.19%	0.64%



Hunters Hill Council

Investment Policy Compliance Report - March 2024



Credit Rating Group	Face Value (\$)	Policy Max
AA	15,339,095	71% 100% a
A	1,002,621	5% 60% a
BBB	3,026,677	14% 30% a
TC	2,130,628	10% 10% a
	21,499,021	

Institution	% of portfolio	Investment Policy Limit
NSW T-Corp (TCm)	10%	10% a
National Australia Bank (AA-)	39%	60% a
Commonwealth Bank of Australia (AA-)	28%	60% a
AMP Bank (BBB)	7%	30% a
Bank of Queensland (BBB+)	7%	30% a
Suncorp Bank (A+)	5%	60% a
Westpac Group (AA-)	5%	60% a

	Face Value (\$)	Policy Max
Between 0 and 1 years	20,999,021	98% 100% a
Between 3 and 10 years	500,000	2% 40% a
	21,499,021	

a = compliant
r = non-compliant



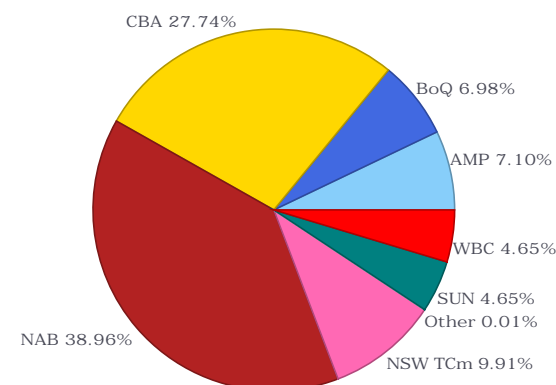
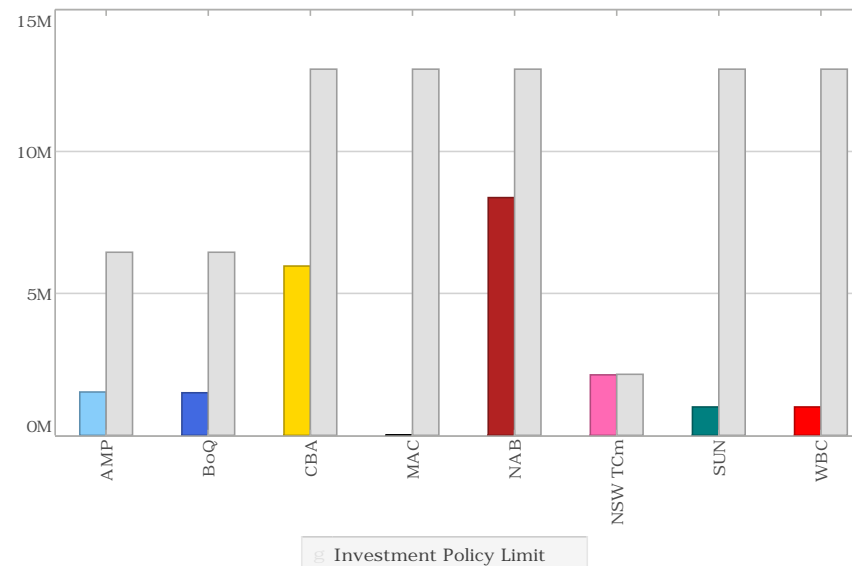
Hunters Hill Council

Individual Institutional Exposures Report - March 2024

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	1,526,677	7%	6,449,706	30%	4,923,029
Bank of Queensland (BBB+)	1,500,000	7%	6,449,706	30%	4,949,706
Commonwealth Bank of Australia (AA-)	5,964,095	28%	12,899,412	60%	6,935,317
Macquarie Bank (A+)	2,621	0%	12,899,412	60%	12,896,791
National Australia Bank (AA-)	8,375,000	39%	12,899,412	60%	4,524,412
NSW T-Corp (TCm)	2,130,628	10%	2,149,902	10%	19,274
Suncorp Bank (A+)	1,000,000	5%	12,899,412	60%	11,899,412
Westpac Group (AA-)	1,000,000	5%	12,899,412	60%	11,899,412
	21,499,021				

Individual Institutional Exposure Charts



Hunters Hill Council

Cashflows Report - March 2024



Actual Cashflows for March 2024						
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount	
1-Mar-24	544230	AMP Bank	Term Deposit	Maturity: Face Value	1,000,000.00	
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	23,237.26	
				<u>Deal Total</u>	<u>1,023,237.26</u>	
1-Mar-24	544350	AMP Bank	Term Deposit	Maturity: Face Value	518,986.31	
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	9,810.55	
				<u>Deal Total</u>	<u>528,796.86</u>	
1-Mar-24	544351	AMP Bank	Term Deposit	Maturity: Face Value	518,986.31	
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	9,810.55	
				<u>Deal Total</u>	<u>528,796.86</u>	
				Day Total	2,080,830.98	
5-Mar-24	544450	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00	
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	26,243.84	
				<u>Deal Total</u>	<u>1,026,243.84</u>	
				Day Total	1,026,243.84	
21-Mar-24	543944	AMP Bank	Term Deposit	Maturity: Face Value	500,000.00	
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	24,065.75	
				<u>Deal Total</u>	<u>524,065.75</u>	
21-Mar-24	544963	AMP Bank	Term Deposit	Settlement: Face Value	-500,000.00	
				<u>Deal Total</u>	<u>-500,000.00</u>	
				Day Total	24,065.75	
26-Mar-24	544963	AMP Bank	Term Deposit	Maturity: Face Value	500,000.00	
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	325.34	
				<u>Deal Total</u>	<u>500,325.34</u>	
				Day Total	500,325.34	
				<u>Total for Month</u>	<u>3,631,465.91</u>	

Hunters Hill Council

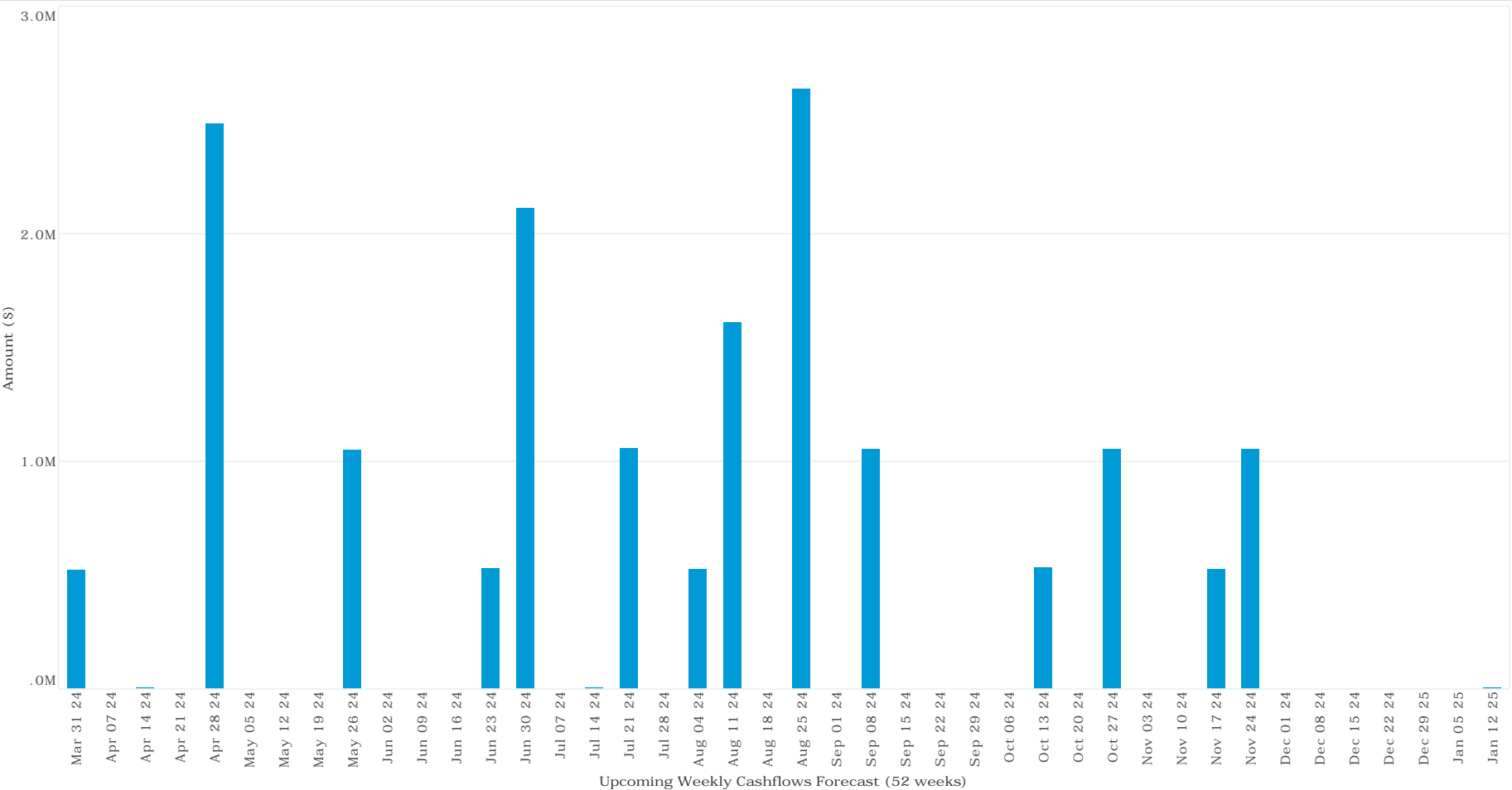
Cashflows Report - March 2024



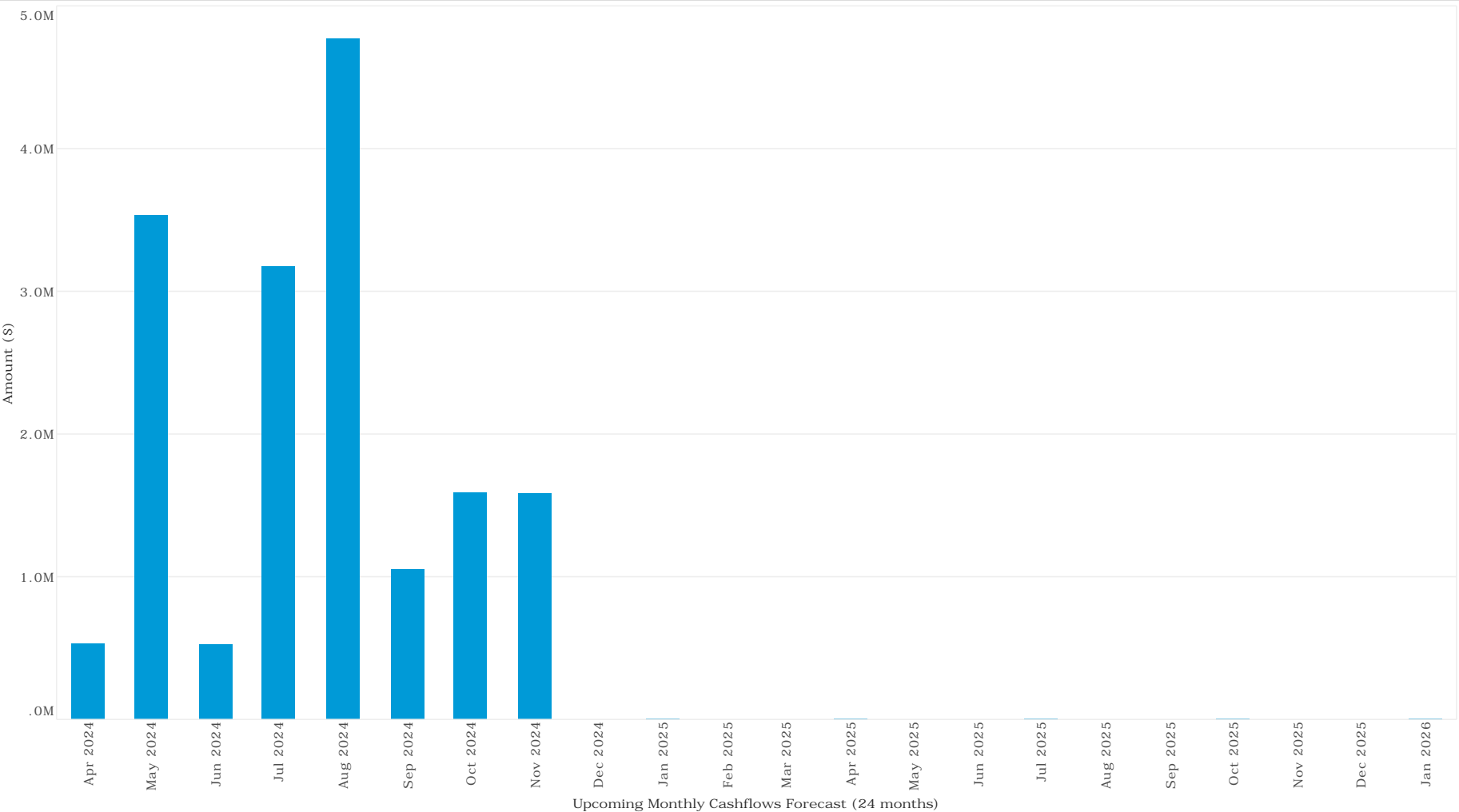
Forecast Cashflows for April 2024

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
3-Apr-24	543970	National Australia Bank	Term Deposit	Maturity: Face Value	500,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	22,554.79
				<u>Deal Total</u>	<u>522,554.79</u>
				Day Total	522,554.79
15-Apr-24	543689	CBA Snr FRN (Jan28) BBSW+ 1.15%	Floating Rate Note	Coupon Date	6,856.41
				<u>Deal Total</u>	<u>6,856.41</u>
				Day Total	6,856.41
				<u>Total for Month</u>	<u>529,411.21</u>

Hunters Hill Council
Cashflows Report - March 2024



Hunters Hill Council
Cashflows Report - March 2024



ITEM NO	: 4.9
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED BY THE SYDNEY NORTH PLANNING PANEL IN MARCH 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:694365

PURPOSE

This report provides the outcome of determinations of Development Applications referred to the Sydney North Planning Panel (SNPP) in March 2024.

RECOMMENDATION

1. That the report be received and noted.

REPORT OF MEETING HELD 28 FEBRUARY 2024

Summary of determinations:

Panel Reference	PPSSNH-426
DA Number	20230094
LGA	Hunters Hill
Proposed Development	Alterations and additions to the existing Woolwich Marina to expand the berthing facilities from 45 to 79 berths to enable a range of different vessel typologies (ranging in size from 10m to 35m in length).
Street Address	2 C Margaret Street, Woolwich, legally described as Lots 2, 3 and 4 in DP880264 with an offshore component described as Lot 1 in DP1203041. Lot 1 in DP1203041 is subject to the following NSW Maritime Leases: <ul style="list-style-type: none"> • Lease No. RP5298 (marina component) • Lease No. CL6104 (swing mooring field)
Applicant	Rhonda Carr (of Michael Fountain Architects Pty Ltd)
Owner	Chan No. 1 Investments Pty Ltd The State of NSW
Date of DA lodgement	12 July 2023
Capital Investment Value	\$8,508,246.51 (excl. GST but incl. professional fees)
Number of Submissions	In total, Council received the following submissions: <ul style="list-style-type: none"> • 121 in objection

	<ul style="list-style-type: none"> 311 in support (comprised of only 3 unique submissions and 308 form letters, counted as a single unique submission).
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Schedule 7, Cl. (1)(b) – Marinas triggering Designated Development – under Schedule 3, Section 32(2)(b)(ii) of the Environmental Planning and Assessment Regulation 2021 – carparking to vessels ratio less than 0.5:1
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> SEPP (Biodiversity and Conservation) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Transport and Infrastructure) 2021 Hunters Hill Local Environmental Plan 2012 (HHLEP 2012) Hunters Hill Development Control Plan 2013 (HHDCP 2013) Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 Hunters Hill Section 7.12 Local Infrastructure Contribution Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Environmental Impact Statement and Appendices Applicant's submission to DCCECW Applicant's Submission to Heritage NSW Copy of all submissions
Clause 4.6 requests	<ul style="list-style-type: none"> N/A
Summary of key issues	<ul style="list-style-type: none"> Adequacy of the submitted documentation. Permissibility Environment Protection and Biodiversity Conservation Act 1999 (Cwth) and potential Matters of National Environmental Significance Waterway safety and navigational issues Impacts on Heritage Items and Conservation Area Adverse visual impacts Traffic and parking impacts Private Vs public use of a public asset/ public interest Impact of patrons from charter/ party boat use on surrounding neighbourhood amenity Precedence from similar NSW Land and Environment Court Decisions Resident Objections – 117 in objection with 3 unique submissions in support plus form letters signed by 285 individuals. The identity, status as residents of NSW and physical location of those submitters supporting the proposal could not be verified.
Report prepared by	Michael Brewer, Consultant Planner for Hunters Hill Council
Report date	14 February 2024

ATTACHMENTS

1. SNPP Decision [↓](#)


DETERMINATION AND STATEMENT OF REASONS
 SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	29 February 2024
DATE OF PANEL DECISION	29 February 2024
DATE OF PANEL MEETING	28 February 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, David Logan
Apologies	Nicole Gurran
DECLARATIONS OF INTEREST	Zac Miles advised that as Council had made a submission on this DA, it would be inappropriate for him to sit on the Panel for this matter.

Public meeting held by teleconference on 28 February 2024, opened at 10.02am and closed at 12.34pm.

MATTER DETERMINED

PPSSNH-426 – DA 20230094 – Hunters Hill Council

2 C Margaret Street, Woolwich, legally described as Lots 2, 3 and 4 in DP880264 with an offshore component described as Lot 1 in DP1203041

Alterations and additions to the existing Woolwich Marina to expand the berthing facilities from 45 to 79 berths to enable a range of different vessel typologies (ranging in size from 10m to 35m in length).

Lot 1 in DP1203041 is subject to the following NSW Maritime Leases:

- Lease No. RP5298 (marina component)
- Lease No. CL6104 (swing mooring field)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's determination was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the DA for the reasons below.

The Panel had met with Council and Applicant last year to discuss the proposal and issues of concern and was also briefed by Council prior to the public meeting. In the December 2023 meeting, the Panel had made clear to the parties the need to better communicate to identify and resolve issues of concern. It is apparent that did not happen, and significant issues remained unresolved.

The issues of concern were canvassed at length during the public meeting.

While the current marina has operated for a considerable time with community support, there was a lack of public support for expansion but there also seemed to be a lack of public awareness of the actual extent of the expansion plans and the realistic extent of their impact on water activities and the surrounding environment. The Panel is of the view that this reflects the inadequacies of the application.

During the public meeting, the Applicant also raised the prospect of amendments, which they said may alleviate public concerns. Those amendments had not been pursued or discussed with Council.

While Council's Assessment Report identified eleven (11) reasons for refusal, the Panel decided that the application and the Assessment Report lacked proper analysis of the SEARS, Heritage considerations (maritime, aboriginal and bushland), visual impacts both to and from the site, existing use rights and public consultation.



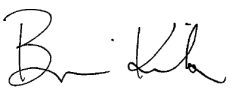

Consequently, while the Applicant sought a deferral of the determination to address any remaining concerns, the Panel determined that it was in the community interest the DA be refused for the following reasons, which in the opinion of the Panel are to be read in precedence over the recommended reasons for refusal:

1. The proposed development has not fully addressed the SEARS, including but not limited to the following matters:
 - a. incomplete community consultation, including with the Local Aboriginal Land Council regarding potential impacts on Aboriginal heritage values;
 - b. other heritage impacts, including a detailed analysis of the potential impacts of a known shipwreck (as requested by the Heritage Council of NSW); and
 - c. the navigational safety implications of the proposal having regard to current users of the waterway and the relevant legislation
2. The Visual Impact Assessment provided late in the assessment process has not provided sufficient detail or consideration of the visual impact of the proposal both to and from the site and having regard to the cultural heritage impacts of the proposal.
3. There is a lack of detail and assessment of the permissibility of the proposal particularly in respect of any existing use rights that may apply to the site, and as such, there is insufficient information to establish whether the proposal is permissible under the relevant zones.

In addition to these reasons, David Logan is of the opinion that the proposed development would result in unacceptable heritage impacts, particularly on Kellys Bush which is listed on the State Heritage Register as an item of State heritage significance (and is also arguably of National and International heritage significance). The proposed development would affect the setting of Kellys Bush in several ways, including when viewed from the waterway; the visual connections between Kellys Bush, the waterway, and Cockatoo Island; and the peaceful natural ambience and public enjoyment of Kellys Bush from within it.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 121 submissions in objection, 311 in support (comprised of 3 unique submissions and 308 form letters), as well as the matters raised by members of the public during the public meeting. Issues of concern included Permissibility, Environment Protection and Biodiversity Conservation Act 1999, National Environmental Significance, waterway safety and navigational issues, impacts on Heritage Items and Conservation Area, adverse visual impacts, traffic and parking impacts.

PANEL MEMBERS	
 Peter Debnam (Chair)	 David Logan
 Brian Kirk	 Sue Francis

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-426 – DA 20230094 – Hunters Hill Council
2	PROPOSED DEVELOPMENT	<p>Alterations and additions to the existing Woolwich Marina to expand the berthing facilities from 45 to 79 berths to enable a range of different vessel typologies (ranging in size from 10m to 35m in length).</p> <p>Lot 1 in DP1203041 is subject to the following NSW Maritime Leases:</p> <ul style="list-style-type: none"> Lease No. RP5298 (marina component) Lease No. CL6104 (swing mooring field)
3	STREET ADDRESS	2 C Margaret Street, Woolwich, legally described as Lots 2, 3 and 4 in DP880264 with an offshore component described as Lot 1 in DP1203041
4	APPLICANT/OWNER	<p>Applicant - Rhonda Carr (of Michael Fountain Architects Pty Ltd)</p> <p>Owner - Chan No. 1 Investments Pty Ltd, The State of NSW</p>
5	TYPE OF REGIONAL DEVELOPMENT	Designated Development - Marina
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Biodiversity and Conservation) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Transport and Infrastructure) 2021 Hunters Hill Local Environmental Plan 2012 (HHLEP 2012) Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 Hunters Hill Section 7.12 Local Infrastructure Contribution Plan 2020 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hunters Hill Development Control Plan 2013 (HHDCP 2013) Planning agreements: Nil Relevant provisions of the Environmental Planning and Assessment Regulation 2021 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report dated 14 February 2024. The Applicant's response to Council's assessment report dated 23 February 2024. Environmental Impact Statement and Appendices

		<ul style="list-style-type: none"> • Applicant's submission to DCCECW • Applicant's Submission to Heritage NSW • Copy of all submissions • Written submissions during public exhibition: 121 in objection, 311 in support (comprised of only 3 unique submissions and 308 form letters, counted as a single unique submission). • Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Members of the community – John Veale, Councillor Ross Williams, David Griffith, Beverly Bennett, Maureen Flowers Secretary Friends of Kelly's Bush, Chris Stannage President & Chief Enthusiasm Officer Hunters Hill Sailing Club, Ian Black, Terry Mott (on behalf of Tom Atkinson), Karyn Raisin President Hunters Hill Trust, Matthew Wood, Richard White, Jim Sanderson, Warwick Plumsted Sailing Manager Drummoynes Sailing Club, Kristen Lock, Andrew Glasscock, Ely El-agha, Nick Mastro, Harold Lee, Darren McGregor, Matthew Beetram, John Chammas. • Council Assessment Officers – Michael Brewer, Steve Kourepis • On behalf of the applicant – Micheal Fountain, Tim Ward, Craig McLaren, Claire Jones, Rick Plain.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 18 October 2023 – Preliminary Briefing <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran ○ <u>Council assessment staff</u>: Michael Brewer ○ <u>Applicant</u>: Micheal Fountain, Rhonda Carr • 06 December 2023 – Briefing <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Zac Miles, David Logan ○ <u>Council assessment staff</u>: Michael Brewer, Steve Kourepis ○ <u>Applicant</u>: Micheal Fountain, Rhonda Carr, Chris Forrester, Alex Heath • 28 February 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, David Logan ○ <u>Council assessment staff</u>: Michael Brewer, Steve Kourepis
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A

ITEM NO	: 4.10
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN MARCH 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:694371

PURPOSE

This report provides the outcome of determinations of Development Applications referred to the Development Control Unit (DCU) in March 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 19 MARCH 2024

DEVELOPMENT APPLICATION NO	: 20211244-1
PROPOSAL	: Alterations and additions to existing residence, rear extension ground floor and modified swimming pool and landscaping. s4.55 modification - replace balustrade, deck and roof tiles, changes to landscaping and external finishes.
PROPERTY	: 2 Margaret Street, Woolwich
APPLICANT	: Daniel Sutton
OWNER	: Mr D J & Mrs A B C Smith
DATE LODGED	: 27 October 2023
REPORTING OFFICER	: Rean Lourens

RESOLVED on the MOTION of Steve Kourepis, seconded Shahram Mehdizadgan

That pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, that Development Application DA2021/1244-1 for the proposed modifications to the approved development at 2 Margaret Street, Woolwich, be approved subject to the following conditions:

Conditions to be amended:

Condition 2:

The development must be carried out in accordance with the following drawings and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing Number	Drawn By	Plan Dated
Cover Page, Proj #256, Dwg 1B	Precision Planning	13/12/2023
Site, Site Analysis and Location Plan, Proj #256, Dwg 2B	Precision Planning	13/12/2023
Existing Floor Plan, Proj #256, Dwg 3B	Precision Planning	13/12/2023
Existing Attic Floor Plan and Roof Detail, Proj #256, Dwg 4B	Precision Planning	13/12/2023
Proposed Ground Floor Plan, Proj #256, Dwg 5B	Precision Planning	13/12/2023
Proposed Attic Floor Plan and roof Detail, Proj #256, Dwg 6B	Precision Planning	13/12/2023
North East and South West Elevations, Proj #256, Dwg 7B	Precision Planning	13/12/2023
North West, South East Elevations and Concept Perspective, Proj #256, Dwg 8B	Precision Planning	13/12/2023
Section 1-1, 2-2, Proj #256, Dwg 9B	Precision Planning	13/12/2023
Section 3-3, 4-4, Proj #256, Dwg 10B	Precision Planning	13/12/2023
Section 5-5, 6-6, 7-7, 8-8, Proj #256, Dwg 11B	Precision Planning	13/12/2023
Erosion, Sedimentation Control and Waste Management Plan, Proj #256, Dwg 13B	Precision Planning	13/12/2023
Tree Protection Plan, Proj #256, Dwg 14B	Precision Planning	13/12/2023
Detailed Glazing Schedule, Proj #256, Dwg 15B	Precision Planning	13/12/2023
Arborist Statement	Hugh The Arborist	28/09/2023

Condition 11:

Under Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No A427666_04 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue

of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition.

Condition 27:

A Project Arborist (AQF Level 5) shall be engaged prior to commencement of work to provide arboricultural supervision on-site and monitor compliance with these Conditions of Consent.

Tree Protection

a)

Tree No/ Location	Species	TPZ (m)
Tree 6	<i>Robinia pseudoacacia</i>	4.2m
Tree 7	<i>Jacaranda mimosifolia</i>	7.4m

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Hugh The Arborist, Revision 2, dated 4 June 2022)

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

New conditions:

New Condition 1:

All trees detailed in the table below are approved for removal.

Tree Number	Species	Location
Tree 1	<i>Acmena smithii</i> (Lilly Pilly)	Eastern side setback.

The tree removal works must be carried out by a qualified Arborist (min AQF Level 3) and in accordance with SafeWork's Code of Practice - Amenity Tree Industry. The tree removal works must be undertaken without damaging adjacent trees.

In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself, unless in the event of an emergency.

All other trees covered by Council's tree management controls must be retained.

New Condition 2:

The following new trees must be installed prior to the issuing of the Occupation Certificate:

No of Trees	Species	Location	Minimum container size at purchase
1	<i>Acmena smithii</i> (Lilly Pilly)	Within the eastern setback of the subject site.	75L

The following measures must be adhered to:

- New trees must be grown in accordance with the AS2303 Australian Standard Tree stock for landscape use 2018 and meet the requirements of this standard at the time of planting.
- New trees must be planted in natural ground with adequate soil volume. Planter boxes will not be accepted for tree planting.
- New trees must be appropriately located away from existing buildings and structures.
- New landscape plantings must be maintained in a healthy condition for an establishment period of two (2) years. Maintenance includes watering, weeding, pest and disease control and any other operations required to maintain the plantings in a healthy condition.
- Tree maintenance must be implemented and complied with immediately following the tree planting, and until the trees reach a minimum height of 5m.
- If the newly planted trees fail to establish or do not reach a height of 5m, they must be replaced with trees of comparable qualities and container size of 75 litres.

The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

DEVELOPMENT APPLICATION NO : 2022-0208

PROPOSAL : Demolition, retention of some building elements, and construction of a dwelling house and associated landscaping and site works

PROPERTY : 1 Euthella Avenue, Hunters Hill

APPLICANT : Marcus Bristow

OWNER : Mr M A & Mrs S E Bristow

DATE LODGED : 17 November 2022

REPORTING OFFICER : Rean Lourens

RESOLVED on the MOTION of Steve Kourepis, seconded Shahram Mehdizadgan

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, Development Application 2022/0208 for the demolition, retention of some building elements, and construction of a dwelling house and associated landscaping and site works at 1 Euthella Avenue, Hunters Hill be approved subject to the following conditions:

**GEN0 GEN1
GEN3**

Drawing Number	Drawn By	Plan Dated
DA000, Legend, DWG list, Site Map, Proj. 2017 Euthella 1, Rev P1	Smart Design Studio	10/10/2022
DA001, Site & Roof Plan, Proj. 2017 Euthella 1, Rev P3	Smart Design Studio	10/10/2022
DA100, GF Plan, Site Map, Proj. 2017 Euthella 1, Rev P3	Smart Design Studio	10/10/2022
DA101, LG Plan, Proj. 2017 Euthella 1, Rev P5	Smart Design Studio	17/11/2023
DA102, Sub LG Plan, Proj. 2017 Euthella 1, Rev P4	Smart Design Studio	01/11/2023
DA103, LG Plan - Pergola, Proj. 2017 Euthella 1, Rev P1	Smart Design Studio	20/03/2023
DA300, East & West Elevations, Proj. 2017 Euthella 1, Rev P4	Smart Design Studio	20/03/2023
DA301, North & South Elevations, Proj. 2017 Euthella 1, Rev P5	Smart Design Studio	17/11/2023
DA400, Section A & B, Proj. 2017 Euthella 1, Rev P6	Smart Design Studio	17/11/2023
DA910, Waste Management Plan,	Smart Design Studio	10/10/2022

Proj. 2017 Euthella 1, Rev P1		
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GEN5 GEN6 GEN7 GEN15 GEN20 GEN21

PCC0 PCC1(\$2,983) PCC3(\$1,650) PCC5(\$11,930) PCC11 PCC12(1336841S) PCC15 PCC16 PCC17 PCC18 PCC19 PCC20 PCC21 PCC31 PCC32 PCC40 PCC41 PCC42 PCC43 PCC46 PCC48 PCC57 PCC65 PCC73 PCC75, PCC76

PCC(SP)

To ensure the protection of the *Avicennia marina* (Grey Mangrove) located to the rear of the site details of a swimming pool overflow drainage system must be shown on the Landscape Plan Landscape Plans (prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022). The swimming pool overflow system must ensure the protection of the Grey Mangrove from chlorinated water being released from the pool.

The amended Landscaped Plan Landscape Plans (prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022) complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

PCW0 PCW1 PCW2 PCW3 PCW4 PCW5 PCW6 PCW14**PCW Tree Protection**

a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Ficus rubiginosa</i> Port Jackson Fig	10.1
Tree 3	<i>Avicennia marina</i> Grey Mangrove	3

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment Report (prepared by McArdle Arboricultural Consultancy, 21.10.2022)

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

CSI0 CSI1 CSI3**DEM0 DEM1 DEM3 DEM4 DEM5 DEM6 DEM7 DEM8 DEM9 DEM11 DEM12 DEM13**

**CON0 CON1 CON2 CON4, CON5 CON8 CON9 CON11 CON14 CON17 CON27 CON28 CON41
CON42 CON43 CON44 CON45
CON50**

Tree No	Location	Comments
Tree 2 <i>Camellia</i> spp. Camellia	Rear of site	
Tree 4 <i>Syzygium</i> spp. Lilly Pilly	Southern side boundary	
Tree 5 <i>Syzygium</i> spp. Lilly Pilly	Southern side boundary	

CON51 CON52 CON53 CON54 CON55 CON56 CON58 CON59 CON60 CON67

POC0 POC1 POC2 POC4 POC8

POC7

- ☐ Landscape Plans
(prepared by Tarn Design Ecology, dwg no XX.EA.101, 102, 203 dated 29.09.2022)

POC10

- ☐ Arboricultural Impact Assessment Report
(prepared by McArdle Arboricultural Consultancy, 21.10.2022)

POC14 POC18 POC21 POC23 POC24 POC25 POC28 POC60 POC61

POC70

Stormwater	In-Line Hydraulic Services	Stormwater Drainage Concept Plan, revision P2, dated 14/10/22	22232 HDA01, HDA02, HDA03, HDA04, HDA05, HDA06, HDA07
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POC73 POC75

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.11
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN MARCH 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:694353

PURPOSE

The purpose of this report is to advise of Development Applications determined under delegated authority for the period March 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	29.01.24
Development Application No.	DA2021/1265-2	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Rino Tringali	Value	\$500,000
Premises	1 Viret Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	N/A	Date lodged	02.01.2024
Assessing Officer	Shahram Mehdizadgan	Determination Date	19.02.2024

Proposal	Additions and alterations comprising the transposition of living areas on the ground floor with sleeping accommodation on the first floor, a new lift, new double garage with bedroom above in an annex building, associated changes to building facades and landscaping - s4.55 Modification – Retention of existing first floor external ensuite walls, deletion of Door D3.2, modification to Door 3.1, reduced length of proposed new first floor balcony.
Determination	Approval

Type of Report	Delegated Authority	Inspection Date	22.01.24
Development Application No.	DA2022/0092	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Sam Samarghandi	Value	\$467,500
Premises	1A McBride Avenue, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a, 10a, 10b	Date lodged	02.01.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	26.02.24
Proposal	New dwelling, garage and associated landscaping on a vacant block affected by restrictions on the land – s4.55 Modifications - External amendments, materials and finishes		
Determination	Approval		

Assessing Officer	Michael Brewer	Development Application No.	DA20211 245
Date lodged	20/03/2023	Inspection Date	29/05/20 23
Applicant	Katrina Sokias - Design Studio 407	Value	\$400,000
Zone	R2 Low Density Residential	Notification	Yes – NIL submissions
Classification (BCA)	1A	Landscaped Area	39.3%
Conservation Area	No	Listed Heritage item	No
River Front Area	No	Vicinity of Heritage Item	No
Foreshore Building Line	No	Contributory Building	No
Address:	94 Ryde Road, Hunters Hill		
Proposal:	Alterations and additions to an existing dwelling		
Recommendation:	Refusal		

Type of Report	Delegated Authority	Inspection Date	13.12.23
Development Application No.	DA2023/0150	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Conrad Shnitzler	Value	\$798, 402
Premises	17 Windeyer Avenue, Gladesville	Landscaped Area	57%
Classification (BCA)	1a, 10a, 10b	Date lodged	27.11.23

Assessing Officer	Shahram Mehdizadgan	Determination Date	04.03.24
Proposal	Demolition of existing house and detached garage, construction of a new two storey dwelling, attached garage and related landscaping		
Determination	Deferred Commencement Approval		

Type of Report	Delegated Authority	Inspection Date	22.01.24
Development Application No.	DA2023/0158	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Robert Ursino	Value	\$638, 000
Premises	23 Mount Street, Hunters Hill	Landscaped Area	52%
Classification (BCA)	1a	Date lodged	12.12.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	26.02.24
Proposal	Alterations and additions to extend the envelope into the eastern corner at both levels		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	05.12.23
Development Application No.	DA2023/0146	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Sarah Massey	Value	\$346, 500
Premises	1 Foss Street, Hunters Hill	Landscaped Area	45%
Classification (BCA)	1a, 10a, 10b	Date lodged	14.11.23
Assessing Officer	Shahram Mehdizadgan	Determination Date	11.03.24
Proposal	Partial demolition, alterations and additions to existing semi-detached residence, new inground swimming pool, front fence, detached pergola and new landscaping		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	06.03.24
Development Application No.	DA2024/0008	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Daniel Barber	Value	\$47,200
Premises	16 Gale Street, Woolwich	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	30.01.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	12.03.24
Proposal	Alterations to an existing window and door opening to the ground level rear elevation		
Determination	Approval		

Development Application No.	DA2017/1184/1	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Raymond Panetta	Value	\$2,670,673.84
Premises	6 Avenue Road Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a Dwelling	Date lodged	14/12/2023
Assessing Officer	Rean Lourens	Determination Date	11/03/2024
Proposal	Demolition of structures and construction of attached dual occupancy (retaining front dwelling), swimming pools, cabana, landscaping, tree removal and strata subdivision. s4.55 modification - various modifications to the original DA.		
Determination	Refusal		

Development Application No.	DA2018/1126/1	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	David Melocco	Value	\$ 2,985,305.00
Premises	2 Viret Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	Class 2	Date lodged	15/05/2023
Assessing Officer	Rean Lourens	Determination Date	12/03/2024
Proposal	s4.56 modification - Minor internal and external modifications (RFB)		
Determination	Approval		

Development Application No.	DA2020/1064/1	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	David Melocco	Value	\$ 2,985,305.00
Premises	2 Viret Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	Class 2	Date lodged	12/05/2022
Assessing Officer	Rean Lourens	Determination Date	12/03/2024
Proposal	s4.56 modification - Minor internal and external modifications (dwelling)		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	26.02.24
Development Application No.	DA2017/1107-2	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Tom Maric	Value	N/A
Premises	1/52-54 Milling Street, Hunters Hill	Landscaped Area	50.38%

Classification (BCA)	1a	Date lodged	30.01.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	20.03.24
Proposal	Alterations and additions to rear of property - s4.55 Modification - Reconfigure stairs		
Determination	Approval		

Development Application No.	DA2021/1101/4	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	18/03/2024
Assessing Officer	Rean Lourens	Determination Date	26/03/2024
Proposal	s4.56 modification – Administrative amendments to conditions of consent		
Determination	Approval		

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.12
SUBJECT	: REPORT OF LEGAL MATTERS - MARCH 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:694394

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. Marsdens [↓](#)
2. Hall & Wilcox [↓](#)
3. HWL Ebsworth [↓](#)

Hunters Hill Council
Confidential Status Report
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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
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.	\$3,643.00
452822	HCC ats Devlin – LEC 2024/00083387 – 8B North Parade, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application – Development application DA 2023/0036 seeking consent for demolition of existing structures and construction of a two storey residential dwelling on the land at 8B North Parade, Hunters H	11/03/24	The proceedings are listed on 25-26 September 2024 for a conciliation conference and hearing under s 34AA of the Land and Environment Court Act 1979.	\$4,008.00 \$2,970.00 (Expert fees)

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 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> <p>This matter is listed for a s34AA conciliation conference and hearing on 15 and 16 August 2024.</p> <p>Joint Expert Reports in respect of Planning, Heritage and Landscaping are due to be filed and served by the parties on 18 July 2024.</p> <p>Council's Draft Conditions of Consent are due 1 August 2024.</p>	\$6,567.55

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
1169502	HHC v Cavcorp & Cavasinni - Potential Enforcement Proceedings for unlawful works relating to 2022 LEC Approval 27 Nelson Parade Hunters Hill	Philip Brown	Enforcement Proceedings for unlawful works relating to 2022 LEC Approval	06/03/2023	Proceedings commenced on 21 December 2023. Undertaking given to Court by Respondents to carry out the works. Matter next before the Court on 3 May 2024	\$19,407.00	\$2,940.51
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,</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	\$52,165.00	\$33,542.31

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			<i>pool and associated 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 S34 adjourned until 6 May 2024.	\$10,504.00	\$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. Without prejudice discussions continuing.	\$3,582.00	\$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 SOFAC filed. Joint expert reports due on 17 May 2024. S34AA conference listed on 19 and 20 June 2024. Amended plans provided. Parties to have a without prejudice discussion in May.	\$11,390.50	\$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. Section 26 mediation occurred on 19 February 2024. Listed for conciliation before duty commissioner on 3 May 2024	\$14,233.50	\$4,428.24

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			at 4 Paul Street, Hunters Hill.				
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 WP meeting on 22 April 2024 Matter listed for s 34AA conciliation/ hearing on 27 and 28 August 2024	\$4,466.50	\$0.00
1225621	HHC ats Micheal Fountain Architects Pty Ltd - Class 1 Application LEC2024/130582 - 2C Margaret Street, Woolwich NSW	Philip Brown		15/04/2024	First Directions on 8 May 2024 SOFAC (as per the Practice Note) due on 3 May 2024 however we will likely need to seek an extension consultant planner briefed along with approximately 10 other experts	\$0.00	\$0.00

ITEM NO	: 4.13
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:695170

PURPOSE

The purpose of this report is to provide an update about the most recent Councillor Briefing held 22 April 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, 22 April 2024:

Topic	Speaker	Notes
PRESENTATION: Henley Precinct Plan	Annie Goodman (Director of Community and Customer Services)	Lee Hillam (from DunnHillam) gave an overview to the elected members about the Henley Precinct Plan post extensive public consultation.
	Lee Hillam Principal Architect Adjunct Professor (Architecture) UTS DunnHillam Architecture + Urban Design	The draft plan will be tabled at the Council meeting on 29 April for consideration/decision to go on public exhibition.
2024/2025 budget preparation	Maria Kenny (Director of Finance)	Director provided a general update about the latest status of the 2024-2025 budget preparation. Budget for the next financial year will be tabled for consideration/decision at an extraordinary meeting of Council on 20 May.
LEP update	Steve Kourepis (Director of Planning)	Director briefed the elected members about LEP review, which is the subject of a formal business paper for consideration/decision at the Council meeting on 29 April.
Stormwater Management	Sam Urquhart (Director of Infrastructure & Environmental Sustainability)	Director briefed the elected members about an updated comprehensive stormwater management policy, which is the subject of a formal business paper for consideration/decision at the Council meeting on 29 April.
Latent Condition (Paynter Dixon contract)	Sam Urquhart (Director of Infrastructure & Environmental Sustainability)	Overview provided of latent condition pertaining to construction of the new Boronia Park Sports and Community Facility. Formal business paper/s will be tabled at Council on 29 April for consideration/decision.

Business Papers (information purposes), 29 April Council Meeting	General Manager and Council Directors	Key papers were addressed earlier in the briefing agenda, see above.
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	: 4.14
SUBJECT	: MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 20 MARCH 2024
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: KATHLEEN HIGGINS

Ref:694220

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Conservation Advisory Panel held 20 March 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 20 March, 2024**COMMENCEMENT**

The meeting opened at 4pm.

PANEL MEMBERS IN ATTENDANCE

Cr Ross Williams	Chairperson, Councillor
Cr Jim Sanderson	Councillor
Ms Bronwyn Doutreband	Community Representative
Ms Helen Temple Berry	Community Representative
Ms Lucy Miller Creagh	Representative of Hunters Hill Trust
Mr Robert Moore	Representative of NSW Institute of Architects
Mr Michael Lehany	Landscape heritage expert

ALSO PRESENT

Steve Kourepis	Director Town Planning, Hunter's Hill Council
Kate Higgins	Heritage Advisor, Hunter's Hill Council

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

Ms Helen Temple Berry declared an interest in 25 Madeline Street, Hunters Hill.

CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of Conservation Advisory Panel of previous Meeting held on 21/02/2024 be adopted.

REPORTS**3.1 3PM SITE VISIT TO 2 ALFRED STREET, WOOLWICH****PROCEEDINGS IN BRIEF**

Attendees The property owners
 Cr Ross Williams
 Cr Jim Sanderson
 Mr Robert Moore
 Mr Michael Lehany
 Ms Kate Higgins

3.2 4PM DISCUSSION REGARDING 2 ALFRED STREET, WOOLWICH

PROCEEDINGS IN BRIEF

- Comments
- The existing house should be retained as it is relatively intact and no evidence has been provided to justify its demolition.
 - The scale of the proposed new house would result in it being visually intrusive.
 - The proposed new house is located too close to the adjacent park (Kelly's Bush) and would be visually intrusive within the setting of the park.
 - The existing sandstone rock shelf should be retained.
 - 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 property owner.

3.3 4.30PM 16 MARTIN STREET, HUNTERS HILL

PROCEEDINGS IN BRIEF

Attendees Lloyd Williams (owner)
Russell Harding (architect)

Comments The proposal is supported by the Panel.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration and for advice to the property owner.

Ms Helen Temple Berry left the meeting

3.4 5PM 25 MADELINE STREET, HUNTERS HILL – DA2024-0004

PROCEEDINGS IN BRIEF

Attendees George Vavdinos and Erika Tringas, property owners
John Rose, Project Director TKD Architects
Albert Cordero, Project Architect

- Comments The proposal is generally supported by the Panel however there are a number of concerns.
- The vertical brick tiled wall cladding of the first floor should have narrow joints and the mortar should match the colour of the bricks.

- The proposed long skylight in the roof of the existing cottage should not be continuous but relate to the rooms below.
- The driveway should not be a large expanse but be wheel strips or broken by landscaping.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration in the assessment of the development application.

Ms Helen Temple Berry returned to the meeting

L.1 59 ALEXANDRA STREET, HUNTERS HILL – DA2023-0127-REVIEW

PROCEEDINGS IN BRIEF

Attendees Jenny and Barry Buffier (owners)
 Brad Vale, Umwelt (heritage adviser)

Comments The proposal is supported by the Panel subject to the external cladding of the lift tower being painted timber weatherboards or timber shingles, noting that such shingles have been used in the verandah balustrade. A small window eg., 600 high by 400mm wide, to let light into the lift car and some view out, could be acceptable subject to design.

RECOMMENDATION

That the Panel advise its comments to the Director Town Planning for consideration in the assessment of the development application review.

The meeting closed at 7pm.

The next meeting will be held on 17 April 2024.

Note: The last Panel meeting will be in July 2024 as Council will go into caretaker mode prior to Council elections on 24 September 2024.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.15
SUBJECT	: MINUTES OF THE HUNTERS HILL LOCAL AREA TRAFFIC COMMITTEE HELD ON 21 MARCH 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	: MOHAMAD BADARANI

Ref:695072

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Local Area Traffic Committee held on 21 March 2024.

RECOMMENDATION

That the Minutes be received and noted.

MINUTES OF THE HUNTERS HILL LOCAL AREA TRAFFIC COMMITTEE HELD ON 21 MARCH 2024**COMMENCEMENT**

The meeting opened at 10:30am.

IN ATTENDANCE

Cr Richard Quinn	Chairperson, Committee Member
Sgt Leonie Abberfield	Sgt, Committee Member
Ben Cantor	Committee Member
Samantha Urquhart	Council Officer
Mohamad Badarani	Council Officer
Mary Zhang	Council Officer

ALSO PRESENT

Louise Bertoni	Council Officer
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APOLOGIES

Leanne Stathakis	Council Officer
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Vicky Walker*

Transport for NSW, Committee Member

*Ms Walker provided her votes via email.

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

- 001/24** RESOLVED on the MOTION of Chairperson Quinn, seconded Sgt Abberfield
That the Minutes of Hunters Hill Local Area Traffic Committee of previous Meeting held on 21/12/2023 be adopted.

REPORTS

3.1 PROPOSED PARKING CHANGES, COLLINGWOOD STREET

PROCEEDINGS IN BRIEF

- 002/24** RESOLVED on the MOTION of Chairperson Quinn, seconded Sgt Abberfield
1. That the existing '1P Permit holders excepted Area W1' be changed to '¼ P Permit holders excepted Area W1' as shown below.



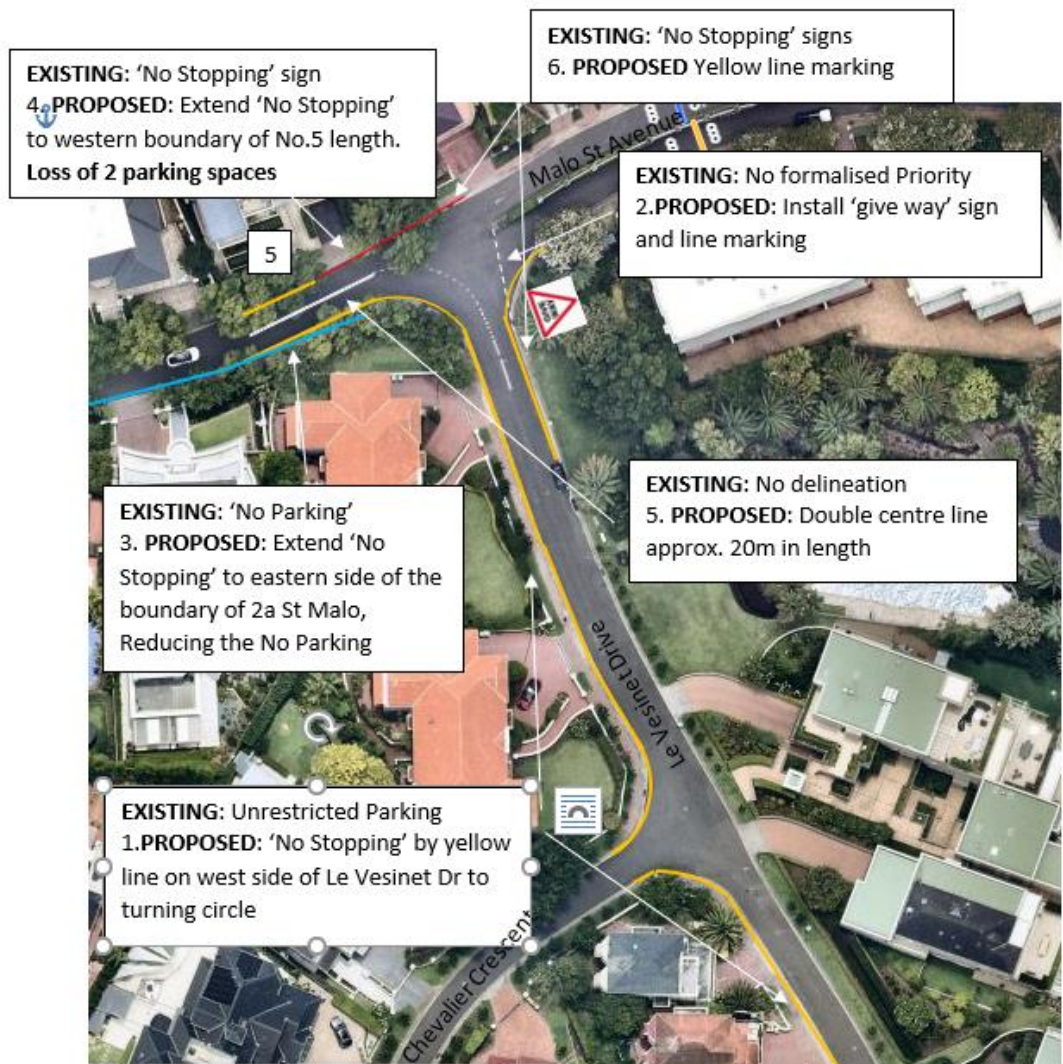
3.2 PROPOSED PARKING CHANGES, LE VESINET DRIVE AND ST MALO AVENUE

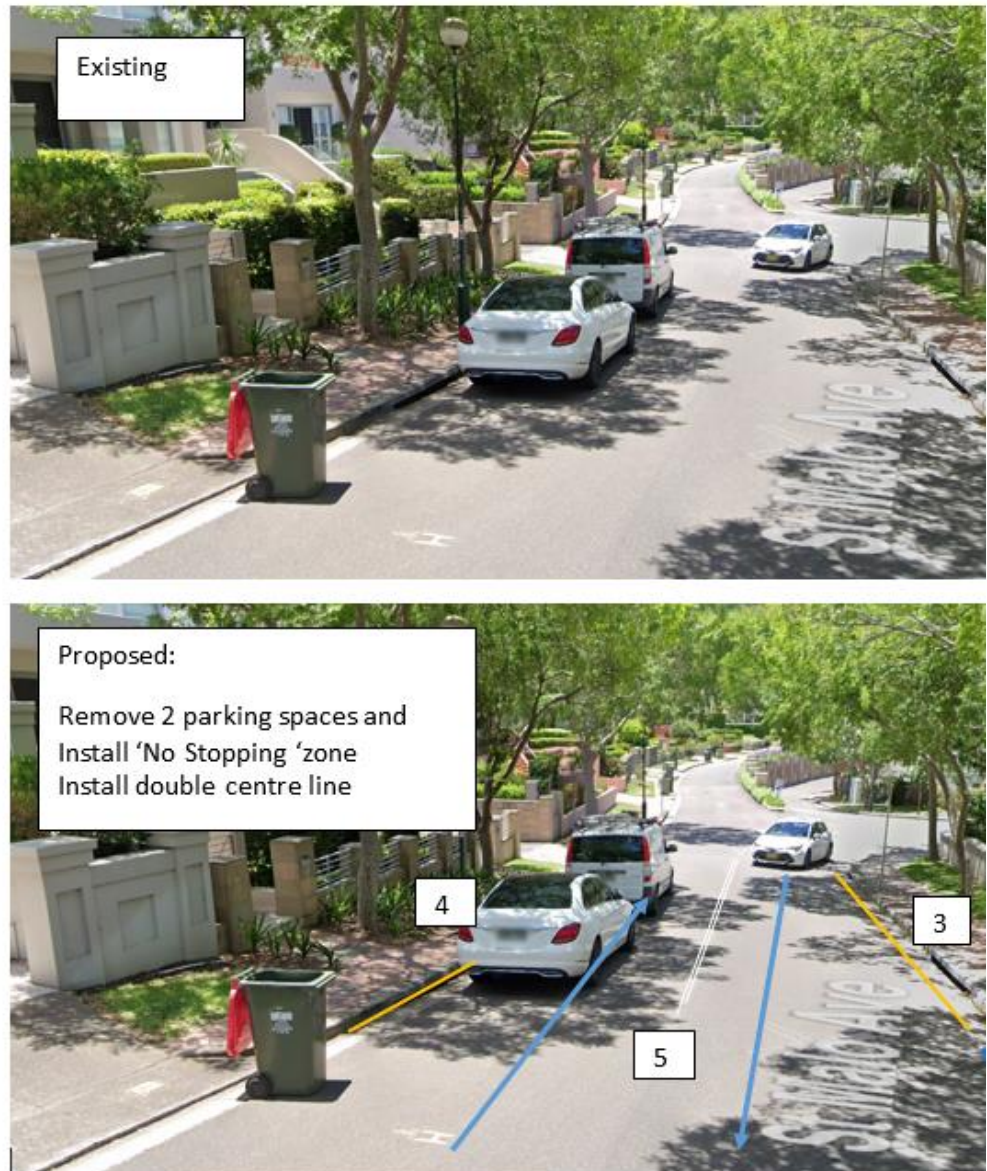
PROCEEDINGS IN BRIEF

003/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

1. That 'No Stopping' by yellow line be installed on the west side of Le Vesinet Drive between St Malo Avenue to the turning circle.
2. That 'Give Way' sign and line marking be installed on St Malo Avenue east of Le Vesinet Drive.
3. That the 'No Stopping' on the south west corner of St Malo Avenue be extended to the eastern side boundary of 2A St Malo Avenue.
4. That the existing 'No Stopping' on the northern side of St Malo Ave be extended to adjacent to No. 5 St Malo Avenue by yellow line marking.
5. That the existing 'No Stopping' zone on the south east corner of the intersection be marked by Yellow line.
6. That double centre lines be installed on St Malo Avenue, west of Le Vesinet Drive for approximately 20m adjacent to No.5.

Please see below for plan view and street view of proposed changes.





3.3 PROPOSED PEDESTRIAN CROSSING, WOOLWICH ROAD NEAR FRANKI AVENUE

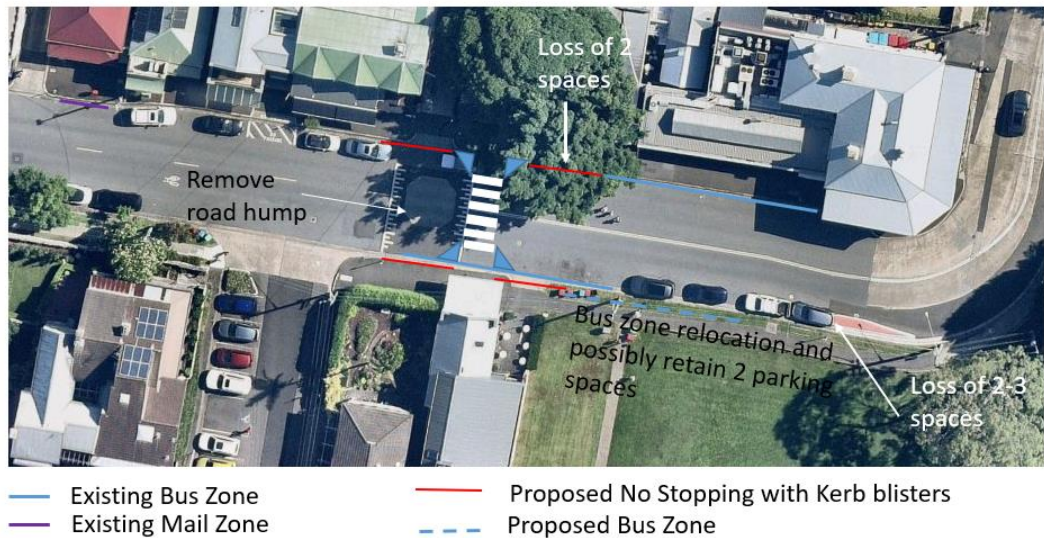
PROCEEDINGS IN BRIEF

Detailed design for a pedestrian crossing in Woolwich be expedited and design options considered for review at the Local traffic committee together with community consultation

004/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

1. That a detailed design for a pedestrian crossing on Woolwich Road with flood lighting be expedited.

2. That the design takes into consideration bike users, buses and kerb blisters to reduce the loss of parking and improve safety for pedestrians.
3. That community consultation be carried out with local business owners and residents once a concept design is completed, prior to detailed design.
4. That the existing road hump be removed during construction of the pedestrian crossing should a pedestrian crossing be resolved by Council.

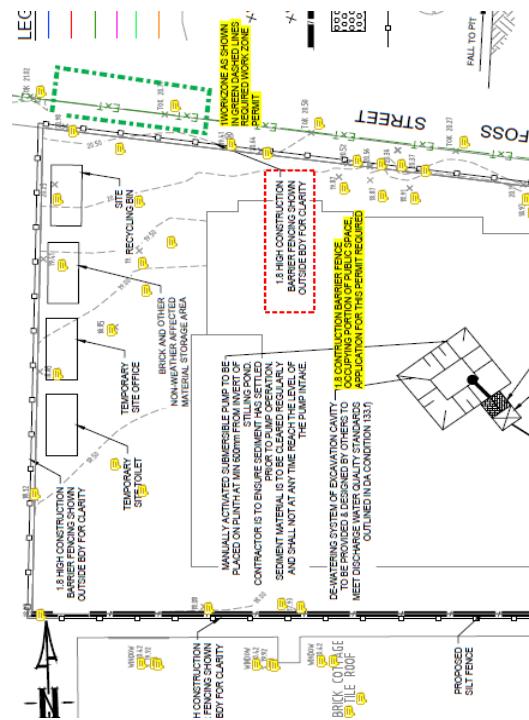


3.4 PROPOSED WORK ZONE, 14 ELLESMERE AVENUE, HUNTERS HILL

PROCEEDINGS IN BRIEF

005/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

That a 15m work zone from 7am to 6pm Monday - Friday and 8am to 1pm Saturday be installed on Foss Street adjacent to 14 Ellesmere Avenue for 26 weeks with a start date of 5 April 2024.



The meeting closed at 11:05am

I confirm that these Minutes are a true and accurate record of Hunters Hill Local Area Traffic Committee Meeting held on 21 March 2024.

.....
CHAIRPERSON

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.16
SUBJECT	: MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE HELD ON 3 APRIL 2024
STRATEGIC OUTCOME	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
ACTION	: IMPLEMENT THE ACTIONS FROM THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)
REPORTING OFFICER	: MARIA KENNY

Ref:694780

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Audit Risk and Improvement Committee meeting held on 3 April 2024.

The objective of the Audit, Risk and Improvement Committee (ARIC) is to provide independent assurance and advice to Council on risk management, internal control, governance and external accountability.

At this meeting, ARIC received and reviewed the report Internal Audit Review on Records Management.

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation (2023)

The Amendment Regulation prescribes requirements for ARICs and the internal audit and risk management functions, of which Councils are required to comply with from 1 July 2024.

One of the requirements is that Internal Audit Charters need be updated to align with the Model Charter published in the prescribed Guidelines. The updated Charter needs to be formally resolved by the elected governing body.

Model Charter for the Internal Audit Function

ARIC reviewed and endorsed an updated Charter based on the model charter (refer to **attachment 1**). The attached Charter documents the framework for the conduct of the Internal Audit Function.

Council is a member council of a Shared Service Agreement for Internal Audit with five other Councils (being, Ku-ring-gai Council, Lane Cove Council, North Sydney Council, Mosman Council and Strathfield Council) and the Northern Sydney Regional Organisation of Councils (NSROC).

The Head of Internal Audit of the Shared Agreement reports:

- functionally to ARIC on the results of completed audits, and for strategic direction and accountability purposes; and
- administratively to the General Manager (or their delegate).

This reporting line has been formalised through the Guidelines with the objective for the Internal Audit function to be independent of Council, so it can provide an unbiased assessment of its operations and risk and control activities.

RECOMMENDATION

1. That the Minutes be received and noted.
2. That Council adopt the attached Internal Audit Charter that has been reviewed and endorsed by the Audit, Risk & Improvement Committee.

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 Audit, Risk & Improvement Committee held 3 April, 2024.**COMMENCEMENT**

The meeting opened at 2:05pm.

IN ATTENDANCE

Mozammel Ali	Chair (Independent)
Mark Dickinson	Independent Member
Jose Herrera-Perea	Independent Member
Alex Hardy	External Auditor (EA), Director Prosperity Audit Services
Mohua Mukherjee	Head of Internal Audit (Interim) NSROC (IA)
Sue Pritchard	Director – Financial Audit, NSW Audit Office (via zoom)
Judith Malpas	Partner, OCM (for Agenda Item 3.2)

ALSO PRESENT

Mr Mitchell Murphy	General Manager
Ms Maria Kenny	Director Finance, Procurement & Projects
Mr Ian Harris	Manager Risk & Compliance
Ms Jade Reed	Manager Digital & Customer Information (for Agenda Item 3.2 and 3.7)

APOLOGIES

A late apology was received by Independent Member, Mark Dickinson, who forwarded written feedback on various agenda items through to the Chair. This feedback was also discussed throughout the meeting.

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

That the Minutes of Audit Risk and Improvement Committee of previous Meeting held on 8/12/2023 be adopted.

REPORTS**3.1 EXTERNAL AUDIT MATTERS**

PROCEEDINGS IN BRIEF

Alex Hardy, Director Prosperity Audit (EA) and Sue Pritchard, Director Financial Audit NSW Audit Office were welcomed by the Committee.

The Committee were advised that the outsourced external audit services contract with Prosperity was extended, and as per best practice procedures, the audit team has been rotated to enable a fresh review of Council's financial statements.

EA provided an overview of key focus areas and the timetable for the completion of the FY2023/24 external audit. In particular, noting:

- the importance of the completion of asset revaluations for the timeliness of financial statements and completion of the external audit;
- that grant income, as a proportion of the capital program, has materially increased from prior years; and
- the importance of cybersecurity and the review of IT controls as they apply to information represented in the Financial Statements. EA observed that with regards to smaller councils, the ability to implement key separation of duties with a smaller staff cohort can sometimes be limited. EA noted this can be resolved with effective exception reporting.

The Committee further discussed the Audit Plan, and queried the following:

- DFPP advised the committee that over the last two to three years Departmental Milestone Reporting of Grant Income has become more stringent. This has had knock-on effects on the cash flow of funds, whereby Council is required to make contractual construction payments prior to the receipt of grant income. Funds are typically only released by NSW Government departments once contractual payments are made, and milestone reports have been submitted.
- DFPP reiterated that a key focus of last's year External Audit of IT Controls focussed on the introduction of the new Financial System. This year's audit would review the ongoing internal control framework which is in place.

EA also provided general advice to a query which has arisen from a previous meeting regarding buildings that are not owned by Council (but held in trust), and how they are treated for asset recognition purposes:

- The application of the applicable accounting standard, and the need to recognise the asset in Council's balance sheet, requires the following criteria to be met: one, it is based on a past event; two, the asset would derive an economic benefit to Council and three, Council controls the economic benefit.

DFPP advised in the case of Fairland Hall, whilst the property title is held in trust, as all of the above criteria is met the asset is, and will continue to be recognised in Council's balance sheet.

The GM also spoke of the large number of crown land sites within the LGA, where the title is with NSW Government, however, Council has 'care and control' of the asset. In particular, it was noted that Council was currently finalising the construction of a significant new building asset at Boronia Park on a crown land location.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

That the report be received and noted.

3.2 INTERNAL AUDIT REPORTS - INTERNAL AUDIT REVIEW OF RECORDS MANAGEMENT

PROCEEDINGS IN BRIEF

OCM Partner, Judy Malpas, provided an overview of the Review findings. Overall, the internal control framework was rated as Needs Improvement.

The scope of the Review included: The Records Management Policy Framework; physical controls over corporate records; and the storage and disposal of records (in accordance with the General Retention and Disposal Authority: Local Government Records (GA39)).

The following positive practices were observed during the audit:

- Council has in place a high level, inter-disciplinary governance group to oversee Information Management and aspects of Records Management in a coordinated way.
- Records Management and Information Management related policy and program documents have been developed.
- A self-assessment was completed in 2022 and 2023, using State Records NSW's "Records Management assessment Tool (RMAT)" to self-assess alignment with the State Records Act and the standards issued under the Act.

The Review identified: three (3) high risk issues, two (2) medium risk issue and one (1) low risk issue:

- High rated issues in relation to physical storage of records at sites not complying with the *Standard on the physical storage of State records (Standard No. 13)*; "crown jewels" information register to be further disaggregated in the organisation with more detailed levels of information classification, and further information classification protocols being established for sensitivity and security classifications.
- Moderate rated issues related to monitoring and review of records management and retention processes for electronic records.

- A low rated finding regarding the draft status of the “Digitisation Standards and Technical Specifications – For the digitisation of Paper/Physical Records” document was also identified.

The Committee discussed and queried the following:

- Further information was queried with OCM regarding the ‘Crown Jewels’ recommendation, and the application of the risk assessment. It was queried whether the *NSW Government Information, Classification, Labelling and Handling Guidelines* were mandatory and, therefore, would it still be deemed a high risk? OCM advised that while this is a Guideline, this requirement is foundation requirement for information management. Whilst Council has an information register, the application of levels 1 to 5 of the crown jewels needed to be more widely disseminated in the organisation.
- It was noted and discussed that two storage record locations were not consistent with requirements of the State Records Act. The General Manager asked for further information regarding what is deemed as adequate storage. The Committee also queried the due date nominated for completion of the digitisation of records given the risk rating of the recommendation. In this regard, IA advised the Committee that in the follow-up of the Implementation of Audit Recommendations, a further detailed project plan would be sought based on a risk assessment of the groups of records being stored i.e. there may be a bulk of records which can be disposed of in accordance with the Act (rather than needing to be retained or digitised).

The Committee also further discussed the risk matrix used within Council’s Internal Audit Reports, as well as, those across the shared member councils. It was agreed that it would be more beneficial to use the customised Hunter’s Hill Council enterprise risk matrix.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the Records Management Internal Audit report be received and noted.
2. That the Hunter’s Hill Council enterprise risk matrix would be utilised for future internal audit reviews.
3. That for further information, the *Standard on the physical storage of State records (Standard No. 13)* will be circulated to all committee members.

3.7 RISK MANAGEMENT UPDATE

PROCEEDINGS IN BRIEF

MD&CI provided the Committee with a presentation on the team’s enterprise risks, including a detailed update on the progress of cyber security initiatives.

EA queried whether the use the NSW Government (free) resources regarding vulnerability reports. MDCI advised Council did utilise this information. IA also spoke of an emerging issue with regard ongoing management of cloud security and the need to conduct annual checks as more third parties become involved with the provision of cloud services.

MR&C provided an update on risk management activities since the last meeting. The Committee queried the completion of the risk register across the organisation. MR&C advised a small number of remaining risk assessments were currently being finalised.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the report be received and noted.

3.3 INTERNAL AUDIT CHARTER

PROCEEDINGS IN BRIEF

The Office of Local Government (OLG) Circular 23-15 dated 4 December 2023 advised that amendments to the Local Government (General) Regulation 2021 have been made under the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023.

The Amendment Regulation prescribes requirements for audit risk and improvement committees, internal audit and risk management and requires Councils to comply with the Guidelines from 1 July 2024. Councils are expected to update their Internal Audit Charters to align with the Model Internal Charter at Appendix 5 of the Guidelines.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the draft Hunter's Hill Council Internal Audit Charter be endorsed for the Council's approval and adoption.

3.4 INTERNAL AUDIT STATUS REPORT

PROCEEDINGS IN BRIEF

IA updated the Committee on the Internal Audit Program. The next scheduled Internal Audit Review is swimming pool compliance.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the status of the 2023/24 internal audit plan for Hunters Hill Council be received and noted.

3.5 INTERNAL AUDIT RECOMMENDATION STATUS REPORT

PROCEEDINGS IN BRIEF

I/IA noted the good performance of Council's implementation of recommendations, also advising the Committee that this Council has the least number of open recommendations to be implemented.

Three open actions relating to the Expense Management audit report were added this period. Eight recommendations were closed, and 21 recommendations relating to five audit reports remain open at the end of this period.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That this report and the status of the previous recommendations raised by internal audit be received and noted.

3.6 STANDING ITEM - GOVERNANCE AND CONTROL FRAMEWORK, LEGISLATIVE COMPLIANCE & BUSINESS IMPROVEMENT.

PROCEEDINGS IN BRIEF

Since the last status report, 2 policies were reviewed and tabled to Council for resolution.

The legislative requirements which are included in the Office of Local Government (OLG) compliance calendar for quarter 3 of FY2024 have been completed.

Circulars issued by the NSW Office of Local Government since the last meeting (which relate to the functions of Hunter's Hill Council) were tabled and reviewed. Council has implemented the legislative compliance requirements as outlined in each of the circulars.

DFPP advised that going forward the complaints and compliments report would no longer be included as an item of this report as it deals with operational matters, which is not consistent with the roles and responsibilities of the model ARIC charter.

Further information was also tabled regarding the new roles and responsibilities relating to service reviews and business improvement which becomes effective 1 July 2024.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the report be received and noted, and that the Model ARIC Charter be circulated to the Committee out of session for endorsement, to be tabled for resolution at a future Council meeting.

The meeting closed at 4.28pm.

The next Audit, Risk & Improvement Committee meeting is scheduled for 12 June, 2024 at 2pm.

I confirm that these Minutes are a true and accurate record of Audit Risk and Improvement Committee Meeting held on 3 April 2024.

Mozammel Ali

.....
CHAIRPERSON

ATTACHMENTS

1. Internal Audit Charter endorsed by ARIC on 3 April 2024 [↓](#)



Hunter's Hill Council

Internal Audit Charter

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Introduction

Council has established the Internal Audit Function (Internal Audit¹) as a key component of the Council's governance and assurance framework, in compliance with the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. This charter provides the framework for the conduct of the Internal Audit Function in the Council and has been approved by Council taking into account the advice of the Council's Audit, Risk and Improvement Committee (ARIC).

Purpose

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes².

Internal audit provides an independent and objective review and advisory service to provide advice to the Council, General Manager and ARIC about the Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists the Council to improve its business performance.

3. Independence

Council's Internal Audit function is to be independent of the Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

Internal Audit reports:

- functionally to the Council's Audit, Risk and Improvement Committee on the results of completed audits, and for strategic direction and accountability purposes, and
- administratively to the General Manager or the General Manager's delegate (Director Finance, Procurement & Projects) to facilitate day-to-day operations.

Internal audit activities are not subject to direction by the Council and the Council's management has no role in the exercise of the Council's internal audit activities.

The Audit, Risk and Improvement Committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution.

The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local

¹ Council has entered into a Shared Service Agreement for Internal Audit with five other Councils (being, Ku-ring-gai Council, Lane Cove Council, North Sydney Council, Mosman Council and Strathfield Council) and the Northern Sydney Regional Organisation of Councils (NSROC).

² As defined by the International Standards for the Professional Practice of Internal Auditing

Government Act. Individual Councillors are not entitled to request or receive information from the committee.

The General Manager has delegated their day-to-day administrative reporting arrangements of Internal Audit to the Director Finance, Procurement & Projects. The Head of Internal Audit retains access to the General Manager as needed.

The General Manager must consult with the chairperson of the Council's Audit, Risk and Improvement Committee before appointing or making decisions affecting the employment of the Head of Internal Audit³.

Where the Council participates in the Internal Audit Shared Services Arrangement (the Shared Services arrangement), the Council must consult with the chairperson of the Council's Audit, Risk and Improvement Committee, the General Managers of the other councils participating in the Shared Services arrangement and the CEO/Head of the organisation providing the Shared Services before making changes to the arrangement, or changes to the employment of the Head of the Internal Audit Shared Services Function (under the Shared Services arrangement, the Head of Shared Services Internal Audit performs the role of the Council's Head of Internal Audit).

Where the chairperson of the Council's Audit, Risk and Improvement Committee has any concerns about the treatment of the Head of Internal Audit, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The Head of Internal Audit is to confirm at least annually to the Audit, Risk and Improvement Committee, the independence of internal audit activities from the Council.

4. Authority

Council authorises the Internal Audit Function to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Head of Internal Audit considers necessary for the Internal Audit Function to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Head of Internal Audit and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the Internal Audit Function are not to be made publicly available. Internal Audit may only release Council information to external parties that are assisting the Internal Audit Function to undertake its responsibilities with the

³ The Head of Internal Audit fulfils the role of "internal audit coordinator" as specified in the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 under the Local Government Act 1993, Schedule 1 – Amendment of Local Government (General) Regulation 2021, Part 9, Division 6 – 216P (the Act, Sch 6, cl 8A) and as further detailed in core requirement 3 and the appendices to the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. Role

The Internal Audit Function is to support the Council's ARIC to review and provide independent advice to the Council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

The Internal Audit Function is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

Internal Audit has no direct authority or responsibility for the activities it reviews. Internal Audit has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

The Head of Internal Audit will meet periodically with the General Managers of the member Councils to aid in the planning and review of the Internal Audit function.

6. Head of Internal Audit (outsourced internal audit)

Council has outsourced its internal audit activities to the Internal Audit Shared Services Internal Audit Function under a joint arrangement by agreement with five other NSW councils and the Northern Sydney Regional Organisation of Councils (NSROC). Under this arrangement, the Head of Shared Services Internal Audit performs the role of the Council's Head of Internal Audit

The Internal Audit Shared Services Function is to be led by a member of NSROC's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Council and the Audit, Risk and Improvement Committee. The Head of Internal Audit must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the Head of Internal Audit include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the ARIC's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the ARIC
- acting as a liaison between the external provider and the ARIC
- monitoring the Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the ARIC, and

- assisting the ARIC to ensure the Council's internal audit activities comply with the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

Details of Shared Arrangements

Council has entered into a Shared Service Agreement for Internal Audit with five other Councils (being, Lane Cove Council, North Sydney Council, Ku-ring-gai Council, Mosman Council and Strathfield Council) and the Northern Sydney Regional Organisation of Councils (NSROC).

Under this arrangement, a qualified, experienced Head of Internal Audit is to lead and manage the provision of Shared Services to each Council participating in this arrangement. The Shared Services Head of Internal Audit performs the role of the Head of Internal Audit of each participating Council, including as the Head of Internal Audit for Hunters Hill Council.

7. Performing Internal Audit Activities

The work of Internal Audit is to be thoroughly planned and executed. The Council's Audit, Risk and Improvement Committee must develop a strategic work plan every four years to ensure that the matters listed in **Schedule 1** of this charter are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the current Australian risk management standard, AS ISO 31000: 2018.

The Head of Internal Audit is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The Head of Internal Audit is to establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.

The General Manager, in consultation with the Audit, Risk and Improvement Committee, is to develop and maintain policies and procedures to guide the operation of Council's Internal Audit. To support Council in achieving this, the Shared Service Internal Audit Function will develop and maintain the Internal Audit Methodology and the relevant policy and procedures for Internal Audit.

The Head of Internal Audit is to ensure that the Audit, Risk and Improvement Committee is advised at each of the Committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress in made implementing corrective actions.

8. Conduct

Internal audit personnel must comply with the Council's code of conduct. Complaints about breaches of Council's code of conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the Council's ARIC before any disciplinary action is taken against the Head of Internal Audit in response to a breach of the Council's code of conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

Internal Audit shall conform to the Code of Ethics of the International Institute of Internal Auditors, and to Council's Code of Conduct.

9. Administrative Arrangements

ARIC meetings

The Head of Internal Audit will attend Audit, Risk and Improvement Committee meetings as an independent non-voting observer. The Head of Internal Audit can be excluded from meetings by the Committee at any time.

The Head of Internal Audit must meet separately with the Audit, Risk and Improvement Committee at least once per year.

The Head of Internal Audit can meet with the chairperson of the Audit, Risk and Improvement Committee at any time, as necessary, between Committee meetings.

External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

Internal Audit should maintain an effective working relationship with the Council and the ARIC and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between Internal Audit and the Council, the dispute is to be resolved by the General Manager and/or the ARIC. Disputes between Internal Audit and the ARIC are to be resolved by the Council.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Review arrangements

The Council's ARIC must review the performance of Internal Audit each year and report its findings to the Council. A strategic review of the performance of Internal Audit must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the Council.

This charter is to be reviewed annually by the committee and once each council term by the Council. Any substantive changes are to be approved by the Council.

10. Further Information

For further information on Council's internal audit activities, contact Maria Kenny on kennym@huntershill.nsw.gov.au or by phone (02) 9878 9400.

11. Review

Reviewed by Head of Internal Audit on 27 March 2024

Reviewed by chairperson of the Council's ARIC on 3 April 2024

Reviewed by General Manager on 3 April 2024

Reviewed by Council in accordance with a resolution of the Council on 29 April 2024
[resolution reference]

Amendments/Reviews

Date	Amendment	Reference
29 April 2024	1 st Edition	

Schedule 1 – Internal Audit Function Responsibilities

The responsibilities of internal audit, as outlined in this schedule, are broadly consistent with those contained in Schedule 1 of the Model Internal Charter at Appendix 5 of the Risk Management and Internal Audit Guidelines.

Internal audit is an independent third line function responsible for providing risk-based assurance and advisory services across the organisation. Internal audit collaborates with internal second line functions such as Risk Management, Governance and Compliance functions, and with the external auditors of the Council.

Internal Audit's responsibilities are presented in this schedule through the lens of its independent third line role⁴ as outlined in the Institute of Internal Auditors (IIA) Three Lines Model (previously known as Three lines of Defence) and are consistent with the IIA's International Professional Practices Framework⁵ referenced in Core Requirement 3 of the Guidelines.

Internal audit is responsible for:

- Conducting internal audits as directed by the Council's Audit, Risk and Improvement Committee.
- Developing and delivering the Council's annual and four-year strategic internal audit work plans.
- Monitoring the implementation by the Council of corrective actions identified through internal audits.
- Assisting the Council, in accordance with its third line role and in collaboration with management, risk and governance functions, to develop and maintain a culture of accountability and integrity.
- In collaboration with second line functions such as risk management and governance, supporting the facilitation of integration of risk management into day-to-day business activities and processes.
- Promoting a culture of high ethical standards.

Internal audit's coverage is provided through approved risk based annual and four-year strategic audit plans, through ad-hoc advice and through other relevant mechanisms/processes that are in alignment with the IIA's Internal Professional Practices Framework.

In developing its audit plans, internal audit considers work carried out by second line functions, external audit coverage, as well as management/service reviews carried out within the Council to optimise the planning and delivery of audit work.

Internal audit's coverage includes, but is not limited to:

- **Risk Management:** Internal audit periodically reviews the adequacy,

⁴ *The IIA's Three Lines Model*

⁵ *International Professional Practices Framework of the Institute of Internal Auditors*

appropriateness, and effectiveness of risk management within the Council. This includes risk culture, how risk management is embedded within the Council, and covers how risk is being managed across key areas, including projects, assets and business continuity planning. However internal audit is not responsible for designing and executing risk management frameworks, systems or processes within the Council.

- **Governance:** Internal audit reviews and provides advice on the Council's governance frameworks, systems, policies and practices through the delivery of internal audits and advisory work.
- **Strategic and operational processes and systems,** including how management undertakes planning, performance measurement and reporting. Internal audit contributes to business improvement by identifying and communicating opportunities for improvement and efficiency.
- **Internal Controls:** Through the delivery of internal audit's annual and strategic plan, internal audit provides assurance and/or advice on the design, operation and governance over internal control frameworks / key controls in the Council. Internal audit follows up and reports on the implementation of audit recommendations.

Internal audit's coverage of internal controls covers major systems and processes, including key financial controls.

- **Compliance:** Internal audit periodically reviews and may provide advice on relevant frameworks and controls relating to compliance obligations. However internal audit is not responsible for designing and executing compliance and accountability mechanisms and frameworks within the Council.
- **Fraud and corruption:** Internal audit periodically reviews the Fraud and Corruption prevention framework and program.

External Audit: Internal audit maintains collaborative working relationships with external audit, shares internal audit reports, coordinates with external audit for internal audit planning, contributes to external audit planning where appropriate and facilitates information exchange.

ITEM NO	: 5.1
SUBJECT	: CORRESPONDENCE FROM LUKE GOSLING, CHAIR OF THE COMMITTEE RE: INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY
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:690890

PURPOSE

To provide Council with an update following correspondence from Mr Luke Gosling OAM MP – Chair of House of Representatives Standing Committee on Regional Development, Infrastructure and Transport regarding a new inquiry into local government sustainability.

RECOMMENDATION

1. That the report be received and noted.

REPORT

Council has received correspondence from Chair of the Committee regarding Inquiry into Local Government Sustainability.

CONCLUSION**FINANCIAL IMPACT ASSESSMENT**

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

1. Correspondence regarding Inquiry into Local Government Sustainability [↗](#)

From: Fletcher, Georgia (REPS) <Georgia.Fletcher.Reps@aph.gov.au>
Sent: Friday, 22 March 2024 12:05 PM
To: Customer Service <info@huntershill.nsw.gov.au>
Subject: House Committee on Regional Development, Infrastructure and Transport – Inquiry into local government sustainability – Invitation to make a submission

22 March 2024

Mr Mitchell Murphy
General Manager
Hunter's Hill Council

Dear Mr Murphy

Inquiry into local government sustainability

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport has commenced a new inquiry into local government sustainability.

As part of the inquiry the Committee will examine financial sustainability and funding frameworks of local governments, alongside changing infrastructure requirements and service delivery obligations. The Committee is seeking to understand the challenges faced by local governments in servicing infrastructure requirements across regional, rural, and remote locations.

Workforce shortages across Australia relating to infrastructure and other service areas more broadly, particularly in regional, rural, and remote areas, will also be a focus of the inquiry. The Committee will also inquire into issues relating to skills development and job security, along with labour hire and retention trends and practices to identify barriers and opportunities to support job security and local government service delivery obligations.

The Committee welcomes your views on any or all of the attached terms of reference, depending on your areas of interest and expertise. Further information about the inquiry is available at: www.aph.gov.au/rdit.

If you have an interest in any of these issues, we encourage you to lodge a submission to the inquiry by close of business **Friday 3 May 2024**. It is preferred that submissions are uploaded electronically, through: www.aph.gov.au/Committee/Submissions.

Further information is available from the inquiry website. Please contact the Committee Secretariat on 02 6277 2232 or rdit.reps@aph.gov.au if you have any questions.

Yours faithfully

Mr Luke Gosling OAM MP
Chair

Terms of Reference

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will inquire into and report on local government matters, with a particular focus on:

- The financial sustainability and funding of local government
- The changing infrastructure and service delivery obligations of local government
- Any structural impediments to security for local government workers and infrastructure and service delivery
- Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices
- The role of the Australian Government in addressing issues raised in relation to the above
- Other relevant issues.

7.1 : CR TATYANA VIRGARA (SUBJECT: CRESCENT STREET, CAPITAL WORKS)
COUNCILLOR : CR TATYANA VIRGARA

Questions With Notice was submitted in writing by Cr Tatyana Virgara to the General Manager on 17 April.

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 Council or orally at the meeting.

The General Manager has nominated the Director of Infrastructure and Environmental Sustainability to respond to the questions.

QUESTIONS FROM CR VIRGARA:

SUBJECT: CRESCENT ST (CAPITAL WORKS)

Question/s or Service Requested:

Background:

Residents of Crescent Street have made representations to me in relation to the urgent need for Crescent Street resurfacing.

I understand that the residents have raised this matter with Council for a number of years without an appropriate completion of the required road works.

The escalating deterioration of Crescent Street is causing the residents real concern and increasing frustration.

Questions:

1. Is Council staff aware of a petition that was sent to Council back in October about this matter?

RESPONSE:

It is my understanding a petition was emailed to Cr Sanderson by Crescent St residents on 25 October 2023 and Council's infrastructure team were made aware of the petition on 25 October last year via Council's Customer Request Management System (CRMS).

2. Can council staff confirm if design work for this important capital works has commenced? If yes, what is the current status?

RESPONSE:

The surveyor has completed the initial site survey. A design consultant has been engaged to undertake detailed design. A draft design will be ready in May 2024.

3. Can Council staff confirm the re-sheeting of Crescent St and associated works will be included in Council's capital works program for financial year 2024/25?

RESPONSE:

The re-sheeting of the road surface, the full length of Crescent Street, from Woolwich Road is in Council's 2024/2025 capital works program. The scope of work, including costs, will be adjusted once the detailed design is completed and tabled to Council for adoption.

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 Boronia Park Sports and Community Facility - Quotation

Item 8.1 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.

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.