



Ordinary Meeting
16 December 2024 at 6.00pm



AGENDA

Notice is hereby given that the Ordinary Meeting of the Hunter's Hill Council will be held in the Council Chambers at 22 Alexandra Street Hunters Hill on

Monday 16 December 2024

Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.

Mitchell Murphy
General Manager

Hunter's Hill Council Values

Our values are at the **HEART** of what we do and who we are. As such, we are represented by the following values:

Honesty

Excellence

Accountability

Respect

Teamwork



HUNTER'S HILL COUNCIL
COUNCIL CHAMBERS SEATING PLAN

MAYOR



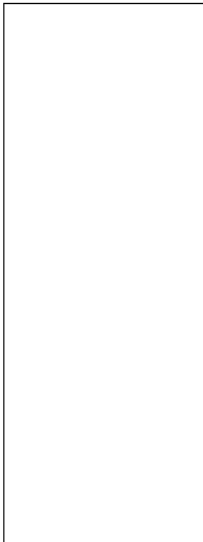
CR KASSAB



CR VIRGARA



CR PRIESTON



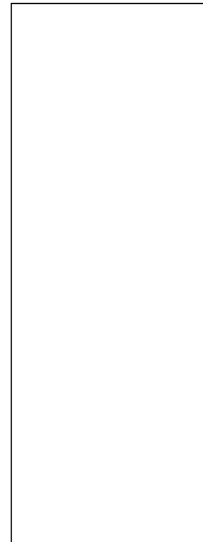
CR LANE



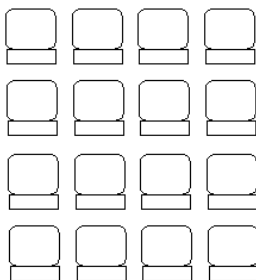
CR TANNOUS-SLEIMAN



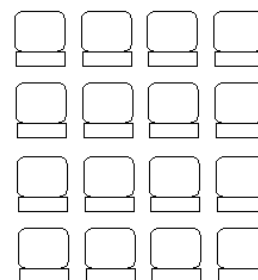
CR WILLIAMS



SPEAKER



GALLERY



ENTRANCE



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
16 December 2024

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5 - CORRESPONDENCE

Nil

6 - GENERAL BUSINESS

Nil

7 - QUESTIONS WITH NOTICE

7.1 Cr Ross Williams (Subject: LEP DCP Review: Floor Space Ratio and Landscape Area Provisions)

661

COMMENCEMENT

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

IN ATTENDANCE

The Mayor Zac Miles, Deputy Mayor Julia Prieston, Councillors Carla Kassab, Marc Lane, Carol Tannous Sleiman, Tatyana Virgara and Ross Williams.

ALSO PRESENT

General Manager Mitchell Murphy, Director Community and Customer Services Annie Goodman, Director Infrastructure and Environmental Sustainability Samantha Urquhart, Director People and Culture Rosanna Guerra, Director Town Planning Steve Kourepis, Manager Communications and Events Shery Demian, Recording Jade Reed and Minute taker Sarah Valentine.

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Mayor called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

- 097/24** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Kassab That the Minutes of Ordinary Meeting No. 4538, 28 October 2024 be confirmed with an amendment to the record of voting for Items 3.3 and 4.2 to reflect that abstaining from voting constitutes a no vote (as per Clause 11.5 of the Code of Meeting Practice).

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously.

MAYORAL MINUTES & REPORTS

2.1 MAYORAL MINUTE: VALE GREGORY TURNER

PROCEEDINGS IN BRIEF

098/24 RESOLVED on the MOTION of Mayor Miles

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

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously.

TABLING OF PETITIONS

PROCEEDINGS IN BRIEF

Nil

ADDRESSES FROM THE PUBLIC

PROCEEDINGS IN BRIEF

Refer to items 4.1 and 4.5

COUNCIL REPORTS

4.1 REMNANT LAND

PROCEEDINGS IN BRIEF

The following speakers addressed the Council:

- Ms Lucy Creagh

A MOTION to extend the time limit for speaking moved by Cr Williams, seconded by Deputy Mayor Prieston and carried by majority

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Tatyana Virgara
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Ross Williams	

- Dr Alister Sharp

A MOTION to extend the time limit for speaking moved by Cr Williams, seconded by Cr Lane and carried by majority

RECORD OF VOTING	
For	Against
Councillor Carla Kassab	Mayor Zac Miles
Councillor Marc Lane	Deputy Mayor Julia Prieston
Councillor Carol Tannous Sleiman	Councillor Tatyana Virgara
Councillor Ross Williams	

- Ms Karyn Raisin on behalf of the Hunters Hill Trust.

A MOTION to extend the time limit for speaking moved by Cr Williams, seconded by Cr Tannous-Sleiman and carried by majority

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Tatyana Virgara
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Ross Williams	

- Mr David Griffith.

A MOTION to extend the time limit for speaking moved by Cr Williams, seconded by Cr Tannous-Sleiman and carried by majority

RECORD OF VOTING	
For	Against
Councillor Carla Kassab	Mayor Zac Miles
Councillor Marc Lane	Deputy Mayor Julia Prieston
Councillor Carol Tannous Sleiman	Councillor Tatyana Virgara
Councillor Ross Williams	

- Mr Jim Sanderson

A MOTION to extend the time limit for speaking moved by Cr Williams, seconded by Cr Tannous-Sleiman and carried by majority

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Deputy Mayor Julia Prieston
Councillor Carla Kassab	Councillor Tatyana Virgara
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Ross Williams	

- Mr Simon Frame

A letter from the Office of Local Government was tabled into the proceedings.

MOVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.
2. That Council resolves that the following lands are surplus to the current or future needs of the Council and the local community and has potential for disposal in accordance with clauses 4.1 and 4.2 of the Disposal of Council Land Policy:
 - i. 16C Vernon Street, Hunters Hill - Lot 31 DP 1040602
 - ii. Church Street Cnr Reiby Road, Hunters Hill – adjoining 12 Church Street, Hunters Hill
 - iii. Land between 22 and -24 Gale Street, Woolwich - waterfront
 - iv. Land adjoining 14 and 16 Wybalena Road, Hunters Hill
3. That a further report be brought back to Council for Council to determine whether to dispose of the land and the method of disposal that is to be used in accordance with clauses 4.3 and 4.4 of the Disposal of Council Land Policy.

Cr Virgara moved an amendment to the motion to delete dot point (ii). This amendment was accepted by Crs Tannous-Sleiman and Kassab and the motion became:

1. That the report be received and noted.
2. That Council resolves that the following lands are surplus to the current or future needs of the Council and the local community and has potential for disposal in accordance with clauses 4.1 and 4.2 of the Disposal of Council Land Policy:

- i. 16C Vernon Street, Hunters Hill - Lot 31 DP 1040602
 - ii. Land between 22 and -24 Gale Street, Woolwich - waterfront
 - iii. Land adjoining 14 and 16 Wybalena Road, Hunters Hill
3. That a further report be brought back to Council for Council to determine whether to dispose of the land and the method of disposal that is to be used in accordance with clauses 4.3 and 4.4 of the Disposal of Council Land Policy.

099/24 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

- 1. That the report be received and noted.
- 2. That Council resolves that the following lands are surplus to the current or future needs of the Council and the local community and has potential for disposal in accordance with clauses 4.1 and 4.2 of the Disposal of Council Land Policy:
 - i. 16C Vernon Street, Hunters Hill - Lot 31 DP 1040602
 - ii. Land between 22 and -24 Gale Street, Woolwich - waterfront
 - iii. Land adjoining 14 and 16 Wybalena Road, Hunters Hill
- 3. That a further report be brought back to Council for Council to determine whether to dispose of the land and the method of disposal that is to be used in accordance with clauses 4.3 and 4.4 of the Disposal of Council Land Policy.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Marc Lane
Deputy Mayor Julia Prieston	Councillor Ross Williams
Councillor Carla Kassab	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	

The MOTION was CARRIED

4.2 HUNTER'S HILL COUNCIL ANNUAL REPORT 2023-24

PROCEEDINGS IN BRIEF

100/24 RESOLVED on the MOTION of Councillor Virgara, seconded Councillor Tannous Sleiman

- 1. That the report be received and noted.
- 2. That Council endorse the Hunter’s Hill Council Annual Report 2023-24.
- 3. That a copy of the Annual Report be posted on Council’s website and provided to the Minister for Local Government and any other persons or bodies as required by legislation.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.3 COMMUNITY GRANTS

PROCEEDINGS IN BRIEF

101/24 RESOLVED on the MOTION of Deputy Mayor Prieston, seconded Councillor Tannous Sleiman

1. That the report be received and noted.
2. That Council awards funding under the 2024 Community Grants Program to the recommended grant applications, as summarised in Table 1.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

MOVE ITEM

102/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Virgara That at 07:30 pm Item 4.5 be brought forward to be discussed prior to Item 4.4.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	

Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.5 BORONIA PARK FIELD AND FACILITIES RATIONALISATION

PROCEEDINGS IN BRIEF

The following speakers addressed the Council:

- Dr Alister Sharp
- Mr Jim Sanderson
- Ms Bec Watson

Deputy Mayor Prieston left the meeting at 07:37 pm.

Deputy Mayor Prieston returned to the meeting at 07:39 pm.

RECCOMENDATION

1. That the report be received and noted.
2. That the financial terms of the draft licence between Council and Hunters Hill Rugby Union Club be amended to reflect the changes outlined within the body of this report.
3. That Council delegate authority to the General Manager to finalise negotiations, and to execute the licence agreement between Council and the Hunters Hill Rugby Union Club, aligning with the amendments outlined in the body of this report.
4. That Council place the amended Fees and Charges, as outlined in the body of this report, on public exhibition for a period of 28 days.
5. That a further report be brought back to Council, outlining any submissions received.

103/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Lane

That Council go in to Closed Session to consider Item 4.5 and the 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. .

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Deputy Mayor Julia Prieston
Councillor Carla Kassab	

Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED

Councillor Tannous Sleiman left the meeting at 07:44 pm.

Councillor Tannous Sleiman returned to the meeting at 07:45 pm.

At 8.04pm the meeting resumed in Open Council and the gallery was invited back into the Chamber.

Councillor Kassab left the meeting at 08:06 pm.

Councillor Kassab returned to the meeting at 08:07 pm.

Councillor Lane moved an amendment to the motion to modify dot point 3. This amendment was accepted by Councillors Tannous-Sleiman and Virgara and the motion became:

1. That the report be received and noted.
2. That the financial terms of the draft licence between Council and Hunters Hill Rugby Union Club be amended to reflect the changes outlined within the body of this report.
3. That Council delegate authority to the General Manager to finalise negotiations, and to execute the licence agreement between Council and the Hunters Hill Rugby Union Club, aligning with the amendments outlined in the body of this report. The fee is also in consideration of the financial contribution of the Club to the building in the amount of \$964,000.
4. That Council place the amended Fees and Charges, as outlined in the body of this report, on public exhibition for a period of 28 days.
5. That a further report be brought back to Council, outlining any submissions received.

104/24 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Virgara

1. That the report be received and noted.
2. That the financial terms of the draft licence between Council and Hunters Hill Rugby Union Club be amended to reflect the changes outlined within the body of this report.
3. That Council delegate authority to the General Manager to finalise negotiations, and to execute the licence agreement between Council and

the Hunters Hill Rugby Union Club, aligning with the amendments outlined in the body of this report. The fee is also in consideration of the financial contribution of the Club to the building in the amount of \$964,000.

4. That Council place the amended Fees and Charges, as outlined in the body of this report, on public exhibition for a period of 28 days.
5. That a further report be brought back to Council, outlining any submissions received.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	

The MOTION was CARRIED

4.4 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN

PROCEEDINGS IN BRIEF

RECOMMENDATION

1. That the report be received and noted.
2. That the draft Community Engagement Strategy and Community Participation Plan be placed on public exhibition for a period of 28 days.
3. That a further report, including any submissions received, be brought back to Council’s February meeting (2025) for adoption.

MOVED on the MOTION of Councillor Lane, seconded Councillor Williams

An AMENDMENT was moved by Councillor Lane seconded by Councillor Williams:

1. That the report be received and noted.
2. That the draft Community Engagement and Community Participation Plan be amended to:
 - a) Require draft local policies to also be advertised in the newspaper, website and eNews
 - b) Add a row to page 16:

Activity	Minimum Exhibition Period	Minimum level of communication	Examples

Subsequent actions pursuant to policies or plans	28 days	Council agenda, business paper online, advertising in newspaper, website, eNews	Disposal or sale of land
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- c) Add to 4.0 page 17 “Council will, as a minimum, provide a contact email and reference for written feedback on policies, and sufficient space online for detailed responses”
- d) Remove the paragraph beginning “persons that will not be notified are “including the two bullets, on page 28”.
- 2. That the draft Community Engagement Strategy and Community Participation Plan be placed on public exhibition for a period of 28 days.
- 3. That a further report, including any submissions received, be brought back to Council’s February meeting (2025) for adoption.

Councillor Lane withdrew the amended motion and will provide feedback during the public exhibition period.

105/24 RESOLVED on the MOTION of Councillor Lane, seconded Councillor Virgara

- 1. That the report be received and noted.
- 2. That the draft Community Engagement Strategy and Community Participation Plan be placed on public exhibition for a period of 28 days.
- 3. That a further report, including any submissions received, be brought back to Council’s February meeting (2025) for adoption.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	Councillor Ross Williams
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	

The MOTION was CARRIED

4.6 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER, 2024

PROCEEDINGS IN BRIEF

106/24 RESOLVED on the MOTION of Deputy Mayor Prieston, seconded Councillor Tannous Sleiman

- 1. That the report be received and noted.
- 2. That variations to the FY2024-25 operational and capital budget, as outlined in this report, be adopted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.7 SUMMARY OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2024

PROCEEDINGS IN BRIEF

107/24 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Tannous Sleiman

1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.8 HUNTERS HILL INTEGRATED TRANSPORT STRATEGY (REVISED COMMUNITY & COUNCILLORS FEEDBACK)

PROCEEDINGS IN BRIEF

RECOMMENDATION

1. That the Hunters Hill Integrated Transport Strategy, as shown at Attachment 1, be adopted.
2. That a further review of the Hunters Hill Integrated Transport Strategy be undertaken every three (3) years, or in line with any legislative updates.

MOVED on the MOTION of Councillor Lane, seconded Councillor Williams

An AMENDMENT was moved by Councillor Lane seconded by Councillor Williams:

1. That the Hunters Hill Integrated Transport Strategy, as shown at Attachment 1 (with minor corrections), be adopted.
2. That a further review of the Hunters Hill Integrated Transport Strategy be undertaken every three (3) years, or in line with any legislative updates.

108/24 RESOLVED on the AMENDED MOTION of Councillor Lane, seconded Councillor Williams

1. That the Hunters Hill Integrated Transport Strategy, as shown at Attachment 1 (with minor corrections), be adopted.
2. That a further review of the Hunters Hill Integrated Transport Strategy be undertaken every three (3) years, or in line with any legislative updates.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.9 NEW YEARS EVE - TRAFFIC MANAGEMENT

PROCEEDINGS IN BRIEF

109/24 RESOLVED on the MOTION of Councillor Williams, seconded Deputy Mayor Prieston

1. That the report be received and noted.
2. That Council approve the Traffic Management Plan for New Year’s Eve, as shown at Attachment 2.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	

Councillor Ross Williams	
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The MOTION was CARRIED unanimously

CARRIED MOTION

110/24 RESOLVED on the MOTION of Councillor Kassab, seconded Deputy Mayor Prieston to move items 4.10, 4.11, 4.12 and 4.13 in block.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.10 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN OCTOBER 2024

PROCEEDINGS IN BRIEF

111/24 RESOLVED on the MOTION of Councillor Kassab, seconded Deputy Mayor Prieston
 1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

4.11 REPORT OF LEGAL MATTERS - OCTOBER 2024

PROCEEDINGS IN BRIEF

- 112/24** RESOLVED on the MOTION of Councillor Kassab, seconded Deputy Mayor Prieston
1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

- 4.12 HUNTERS HILL LANE COVE PARRAMATTA RYDE BUSH FIRE MANAGEMENT COMMITTEE

PROCEEDINGS IN BRIEF

- 113/24** RESOLVED on the MOTION of Councillor Kassab, seconded Deputy Mayor Prieston
1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	
Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

- 4.13 COUNCILLOR BRIEFINGS AND WORKSHOPS

PROCEEDINGS IN BRIEF

- 114/24** RESOLVED on the MOTION of Councillor Kassab, seconded Deputy Mayor Prieston
1. That the report be received and noted.

RECORD OF VOTING	
For	Against
Mayor Zac Miles	
Deputy Mayor Julia Prieston	

Councillor Carla Kassab	
Councillor Marc Lane	
Councillor Carol Tannous Sleiman	
Councillor Tatyana Virgara	
Councillor Ross Williams	

The MOTION was CARRIED unanimously

QUESTIONS WITH OR WITHOUT NOTICE

7.1 CR MARC LANE (SUBJECT: WALKING OR CYCLING INFRASTRUCTURE PROGRAM APPLICATION)

PROCEEDINGS IN BRIEF

QUESTIONS FROM CR LANE

SUBJECT: WALKING OR CYCLING INFRASTRUCTURE PROGRAM APPLICATION

Question/s or service/s requested:

Have we or are we applying for funding for any walking or cycling infrastructure under:

1. The Get NSW Active Program (closes 26 November)
2. The Federal Active Transport Fund (closes 13 January)

RESPONSE:

1. Yes
2. We are assessing our eligibility and will consider if appropriate

GENERAL BUSINESS

Cr Williams highlighted potential heritage grant opportunities.

CONCLUSION

The meeting concluded at 8.34pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4539 held on 25 November 2024.

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Councillor Zac Miles
MAYOR

Mitchell Murphy
GENERAL MANAGER

ITEM NO	: 2.1
SUBJECT	: 2024 HUNTERS HILL CHRISTMAS CARD COMPETITION
STRATEGIC OUTCOME	: COMMUNITY, CULTURAL EVENTS AND ACTIVITIES ARE COORDINATED AND DELIVERED INCLUSIVELY
ACTION	: COORDINATE AND DELIVER COMMUNITY, CULTURAL EVENTS AND ACTIVITIES
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:738510

PURPOSE

To acknowledge the organisers of the 2024 Christmas Card Competition, Villa Maria Catholic Primary School and competition entrants.

RECOMMENDATION

1. That the report be received and noted.
2. To send a letter of appreciation to Villa Maria Catholic Primary School and certificates to the competition winner and runners up.

BACKGROUND

I have judged the 2024 Hunters Hill Christmas Card Competition, which has been running for three years.

This year, the competition was hosted by Villa Maria Catholic Primary School.

REPORT

On Wednesday 27 November, I was honoured to judge the 2024 Hunters Hill Christmas Card Competition and announced the winner and runners up.

The Christmas Cards entered into the competition were created by students from kindergarten to Year 5.

It was great to see so many talented and creative designs and it was exceptionally difficult to choose only one winner.

The winners of the 2024 Christmas Card Competition were:

- Rosalie C in Year 1
- Harrison T in Year 2

Competition runners up were:

- Adriana in Year 5
- Conor O in Kindergarten
- Giselle C in Year 3

CONCLUSION

We congratulate all of the winners of the 2024 Hunters Hill Christmas Card Competition.

As the first-place winner, Rosalie's and Harrison's Christmas Card Design will be used as the front cover of Council's Christmas Card. The runners up will be used as the back panel of the card.

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	: UPGRADE TO THE HUNTERS HILL MUSEUM, TOWN HALL AND INCLUSION OF AN ART GALLERY
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:739069

PURPOSE

The Hunters Hill Historical Society (HHHS) is seeking Council's support to develop a project scope for the upgrade of the deteriorating Hunters Hill Museum, modification to the Hunters Hill Town Hall for improved access and inclusion of a community art gallery space.

RECOMMENDATION

1. That the report be received and noted.
2. That the Council supports the Hunters Hill Historical Society's proposal to develop a project scope and prepare design concepts for a combined Town Hall, Museum and Art Gallery.
3. That the General Manager is delegated to utilise existing operating budget to fund the project scope and design concepts.

REPORT

The Hunters Hill Historical Society held a meeting with Council on Friday, November 29 seeking our support to develop a project scope for a proposal to:

1. Upgrade the Hunters Hill Museum.
2. Upgrade/modify the Hunters Hill Town Hall.
3. Investigate the inclusion of a new art gallery space.

The Hunters Hill Museum is in urgent need of a facelift before it falls into a state of disrepair. Some of the existing issues with the museum include mould, poor ventilation and lighting, high humidity, worn out carpet, limited volunteers and no long-term storage space.

This is an opportunity to upgrade this important facility that showcases the rich history and heritage of Hunters Hill, while also addressing outstanding accessibility and operational challenges with the Hunters Hill Town Hall.

It was suggested in the meeting that the museum could be expanded across the length of the Town Hall, where the stage currently sits.

The existing stage requires substantial upgrades which can be resourcefully undertaken during this project. It also sits at a height which poses significant risks to people traversing up and down the stairs.

Some community groups have stopped hiring the Town Hall because its features are now inadequate as a performance space for them.

Creating a new fit-for-purpose stage at the opposite end of the Town Hall and upgrading the audio-visual equipment and kitchen will improve this facility, allowing it to meet the needs of more hirers and making it a valuable community asset.

The project proposal also gives Council the opportunity to explore the option of including a mezzanine level above the museum for an art gallery which would add to the cultural offerings in our community.

The Hunters Hill Historical Society and Council have noteworthy artworks that could be displayed in a fit for purpose art gallery. This space would also give Council more scope to include initiatives such as an Artist in Residence program or to host touring art exhibitions and heritage walks and talks.

There are significant local amenities that would also support the proposed concept including the Congregational Village coffee shop and Garibaldi Village.

The aspiration of a combined museum, art gallery and enhanced Town Hall could also be staffed by Council employees. This would alleviate the need for volunteers from the Historical Society to always be present and enable both the museum and proposed gallery to be open to the public during Council business hours.

The additional programs and services that can be offered by renewing this space makes it a worthwhile project to consider in the future. However, to achieve this vision, the first step is to create a project scope and design concept which is what I'm asking of you today. The cost of this would be in the parameters of \$25,000 which would be funded from Council's existing operating budget for 2024-25 and will be reflected in the next quarterly budget.

The museum upgrade and addition of the art gallery could attract local donors and philanthropists, in addition to being eligible for significant art and cultural spaces grants. This will be explored if the project is given the green light in a future meeting.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 2.3
SUBJECT	: REMAINDER OF COMMUNITY GRANTS ALLOCATION
STRATEGIC OUTCOME	: PROGRAMS AND COMMUNITY GROUPS WHICH PROMOTE ACTIVE LIVING, HEALTH AND WELL-BEING ARE SUPPORTED AND ENCOURAGED
ACTION	: PROVIDE ANNUAL COMMUNITY SERVICE GRANTS TO LOCAL ORGANISATIONS
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:739285

PURPOSE

The purpose of this report is to allocate the remaining \$5500 from the 2024 Community Grants budget.

RECOMMENDATION

1. That the report be received and noted.
2. That Council allocates \$1500 from the remainder of the 2024 Community Grants Program budget to Villa Maria Catholic Primary School to install new flagpoles.
3. That Council allocates \$4000 from the remainder of the 2024 Community Grants Program budget to the Hunters Hill Historical Society for the commissioning of a public art bust of Piquenit outside the Hunters Hill Town Hall.

REPORT

Council endorsed 15 applications under the 2024 Community Grants Program at its meeting on 25 November 2024. The report noted that there was \$5500 remaining in the allocated budget for this year's program.

I'm proposing that the remaining funds are allocated to two community projects that have been brought to Council's attention. Both these projects were referenced in the 25 November Council Report. The projects are:

1. The installation of new flagpoles at Villa Maria Public School.
2. Commissioning of a public art bust of Piquenit as requested by Hunters Hill Historical Society.

In their evaluation, the 2024 Community Grants Assessment Panel noted that an unsuccessful application from Villa Maria Catholic Primary School in 2023 should be considered for retrospective funding from the remaining budget.

Students from Villa Maria Catholic Primary School in Hunters Hill have previously contacted Council to request assistance in funding a project to install flagpoles on their schoolground.

They also applied in the 2023 Community Grants Program. Unfortunately, their application wasn't successful that year because of an influx of applications.

In their original application, the school captains at the time submitted the following:

“Villa Maria teaches us about our own Australian history and the importance of recognising the original custodians of this land. It is important to us that we pay tribute to the traditional custodians of our land during our weekly School Assemblies and significant occasions throughout the year.

On behalf of the Villa Maria School community, we would like to raise the need for new flag poles at our school. We would like to purchase these special flagpoles to display three flags of Australia: the Australian Flag, the Aboriginal Flag and the Torres Strait Islanders Flag.”

Given Council also adopted its first Reflect: Reconciliation Action Plan this year, this project has merit in that it also drives the action of raising community awareness as listed in the document. The school has informed Council that this project is still outstanding, and they would welcome grant funding and Council's support.

The Assessment Panel also noted that the Hunters Hill Historical Society contacted Council seeking seed funding for a worthy public art project.

The funding would be used to commission a public art bust of local artist William Piguénit. It will be placed outside the Hunters Hill Museum next to the bust of artist Nora Heysen.

While they had not submitted an application in the 2024 Community Grants Program, given there is remaining funding to be allocated, this is a fantastic project for Council to support art and culture.

Piguénit was an Australian landscape painter who lived in Hunters Hill when he moved to Sydney in 1880 until he died. Piguénit was particularly interested in painting around the Lane Cove River.

I'm recommending that the Assessment Panel's suggestions are endorsed by Council and the remaining funding from the 2024 Community Grants Program budget is allocated to Villa Maria Catholic Primary School and the Hunters Hill Historical Society.

FINANCIAL IMPACT ASSESSMENT

The grant will be funded from the remaining 2024 Community Grants budget.

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

There were no attachments to this report.

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

Ref:739958

PURPOSE

The purpose of this report is to facilitate Council's consideration and decision in relation to a Planning Proposal to reclassify the C.A. Fairland Hall (located at 14 Church Street Hunters Hill, Lot 92 DP 666674) from Community land to Operational land (the Proposal). The Proposal would be achieved by amending Hunters Hill Local Environmental Plan 2012 (LEP) by listing the land within Part 2 of Schedule 4 of the LEP.

The proposed changes enacted by the Planning Proposal would assist in rectifying existing encroachments on the northern section of the site and discharge all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the site, except:

- (a) any reservations that except land out of the Crown grant relating to the land, and
- (b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

The reclassification of the site and discharging of trusts and other interests would enable the subdivision of the site and potential sale of the northern portions to the adjoining landowners. Any proposal to subdivide and sell part of the site would need to be the subject of a separate report and decision by the Council as the Council cannot delegate the function of deciding to sell land.

RECOMMENDATION

That Council:

1. Receives and notes this report, including the Public Hearing and Submissions report included as Attachment 3 to this report.
2. Notes written and verbal submissions made by community members in relation to the Planning Proposal and thanks those in the community who provided a submission.
3. Forward the Planning Proposal to reclassify the C.A. Fairland Hall site (located at 14 Church Street Hunters Hill, Lot 92 DP 666674) from Community land to Operational land to the NSW Department of Planning, Housing and Infrastructure and requests that the NSW Minister for Planning and Public Spaces (as the applicable local plan making authority) make a local environmental plan to give effect to the Planning Proposal.

BACKGROUND

At its Ordinary Meeting of 28 August 2023 Council Resolved:

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

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

Against: Councillor Ross Williams, Councillor Jim Sanderson.

A Planning Proposal was subsequently prepared in relation to Item 1 of the above Resolution.

This Planning Proposal was then reported to the Hunters Hill Local Planning Panel (LPP) meeting of 28 February 2024. The LPP Resolved:

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

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

Against: Nil.

At the Ordinary Meeting held on 25 March 2024 Council Resolved:

- 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.

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

Against: Councillor Ross Williams, Councillor Jim Sanderson.

In accordance with Item A of the above Resolution, the Planning Proposal was submitted for Gateway Determination. On 13 June 2024 the Delegate of the Minister for Planning and Public Spaces issued a Gateway Determination enabling the Planning Proposal to proceed subject to conditions. The conditions included:

a) Ensure the explanation of provisions clearly explains how the objectives of the proposal will be achieved including confirmation of the relevant part of Schedule 4 of the LEP to be amended. The explanation of provisions must clearly state which interests are to be discharged/remain.

b) Update Attachment 1 of the planning proposal to provide further detail against the requirements of the LEP Practice Note PN16-001 as noted in the Gateway Assessment.

c) Provide detail on the consistency with the North District Plan, Local Strategic Planning Statement and Community Strategic Plan.

d) Update the Project Timeline to reflect the requirements of the Gateway Determination.

The Planning Proposal (as amended in accordance with the conditions of the Gateway Determination) was placed on public exhibition between 17 July and 27 August 2024. 18 written submissions were received as a result of this public exhibition. These submissions are annexed to the Public Hearing and Submissions Report that is included as Attachment 3 to this report.

In addition to the above, a public hearing in relation to this matter was held on Wednesday 13 November 2024. A summary of the findings of the public hearing is contained the Public Hearing and Submissions Report that is included as Attachment 3 to this report.

The purpose of this report is to enable the Council to review and consider the public submissions and the information contained in the Public Hearing and Submissions Report in relation to the Planning Proposal and to then decide whether it wishes to pass a resolution to proceed in one of the following ways:

1. Forward the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure and request that the NSW Minister for Planning and Public Spaces (as the applicable local plan making authority) make a local environmental plan to give effect to the Planning Proposal; **or**
2. Vary the Planning Proposal as a consequence of its consideration of the submissions or Public Hearing and Submissions Report or for any other reason and to forward a revised planning proposal to the Minister; **or**
3. Request the Minister to determine that the Planning Proposal not proceed.

DISCUSSION

Site Description

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

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

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

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

The southern section of the site contains the C.A. Fairland Hall, that is currently utilised by Hunter's Hill Council as a community facility, and a playground. The northern section of the site is landlocked and currently used by the adjoining neighbours (9 and 11 The Avenue) as part of the gardens at the rear of the dwellings. The encroachments occupy an area of approximately 650m² of the site and include fencing, garden shed, a chicken shelter and chicken run, timber garden beds, garden walls, and stone steps.

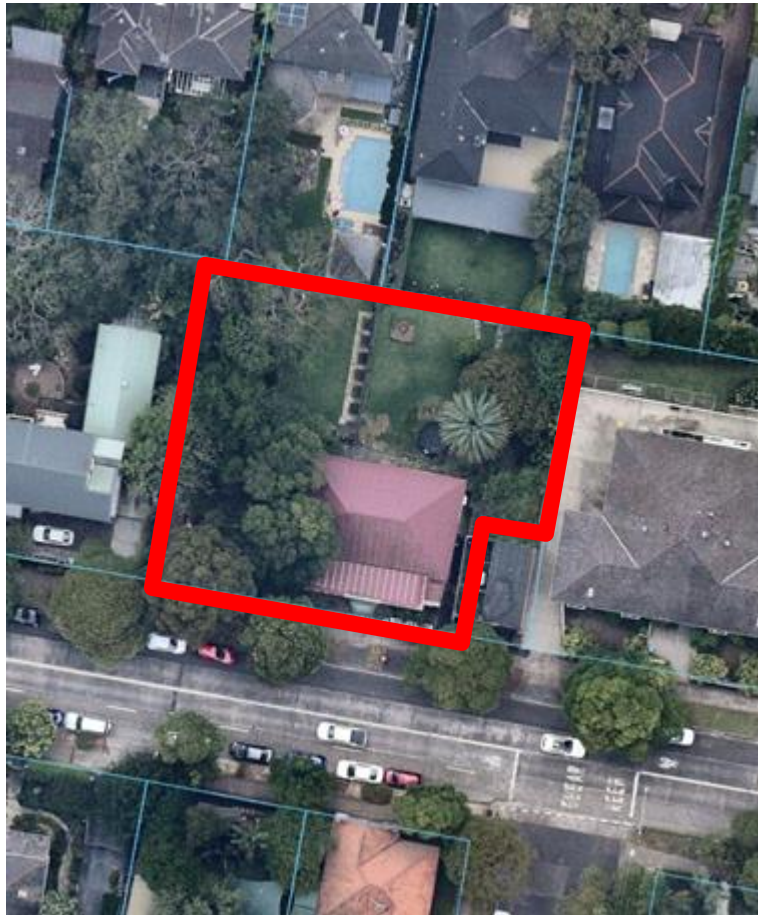


Figure 1: Location Map (Source: Nearmap)

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

Council sought legal advice on the options to discharge the trust and enable subdivision and sale of the northern portions of the site. It was identified that the most appropriate option would be for the land to be reclassified from ‘community’ land to ‘operational’ land under Part 2 of Chapter 6 of the LG Act by the making of a local environmental plan and to also seek that a provision as referred to in section 30(1) of the LG Act be included in the local environmental plan to the effect that that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for—

- a) any reservations that except land out of a Crown grant relating to the land, and
- b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

Strategic and Site Specific Merit

The consistency of the Planning Proposal with the strategic planning framework, relevant State Environmental Planning Policies (SEPPs) and Directions under section 9.1 of the *Environmental Planning and Assessment Act 1979* is discussed within Part 3, Section B of the Planning Proposal. As detailed within Part 3, Section B of the Planning Proposal, the Proposal is generally consistent with the applicable strategic planning framework, SEPPs and section 9.1 Directions.

In addition to the above, the site specific merit of the Planning Proposal is discussed within Part 3, Section C of the Planning Proposal. As detailed within Part 3, Section C of the Planning Proposal, no matters have been identified that would preclude the Proposal.

Public Exhibition

As noted above, public exhibition of the Planning Proposal was undertaken between 17 July and 27 August 2024. 18 written submissions were received during the public exhibition period.

Key points from the written submissions are detailed within Attachment 3 to this report. A summary of key points from the written submissions, along with responses to these submissions, is also provided within Table 1 below.

Table 1 – Summary of key points from the written submissions and associated responses

Matter Raised	Response
Support retention of Fairland Hall and the playground as community land.	It is understood that reclassification of part of the site is possible, however, it would not provide the flexibility that is sought in relation to enabling the subdivision and potential sale of the northern part of the site and the use of the retained part of the site containing the existing building for community and other purposes. Reclassification of the land in its entirety would facilitate the practical and orderly future stages of the proposed management of the site.
Reclassification would breach the original intention of the gift to the Hunters Hill community.	It is proposed to discharge the trust to facilitate orderly management of the site and potential sale of the northern part of the site that cannot be reasonably used or maintained by the Council.
Important remnants of 20th century history such as Fairland Hall should be preserved.	Noted. The Proposal is administrative in nature and would not result in physical impacts to Fairland Hall.
Local residents recall use of Fairland Hall over the years for community events and occasions, sewing, music activities and recreation activities.	The high value of this facility to members of the community is acknowledged. The Proposal would seek to ensure the most

Matter Raised	Response
	practical resolution of encroachments and use of the northern part of the site.
Fairland Hall is centrally located and used by a number of community groups. The associated playground is used by parents and young children for playgroups.	The high value of this facility to members of the community is acknowledged. The Proposal would seek to ensure the most practical resolution of encroachments and use of the northern part of the site.
Council's responsibility to provide space (such as Fairland Hall) for community groups.	Council's role in providing community facilities is acknowledged. The Proposal would seek to ensure the most practical resolution of encroachments and use of the northern part of the site.
Fear of the loss of Fairland Hall for community use in the future.	The high value of this facility to members of the community is acknowledged. The Proposal would seek to ensure the most practical resolution of encroachments and use of the northern part of the site.
Query of whether it is Council's intention to continue the operation of the C.A. Fairland Hall.	It is Council's intention to continue the operation of the C.A. Fairland Hall for the foreseeable future.
It is arguable if the caveat on the land can be lifted via the reclassification and amendment to the Hunters Hill LEP.	Legal advice has been sought, as detailed within this report, which has identified reclassification of the land as the most appropriate way to address the trusts and caveat on the land.
It is unclear if the two encroaching landowners have expressed an interest in purchasing the land.	The subject landowners expressed an interest in purchasing the land during the public hearing as detailed within Attachment 3 to this report.
Why reclassify the entire site if Council wants to sell the lower/northern parts of the site bordering homes in The Avenue?	It is understood that reclassification of part of the site is possible, however, it would not provide the flexibility that is sought in relation to enabling the subdivision and potential sale of the northern part of the site and the use of the retained part of the site containing the existing building for community and other purposes. Reclassification of the land in its entirety would facilitate the practical and orderly future stages of the proposed management of the site.
If the site is not subdivided, retain the whole site as community land.	Retaining the whole site as community land would not fulfill the objectives of the Planning Proposal, which seek to facilitate subdivision and sale or lease of the northern portion of the site.

Matter Raised	Response
As land owner Council has a conflict of interest in the planning process. There is a clear pecuniary benefit to Council in reclassifying the site that it owns to operational land. Council must clearly state that it has a conflict of interest given the obvious benefits that reclassification offers.	Council interest in the Proposal, as landholder, has been noted within the Planning Proposal. As outlined within this report, it can also be noted that Council has Resolved not to be the Local Plan Making Authority in relation to this Planning Proposal.
Ausgrid has provided no objection to the Planning Proposal.	Noted.

Public Hearing

Section 29 of the Local Government Act 1993 requires that a council must arrange a public hearing under the Environmental Planning and Assessment Act 1979 in respect of a planning proposal to reclassify community land as operational land.

A public hearing in relation to the proposed land reclassification was held on 13 November 2024. The question posed to people attending the public hearing was:

'Do you agree or not with the proposal to reclassify 14 Church Street in Hunters Hill (Lot 92 DP 666674) from community land to operational land? Why or why not?'

Several community members and Councillors addressed the public hearing. Key points raised during the public hearing and the associated Council responses are detailed within Table 4 of Attachment C to this report.

After reviewing and considering the verbal and written submissions made at the public hearing, the Public Hearing and Submissions Report, included as Attachment 3 of this report, found that the key point of the submissions is that the proposed reclassification of all of the subject land from community land to operational land is not supported. Key points from the Public Hearing and Submissions Report are as follows:

There is strong support expressed in the written and verbal submissions not to reclassify the portion of the site occupied by Fairland Hall and the playground to keep a valued community facility as community land. Reasons given include that the hall:

- *Reflects the history of Hunters Hill.*
- *Is a valued venue for community activities such as quilting*
- *Is one of only two similar community facilities in Hunters Hill.*
- *The playground is valued by local families.*

There is strong support to subdivide the northern portion of the site to either sell or lease to the two adjoining property owners at 9 and 11 The Avenue in Hunters Hill, as access to the site by others is not feasible. The owners of 9 and 11 The Avenue stated they would be open to this proposal but would prefer to buy the land rather than lease it. Purchase of the land would be subject to negotiations with Council about the land value and resolving responsibility for stormwater drainage and the electrical easement.

Based on the submissions, the Public Hearing and Submissions Report noted that Council should consider several options:

1. *Reclassify the whole site as operational land. This option is not supported by the community because of the strong community desire to retain the Fairland Hall/southern portion of the subject land as community land for continuing community use.*
2. *Subdivide Lot 92 DP 666674 into three lots (two northern lots adjoining 9 and 11 The Avenue respectively and one southern lot including the hall and playground), and reclassify the northern portion below the cliff face only as operational land and sell or lease the land to the owners of 9 and 11 The Avenue. The owners would prefer to buy the land.*
3. *Retain the current classification of the whole site as community land, and lease/licence the northern portion to the adjoining property owners. This option would be subject to legal advice on whether the Local Government Act 1993 allows granting of a lease, licence or other estate over community land for private purposes. If so, preparation of an adopted Plan of Management under the Local Government Act 1993 authorising such a lease or licence would be required.*

The Public Hearing and Submissions Report suggested that subject to legal advice, Options 2 and 3 should be pursued, with Option 2 (subdivision and reclassification of the two northern lots for purchase by the owners of 9 and 11 The Avenue) being preferred.

The Public Hearing and Submissions Report recommended that Council:

1. *Consider the viewpoints and issues raised in the verbal and written submissions outlined in Section 5 when making the decision whether to proceed with the proposed reclassification of the whole of 14 Church Street in Hunters Hill.*
2. *Seek legal advice about revoking the Order of the Commissioner of Dormant Funds over the whole site, and subdivision of the site into three parcels:*
 - a) *North-western portion: encroachment of 9 The Avenue, Hunters Hill to the base of or including the cliff face subject to drainage investigation.*
 - b) *North-eastern portion: encroachment of 11 The Avenue, Hunters Hill to the base of or including the cliff face subject to drainage investigation and the transmission line easement.*
 - c) *Southern portion: community hall and playground.*
3. *Subject to legal advice and Council resolution to subdivide the site as above:*
 - *Hold a public hearing regarding the proposed reclassification of the two northern portions as operational land with the view to sell the land to the adjoining property owners at 9 and 11 The Avenue, Hunters Hill.*

- *Retain the southern portion comprising Fairland Hall and the playground as community land.*
- *Use funds from sale of the northern portions to renovate C.A. Fairland Hall.*

4. *If legal advice precludes the process above:*

- *Seek legal advice about retaining the community land classification across the whole site and leasing/licensing access to the adjoining owners which is authorised in an adopted Plan of Management for the subject land under the Local Government Act 1993.*

Additional Legal Advice

Additional legal advice was obtained following the public exhibition and public hearing in order to further analyse the options available to Council in relation to the Planning Proposal. This advice has focused on clarifying whether only part of the site can be reclassified. This advice included the following:

The land comprising the whole of Lot 92 DP666674 is classified as ‘community’ land under the Local Government Act 1993 (‘LG Act’).

The fact that the Commissioner of Dormant Funds ordered in 1962 that the fund known as the ‘Hunters Hill Men and Boys’ Club Fund’ (which included the land) be vested in the Council does not affect the power of the Council to seek to have the whole or part of the land reclassified from ‘community’ land to ‘operational’ land under Part 2 of Chapter 6 of the LG Act by the making of a local environmental plan and to also seek that a provision as referred to in section 30(1) of the LG Act be included in the local environmental plan that reclassifies community land as operational land to the effect that that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for—

- a) any reservations that except land out of a Crown grant relating to the land, and*
- b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).*

Further, there is nothing in the LG Act that requires the land to be reclassified from ‘community’ land to ‘operational’ land comprise the whole of a lot. It is possible to reclassify only part of a lot (provided that the relevant part to be reclassified is specifically and accurately identified -preferably by way of a plan that shows the surveyed boundaries of the part that is to be reclassified) and to have that part discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting that part of the lot by the inclusion of a provision as referred to in section 30(1) of the LG Act in the amending local environmental plan.

It is understood that reclassification of part of the site is possible. However, reclassification of only the northern part of the site would not provide the flexibility that is sought in relation to

enabling the subdivision and potential sale of the northern part of the site and the use of the retained part of the site containing the existing building for community and other purposes. Reclassification of the land in its entirety would facilitate the practical and orderly future stages of the proposed management of the site.

CONCLUSION

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

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

The Public Hearing and Submissions Report prepared in relation to the Proposal found there is strong support expressed in written and verbal submissions not to reclassify the portion of the site occupied by Fairland Hall and the playground to keep a valued community facility as community land. Reasons given include that the hall:

- Reflects the history of Hunters Hill.
- Is a valued venue for community activities such as quilting.
- Is one of only two similar community facilities in Hunters Hill.
- The playground is valued by local families.

The Public Hearing and Submissions Report also found there is strong support to subdivide the northern portion of the site to either sell or lease to the two adjoining property owners at 9 and 11 The Avenue in Hunters Hill, as access to the site by others is not feasible. The owners of 9 and 11 The Avenue stated they would be open to this proposal but would prefer to buy the land rather than lease it.

Despite the recommendations in the Public Hearing and Submissions Report and the public submissions expressing preference for reclassification of only part of the site it is considered that reclassification of the whole of the site from community to operational should proceed in order to provide the flexibility that is sought in relation to enabling the subdivision and potential sale of the northern part of the site and the use of the retained part of the site containing the existing building for community and other purposes. Reclassification of the land in its entirety would facilitate the practical and orderly future stages of the proposed management of the site.

It is recommended that Council pass resolutions to the effect of those set out at the recommendation at the commencement of this report.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report. However, the proposed land reclassification seeks to reduce Council's long term financial liability associated with management of 14 Church Street Hunters Hill, through subdividing and selling or leasing the northern portion of the site.

ENVIRONMENTAL IMPACT ASSESSMENT

Refer to the site specific merit of the Proposal as discussed within Part 3, Section C of the Planning Proposal. As detailed within Part 3, Section C of the Planning Proposal, no environmental matters have been identified that would preclude seeking the Proposal.

SOCIAL IMPACT ASSESSMENT

Refer to the site specific merit of the Proposal as discussed within Part 3, Section C of the Planning Proposal. As detailed within Part 3, Section C of the Planning Proposal, no social matters have been identified that would preclude seeking the Proposal. However, it should also be noted that community consultation associated with the proposed land reclassification as outlined within this report has strongly identified and expressed the social significance of C.A. Fairland Hall to members of the community.

RISK ASSESSMENT

The proposed land reclassification seeks to reduce ongoing risk to Council through facilitating subdivision and selling or leasing the northern portion of 14 Church Street Hunters Hill.

ATTACHMENTS

1. Gateway Determination [↓](#)
2. Planning Proposal [↓](#)
3. Public Hearing and Submissions Report [↓](#)



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-781): to reclassify Council owned land at 14 Church Street, Hunters Hill from 'Community' land to 'Operational' land.

I, the Director, Local Planning (North, East & Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hunters Hill Local Environmental Plan 2012 to reclassify Council owned land at 14 Church Street Hunters Hill from 'Community' land to 'Operational' land should proceed subject to the following conditions:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority.

The LEP should be completed on or before 13 March 2025.

Gateway Conditions

1. The planning proposal is to be updated prior to exhibition to:
 - a) Ensure the explanation of provisions clearly explains how the objectives of the proposal will be achieved including confirmation of the relevant part of Schedule 4 of the LEP to be amended. The explanation of provisions must clearly state which interests are to be discharged/remain.
 - b) Update Attachment 1 of the planning proposal to provide further detail against the requirements of the LEP Practice Note PN16-001 as noted in the Gateway Assessment.
 - c) Provide detail on the consistency with the North District Plan, Local Strategic Planning Statement and Community Strategic Plan.
 - d) Update the Project Timeline to reflect the requirements of the Gateway Determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - a) Utility providers such as Ausgrid.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is required to be held into the matter as required when reclassifying public land from community to operational under LEP Practice Note PN16-001.

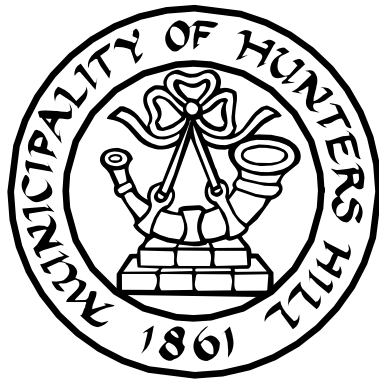
Dated 13 June 2024



Jazmin van Veen
Director, Local Planning (North, East
and Central Coast
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning
and Public Spaces

PP-2024-781 (IRF24/1081)



HUNTERS HILL COUNCIL

PLANNING PROPOSAL

Reclassification of Council Owned Land

C.A. Fairland Community Hall

December 2024

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Background & Locality Context

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

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

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

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

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

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

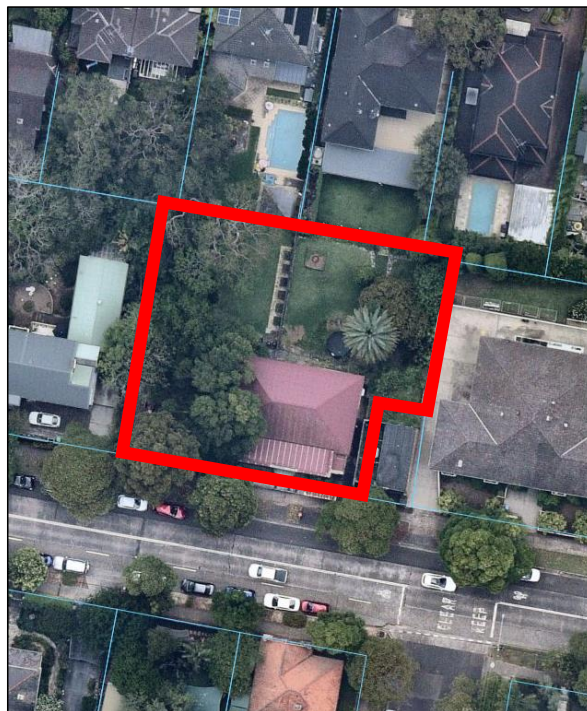


Figure 1: Location Map (source: Nearmap)

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

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

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

Part 1 – Objectives or Intended Outcomes

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

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

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

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

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

The above objectives of the planning proposal will be achieved through amendment to Schedule 4 of the Hunters Hill LEP 2012 (HHLEP) by reclassifying the land to operational as shown in Table 1 below.

Table 1: Current and proposed controls

Control	Current	Proposed
Land classification	Community	Operational

The above would likely be represented within Schedule 4 of the LEP as follows:

Schedule 4 Classification and reclassification of public land

Part 2 Land classified, or reclassified, as operational land—interests changed

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Locality</i>	<i>Description</i>	<i>Any trusts etc not discharged</i>
<i>14 Church Street, Hunters Hill</i>	<i>Lot 92 DP 666674</i>	<i>Transmission line easement</i>

The interests to be discharged as a result of the planning proposal are as follows:

- Hunters Hill Men & Boys Club Fund – Caveat K649485 (refer to Attachment 3 of this Planning Proposal).

It can be noted that interests in relation to the transmission line easement identified on the eastern section of the property (refer to Attachment 5 of this planning proposal) are not proposed to be discharged as a result of this planning proposal.

Part 2 – Explanation of Provisions

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

The site contains interests that need to be discharged under section 30 of the LG Act as part of the reclassification of the site.

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

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

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

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

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

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

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

Part 3 – Justification

Section A – Need for the Planning Proposal

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

The reason for the proposed reclassification is to enable the subdivision and subsequent lease or sale of the northern portion of the site to the adjoining neighbours. This will regularise the use of this portion of the site and discharge Council from its maintenance responsibility of the landlocked part of the site.

The proceeds of the lease or sale of the northern portion of the site will also assist to facilitate maintenance and repairs to Fairland Hall in accordance with Page 36 of the Hunters Hill Local Strategic Planning Statement, which states the following:

'OUR INFRASTRUCUTRE The local infrastructure needs of the community will be met by optimising and adapting the existing local infrastructure in the LGA and progressing access to third party owned social infrastructure like swimming pools, gyms, gardens and parks. This is an action of the LSPS. A challenge for Council is that community facilities are at least thirty years old and may not meet modern event space needs nor be maintained well. In the LGA the following social infrastructure facilities are provided:

- *Fairland Hall...*

'... Infrastructure priorities being addressed now are:

... Maintenance and repairs to Henley Community Centre, Fairland Hall and Gladesville Occasional Child Care Centre, to address urgent building repairs and maintenance matters. These occur in small windows of opportunity as the facilities are used on a regular basis.'

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

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

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

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

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)?

Planning Priority N3 of the North District Plan incorporates *'Providing services and social infrastructure to meet people's changing needs'*. This Planning Priority incorporates the action *'Deliver social infrastructure that reflects the needs of the community now and in the future.'*, with responsibility for this action being *'Councils, other planning authorities and State agencies'*.

The North District Plan gives effect to the *Greater Sydney Regional Plan - A Metropolis of Three Cities (A Metropolis of Three Cities)*. A Metropolis of Three Cities includes *'Objective 6: Services and infrastructure meet communities' changing needs'*.

It can be noted that the proceeds of the lease or sale of the northern portion of the site will assist to facilitate maintenance and repairs to Fairland Hall. It can also be noted that Fairland Hall is an important piece of social infrastructure for the Hunters Hill community. As the planning proposal would assist to facilitate the ongoing functionality and improvement of this infrastructure, the proposal would give effect to Planning Priority N3 of the North District Plan and Objective 6 of A Metropolis of Three Cities.

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

The reason for the proposed reclassification is to enable the subdivision and subsequent lease or sale of the northern portion of the site to the adjoining neighbours. This will regularise the use of this portion of the site and discharge Council from its maintenance responsibility of the landlocked part of the site.

The proceeds of the lease or sale of the northern portion of the site will also assist to facilitate maintenance and repairs to Fairland Hall in accordance with Page 36 of the Hunters Hill Local Strategic Planning Statement, which states the following:

'OUR INFRASTRUCTURE The local infrastructure needs of the community will be met by optimising and adapting the existing local infrastructure in the LGA and progressing access to third party owned social infrastructure like swimming pools, gyms, gardens and parks. This is an action of the LSPS. A challenge for Council is that community facilities are at least thirty years old and may not meet modern event space needs nor be maintained well. In the LGA the following social infrastructure facilities are provided:

- *Fairland Hall...'*

'... Infrastructure priorities being addressed now are:

... Maintenance and repairs to Henley Community Centre, Fairland Hall and Gladesville Occasional Child Care Centre, to address urgent building repairs and maintenance matters. These occur in small windows of opportunity as the facilities are used on a regular basis.'

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

Refer to Q3 in relation to alignment with the Metropolis of Three Cities and North District Plan.

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

Table 2: Assessment against relevant State Environmental Planning Policies

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

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

The proposal is generally consistent with the applicable SEPPs.

ITEM NO	: 4.2
SUBJECT	: REMNANT LAND
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: REPORT TO COUNCIL AND THE COMMUNITY ON MATTERS OF PUBLIC INTEREST VIA MAYORAL MINUTES AND STAFF REPORTS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:739798

PURPOSE

The purpose of this report is for Council to pass a resolution authorising the disposal of 3 identified parcels of Council land that are surplus to the current or future needs of the Council and the local community and to specify the method that is to be used for the proposed disposal of that land, in accordance with Council's Disposal of Council Land Policy.

RECOMMENDATION

1. That the report be received and noted.
2. That each of the 3 parcels of land identified below may be disposed of using the method specified for the relevant parcel as defined in clauses 4.3 of Council's Disposal of Council Land Policy:
 - i. The land at 16C Vernon Street, Hunters Hill - Lot 31 DP 1040602 to be disposed of by the selective tendering method.
 - ii. The land between 22 and 24 Gale Street, Woolwich - waterfront to be disposed by the selective tendering method.
 - iii. The land adjoining 14 and 16 Wybalena Road, Hunters Hill to be disposed by the selective tendering method.
3. That a further report be brought back to Council for Council to be advised on the outcome of the disposal process.

BACKGROUND

Council has numerous remnant land ("RL") parcels. A review of remnant lands has been conducted identifying whether these RL parcels should be held long-term or considered for sale.

At the Ordinary Meeting held on 29 July 2024 Council considered a report on RL parcels and resolved as follows:

1. *That the report be received and noted.*
2. *That Council give public notice in accordance with clause 3.3.1 of the Disposal of Council Land Policy that it has identified that the following land is potentially surplus to the current or future needs of the Council and the local community and has potential for disposal is proposing to pass a resolution stating that the following land is surplus to the current or future needs of the Council and the local community and has potential for disposal:*
 - 1) *16C Vernon lot 31*
 - 2) *Church Street Cnr*
 - 3) *22-24 Gale Street - waterfront*
 - 4) *16 Wybalena Road Lane*
3. *That a further report be brought back to Council on any submissions made in response to the public notice given pursuant paragraph 2.*
4. *During the next term of Council, a list of remnant lands be compiled by Council staff and presented to Councillors in a confidential briefing session.*

At the Ordinary Meeting held on 25 November 2024 Council considered a report on the submissions received during the public notification of the 4 parcels of land and resolved as follows:

1. *That the report be received and noted.*
2. *That Council resolves that the following lands are surplus to the current or future needs of the Council and the local community and has potential for disposal in accordance with clauses 4.1 and 4.2 of the Disposal of Council Land Policy:*
 - i. *16C Vernon Street, Hunters Hill - Lot 31 DP 1040602*
 - ii. *Land between 22 and -24 Gale Street, Woolwich - waterfront*
 - iii. *Land adjoining 14 and 16 Wybalena Road, Hunters Hill*
3. *That a further report be brought back to Council for Council to determine whether to dispose of the land and the method of disposal that is to be used in accordance with clauses 4.3 and 4.4 of the Disposal of Council Land Policy.*

This report addresses item 3 of the 25 November 2024 resolution.

When making a decision to dispose of surplus land, Clause 4.3 of the Disposal of Council Land Policy requires that the Council must specify in the resolution one of the following methods as the method of disposal that is to be used:

- (a) The open market sale method;*
- (b) The open tendering method;*
- (c) The selective tendering method; or*

(d) The direct negotiation method

The definition of each method is specified in clause 4.3 of the Policy.

- Clause 4.4 of the Disposal of Council Land Policy sets out the following matters to be considered when selecting the method of disposal to be used (where relevant):
 - the number of known potential purchasers of the land;
- the original intention for the use of the land;
- the current and possible preferred future use of the land;
- the opportunity to promote local economic growth and development; and
- the estimated value of the land to be disposed.

REPORT

The Council will from time to time need to decide whether land that it owns is surplus to the current or future needs of the Council and the local community and whether or not to dispose of such land.

Council, when making a decision relating to the disposal of its land, should consider the adopted Disposal of Council Land Policy.

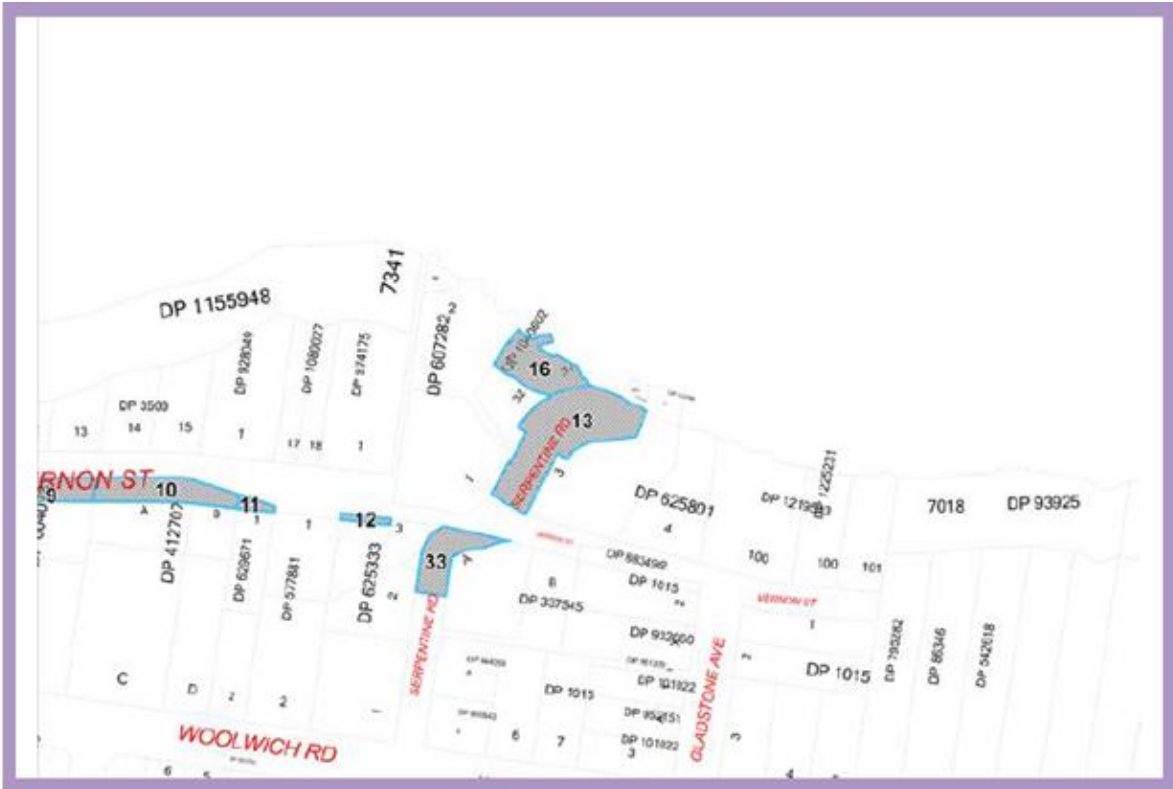
The first step in this process relating to the 3 parcels of land the subject of this report was to identify those parcels as having potential for disposal under Part 3 of the Policy.

The second step was to publicly notify the proposal to pass a resolution stating that the parcels are surplus to the current or future needs of the Council and the local community and have potential for disposal and to consider the submissions received during the public notification.

If Council wishes to proceed with disposal of the parcels, the third step is for Council to make a decision, to dispose of the parcels and to specify in the resolution the method of disposal to be used, as required by clause 4.3 of the Policy.

It is recommended that Council decide to proceed with disposal of the 3 identified parcels. The recommended method of disposal for each parcel of land is identified below having regard to the relevant matters set out in clause 4.4 of the Disposal of Council Land Policy.

i. 16C Vernon Street, Hunters Hill - Lot 31 DP 1040602

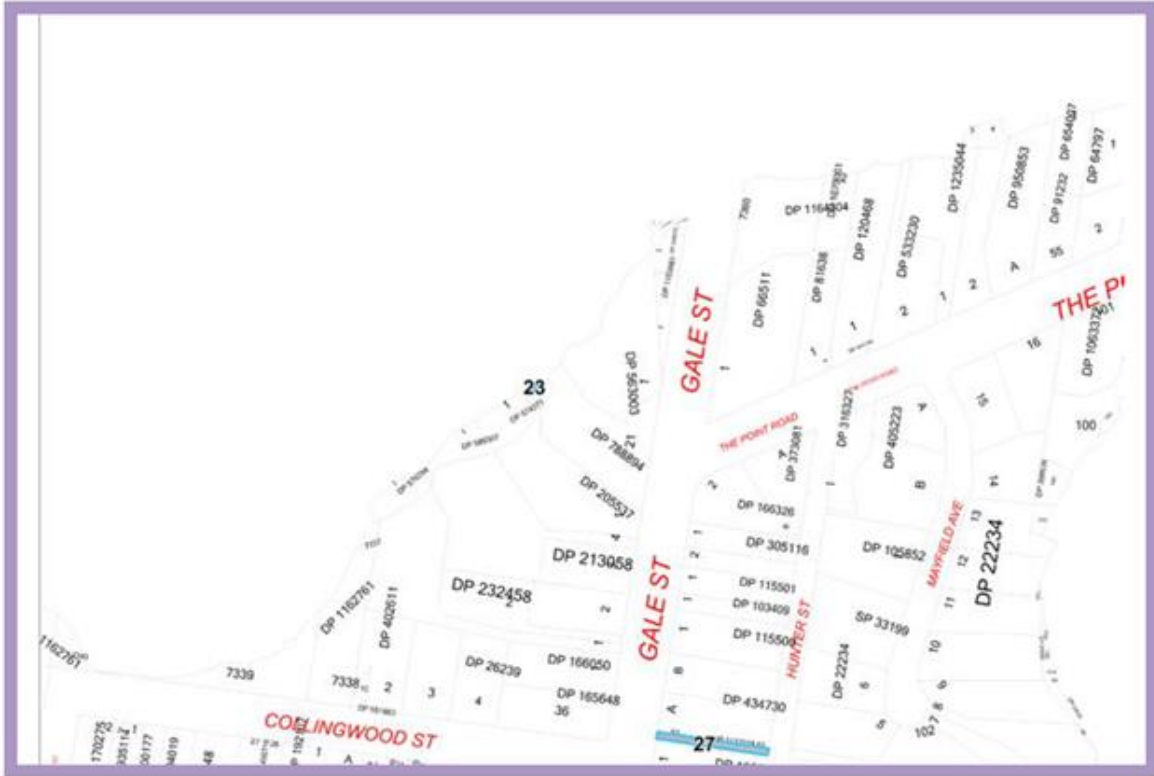


Site Plan (Parcel16)

As can be seen from the above site plan this parcel (Lot 31 DP 1040602) immediately adjoins a road reservation and 2 parcels of private land (16A and 16B Vernon Street Hunters Hill). Whilst the potential purchasers of the land are likely to be limited it would seem, having regard to the current and possible preferred future use of the land, that using the selective tendering method

would be appropriate for disposal of this parcel. The selective tendering method requires invitations to tender for disposal of the land being made following a public advertisement asking for expressions of interest and compliance with the requirements for the selective tendering method in Part 7 of the Local Government (General) Regulation 2021 (“LG Regulation”).

ii. Land between 22 and -24 Gale Street, Woolwich – waterfront



Site Plan (Parcel 23)

As can be seen from the above site plan this parcel immediately adjoins 2 parcels of private land (20 and 24 Gale Street Woolwich). Whilst the potential purchasers of the land are likely to be limited it would seem, having regard to the current and possible preferred future use of the land, that using the selective tendering method would be appropriate for disposal of this parcel. The selective tendering method requires invitations to tender for disposal of the land being made following a public advertisement asking for expressions of interest and compliance with the requirements for the selective tendering method in Part 7 of the LG Regulation.

iii. Land adjoining 14 and 16 Wybalena Road, Hunters Hill





Site Plan (Parcel 24, 25 &26)

As can be seen from the above site plan this parcel immediately adjoins multiple parcels of private land. Whilst the potential purchasers of the land are likely to be limited to the immediately adjoining owners it is not clear whether one or more of the owners would seek to purchase the land that immediately abuts their land and it would seem, having regard to the current and possible preferred future use of the land, that using the selective tendering method would be appropriate for disposal of this parcel. The selective tendering method requires invitations to tender for disposal of the land being made following a public advertisement asking for expressions of interest and compliance with the requirements for the selective tendering method in Part 7 of the LG Regulation.

CONCLUSION

Council has previously identified each of the 3 parcels of land that are the subject of this report as surplus to the current or future needs of the Council and the local community and as having potential for disposal in accordance with clauses 4.1 and 4.2 of the Disposal of Council Land Policy.

It is now recommended that Council pass a resolution authorising disposal of the 3 identified parcels and specify the selective tendering method as method that is to be used for the proposed disposal of each of those parcels.

The selective tendering method requires invitations to tender for disposal of the land being made following a public advertisement asking for expressions of interest and compliance with the requirements for the selective tendering method in Part 7 of the LG Regulation.

FINANCIAL IMPACT ASSESSMENT

There is no immediate 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. Policy for disposal of Council land [↓](#)

ITEM NO	: 4.3
SUBJECT	: 1A GALE STREET PLANNING PROPOSAL
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: IMPLEMENT RECOMMENDATIONS FROM THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)
REPORTING OFFICER	: STEVE KOUREPIS

Ref:740343

PURPOSE

The purpose of this report is to facilitate Council's consideration and decision in relation to a Planning Proposal applying to land at 1A Gale Street, Woolwich (Lot 1 DP 85924). The subject planning proposal seeks to amend mapping associated with the Hunters Hill Local Environmental Plan 2012 (LEP) to facilitate the use of the land for a dwelling house in conjunction with 1 Gale Street.

RECOMMENDATION

1. That Council supports the recommendations set out below:
 - (A) That the report be received and noted.
 - (B) That Council note submissions made in relation to the Planning Proposal and thank those who have provided a submission.
 - (C) That Council, (as the local plan making authority), make the Local Environmental Plan as set out in Gateway Determination issued by the Department of Planning, Housing and Infrastructure dated 8 July 2024, included as Attachment 1 to this report, in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.
 - (D) Delegate authority to the General Manager to make amendments to the Local Environmental Plan documentation that:
 - (1) Are minor and do not alter the intent; or
 - (2) Are required in order to comply with a request from the Department of Planning, Housing and Infrastructure to facilitate the making of the Local Environmental Plan as outlined within Item (C) above.

BACKGROUND

Council has received a Planning Proposal lodged by planning consultants 'SJB Planning (NSW) Pty Ltd' (SJB) on behalf of the owner of 1A Gale Street and 1 Gale Street Woolwich.

The land subject to the Planning Proposal (1A Gale Street) has been deemed to be surplus to the needs of the former owner, Ausgrid, and has been sold to the owner of 1 Gale Street. The Planning Proposal seeks to facilitate a development outcome which incorporates relocated electricity infrastructure at the front of the site and a part of a residential dwelling at the rear to be developed in conjunction with the residential dwelling at 1 Gale Street.

The site of the former Ausgrid land is currently zoned SP2 (Electricity Distribution). The proposal is being sought as residential uses are currently prohibited on land zoned SP2 (Electricity Distribution).

To achieve the above, the planning proposal applicant had sought an amendment to Schedule 1 Additional permitted uses of the LEP to include a new clause applying to the site at 1A Gale Street Woolwich (being Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

Council considered the submitted Planning Proposal documentation and at its Ordinary Meeting of February 2024 Resolved the following:

1. That Council supports the recommendations set out below:

(A) Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to amend Hunters Hill Local Environmental Plan 2012 by including a new clause applying to 1A Gale Street, Woolwich (Lot 1 DP 85924) to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

(B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).

(C) Note that following public exhibition, the Planning Proposal would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:

(1) To proceed as recommended in this report.

(2) To proceed with amended controls in the Planning Proposal to that exhibited.

(3) To not proceed with the Planning Proposal.

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

(1) Are minor and do not alter the intent; or

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

The Planning Proposal was subsequently forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination in accordance with Item A of the above Resolution.

A Gateway Determination was issued by DPHI on 8 July 2024 (included as Attachment 1 to this report). Within this Gateway Determination the proposed amendment to the Hunter's Hill Local Environmental Plan 2012 was revised from a proposed new clause within Schedule 1 of the LEP to an amendment to the site to part R2 Low Density Residential, part SP2 Infrastructure (Electricity Distribution) and application of revised height of buildings, floor space ratio and lot size development standards for the proposed R2 Low Density Residential area of the site (identical to those applying to the R2 Low Density Residential area immediately north of the site) as follows:

- Maximum height of building: 8.5 metres.
- Maximum floor space ratio: 0.5:1.
- Minimum lot size: 1000sqm.

A number of other conditions were also issued within the Gateway Determination and the Planning Proposal was subsequently amended prior to public exhibition.

Public exhibition of the Planning Proposal was undertaken between 23 September 2024 and 1 November 2024. 3 submissions were received as a result of the public exhibition and are included within Appendix 3 to this report.

This report seeks Council's consideration of the proposed revised LEP amendment, submissions received in relation to the public exhibition of the proposal and a Resolution in relation to the next steps in the planning proposal process, with options being:

- To proceed as recommended by this report, as per the Gateway Determination issued by DPHI; or
- To pursue amended controls to those exhibited; or
- To not proceed with the Planning Proposal.

DISCUSSION

Site Description

The subject site incorporates 1A Gale Street Woolwich (Lot 1 DP 85924). The location of the site in the context of the site and Hunters Hill Local Government Area is shown in red in Figure 1.

The locality is characterised by one and two storey residential development to the north, west, and southwest and public open space to the south. Development to the north comprises single dwellings and pockets of medium density dwelling housing. Development to the south comprises the Clarke's Point Reserve and Woolwich Dock and Parklands, approximately 250m north of the site, which includes aligned boating employment land uses such as boat repair shops, event venues, and the Hunters Hill Sailing Club and the Clarke Road and Woolwich Marina. The site is opposite the Woolwich Pier Hotel.



Figure 1: Site context and location map (Source: SJB (Google Maps, NSW SEED))

The subject site is a rectangular shaped allotment with a single frontage and access to the site, from Gale Street to the west. The Planning Proposal applies to the land described as Lot 1 in DP 85924 shown at Figure 2 below.



Figure 2: Site context and location (Source: SJB (SIX Maps))

The site has an area of approximately 124m² and has a single frontage to Gale Street at its west. Adjoining the site to the north is 1 Gale Street, which is owned by the proponent. Adjoining the site to the southeast is the Harbour Trust owned 'Goat Paddock' park.

The site contains an enclosed kiosk substation at the rear. The substation is to be decommissioned. A new, smaller replacement kiosk substation with like-for-like electrical capacity is proposed closer to Gale Street for ease of access and maintenance purposes as shown in Figure 3.

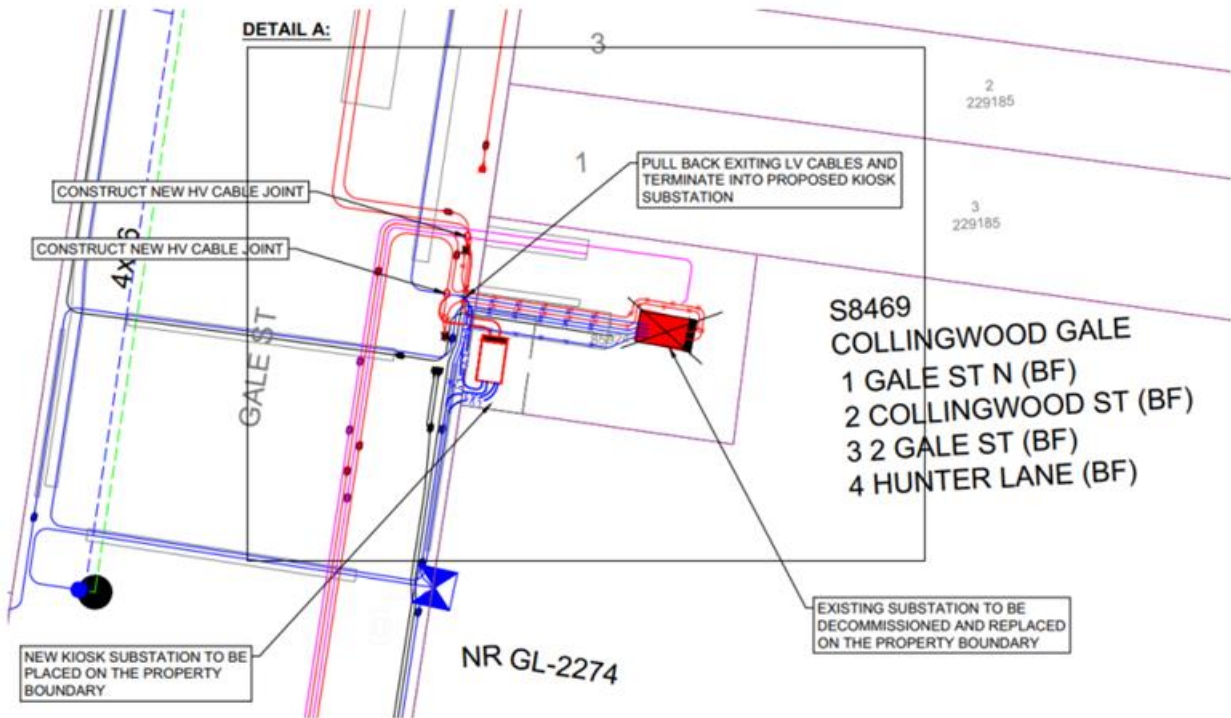


Figure 3: Extract of Proposed Works Plan (Source: SJB (AA Power Engineering))

Existing and Proposed Planning Controls

The site is zoned SP2 Infrastructure (Electricity Distribution) under the LEP (refer to Figure 4).

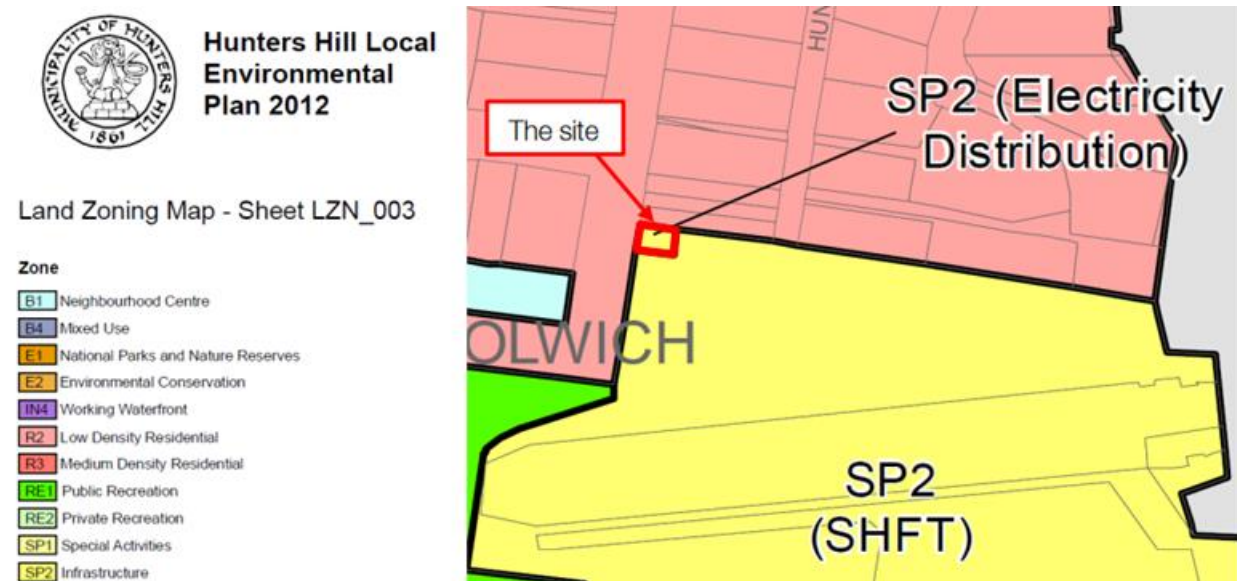


Figure 4: Extract from LEP Land Zoning Map (Source: SJB)

Roads are permitted without consent in this zone. The following are permitted with consent in this zone:

Aquaculture: The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

Any development not specified as permitted with consent above is prohibited in this zone.

The site is not subject to any principal development standards (such as minimum subdivision lot size, height of buildings or floor space ratio) under Part 4 of the LEP.

The site is not a local heritage item. However, it is located adjacent to the following local heritage items:

- Item no. I151 – House at 1 Gale Street, Woolwich (Lot 3 DP 229185),
- Item no. I1418 – Site of precision woodware factory at Woolwich Road, opposite Pier Hotel (Lot 11, DP 1134544); and
- Item no. I287 – Stone walls.

The site is within a heritage conservation area, being Hunters Hill Conservation Area No 2 - The Peninsula (Conservation Area 2). Consideration of potential impact upon the heritage status of Conservation Area 2 and adjoining heritage items would be undertaken during any subsequent development assessment by Council, in response to the particulars of any associated development application lodged with Council.

In addition to the above, the site also adjoins land known as 'The Goat Paddock', which is listed under the *Environment Protection and Biodiversity Conservation Act 1999* as a 'Commonwealth Heritage Place'.

Intended Outcome

The land subject to the Planning Proposal has been deemed to be surplus to the needs of Ausgrid and has been sold to the owner of 1 Gale Street. The Planning Proposal seeks to facilitate a development outcome which incorporates relocated electricity infrastructure at the front of the site and a part of a residential dwelling at the rear to be developed in conjunction with the residential dwelling at 1 Gale Street.

The site of the former Ausgrid land is currently zoned SP2 (Electricity Distribution). The proposal is being sought as residential uses are currently prohibited on land zoned SP2 (Electricity Distribution).

Revision of the Proposed LEP

The Planning Proposal referred to DPHI following Council's consideration of this matter at its Ordinary Meeting of February 2024 sought to amend 'Schedule 1 Additional permitted uses' of the LEP. This amendment sought to include a new clause applying to the site at 1A Gale Street

Woolwich to permit with development consent the use of the land for a dwelling house in conjunction with 1 Gale Street.

The subject proposed clause within Schedule 1 of the LEP would likely have read as follows:

18 Use of certain land at 1A Gale Street, Woolwich

(1) This clause applies to land at 1A Gale Street, Woolwich, being Lot 1 in DP 85924.

(2) Development for the purposes of a dwelling in conjunction with 1 Gale Street is permitted with development consent.

A Gateway Determination was subsequently issued by DPHI on 8 July 2024 (included as Attachment 1 to this report). Within this Gateway Determination the proposed amendment to the Hunter's Hill Local Environmental Plan 2012 was revised from a proposed new clause within Schedule 1 of the LEP to an amendment to the site to part R2 Low Density Residential, part SP2 Infrastructure (Electricity Distribution) and application of revised height of buildings, floor space ratio and lot size development standards for the proposed R2 Low Density Residential as follows:

- Maximum height of building: 8.5 metres.
- Maximum floor space ratio: 0.5:1.
- Minimum lot size: 1000sqm.

A number of other conditions were also issued within the Gateway Determination and the Planning Proposal was subsequently amended prior to public exhibition. An updated version of the Planning Proposal, inclusive of the above amendments, is included as Attachment 2 to this report.

Justification of Strategic Merit

The Planning Proposal is not supported by a strategic study. Rather, the Planning Proposal is a proponent initiated response to the proposed decommissioning and relocation of an existing substation and the proponent and landholders desire to extend the existing neighbouring residential land use into the site.

The Planning Proposal is the most appropriate method of achieving the intended outcome given:

- Land uses under the site's current SP2 land zoning do not permit the intended outcomes with or without consent.
- The Planning Proposal is intended to allow for a limited land use which is consistent with the existing adjoining residential land use to the north (1 Gale Street) and is in response to the decommissioning and relocation of an electrical substation.
- The intended outcomes cannot be achieved via a clause 4.6 variation request or amendment to the Hunters Hill Development Control Plan 2013.

The consistency of the proposal with relevant regional plans (including the Greater Sydney Region Plan and the North District Plan,) has been considered within Section 4.4.2 of the Planning Proposal Report, included as Attachment 2 to this report. The consistency of the proposal with relevant local strategic plans (including the Hunters Hill Local Strategic Planning Statement 2020 and Hunters Hill Local Housing Strategy) is also considered within Section 4.4.2 of Attachment 2 to this report. The attached Planning Proposal report has identified general alignment and consistency with applicable regional and local strategic plans and strategies.

The consistency of the proposal with relevant state environmental planning policies and Ministerial (section 9.1) Directions is also considered within Section 4.4.2 of Attachment 2 to this report. The attached Planning Proposal report has identified general alignment and consistency with applicable state environmental planning policies and Ministerial Directions.

Justification of Site-specific Merit

The site specific merit of the proposal has also been considered within the Planning Proposal report included as Attachment 2 to this report. This consideration of site specific merit has been informed through site survey and a preliminary site (contamination) investigation (PSI).

The site has also been identified as containing mapped Class 5 Acid Sulfate Soils. However, the Planning Proposal report included within Attachment 2 to this report has considered the amendment is appropriate given the nature of the Proposal and the existing applicable framework for the management of Acid Sulfate Soils.

It can also be noted that the site is fully covered with hard surface and that the reuse or redevelopment of the land would be unlikely to have any impacts upon any threatened species, populations, or communities.

Public Exhibition

Public exhibition of the Planning Proposal was undertaken between 23 September 2024 and 1 November 2024. 3 submissions were received as a result of the public exhibition and are included within Appendix 3 to this report. Summaries of these submissions, along with associated responses, are outlined within Table 1 below.

Table 1 – Summary of submissions received and associated responses

Submission Reference	Matters Raised	Response
Public Submission 1	As No. 1 Gale Street is the first of a row of terrace houses, one wonders how this can be organized without gross interference with the terrace. The plan would seem to me to be completely inappropriate and should not be allowed to proceed.	The subject Planning Proposal outlines a future intent for the subject land in relation to future land use. Matters relating to the interface of any proposed development with existing development would be subject to more detailed assessment under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> as applicable.
Public Submission 2	<ul style="list-style-type: none"> • Item 1 - Surprised that the old electricity substation was sold to a private individual and not sold to the Harbour Foreshore Trust to incorporate the land into the Goat Paddock. • Item 2 - We have no objection, in principle to the rezoning nor to the graphic representation of a future built form, as it is shown, as an 'indicative' form only. • Item 3 - A major concern [we have] with the Planning Proposal is the potential proposal to combine 1A and 1 Gale Street into one dwelling. The indicative plan shows a rear view of the expansion which appears to detrimentally affect the iconic views from our property at 3 Gale Street of the Harbour Bridge, City, park and river views. This is inconsistent with Councils HHLEP and DCP controls and objectives and we have attached the highlighted relevant sections in support. • Item 4 - Another concern with any future Development Application is the impact that any development would have on the heritage listed 3 terraces of 1,3 and 5 Gale St. These 3 terraces are listed in the Hunters Hill green 	<ul style="list-style-type: none"> • Item 1 - Noted. • Item 2 - Noted. • Items 3 and 4 - The Planning Proposal outlines a future intent for the subject land in relation to future land use. Matters relating to the details of any future potential development application (including consistency with the applicable LEP and DCP and associated heritage provisions) would be subject to more detailed assessment under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> as applicable.

	<p>heritage journal and we note that any future DA application for this purpose would need to be in accordance with the HHLEP. As you are aware the 3 terraces were built around 1890 and are an excellent example of buildings and architecture of that era. A copy of the relevant HHLEP is attached. We note that the indicative plan does not show how a future development would relate to and the impact on all 3 terraces from a street viewpoint. In this respect, the planning proposal has not satisfactorily demonstrated that the indicative proposal satisfies the relevant heritage provisions applicable to the land now and into the future.</p>	
<p>Harbour Trust</p>	<ul style="list-style-type: none"> ● Item 1 - The Harbour Trust owns the adjoining land known as ‘The Goat Paddock’ which is managed as public open space. The Harbour Trust’s land is listed under the Environment Protection and Biodiversity Conservation Act as a ‘Commonwealth Heritage Place’. ● Item 2 - The Harbour Trust only found out about this matter incidentally, as we had not been notified or consulted previously. (We note that the Planning Proposal incorrectly describes the Goat Paddock as Council-owned on page 6.) ● Item 3 - Consideration should be given to the suitability of other alternative uses: <ul style="list-style-type: none"> ○ The potential for the land to be used as public open space, connecting with the Goat Paddock. ○ Other potential infrastructure uses which Council may consider are needed in the locality, that would be compatible with the current zoning. ● Item 4 - Consideration should also be given to the potential impact on the 	<ul style="list-style-type: none"> ● Item 1 - Noted. ● Item 2 - Noted. ● Item 3 - The value of considering alternative uses is noted. However, it is also noted that the site is private land and Council has no current strategic or resourcing alignment to enact alternative users for this private land. ● Item 4 - Potential impact to heritage values are currently considered within Section 3 of the planning proposal. The potential impact of any subsequent development proposal on the heritage values of Woolwich Dock would be subject to more detailed assessment under Part 4 of the <i>Environmental Planning and</i>

	<p>heritage values of Woolwich Dock as a Commonwealth Heritage Place.</p> <ul style="list-style-type: none"> • Item 5 - Please note that the Harbour Trust has revegetated its land around the substation with a thick grove of native trees. Figure 9 (page 11) of the 'Planning Proposal' document shows an indicative development outcome, which seems to suggest that new development would enjoy an open outlook towards the harbour, however the grove of trees which would prevent such views being achieved. • Item 6 - Please keep us informed of the outcome of this planning proposal, and any future development applications for the site. 	<p><i>Assessment Act 1979</i> as applicable.</p> <ul style="list-style-type: none"> • Item 5 - Noted. • Item 6 - Noted. The Harbour Trust will be kept informed of the outcome of this planning proposal, and any future development applications for the site.
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Government Agency Consultation

The Harbour Trust owns the adjoining land known as 'The Goat Paddock' which is managed as public open space. The Harbour Trust's land is listed under the *Environment Protection and Biodiversity Conservation Act 1999* as a 'Commonwealth Heritage Place'.

The Harbour Trust has provided a submission in relation to the Proposal which is discussed within Part 5 of the Planning Proposal. Any future development of the site should consider the potential impact on the heritage values of Woolwich Dock as a Commonwealth Heritage Place. The Harbour Trust is also to be kept informed of the outcome of this planning proposal, and any future development applications for the site.

Ausgrid was consulted in relation to the proposal in accordance with Condition 4 of the Gateway Determination. However, no response was received.

Making of the LEP, including LEP Mapping

As detailed within Attachment 1 to this report, Council has been authorised by a delegate of the Minister for Planning and Public Spaces to exercise the functions of the local plan-making authority (LPMA) under section 3.36(2) of the *Environmental Planning and Assessment Act 1979*. Subsequently, Council has been authorised to make the LEP subject to a number of Conditions detailed within the Gateway Determination.

Where Council is the LPMA, DPHI provides support and advice throughout the course of the LEP finalisation process and will undertake a technical review of mapping required to implement the LEP to ensure compliance with the applicable mapping guidelines and alignment with the LEP. The nature of the proposed LEP mapping associated with the Proposal is illustrated within Part 4 of Attachment 2 to this report. Should Council Resolve to make the LEP as recommended by this report, formal LEP mapping would be developed in accordance with the attached Planning Proposal and submitted to DPHI for review who, once supported, will issue the final maps to the NSW Parliamentary Counsel's Office.

CONCLUSION

The subject Planning Proposal (provided within Attachment 2 to this report) seeks to amend development provisions applying to land at 1A Gale Street, Woolwich (Lot 1 DP 85924) to part R2 Low Density Residential, part SP2 Infrastructure (Electricity Distribution) and apply revised height of buildings, floor space ratio and lot size development standards for the proposed R2 Low Density Residential component as follows:

- Maximum height of building: 8.5 metres.
- Maximum floor space ratio: 0.5:1.
- Minimum lot size: 1000sqm.

The intended outcome of this amendment is to facilitate residential land use in conjunction with the residential dwelling at 1 Gale Street. This outcome has been sought in response to the decommissioning and relocation of a former electrical substation on the site.

The proposal exhibits site-specific merit and strategic merit as it consistent with the broad planning goals for the Municipality identified in Council's and the NSW Government's strategic planning framework.

The impacts of the use to be permitted by the amendment would have no adverse impacts or impacts to the amenity of the locality beyond what could be suitably managed through the standard development assessment processes under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is recommended that Council, (as the local plan making authority), make the local environmental plan as set out in Gateway Determination from the Department of Planning, Housing and Infrastructure dated 8 July 2024, included as Attachment 1 to this report, in accordance with section 3.36 of the *Environmental Planning and Assessment Act 1979*.

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. Gateway Determination [↓](#)
2. Updated Planning Proposal Documentation [↓](#)
3. Submission - Hinton [↓](#)
4. Submission - Ierace [↓](#)
5. Submission - Harbour Trust [↓](#)

ITEM NO	: 4.4
SUBJECT	: URBAN FOREST MANAGEMENT STRATEGY
STRATEGIC OUTCOME	: NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PROTECTED AND ENHANCED
ACTION	: COMPLETE TREE HEAT MAPPING AND TREE REGISTER
REPORTING OFFICER	: MATTHEW VIDMAR

Ref:739619

PURPOSE

The purpose of this report is to update Council on the Hunters Hill Urban Forest Management Strategy (Strategy) and to seek endorsement for the draft Strategy to go out for public exhibition.

RECOMMENDATION

1. That Council endorse the Draft Urban Forest Management Strategy for public exhibition which includes the proposal to:
 - a. Increase Hunter's Hill tree canopy cover to 40% by 2045.
 - b. Ensuring tighter controls around tree protection on development sites.
 - c. Strategic plantings to lower urban heat temperatures.
 - d. Proactive monitoring.
2. That a further report be brought back to a future Council Meeting for consideration and adoption of the Urban Forest Management Strategy based on feedback received.

BACKGROUND

Hunter's Hill Council commissioned Active Green Services to develop the Hunters Hill Urban Forest Management Strategy (Strategy). The Strategy addresses the challenges faced in regard to tree protection, urban forest management, urban heat island effects and canopy cover. This draft Strategy will guide the future protection and enhancement of Council's Urban Forest.

The Strategy will reflect our community's strong connection to their environment and their desire for Council to act as a leader on the values of a healthy urban forest.

REPORT

The Strategy for Hunter's Hill Council represents a proactive approach to the enhancement and maintenance of a healthy urban forest. The Strategy is guided by clear visions, recommendations and goals.

Over the past few decades evidence-based research has really started to show us the true importance of an urban forest and the wide range of economic and environmental benefits that they provide. Communities are now being confronted with challenges associated with climate change and the ensuing urban heat island effect, of which trees are a major combatant.

The Strategy's vision aligns with the State Government's directives for Metropolitan Sydney Councils, addressing the need for better protection and enhancement of urban forests to achieve targets.

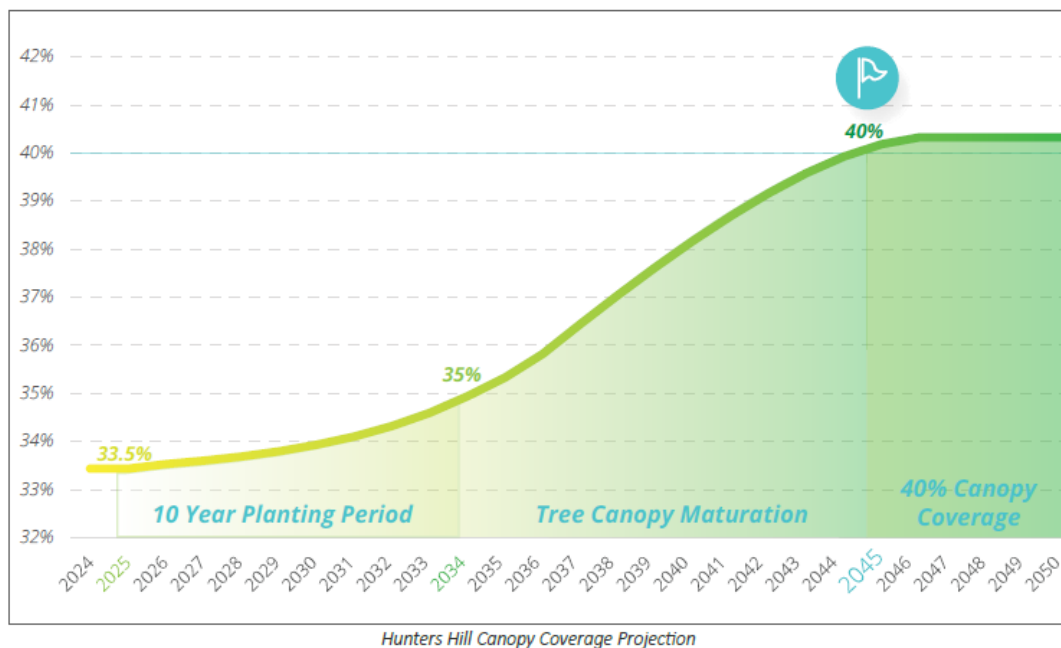
The Strategy supports Councils strategic plans and identifies key actions for improving and maintaining a healthy urban forest.

The Strategy addresses several key objectives and recommendations to achieve this vision which include:

- Achieving a canopy cover of 40% by the year 2045

CANOPY COVERAGE PROJECTIONS

The below infographic depicts the timeline for achieving the target of 40% tree canopy coverage by 2045.



- Robust Tree Protection of public and private trees (considered to Development Applications)
- Reduce Tree Canopy loss on development sites
- Strategic Plantings, including a preferred species list
- Best Management Practices
- Proactive Monitoring
- Community Stewardship
- Cooling effects of Trees and the Urban Heat Island effect



Moving forward the Strategy is being developed for the community. Its intention is to provide a set of actionable recommendations that can be candidly discussed and developed for the enhancement of the Hunters Hill urban forest.

In particular, this Strategy highlights the need for public and private tree retention, increased tree planting, follow best management practices and the adoption of more robust tree protections regarding development, urban sprawl and unqualified opinion.

CONSULTATION

Community consultation commenced on the 2nd June 2024 and concluded on the 1st July 2024, with key findings including:

- 83.6% would like more trees planted in their local streetscape;
- 85.1% would like more trees planted in local parks and greenspaces;
- 86.5% of the community live within a 5-minute walk of a park, bushland or greenspace area;
- 61.2% of the community feel trees don't have adequate protection from development;
- 65.7% of the community have observed tree canopy decrease over the last 5-10 years.

BUSHLAND AND BIODIVERSITY MANAGEMENT

The Municipality of Hunters Hill supports a high diversity of native species, including 1 critically endangered ecological community, 3 threatened ecological communities, 20 known threatened flora and fauna and 27 species identified as locally significant.

There are regionally significant biodiversity corridors both along and between the Lane Cove and Parramatta Rivers. These ecosystems and flora and fauna species are actively managed by Council working together with 11 Bushcare groups.

Increasingly, research at the city/county scale as well as at the landscape scale reveals that urban areas can contain relatively high levels of biodiversity. Important percentages of species found in the surrounding natural habitat, including endangered species, have been found in the urban forest. Therefore, a balance is needed to protect and support local biodiversity with the provision of crucial ecosystem services to people.

An extensive urban forest, especially consisting of diverse vertical complexity and canopy connectivity, encourages strong biodiversity outcomes. When there is good vertical complexity (a diverse mix of groundcover, understory, and canopy) habitat is diversified; this supports an improved biodiversity of mammals, birds, reptiles, and insects.

CONCLUSION

Trees and the collective urban forest are crucial contributors to the liveability and wellbeing of a community. This document reflects the expectations of our community for a Council that demonstrates clear commitment and active progress towards achieving our goals.

The Strategy will become a reference that enables Council to move forward in achieving its required targets. The Strategy outlines a clear purpose of what actions need to be taken to reach our targets. The Strategy will also form the basis of future grant opportunities to enhance our canopy cover and manage our urban forest.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

A healthy urban forest provides a multitude of eco-services to a community and their environment on an everyday basis. This highlighting the importance of urban tree retention and the necessity to increase urban tree canopy coverage. Trees are also the most efficient and cost-effective way of combating the adverse effects of Climate Change and Urban Heat Islands which includes:

Heat Mitigation, Energy and Cost Efficiency, Traffic Calming and Reduced noise Pollution, Improved Air Quality, Water Quality and Storm Water Attenuation and Carbon sequestration.

This Strategy will enable Council to improve canopy cover, through implementation of the actions recommended within.

SOCIAL IMPACT ASSESSMENT

This Strategy aims to support and promote the protection, growth, and enhancement of the trees that collectively make-up the Hunters Hill urban forest. However, it is not only authored for policy and decision makers. Its intention is to welcome anyone who simply wishes to gain a

quick overview of the enormous potential offered by trees and an urban forest. This including the many unseen 'nature-based' benefits, services, and solutions that a healthy urban forest provides to an individual on an everyday basis.

There are many positive benefits to the community as a whole and also to individuals from seeing and interacting with trees on a daily basis.

RISK ASSESSMENT

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

ATTACHMENTS

1. Attachment 1- Draft Urban Forest Management Strategy [↓](#)

ITEM NO	: 4.5
SUBJECT	: BOAT TRAILER PARKING - GLADESVILLE ROAD AND POLICY
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:739271

PURPOSE

Provide information on managing boat trailer parking within the Hunters Hill LGA, including:

- A review of the Boat Trailer Parking Policy; and
- The installation of 'No Parking motor vehicles excepted' parking for a 6-month trial period.

RECOMMENDATION

1. That Council proceed with developing a new boat trailer parking policy to reflect current legislation.
2. That community consultation is carried out for the introduction of 'No Parking motor vehicles excepted' parking restriction for a 6-month trial at:
 - Gladesville Road – on both sides between Mary Street and Luke Street.
 - Mary Street – adjacent to St Joseph's between Mark Street and Gladesville Road
 - Mary Street – between Gladesville Road and to No.6 Mary Street
3. That this proposal be tabled at the next Local Traffic Committee prior to a Council resolution.
4. That a further report be brought back to a future Council Meeting to endorse the public exhibition of the updated Boat Trailer Parking Policy.

BACKGROUND

Council has several streets within its Local Government Area, where boat trailer parking is having a detrimental affect on parking and visual amenity upon the street.

The current Policy has some enforcement limitations that can prevent enforcement outside of residential addresses. Council's current Boat Parking Policy (Policy) is due for review. Council is currently working on the Draft Policy, which will aim at trying to eliminate some of the enforcement issues.

Council's enforcement officers have recently been working to enforce the Policy along Gladesville Road and have marked offending trailers. Council expects to issue fines upon expiry of the statutory 28-day period.

REPORT

The current Policy considers the relevant legislation at the time of drafting, being the Impounding Act 1993 whereby a boat trailer must move every 28 days, however Council's Policy also allows residents to park their boat trailer in the 'immediate vicinity' of their residence and sets out in detail how the immediate vicinity is determined.

This exemption for residents raises the following challenges:

- Enforcement – Enforcing Officers need to assume that a boat outside a property belongs to the owner.
- An exemption for residents is similar to providing a permit. Under TfNSW Permit Parking Guidelines boat trailer are excluded from holding a permit.
- Introduction of other parking restrictions in a street while maintaining the exemption for resident boat trailer parking under the current Policy is contradictory.

In 2021 the Impounding Act 1993 was replaced by the Public Spaces (Unattended Property) Act 2021 (Act). Council is working on updating the Policy and intends to remove the above exemption and align with the legislation. Where an authorised Council officer may take possession of an item if the officer reasonably believes, relevantly:

- (a) the item is unattended (defined in s 16 of the Act as meaning 'the property is not under the direct control or supervision of the responsible person'); and
- (b) in the case of a boat trailer, the item has been in the same or substantially the same place for 28 days if registered or 15 days if unregistered (there are also other matters set out in s 25 that may allow the officer to take possession of an item e.g. interfering with public amenity, posing a risk or obstructing public access).

By removing these exemptions from the Policy, the conflicts outlined above will not impede the introduction of other parking restrictions.

Trial Parking Signage

To assist with the immediate management of the current number of boats/trailers on Gladesville Road adjacent to St Josephs, it is proposed to implement as a 6-month trial 'No Parking Motor vehicles excepted' in the following locations:

- Gladesville Road – on both sides between Mary Street and Luke Street.
- Mary Street – adjacent to St Joseph's College between Mark Street and Gladesville Road.
- Mary Street – between Gladesville Road and to No.6 Mary Street.

As shown in Figure 1 below.

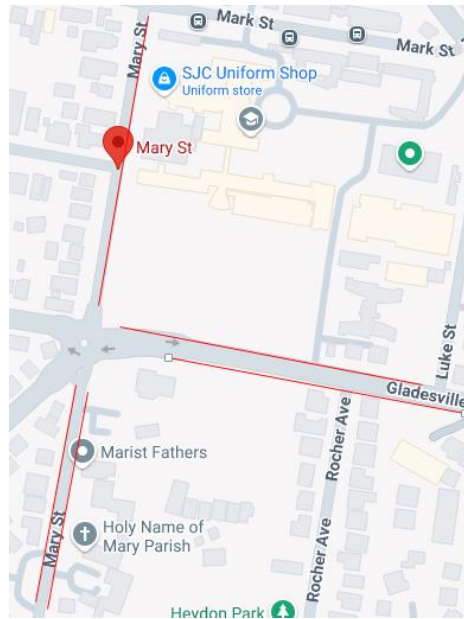


Figure 1- Locations of proposed parking signage

Community consultation will be carried out with adjacent residents prior to the proposal being tabled at the February Local Traffic Committee for comment.

The trial will evaluate if this restriction is a deterrent or if the boat trailer parking is shifted to other areas.

Next Steps

- Undertake community consultation for a period of 2 weeks for the trial signage - **late January 2025**
- Seek endorsement for trial signage at the Local Traffic Committee - **February 2025**
- Council resolves the trial Parking signage through the minutes of the Local Traffic Committee- **February 2025**
- Finalise Draft Policy, seeking endorsement of Council to take to public exhibition - **February 2025**
- Trial signage erected at proposed locations - **February 2025**

CONCLUSION

The purpose of this report is to provide an update on the management of boat trailer parking within Hunters Hill.

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 are no attachments to this report.

ITEM NO	: 4.6
SUBJECT	: DRAFT NET ZERO PLAN AND DRAFT SUSTAINABILITY POLICY
STRATEGIC OUTCOME	: IMPROVED SUSTAINABILITY IS REFLECTED IN POLICIES, STRATEGIES, PROGRAMS AND PROJECTS
ACTION	: IMPLEMENT THE ACTIONS IN THE SUSTAINABILITY ACTION PLAN
REPORTING OFFICER	: MARGAUX PARK

Ref:738878

PURPOSE

To update Council on progress towards delivering Council's Sustainability Framework and present two key documents of the framework.

1. Draft Environmental Sustainability Policy (Policy)
2. Draft Net Zero Implementation Plan (Plan)

RECOMMENDATION

1. That Council endorse the Draft Environmental Sustainability Policy for public exhibition.
2. That Council endorse the Draft Net Zero Implementation Plan for public exhibition which includes the proposal to align Hunter's Hill Council's net zero targets with the NSW target:
 - a. Net zero by 2050
 - b. 50% emissions reduction by 2030 based on 2005 levels
 - c. 70% emissions reduction by 2035 based on 2005 levels
3. That a further report be brought back to a future Council Meeting for consideration and adoption of the Environmental Sustainability Policy and Net Zero Implementation Plan based on feedback received.

BACKGROUND

On 24 July 2023, Council endorsed the Sustainability Framework (Framework) that outlines Hunter's Hill Council's strategic commitment to sustainability. The framework reflects our community's strong connection to their environment and their desire for Council to act as a strong leader in advocating and acting on environmental issues that are important to them.

Significant progress has already been made to delivering the suite of documents within the Framework.

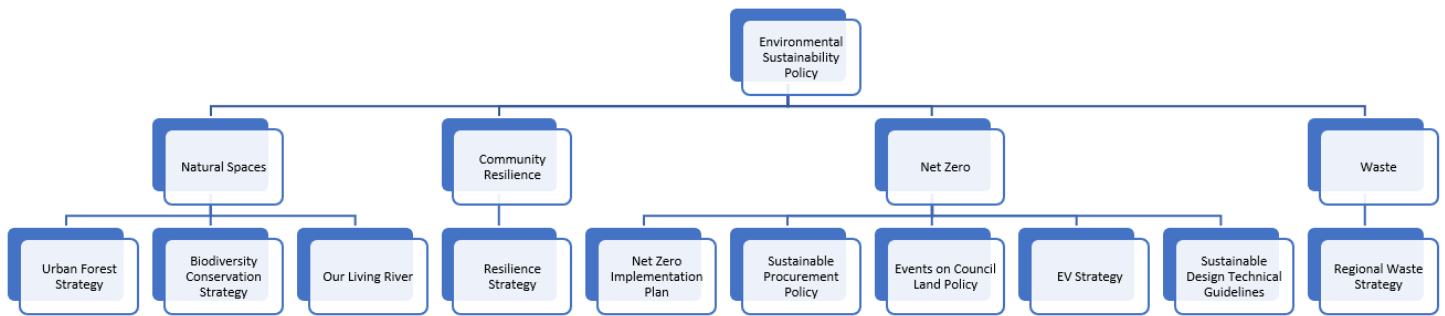


Figure 1- Hunter's Hill Council's Sustainability Framework

REPORT

1. Draft Environmental Sustainability Policy (Policy)

This Policy underpins the Sustainability strategic framework adopted by Council in July 2023, as shown at Figure 1. This Policy sets the guiding direction and clear sustainability commitments for Council to rely on heavily for all its programs, services and events.

It provides a clear message to the community, staff and organisations we interact with, as to how we prioritise sustainability at Hunter's Hill Council.

The Draft Policy addresses the key areas of:

- Embedding ecologically sustainable development into all we do;
- Reducing our carbon footprint;
- Reducing waste to landfill;
- Protect and promote local biodiversity; and,
- Improve local waterway health.

The Draft Policy will go on public exhibition commencing 27 January 2025 for a period of 28 days to account for the Christmas and school holiday period.

2. Draft Net Zero Implementation Plan (Plan)

On 24 February 2020, Council declared a climate emergency and called for a greater response to our changing climate. There is strong community desire for Council to show leadership in how we will work towards a net zero future across both corporate and community emissions.

In January 2024, '100% Renewables' (100RE) was awarded the contract to develop and deliver the Plan for Council. They have extensive experience in delivering similar documents for a range of other councils.

The scope of work includes:

- An assessment of Council's utility data and progress to date; and,
- Site inspections at Council's key facilities and an emissions analysis;
- extensive community consultation research, including:
 - Community Drop in sessions;
 - On-line questionnaire;
- Implementation Plan to Net Zero.

What are our corporate emissions?

The Draft Plan records Council’s corporate emissions (2023FY) at 97.3 t CO₂-e.

The Figure 2 below illustrates the overall split of emissions by source and scope. Scope 1 emissions dominate, representing 72% of the total footprint, primarily from fuel combustion. Scope 3 emissions account for 28%, driven by water use and the indirect impacts of fleet fuel. This analysis underscores the importance of targeting transportation and exploring alternative vehicle technologies or fuel sources as a priority for emissions reduction.

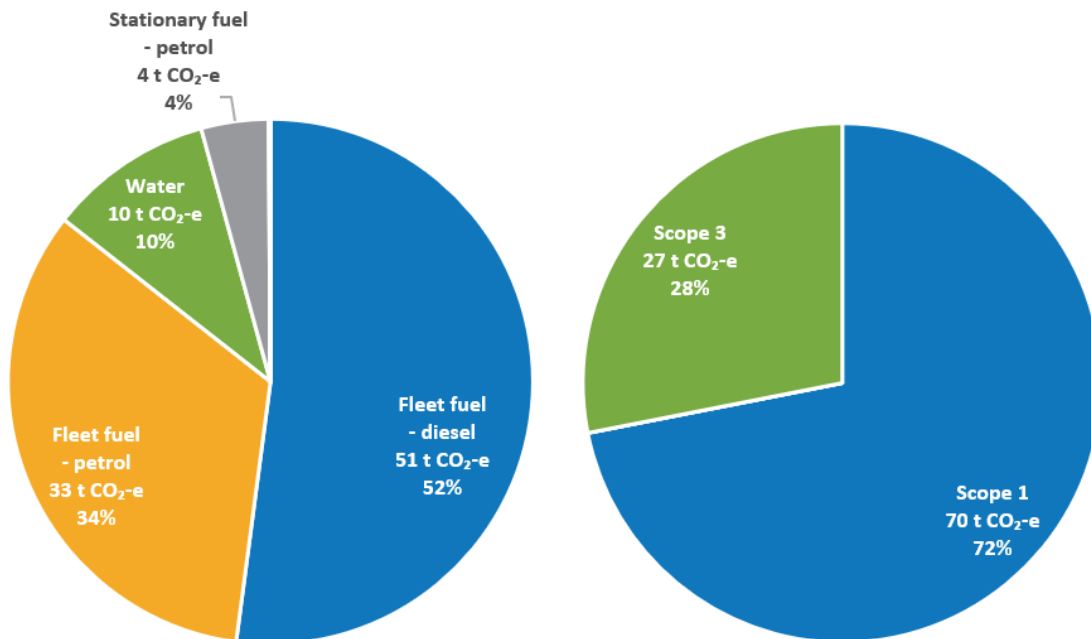


Figure 2. Hunter’s Hill Council- split of FY 23 Carbon footprint by emission source and scope

Over the last few years, Council has made drastic reductions in its Scope 1 and 2 emissions, thanks largely to a recently implemented Power Purchase Agreement (PPA), together with a range of energy upgrade measures. Figure 3 below shows Councils current Scope 1 & 2 emissions compared to its historical emissions. The red line shows the current emissions for Scope 1 and 2, noting that Scope 2 emissions have been effectively eliminated via the PPA.

Please Note: Waste-to-landfill was not able to be quantified, however, Council’s waste-to-landfill emissions is estimated to be in the order of 15 t CO₂-e per annum, equating to approx. 13% of Council emissions. This estimate is based on an assessment of waste-to-landfill in nearby councils, adjusted based on the relative population of the LGA as an indicator of the relative size of council operations.

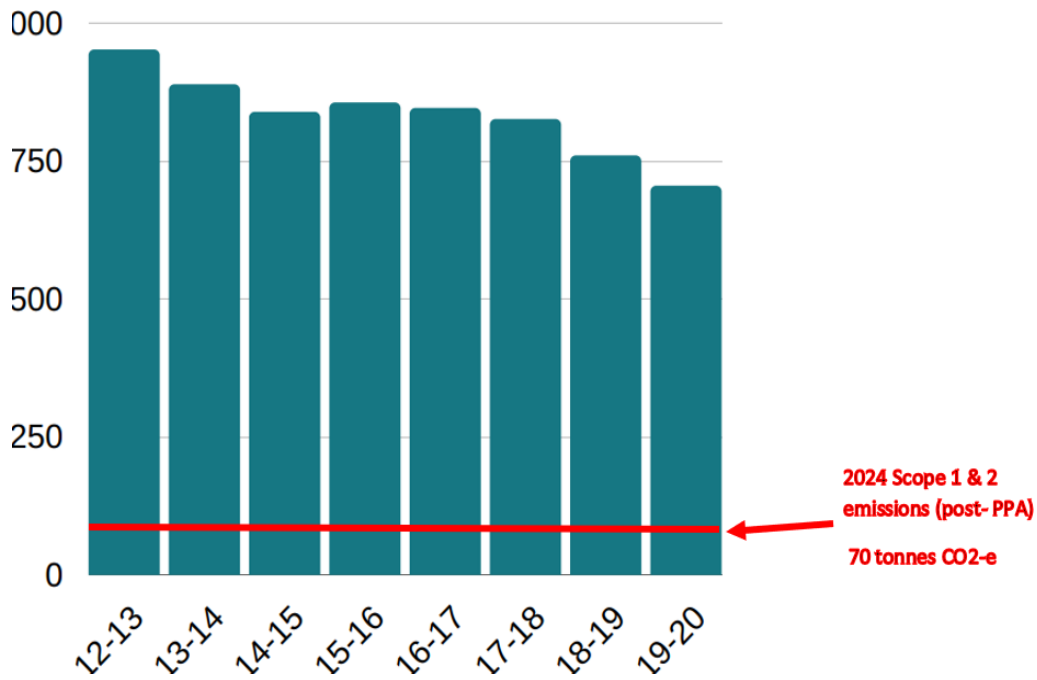


Figure 3. Hunter’s Hill Council emissions, measured by (t Co2e) from Scope 1 and 2 2012-2020

What are our community emissions (LGA-wide)?

Community emissions (2023FY) are recorded at 126,679 t CO₂-e.

The Figure 4 below provides further detail on the breakdown of emissions. By sector, stationary energy accounts for the largest proportion of the carbon footprint (48%), followed by transportation (39%) and waste (13%). By scope, Scope 1 emissions represent 45% of the total footprint, indicating substantial direct emissions that the Council or community can influence. Scope 2 emissions, primarily from purchased electricity, account for 38%, while Scope 3 emissions contribute 17%, highlighting the indirect impact of activities such as waste disposal and supply chain operations.

The breakdown of emissions underscores the importance of focusing efforts where the greatest impact can be made, particularly in stationary energy and transportation, which dominate the carbon footprint in the Hunters Hill LGA. Understanding the scope-specific sources of emissions also helps to identify actionable areas for intervention and the need for partnerships to address broader, community-wide challenges.

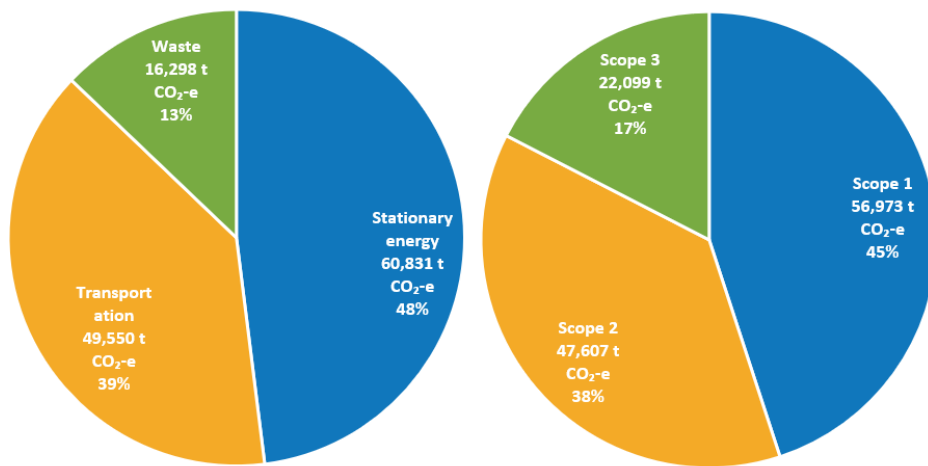


Figure 4 – Hunter’s Hill LGA FY2023 carbon footprint by sector and scope

Actions in the Plan

The Draft Plan has listed a number of rigorously thought-out actions that propose clear pathways for Council to achieve net zero. Many of these actions will involve significant financial commitment to upgrade facilities and future funding opportunities are currently being investigated to fast-track the speed at which we can reduce our corporate emissions.

Actions to reduce corporate emissions have been categorised into areas of:

- Buying clean energy
- Behind-the-meter solar
- Energy-efficiency
- Gas-to-electric technologies
- Sustainable transport
- Sustainable procurement
- Offsetting/insetting

Actions to reduce community emissions have been categorised into areas of:

- Grid decarbonisation
- Buying clean energy
- Regional and community renewables
- Behind-the-meter solar
- Energy-efficiency and gas-to-electric technologies
- Sustainable transport
- Waste management
- Offsetting/insetting

Adoption of consistent targets

This Plan supports the NSW Towards Net Zero Plan: 2020-2030 and looks to adopt the same target recognising that this LGA is heavily reliant on the leadership of the State and Federal Governments in progressing industry barriers that will enable progression to net zero.

Examples of such actions include:

- Retire all unabated coal-fired power plants by 2038

- Establishing the Net Zero Economy Authority to coordinate policy, broker investment deals and support workers impacted by the shift in energy sourcing
- Introducing Vehicle Efficiency Standards and increasing uptake of EVs
- Investing in intermodal hubs and high-speed rail networks

Council has already adopted a Renewable Energy Target of 100% by June 30, 2030. This has largely been achieved through the July 2022 negotiation of a Power Purchase Agreement (PPA) for 100% renewable energy for streetlighting, operations and assets.

RECOMMENDED TARGETS

The Draft Plan recommends adoption of the following targets:

- Net zero by 2050
- 50% emissions reduction by 2030 based on 2005 levels
- 70% emissions reduction by 2035 based on 2005 levels

Council's progress towards the NSW target

Modelling in the Draft Plan suggests we will be well ahead of the NSW targets based on our 2013 emissions profile of ~950 t CO₂-e. This is largely thanks to the work already done in securing 100% renewable energy purchase, completing LED replacements for all streetlighting and electrifying a number of fleet vehicles.

- 2030 forecast emissions of 90.6 t CO₂-e represent 90% reduction on Council's 2013 levels.
- 2035 forecast emissions of 42.8 t CO₂-e represent 95% reduction on Council's 2013 levels.

PUBLIC CONSULTATION

The Draft Policy and Plan will go on public exhibition commencing 27 January 2025 for a period of 28 days to account for the Christmas and school holiday period.

CONCLUSION

There is currently significant momentum in the sustainability space at Council and these documents reflect the expectations of our community for a Council that demonstrates clear commitments and active progress towards the goals of the state and nation.

The Net Zero Plan, in particular, will become a tangible reference that steers the direction of the majority of Council's future initiatives. The Plan outlines a clear roadmap of what actions need to be taken to reach net zero. The Plan will form the basis of future grant opportunities to upgrade facilities work towards emissions reduction projects.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

The implementation of the Plan using the guiding principles set out in the Policy will see Council reach its Net Zero target by 2050.

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 Environmental Sustainability Policy [↓](#)
2. Draft Net Zero Implementation Plan [↓](#)

ITEM NO	: 4.7
SUBJECT	: ELECTRIC VEHICLE CHARGING INFRASTRUCTURE (EVCI) POLICY
STRATEGIC OUTCOME	: IMPROVED SUSTAINABILITY IS REFLECTED IN POLICIES, STRATEGIES, PROGRAMS AND PROJECTS
ACTION	: IMPLEMENT THE ACTIONS IN THE SUSTAINABILITY ACTION PLAN
REPORTING OFFICER	: MARGAUX PARK

Ref:738784

PURPOSE

The purpose of this report is to present the Electric Vehicle Charging Infrastructure (EVCI) Policy to Council for adoption, incorporating feedback from both the community consultation process and Councillors.

RECOMMENDATION

1. That Council adopt the Electric Vehicle Charging Infrastructure (EVCI) Policy, as shown at Attachment 1.
2. That a further review of the Electric Vehicle Charging Infrastructure (EVCI) Policy be undertaken every three (3) years, or in line with any legislative updates.

BACKGROUND

On 28 October 2024 Council resolved to place the Draft Electric Vehicle Charging Infrastructure (EVCI) Policy on public exhibition. The resolution of Council is shown below:

1. *That Council endorse the Draft Electric Vehicle Charging Infrastructure (EVCI) Policy for public exhibition for 28 days.*
2. *That a further report be brought back to a future Council Meeting, for consideration and adoption of the updated Electric Vehicle Charging Infrastructure (EVCI) Policy.*

REPORT

The Draft EVCI Policy was placed on public exhibition for 28 days, from 30 October to 27 November 2024, inviting submissions to be made during the same period.

A total of 3 submissions were received during the public exhibition period. All comments were noted and assessed, to identify any changes that may be required to the Draft Policy. A summary of the comments is outlined below:

Comment summary	Implication for Draft Policy
Not in support of EVCI within HCC LGA citing the geographic area being too small.	Nil
Concerns of land use and unnecessary cost to Council to provide EVCI.	Nil

Seeking guidance on high rise developments becoming EV ready.	Nil – resident was sent information.
Concern of charging across nature strip to private residences citing safety concerns for the public.	Nil –The EVCI Policy aims to regulate EVCI upon public land throughout the LGA. Any EVCI of this nature should be enforced in line with Council’s Compliance and Enforcement Policy.
Desire for Council to maintain responsibility for street marking/signage provision instead of the CPOs (include as a fee/charge).	Nil – This will be a condition outlined in the Occupancy Agreement with each Provider.
Legacy issues raised in instance of insolvency of CPOs.	Nil – This risk should be mitigated within the Occupancy Agreement with each Provider.

Additionally, During the 28 October 2024 Council Meeting, a question was raised regarding the prevention of fast-charging EVCI on the kerbside, citing concerns for public safety with cords lying on nature strips/verges.

This question was considered and is covered in Section 2(j) within the policy under site considerations, being:

- *Cables should not be a hazard for pedestrians or other vehicles at any given time.*

CONCLUSION

The Draft Electric Vehicle Charging Infrastructure (EVCI) Policy was placed on public exhibition for 28 days and received three submissions from the community.

It is recommended that the Policy be adopted in its original form.

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. Electric Vehicle Charging Infrastructure (EVCI) Policy [↓](#)

ITEM NO	: 4.8
SUBJECT	: COUNCIL-RELATED DEVELOPMENT APPLICATION - CONFLICT OF INTEREST POLICY - FOR EXHIBITION
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	: SHAHRAM MEHDIZADGAN

Ref:738801

PURPOSE

The purpose of this report is to provide elected members with a draft copy of the proposed Council-related Development Application Conflict of Interest Policy and seek endorsement for this document to be placed on Public Exhibition.

RECOMMENDATION

1. Receive and note this report.
2. Endorse the DRAFT Council-related Development Application Conflict of Interest Policy attached to this report (see Attachment 1).
3. Place the endorsed Council-related Development Application Conflict of Interest Policy on exhibition for a period of 28 days, inviting submissions from members of the public.
4. Receive a further report at the next available Council Meeting on the exhibited Council-related Development Application Conflict of Interest Policy that includes consideration and any submissions made during the exhibition period, prior to formal adoption.

BACKGROUND

Page 1 of the *Council-related Development Application Conflict of Interest Guidelines* (see Attachment 1) issued by the New South Wales Department of Planning and Environment states as follows:

“The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in Council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with Council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a

management strategy statement, which explains how the Council will manage potential conflicts of interest, or a statement that the Council has no management strategy for the application (section 36A).

- Councils must record conflicts of interest in connection with each Council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B)."

REPORT

Page 2 of the *Council-related Development Application Conflict of Interest Guidelines* (see Attachment 1) issued by the New South Wales Department of Planning and Environment states as follows:

"In some circumstances, Council may determine the risks associated with a Council-related development are sufficiently low and no specific controls are warranted. Where this is the case, Council should still publicly communicate that fact to ensure transparency. Where a Council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a Councillor or a Council staff member in their private capacity. This can happen, for instance, where the Council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the Council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest. Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the Council might receive a small fee for the use of their land."

An optional sample policy has been developed by the Department of Planning Environment for consideration by Councils, which can be adapted to reflect the unique circumstances within a local government area. A copy of this sample policy is available within the *Council-related Development Application Conflict of Interest Guidelines* (see Attachment 1). Council's proposed policy is largely based on the sample document.

CONCLUSION

It is recommended that the Council-related Development Application Conflict of Interest Policy be endorsed by Council and then placed on public exhibition.

FINANCIAL IMPACT ASSESSMENT

In the event of a conflict of interest which requires referral to an external consultant or other third-party, Council will need to allocate sufficient funds to accommodate this process.

ENVIRONMENTAL IMPACT ASSESSMENT

Pursuant to relevant Planning, Heritage, Biodiversity and Conservation legislation, any Council-related development will need to take all steps necessary to mitigate against risks to the natural environment.

SOCIAL IMPACT ASSESSMENT

Residents, ratepayers and other interested parties to a Council-related development will get an opportunity to make comment during the relevant public exhibition period.

RISK ASSESSMENT

Council will need to establish controls and strategies to address any potential conflict of interest in Council-related development processes. This may require segregation of responsibilities throughout the project life cycle and where necessary require clear statements to that effect.

ATTACHMENTS

1. Council-related Development Application Conflict of Interest Guidelines [↓](#)

ITEM NO	: 4.9
SUBJECT	: ADOPTION OF SWIMMING POOL SAFETY PROGRAM POLICY
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: COMPLETE INSPECTIONS AND COMPLIANCE OF SWIMMING POOLS, BUILDINGS AND FOOD PREMISES
REPORTING OFFICER	: STEVE KOUREPIS

Ref:739272

PURPOSE

The purpose of this report is to provide Council with the final Swimming Pool Safety Program Policy for adoption, following public exhibition. The policy has been prepared based upon NSW Legislation, Australian Standards and best practice as demonstrated by other Local Government Councils. No submissions were received from the public exhibition period.

RECOMMENDATION

1. This report be received and noted.
2. Adopt the Swimming Pool Safety Program Policy attached to this report (Attachment 1)
3. Place the adopted Swimming Pool Safety Program Policy on the Hunter's Hill Council Website.

BACKGROUND

The *Swimming Pool Act 1992* ('The Act') and *Swimming Pool Regulation 2018* ('The Regulation') applies to all pools and spas in NSW. All swimming pool and spa owners are required to register them online, on the NSW Swimming Pool Register.

The Act and the Regulation also prescribes for Councils to adopt an internal registration system for all pools and spas in their area, while advising the local community that all swimming pools must be registered on the NSW Swimming Pool Register.

Council is required to establish and implement a strategy for engagement with the local community when developing a Program for the inspection of swimming pools in its area. The strategy must be based on social justice principles of equity, access, participation and rights.

The local community is to be consulted in accordance with the strategy in relation to the development of the inspection program (including in relation to any review of such a program). Additionally, the Program must set out inspection, reinspection times and when the owner must register the results on the NSW Swimming Pool Register.

Accordingly, the Program was placed on public exhibition on the Hunter's Hill Council website from 5 August 2024 until 2 September 2024. In this time, no submissions were received.

Once the Program is adopted, Council must inspect swimming pools in its area in accordance with its program, as required by the Act.

REPORT

The Swimming Pool Safety Program Policy has been prepared based upon the Act and its Regulation. It is a requirement for NSW Councils to set up in house registrations systems and keep accurate records of pool safety fencing in its Local Government area.

The Swimming Pool Safety Program Policy summarises the relevant legislation and regulation, and also identifies Council's responsibilities for maintaining records of the pool located in its Local Government area.

This policy outlines procedures for the maintenance of a swimming pools register in Council's records system to enable swimming pools safety fencing to be inspected on a regular basis and be recorded as compliant or non-compliant and reinspect for compliance as required.

CONCLUSION

It is recommended that Council adopt the Swimming Pool Safety Program Policy.

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. Swimming Pool Safety Program Policy [↓](#)

ITEM NO	: 4.10
SUBJECT	: COMMITTEES OF COUNCIL COMMUNITY REPRESENTATIVES
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:739665

PURPOSE

To inform Council of nominations received from community and youth representatives for Committees of Council (Advisory and Steering Committees) and to confirm committee composition.

RECOMMENDATION

1. That community and youth representatives be appointed (as outlined in this report) to the following Committees of Council:
 - Arts Advisory Steering Committee
 - Bushland Management Advisory Committee
 - Cultural and Events Advisory Committee
 - Sport and Recreation Advisory Committee
 - Sustainability Advisory Committee
2. Council to determine the two community members to be appointed to the Conservation Advisory Panel (CAP).
3. All nominees to be advised of outcomes.

BACKGROUND

At its Ordinary Meeting on 28 October 2024, Council resolved to adopt the structure for Committees of Council (Advisory and Steering Committees) and determine Councillor membership.

Council also resolved to invite nominations from community and youth representatives to be appointed to Advisory and Steering Committees. The results of that Expression of Interest (EOI) process are outlined in this report.

REPORT

The EOI process seeking community and youth nominations for Advisory and Steering Committees was held between 5 November and 2 December 2024.

The extensive EOI process included:

- Hunter's Hill Council website (as a news item with a pointer on the homepage and in the engagement section listing public notices, exhibitions and consultations) from 5 November to 2 December.
- Council's fortnightly email newsletter (eNews), 14 November and 28 November.
- The Weekly Times Mayoral column, 20 November and 27 November.
- Hunter's Hill Council Facebook page, posts on 6 November and 22 November.
- Hunter's Hill Council Instagram, posts on 6 November, 22 November and 27 November.
- Hunter's Hill Council Facebook page boosted ad on 27 November.
- Community members who served on Advisory and Steering Committee during the previous term of Council were advised via email about the EOI.
- Email was sent to all applicable sporting clubs/groups, re: delegates for the Sport and Recreation Advisory Committee.
- General Manager emailed all local school principals to advise about the opportunity for nominations from youth representatives.
- Promotional flyer was placed in Town Hall foyer and at the Young in Art check-in table.

The EOI criteria stated that nominees needed to demonstrate:

- *Reside within the Hunter's Hill Council municipality;*
- *Possess formal qualifications and/or proven experience aligned to the respective committee;*
- *An understanding of the role of Local Government;*
- *Possess excellent communication skills;*
- *The ability to effectively listen to and cooperate with community members holding similar or different points of view; and,*
- *A commitment to the consultative process and adherence to the guidelines as set out in the Code of Conduct.*

A total of 28 community and 2 youth representatives' nominations were received.

ARTS ADVISORY STEERING COMMITTEE

Councillors: Deputy Mayor Prieston and Cr Williams.

Council sought nominations for 7 community members, with 4 nominations received (in alphabetical order):

- Hilary Dixon
- Gemma Joesph
- Karen Presland
- Rone Waugh
- Youth representative nomination: William Imseis

Recommendation: All community nominees and William Imseis (youth representative) be appointed to the Arts Advisory Steering Committee.

BUSHLAND MANAGEMENT ADVISORY COMMITTEE (BMAC)

Councillors: Cr Kassab and Cr Virgara.

Council sought nominations for 11 community members for the Bushland Management Advisory Committee (BMAC).

The composition of BMAC has traditionally been 9 Volunteer Bushcare Leaders from each of Council's Bushland Working Groups and 2 community members.

The 9 Bushcare Leaders (in alphabetical order) are:

- Heather Armstrong (Friends of Buffalo Creek Reserve and the Great North Walk)
- Steven Buchert (Friends of Boronia Park)
- Jenny Craige (Collingwood Street Reserve)
- Bev Debrincat (Bedlam Bay and Tarban Creek Bridge)
- Brigid Dowsett (Tarban Creek Action Group and Ferdinand St Reserve)
- Sally Gaunt (Tarban Creek Action Group)
- Liz Hinton (Friends of Kelly's Bush)
- John Harper (Riverglade Bushcare)
- Chris Mutton (Friends of Gladesville Reserve and Betts Park)

Council received 2 community member nominations: Simon Frame and Jim Sanderson.

Youth representative nominations received: Constantinos Efthimiou and William Imseis.

Recommendation: That the 9 Bushcare Leaders be endorsed; Simon Frame and Jim Sanderson (community members); and, Constantinos Efthimiou and William Imseis (youth representatives) be appointed to the Bushland Management Advisory Committee.

CULTURAL AND EVENTS ADVISORY COMMITTEE

Councillors: Deputy Mayor Prieston and Cr Kassab.

Council sought nominations for 5 community members, with 5 nominations received (in alphabetical order):

- Victor Berger
- Simon Frame
- Emile Kanaan
- John Milce
- Chris Schofield
- Youth representative nominations received: Constantinos Efthimiou and William Imseis.

Recommendation: All community nominees and Constantinos Efthimiou and William Imseis (youth representatives) be appointed to the Cultural and Events Advisory Committee.

SPORT AND RECREATION ADVISORY COMMITTEE

Councillors: Mayor Miles (Chair) and Cr Virgara.

The committee structure includes 8 members nominated by local sporting clubs/groups.

The confirmed 8 nominated members are:

- Greg Chippendale (Ryde Hunters Hill Pirates Cricket Club)
- Scott Gandy (Holy Cross Rhinos Rugby League)
- Maureen Hurley Bryans (Pickleball)
- Jacqui Jago (All Saints Hunters Hill Football Club)
- Damien Kiley (Lane Cove Cats Junior AFL)
- Warner Leung (Gladesville Ravens)
- Bec Watson (Hunters Hill Rugby Union Football Club)
- Matthew Wilkinson (Hunters Hill Sailing Club)

Council sought 2 nominations for community members, one from each Council Ward.

- Community nominations were received from: Michael Clayton (South Ward) and Frank Inverso (North Ward).

Youth representative nominations received: Constantinos Efthimiou and William Imseis.

Recommendation: That the eight nominated delegates be endorsed; Michael Clayton and Frank Inverso (Council Ward community representatives); and, Constantinos Efthimiou and William Imseis (youth representatives) be appointed to the Sport and Recreation Advisory Committee.

SUSTAINABILITY ADVISORY COMMITTEE

Councillors: Cr Tannous-Sleiman and Cr Williams.

Council sought nominations for 5 community members, with 8 nominations received (in alphabetical order):

- Arthur Conigrave
- Christian Hailazidis
- Carrie Hamilton
- Elizabeth Krasso
- Claire Locke
- Lisa McLean
- Gabriela Mitsidis
- Helen Whitkin

- Youth representative nominations received: Constantinos Efthimiou and William Imseis.

Recommendation: All community nominees and Constantinos Efthimiou and William Imseis (youth representatives) be appointed to the Sustainability Advisory Committee.

CONSERVATION ADVISORY COMMITTEE (CAP)

Director of Planning, Steve Kourepis, has confirmed the following nominated representatives:

- Robert Moore (Institute of Architects)
- David Burdon (National Trust of Australia, NSW)

Council sought nominations for 2 community members, with 8 nominations received (in alphabetical order):

- Graham Atkins
- David Barnard
- Arthur Conigrave
- Alexandra Douglas
- Simon Frame
- Yvonne Kaiser
- Elizabeth Krassoi
- Felicity McCaffrey

Councillors have been provided with the nomination forms and any supplied supporting documents (i.e. CVs) of all community nominees for CAP.

Recommendation: Nominated delegates Robert Moore and David Burdon be endorsed; Councillors to select the two community representatives from the 8 nominations.

PROPOSED INAUGURAL MEETING DATES in 2025 OF COMMITTEES OF COUNCIL ARE:

Proposed first meeting date	Committee	Responsible Council officer
10am: Tuesday, February 11 Mayor to host morning tea First meeting in May (date TBC)	School Principals Liaison Committee	Shery Demian
4pm: Wednesday, February 19	Conservation Advisory Panel	Steve Kourepis
6pm: Thursday, February 20	Sustainability Advisory Committee	Sam Urquhart
6.30pm: Wednesday, February 26	Cultural Events Advisory Committee	Gabby Cleary
4pm: Wednesday, March 5	Bushland Management Advisory Committee	Jacqui Vollmer
6.30pm: Wednesday, March 5	Arts Advisory Committee	Gabby Cleary

6.30pm: Wednesday, March 5	Sport and Recreation Advisory Committee	Mitchell Murphy
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A draft Terms of Reference (TOR) will be provided to each committee for consideration at their first meeting. The TORs will then come back to Council for formal endorsement.

Please note: The Hunters Hill Local Traffic Committee (LTC) is scheduled to meet on Thursday, February 27 at 10.30am.

CONCLUSION

Community representation on Council's Advisory and Steering Committees is an integral part of promoting and encouraging community engagement and involvement in local democracy.

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

SOCIAL CAPITAL AND INCLUSIONS ARE IMPORTANT PARTS OF OUR COMMUNITY STRATEGIC PLAN AS ARE VOLUNTEERS. 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	: 4.11
SUBJECT	: HUNTERS HILL CITIZEN OF THE YEAR AWARDS
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: REPORT TO COUNCIL AND THE COMMUNITY ON MATTERS OF PUBLIC INTEREST VIA MAYORAL MINUTES AND STAFF REPORTS
REPORTING OFFICER	: ANNIE GOODMAN

Ref:739553

PURPOSE

To seek endorsement of the recommendations of Council's Citizen of the Year Assessment Panel.

RECOMMENDATION

1. That the report be received and noted.
2. That Council endorse the recommendations of the Citizen of the Year Assessment Panel as confidentially circulated to Councillors prior to the Council Meeting:
 - The Hunters Hill Citizen of the Year recipient is [REDACTED]
 - The Hunters Hill Young Citizen of the Year recipient is [REDACTED]
 - The Outstanding Sporting Achievement recipient is [REDACTED]
 - The Hunters Hill Community Excellence recipients are [REDACTED]
 - The Hunters Hill Environmental Excellence recipient is to [REDACTED]
3. That Citizen of the Year Awards be presented at the 26 January 2025 Australia Day Citizenship and Award Ceremony.

BACKGROUND

Each year, Hunter's Hill Council celebrates the achievements and contributions of outstanding members and groups of our community through the Citizen of the Year Awards.

The importance of the awards is to showcase individuals and groups who demonstrate extraordinary service every day within our community - building social and cultural fabric and making a significant difference to our municipality. At the 29 July 2024 Council Meeting, Council resolved to endorse the following award categories:

- Citizen of the Year
- Young Citizen of the Year
- Outstanding Sporting Achievement
- Community Excellence
- Environmental Excellence

REPORT

The Citizen of the Year Awards Assessment Panel consisting of the Mayor, Deputy Mayor and Councillors Kassab and Tannous-Sleiman and the current Citizen of the Year, Rob Fraser, met on 28 November 2024 to assess all Citizen of the Year Award submissions.

Following thorough assessment of each nomination the Panel voted as follows:

- The Hunters Hill Citizen of the Year recipient is [REDACTED]
- The Hunters Hill Young Citizen of the Year recipient is [REDACTED]
- The Outstanding Sporting Achievement recipient is [REDACTED]
- The Hunters Hill Community Excellence recipients are [REDACTED]
[REDACTED]
- The Hunters Hill Environmental Excellence recipient is [REDACTED]

CONCLUSION

That Council accept the award recipients as voted by the Hunters Hill Citizen of the Year Panel. Due to confidentiality of the Citizen of the Year nominees, Council is unable to name the award recipients prior to the awards ceremony to be conducted on 26 January 2025.

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 are no attachments to this report.

ITEM NO	: 4.12
SUBJECT	: LOCAL GOVERNMENT HERITAGE GRANT
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: COUNCIL MAPS, PHOTOGRAPHS, DOCUMENTS AND PLANS ARE DIGITISED AND STORED ACCORDINGLY
REPORTING OFFICER	: CHERY KEMP

Ref:738144

PURPOSE

To seek Council's consent to apply for a Local Government Heritage Grant in the 2025/27 NSW Heritage Grants Program for a Heritage Digital Photography project, which includes digitisation of historical photographs and images of and relating to heritage items in the Hunter's Hill Council area (held by Council and the Hunters Hill Museum) and digital photography of all 606 listed heritage items in the Hunter's Hill Council area.

RECOMMENDATION

1. That the Council receive and note this report.
2. That Council budget for 50% of the funds for the Heritage Digital Photography project over the next two financial years, which is estimated (based on quotes received) to be:
 - a. \$8200 for digitisation of historical photographs and images relating to heritage items in the Hunter's Hill Council area plus \$6450 for digital photography of heritage items, a total of \$14,650 for the financial year 2025/26.
 - b. \$6450 for the remaining digital photography of the listed heritage items in Hunter's Hill Council area for the financial year 2026/27.
3. That the Council consider whether to proceed with part of the project over the next two financial years with the budgeted funds, in the event that the Local Government Heritage Grant application is not successful (for example to proceed with digitisation of historical images).

BACKGROUND

The NSW Heritage Grants program 2025-27, administered by Heritage NSW, is now open for grant applications until 30 January 2025. The Local Government Heritage Grant stream allows local Councils to apply for one (1) grant to cover 50% of funding for a project which would proceed over the two-year period of the grant program. Projects must be delivered between July 2025 and May 2027. Hunter's Hill Council must provide matching funding (50% of the budget) over the 2-year grant period for any project applied for. The maximum amount of a grant application under the Local Government Heritage Grant category is \$25,000, however the amount applied for as a grant must relate to project cost estimates based on quotes.

Hunter's Hill Council complies with the eligibility criteria for a Local Government Heritage Grant, which are that the applicant must be a local government entity in NSW and hold at least \$20 million in public liability insurance.

Costs for updating the State Heritage Inventory (SHI) for a Council area are given by Heritage NSW as an example of "what costs you can apply for" under the Local Government Heritage Grant category.

REPORT

The State Heritage Inventory (SHI) for Hunter's Hill Council area is intended to contain publicly available online information about all listed heritage items in the Hunter's Hill Council area. The Hunters Hill SHI is currently deficient in information and lacks photographs of heritage items (either historical photos or current photos). Heritage NSW has recently urged Council to update the Hunters Hill SHI.

Since the new heritage advisor started in mid-August 2024, updating of the data in the Hunters Hill SHI for the 606 heritage items listed in the Hunters Hill LEP 2012 has commenced and is ongoing - data for 66 heritage items had been updated and uploaded to Heritage NSW as of 27 November 2024.

However, to complete the updating of the Hunters Hill SHI, there is a clear need for:

- Digitisation of historical photographs and images held by both Council and the Hunters Hill Museum to facilitate input of historical images into the SHI.
- New digital photography of the 606 listed heritage items for input of current digital photographs of the items into the SHI.

CONCLUSION

If the heritage digital photography project is successful in attracting a NSW Local Government Heritage grant and goes ahead with 50% Council funding over the next 2 financial years, the outcomes of the project would be:

- Updating of the Hunters Hill SHI over the next two (2) financial years utilising historical and current photographs of and relating to heritage items, produced by the project.
- Making available to the public, through the Hunters Hill Museum, the SHI, and the Local Studies section of the Lane Cove Library, digital historical and current images of and relating to heritage items within the Hunter's Hill Council area.

FINANCIAL IMPACT ASSESSMENT

Council is required to allocated 50% of the total project cost over the next two financial years, in the event that the grant application is successful.

Successful grants will be announced in May 2025, for project commencement in July 2025, therefore Council will need to allocate 50% of the project funding in 2025/26 and 2026/27 financial year budgets.

It is recommended that Council allocate most of the funding in the first year (financial year 2025/26) in order to complete the digitization of historical images plus half the photography of heritage items in the first financial year of the project.

This would require allocation of \$8200 (for digitization of historical images) + \$6450 for half the Council allocation for new digital photography of heritage items) = a total of \$14,550 for the 2025/26 financial year, with the remaining \$6450 Council budget for the new digital photography of heritage items to be allocated in the 2026/27 financial year. Note these are estimates based on preferred quotes.

There will also be other minor costs associated with the project such as the cost of writing to owners of heritage items located in battle-axe allotments requesting permission to access these sites for photography, and the cost of staff time to accompany the photographers for these and other difficult to access heritage item sites.

In the event that the grant application is not successful, Council will also need to consider whether to proceed with part of the project within the Council budget (for example the digitisation of historical photographs and images at a total cost of approximately \$16,400).

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

The social impact of the project, if it proceeds, would be positive for the Council and the Hunters Hill community, as the project would facilitate increased knowledge about the Hunter's Hill Council area heritage items (through updating of the SHI) and make publicly available historical and current images of and relating to Hunter's Hill Council area heritage items.

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	: 4.13
SUBJECT	: HUNTERS HILL MUSIC 2025
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:739685

PURPOSE

For Council to consider a request for sponsorship of the Hunters Hill Music Society 2025 season through a fee waiver for the hire of Hunters Hill Town Hall which will be used as the venue for their concerts.

RECOMMENDATION

1. That Council supports the Hunters Hill Music Society 2025 season by waiving the hire fee for the Hunters Hill Town Hall on 23 February, 4 May, 10 August and 23 November 2025, in the amount of approximately \$2855.
2. That Hunters Hill Music Society be required to pay a bond of \$1000 for 2025 concert series.
3. That Hunters Hill Music Society be required to pay a fee to cover the cost of cleaning the Hunters Hill Town Hall following the events in the amount of \$180 for each concert event.
4. That any after-hours callouts to Council Officers during the event will be charged at \$160 per hour, minimum one hour, as per Council's fees and charges.
5. That Hunters Hill Music Society be required to acknowledge Council's sponsorship of the season in its marketing collateral.

BACKGROUND

Hunters Hill Music Society has been presenting music concerts in Hunters Hill for 80 years. Following a one-year hiatus, The Hunters Hill Music concert series returned in 2024 and will continue to present the concerts in the Hunters Hill Town Hall in 2025.

REPORT

Hunters Hill Music Society has requested a full-fee waiver of the hire charge for the Hunters Hill Town Hall for their 2025 concert series. They will host four concerts in 2025 that will be held in the Hunters Hill Town Hall from 2.30pm on the following dates:

- Sunday 23 February, Chroma Quartet;
- Sunday 4 May, Swirl, Swoop & Dance;
- Sunday 10 August, Timo Viekko-Valve & Aura Go;
- Sunday 23 November, Affinity Quartet "Incantation."

These dates have been tentatively held in Council's booking system. The Music Society has also been informed that the May concert date may clash with other hall-hire requirements as a result of the 2025 Federal elections. They are aware that their hall booking for this date may be cancelled in that instance.

Otherwise, the total fees for use of the Town Hall for the four events is approximately \$2850 which includes hire charges for each concert.

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. It is also recommended that the music society pay a \$1000 bond for each concert event.

Additionally, if the Music Society needs to use the hall for rehearsal/setup before or after the event date, this will need to be booked according to the cost of hiring the Town Hall as set out in the 2024/25 Fees and Charges.

This fee waiver adheres to the *Reduction or Waiver of Hire Fees for Council Facilities Policy*.

The Society is selling tickets for the concerts at \$45 each or a season subscription of \$160. Student concession tickets are \$10 for each concert.

Hunters Hill Music Society is a community-based organisation run by volunteers. The concerts have run for many years. They present a vibrant and engaging event that brings residents together and enrich the area's cultural offerings by providing affordable concert experiences. While the society had a successful return season in 2024, it has asked for Council's support to help them gain financial stability by waiving hire fees this year so those funds could be redirected to artist engagement.

CONCLUSION

It is a matter for Council to consider whether it wishes to support the Hunters Hill Music Society 2025 concert series by waiving the hiring fee for use of the Hunters Hill Town Hall.

FINANCIAL IMPACT ASSESSMENT

The cost to hire the Hunters Hill Town Hall for this event series is approximately \$2855. The direct impact on Council's budget would be a loss of approximately \$2855 income from the hire of Hunters Hill Town Hall.

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

If Council charges the Hunters Hill Music Society a hire fee for use of the Hunters Hill Town Hall, the Society will have less funds to engage artists.

RISK ASSESSMENT

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

ATTACHMENTS

1. Hunters Hill Music Society Hall Hire Fee Waiver Application 2025 [↓](#)
2. Hunters hill Music Society Fee Waiver Covering Letter 2025 [↓](#)

ITEM NO	: 4.14
SUBJECT	: RECOMMENDATION FOR THE FUTURE OF THE DEVELOPMENT CONTROL UNIT
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:739847

PURPOSE

This report is in response to the Council resolution of 24 June 2024 requiring feedback on the efficiencies and future of the Development Control Unit (DCU) and seeks approval to discontinue and abolish the DCU due to its obsolescence in the current Development Application assessment process.

RECOMMENDATION

1. That the report be received and noted.
2. That the Development Control Unit be discontinued and abolished.

BACKGROUND

The Development Control Unit Meeting was created as a delegation to the General Manager to review Development Applications that received up to three objections at a time when Council still determined applications. Originally applications with up to three objections were determined by the DCU meeting and any over that number were determined at an Ordinary Meeting of Council.

This arrangement was reviewed at Council's Ordinary Meeting held on 26 February 2018 as part of an overall report on delegations as well as taking into consideration the introduction of changes to the Environmental Planning and Assessment Act 1979, in 2018, which included the introduction of Local Planning Panels.

At this time Council's resolution in relation to DCU was in part as follows:

3. *That Council delegate to the General Manager, its powers to exercise and perform on behalf of Council, the powers, authorities, duties and functions of Development Control as contained in the Development Control Unit instrument in full.*

The Development Control Unit instrument is within the register of delegations which provides the criteria when applications are to be referred to the DCU.

The review of delegations to the DCU was again reviewed at Council's Ordinary Meeting of 14 September 2020. At that meeting, Council resolved that any DA that receives four (4) or more objections be referred to the DCU for determination.

This resolution was repealed at Council's Ordinary Meeting of 14 December 2020 as follows:

1. *That Council rescind Point 2 of resolution 164/20, carried at Ordinary Meeting 4486 held on 14 September 2020 being:*
2. *That any development application that receives (4) four or more objections be referred to the Development Control Unit for determination.*

And in its place resolve as follows:

That any development application that receives two (2) or more objections, and is not referred to the Local Planning Panel or other consent authority, be referred to the Development Control Unit for determination.

Council further considered a report at its Ordinary Meeting of 24 June 2024 to again review the delegations of the DCU. At that meeting, Council resolved as follows:

1. *That the report be received and noted.*
2. *That the any development application that receives between five (5) and nine (9) objections be referred to the Development Control Unit for determination.*
3. *That Council receive a report of the efficiencies and the future of the DCU.*

REPORT

It is this report that considers and addresses part 3 of the above resolution of Council as follows:

3. *That Council receive a report of the efficiencies and the future of the DCU.*

Over the past few years there have been significant changes to access to planning information and most recently the use of the e-planning portal and upgrade of Council's Development Application (DA) tracking system on Council's website which has increased the information available to members of the community on development applications.

The introduction of the improved DA tracker on Council's website, allows all applications available for all to view ensuring that the community can maintain its democratic input into the DA process. The information provided informs the community of the proposal with all the relevant documentation for them to view and review.

The table below sets out the current process for referrals:

Development Applications	Current
--------------------------	---------

DAs with zero to 4 objections and are compliant	Dealt with under Delegation by the Director
DAs with 5 to 9 objections	Referred to DCU chaired by the Director
DAs with 10 or more objections, a Council DA, contravenes a development standard by more than 10%, is a SEPP65 and/or other criteria identified in accordance with Local Planning Panel Schedule 1	Referred to LPP
Development cost over \$30M	Sydney Northern Planning Panel

Proposal

Since the Council resolution of 24 June 2024, the DA statistics show that there have been no applications approved that have received between five (5) and nine (9) objections.

Due to the revision of DCU delegation in June 2024, there has been no requirement for a DCU meeting in the intervening period (as refused applications do not trigger a DCU meeting). Thus, the DCU process has become superfluous.

The revision of the delegation criteria has reduced the administrative load on the Town Planning team to focus on assessment and determination process in line with the EP&A Act as well as the Hunters Hill Planning Policy Framework.

The introduction of changes to the Environmental Planning and Assessment Act 1979, in 2018 which included the introduction of Local Planning Panels (LPP) providing an appropriate level of delegation which would not in any way diminish Council's role in monitoring development, provided that the Council is satisfied that the appropriate policies and codes are in place and that staff are properly and consistently applying these. These legislative changes removed the ability of the Council to determine applications, and if not considered by the LPP then the remaining applications would be delegated to the General Manager for determination. Hunter's Hill Council is one of a minority of Councils with a DCU, as most other Councils altered their procedures with the changes to the legislation in 2018.

Council Officers understand and appreciate the importance of the community's right and opportunity to comment on development applications in their area. This change does not take this function away as their concerns are always addressed in the Officer's report.

CONCLUSION

The proposed discontinuance and abolishment of the DCU is a response to the redundancy of the process. The resulting development assessment process enables a more efficient use of Council's limited resources to assess development applications and focuses on a more personalised engagement with applicants and objectors.

As demonstrated by the low number of development applications that receive five (5) or more objections, the DCU has become obsolete and unnecessary and is recommended to be discontinued and abolished.

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.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.15
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN NOVEMBER 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:739896

PURPOSE

The purpose of this report is to advise of Development Applications determined under delegated authority for the period November 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	10.07.24
Development Application No.	DA2024/0079	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Benjamin Ho	Value	\$133,100
Premises	6 Margaret Street, Woolwich	Landscaped Area	60.89%
Classification (BCA)	1a	Date lodged	19.06.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	30.10.24
Proposal	Alterations and additions to existing dwelling		
Determination	Deferred Commencement Approval		

Development Application No.	DA 2024-0177	Zone	R2
Construction Certificate No.	CC ****/****	Notification	Yes
Applicant	Mr Jason Habak	Value	N/A
Premises	6 Lot Lane Hunters Hill	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	24.10.2024
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	05.11.2024
Proposal	Removal of one (1) tree		
Determination	Refuse removal of one (1) tree		
Tree 1 – <i>Corymbia maculata</i> (Spotted Gum)			
<ul style="list-style-type: none"> • Mature specimen with high landscape significance • Good health • Low volumes of deadwood (25-75mm dia.) throughout crown • Basal flare of trunk damaging adjacent low boundary wall • Root uplift causing damage to driveway paving • Application proposes tree removal due to safety concerns and driveway damage • Application is refused • The risk associated with falling dead wood can be managed by pruning. The removal of dead wood does not require Council approval • Damaged sections of driveway paving could be removed and replaced with localised regrading (raising) of finished levels in the vicinity of roots. Advice on appropriate, tree sensitive methods for paving repair should be sought from a Consultant Arborist (AQF level 5 or above) 			

Development Application No.	DA 2024-0176	Zone	R2
Construction Certificate No.	CC ****/****	Notification	Yes
Applicant	Derek Tarlinton	Value	N/A
Premises	2A Lloyd Avenue Hunters Hill	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	18.10.2024
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	04.11.2024
Proposal	Removal of one (1) tree		
Determination	Refuse removal of one (1) tree Approve pruning of one (1) tree with Conditions imposed to limit the extent of the pruning works		
Tree 1 – <i>Jacaranda mimosifolia</i> (Jacaranda)			
<ul style="list-style-type: none"> • Mature specimen with moderate Landscape Significance • Good health • Moderate phototropic trunk lean with majority of crown extending over roof of Applicant's dwelling • No evidence of root plate movement. No signs of recent soil heave around the base of the trunk and orientation of branches appears normal • Previously pruned for building clearance, leaving branch stubs developing epicormic growth • An Arboricultural Report including a Tree Risk Assessment (TRAQ method) has been provided in support of the Application 			

- The Arboricultural Report identifies that the tree has a trunk lean and that there is limited clearance between a number of branches/branch stubs and the dwelling
- The Arboricultural Report determines that the tree poses an unacceptable level of risk and recommends tree removal
- Application proposes tree removal based on recommendations of the Arboricultural Report
- The Arboricultural Report has not provided any evidence of root plate instability. The tree appears to have developed a phototropic trunk lean which is typical response to shading on one side of the crown. Trees subject to mechanical loading/stimuli will adapt their growth (branches, trunk and root system) in response to loading through a process known as thigmomorphogenesis. This process allows trees to remain stable under asymmetric loading (e.g. where a trunk lean develops)
- The Arboricultural Report is considered to have inappropriately applied the Tree Risk Assessment methodology and provides no evidence to support the recommendation for tree removal
- Application is **refused**
- Pruning is supported to remove/reduce branches and branch stubs with limited building clearance and to reduce crown spread over the roof of the dwelling

The following tree(s) may be pruned:

Tree	Location	Conditions of Consent
Tree 1 <i>Jacaranda mimosifolia</i> (Jacaranda)	Rear of property	Reduction Prune branches no greater than 100mm diameter to reduce crown spread over roof of dwelling by 3m (max.) Prune branch stubs with epicormic growth to provide 2m (max) building clearance The branches pruned shall represent no greater than 10% of the tree's total crown volume

Type of Report	Delegated Authority	Inspection Date	04.11.24
Development Application No.	DA2024/0115	Zone	R3
Construction Certificate No.	N/A	Notification	Yes
Applicant	Urban Planning & Building Consultants	Value	Nil
Premises	12A Venus Street, Gladesville	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	13.08.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	04.11.24
Proposal	Use of existing dwelling for home business - baked goods		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	17.05.24
Development Application No.	DA2024/0042	Zone	MU1
Construction Certificate No.	N/A	Notification	Yes
Applicant	John Mellino	Value	\$260,000
Premises	59 Gladesville Road, Hunters Hill	Landscaped Area	N/A

Classification (BCA)	2, 6	Date lodged	29.04.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	31.10.24
Proposal	Alterations and additions to the existing dwelling and the provision of a new dwelling (shop top housing) and associated works		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	24.09.24
Development Application No.	DA2023/0140-1	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Raymond Fung	Value	N/A
Premises	5 Elgin Street Woolwich	Landscaped Area	50.4%
Classification (BCA)	1a	Date lodged	05.09.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	04.11.24
Proposal	Demolition of rear gable roof, existing pool and pool enclosure, construction of new skillion roof, pool, cabana and landscaping works. Various minor alterations - s4.55 modification - slight increase to internal floor plan		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	24.07.24
Development Application No.	DA2024/0096	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Jimmy Truong	Value	\$988,999
Premises	12 Herberton Avenue, Hunters Hill	Landscaped Area	53.95%
Classification (BCA)	1a, 10a, 10b	Date lodged	09.07.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	11.11.24
Proposal	Alterations and additions to the rear of existing dwelling with associated landscaping and new inground pool		
Determination	Deferred Commencement Approval		

Type of Report	Delegated Authority	Inspection Date	14/08/24
Development Application No.	DA20240104	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Samuel Russo	Value	\$1,988,685
Premises	7 Sherwin Street, Henley	Landscaped Area	51.4%
Classification (BCA)	1a	Date lodged	18/07/24
Assessing Officer	Patrick Ogisi	Determination Date	22/10/24
Proposal	Demolition of existing structures and construction of a two (2) storey dwelling house with basement parking, swimming pool, cabana and landscaping		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	03/07/24
Development Application No.	DA20240074	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	David De Angelis	Value	\$1,411,000
Premises	11 Werambie Street, Woolwich	Landscaped Area	47.4%
Classification (BCA)	1a, 10a, 10b	Date lodged	19/06/24
Assessing Officer	Patrick Ogisi	Determination Date	22/10/24
Proposal	Part demolition of the existing dwelling and alterations and additions for the construction of a two storey dwelling, including reconstruction of swimming pool and landscaping		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	15.10.24
Development Application No.	DA2024/0044-1	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Paul Lucas	Value	\$950,000
Premises	2 James Street, Hunters Hill	Landscaped Area	59.5%
Classification (BCA)	1a, 10a, 10b	Date lodged	23.09.24
Assessing Officer	Shahram Mehdizadgan	Determination Date	
Proposal	Alterations and extension to an existing two storey heritage dwelling to include a new single garage and associated driveway – s4.55 Modifications - Various amendments to the original approval		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	11/09/2024
Development Application No.	DA2024/0107	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Dave Moody	Value	\$1,639,000
Premises	66 High Street, Hunters Hill	Landscaped Area	52.3%
Classification (BCA)	1a	Date lodged	25/07/2024
Assessing Officer	Patrick Ogisi	Determination Date	8/10/2024
Proposal	Construction of a new dwelling and swimming pool		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	14/09/2024
Development Application No.	DA2024/00120	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes

Applicant	Performance Building Consultants	Value	\$51,980
Premises	35 The Point Road, Woolwich	Landscaped Area	Same as existing
Classification (BCA)	1a	Date Lodged	05/08/2024
Assessing Officer	Patrick Ogisi	Determination Date	25/10/2024
Proposal	Installation of a Vergola louvered roof system to existing first floor balcony of dwelling		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	23/10/24
Development Application No.	DA20240148	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Maria Orellana Romero	Value	\$476,821
Premises	8 Passy Avenue, Hunters Hill	Landscaped Area	Same as existing.
Classification (BCA)	1a	Date lodged	16/09/24
Assessing Officer	Patrick Ogisi	Determination Date	29/10/24
Proposal	Internal alterations to unit 30 and unit 33 and trade WC only and minor extension of external awning to the entrance of unit 33.		
Determination	Approval		

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.16
SUBJECT	: REPORT OF LEGAL MATTERS - NOVEMBER 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:739938

PURPOSE

The purpose of this report is to update Council on legal matters pertaining to planning matters. These matters are generally with the Land and Environment Court.

RECOMMENDATION

1. That the report be received and noted.

REPORT

Attached are Status Reports provided by Council's Legal Advisors: HWL Ebsworth, Hall & Wilcox and Marsdens.

ATTACHMENTS

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

ITEM NO	: 4.17
SUBJECT	: DELEGATIONS OVER THE CHRISTMAS / NEW YEAR PERIOD
STRATEGIC OUTCOME	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
ACTION	: DELIVER PROFESSIONAL DEVELOPMENT OPPORTUNITIES
REPORTING OFFICER	: MITCHELL MURPHY

Ref:739680

PURPOSE

The purpose of this report is to advise of delegations in place to ensure efficient and effective operations of Hunter's Hill Council over the Christmas and New Year period 2024-2025.

RECOMMENDATION

1. That the report be received and noted.
2. That the delegations of Acting General Manager be exercised by Samantha Urquhart from 24 December 2024 to 14 January 2025 (inclusive) whilst the General Manager is on annual leave.

BACKGROUND

Council closes at midday Tuesday 24th December 2024 and re-opens at 8:30am on Thursday 2nd January 2025 for the annual shutdown period.

Whilst administration and operations will be closed over this period, Duty Officers will be on call to ensure that urgent works and emergencies are promptly addressed. Key contact details shall be available on Council's website.

During this period, a delegation to the Mayor and General Manager, in accordance with "Delegations Pursuant to Chapter 12 Part 3, Sections 377, 378 and 379 of the *Local Government Act 1993*", should be invoked to provide for the continued efficient operation of Council and the ability to deal with any urgent matters.

REPORT

DELEGATIONS

Deputy Mayor

In accordance with the Local Government Act 1993, Section 231:

(3) The Deputy Mayor may exercise any function of the mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function if there is a vacancy in the office of the Mayor.

General Manager

The criteria for matters being dealt with under delegated authority include, but are not limited to, urgent works, legal proceedings and development applications subject to the following limitations.

This delegation does not include powers, authorities, duties and functions relevant to the approval of a development, subdivision or application where an application:

1. involves a proposal, which is of major local, regional or environmental significance.
2. does not comply with the provisions of the relevant Environmental Planning Instrument and an objection under State Environmental Planning Policy No.1 cannot be justified.
3. does not comply with adopted objectives, policies, development control plans or codes of Council and the delegate concludes that compliance therewith is reasonable or necessary upon due consideration of the various matters listed in Section 79C of the Environmental Planning and Assessment Act and such conflict or deficiency cannot be rectified by the incorporation of special conditions of approval.

CONCLUSION

Arrangements will be made to ensure that urgent matters are dealt with by delegated Council Officers as required.

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	: 4.18
SUBJECT	: SUMMARY OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 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	: MAY VILAYTHONG

Ref:739113

PURPOSE

The purpose of this report is to provide a summary of the performance of Council's investments as at 30 November 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 6.47%pa (0.52% actual) versus the bank bill index benchmark return of 4.48%pa (0.36% actual). For the past 12 months, Council's investment portfolio has returned 5.40% versus the benchmark's 4.46%.

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 30 NOVEMBER 2024

Institution	Reference	Rating	Principal	Lodged	Matures	Rate	Interest earned at maturity
NAB	Term Deposit	AA-	\$ 1,000,000	30/08/2024	4/12/2024	4.97%	\$ 13,071.78
NAB	Term Deposit	AA-	\$ 1,000,000	3/07/2024	8/01/2025	5.37%	\$ 27,806.30
AMP	Term Deposit	BBB+	\$ 1,250,000	27/08/2024	29/01/2025	5.00%	\$ 26,541.10
NAB	Term Deposit	AA-	\$ 1,000,000	24/07/2024	4/02/2025	5.31%	\$ 28,368.49
NAB	Term Deposit	AA-	\$ 1,000,000	30/08/2024	4/03/2025	5.04%	\$ 25,683.29
NAB	Term Deposit	AA-	\$ 1,000,000	11/09/2024	11/03/2025	5.04%	\$ 24,992.88
NAB	Term Deposit	AA-	\$ 1,000,000	22/11/2024	23/04/2025	5.07%	\$ 21,113.42
NAB	Term Deposit	AA-	\$ 1,000,000	1/05/2024	6/05/2025	5.25%	\$ 53,219.18
Suncorp	Term Deposit	AA-	\$ 1,000,000	30/10/2024	28/05/2025	5.07%	\$ 29,169.86
BoQ	Term Deposit	A-	\$ 1,000,000	26/11/2024	28/05/2025	5.15%	\$ 25,820.55
AMP	Term Deposit	BBB+	\$ 500,000	9/08/2024	11/06/2025	5.20%	\$ 21,797.26
AMP	Term Deposit	BBB+	\$ 1,000,000	13/08/2024	11/06/2025	5.20%	\$ 43,024.66
AMP	Term Deposit	BBB+	\$ 1,250,000	27/08/2024	25/06/2025	5.02%	\$ 51,919.18
NAB	Term Deposit	AA-	\$ 1,000,000	3/07/2024	2/07/2025	5.45%	\$ 54,350.68
AMP	Term Deposit	BBB+	\$ 555,008	12/08/2024	12/08/2025	5.05%	\$ 28,027.92
Macquarie	Call	A+	\$ 2,043,396			4.47%	
CBA	Floating Rate Note	AA-	\$ 500,000	13/01/2023	13/01/2028	5.05%	
CBA	Business online saver	AA-	\$ 1,445,876			4.35%	

Institution	Reference	Lodged	Principal	Month-end	Balance at month-end	Month return
TCorp	Medium Term Growth Fund	2-Jun-21	\$1,500,000.00	June-2021	\$1,515,096.51	1.01%
				July-2021	\$1,538,434.43	1.54%
		9-Aug-21	\$500,000.00	August-2021	\$2,052,149.68	0.79%
				12mths to Sept 22	\$2,026,923.72	-0.73%
				12mths to Sept 23	\$1,988,672.64	0.50%
				12mths to Sept 24	\$2,173,547.22	1.62%
				October-2024	\$2,160,164.07	-0.62%
				Closing Balance	November-2024	\$2,192,513.79
				\$21,736,794.24		
CBA	General		\$1,228,371.73	30.11.24 Bank Account Balance		
Total			\$21,965,165.97			

Certification – Responsible Accounting Officer

Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Nov 2024	0.52%	0.36%	0.16%
Last 3 months	1.28%	1.10%	0.18%
Last 6 months	2.72%	2.22%	0.50%
Financial Year to Date	2.28%	1.86%	0.42%
Last 12 months	5.40%	4.46%	0.94%

Below is a summary of the total portfolio by credit exposure, maturity terms and investment holdings as at 30 November 2024:

TABLE 2 – PORTFOLIO TOTAL BY CREDIT EXPOSURE

Credit Rating Group	Face Value (\$)		Policy Max	
AA	12,174,248	55%	100%	✓
A	3,043,396	14%	60%	✓
BBB	4,555,008	21%	30%	✓
TC	2,192,514	10%	15%	✓
	21,965,166			

TABLE 3 – PORTFOLIO TOTAL BY MATURITY TERMS

	Face Value (\$)		Policy Max	
Between 0 and 1 years	21,465,166	98%	100%	✓
Between 3 and 10 years	500,000	2%	40%	✓
	21,965,166			

TABLE 4 – PORTFOLIO TOTAL BY INVESTMENT HOLDINGS

	Face Value (\$)	Current Value (\$)
Cash	4,717,644	4,717,644
Floating Rate Note	500,000	506,265
Managed Funds	2,192,514	2,192,514
Term Deposit	14,555,008	14,555,008
	21,965,166	21,971,431

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.

November investments include the following restrictions

Table 5 - EXTERNAL & INTERNAL RESTRICTIONS

	Actual as at 31 October 2024	Actual as at 30 November 2024
Developer contributions - S7.12	\$2,466,564.09	\$2,488,359.97
Other developer contribution	\$138,000.61	\$138,000.61
Specific purpose unexpended grants	\$688,061.69	\$671,680.35
Domestic waste management	\$1,023,411.40	\$1,023,411.40
Other special levies	\$1,802,700.32	\$1,815,351.22
Total External Restrictions	\$6,118,738.10	\$6,136,803.54
Internal Restrictions		
Plant and vehicle replacement	\$426,420.68	\$426,420.68
Employee leave entitlements	\$800,672.87	\$800,672.87
Deposits, retentions and bonds	\$3,811,707.59	\$3,814,493.64
Construction of building	\$182,472.00	\$182,472.00
Office equipment & furniture	\$368,539.77	\$368,539.77
Elections	\$278,582.73	\$278,582.73
Insurance reserve	\$137,859.78	\$137,859.78
Road Reconstruction	\$223,760.00	\$223,760.00
Sustainability Reserve	\$196,500.48	\$196,500.48
Asset Re-purposing	\$4,863,841.74	\$4,863,841.74
Safety & welfare expenses OH&S Incentive	\$33,874.07	\$33,874.07
Community Initiatives & Minor Capital Works	\$20,000.00	\$20,000.00
Stormwater & marine maintenance reserve	\$50,000.00	\$50,000.00
Community building maintenance reserve	\$50,000.00	\$50,000.00
Depot Operations Strategy	\$455,795.00	\$306,296.13
Gladesville Masterplan	\$260,000.00	\$260,000.00
Contributions for Hillman Orchard Restoration Project	\$8,781.84	\$14,782.14
Total Internal Restrictions	\$12,168,808.55	\$12,028,096.03
Total Restrictions	\$18,287,546.65	\$18,164,899.57

ATTACHMENTS

1. Investment Summary Report November 2024 [↓](#)

ITEM NO	: 4.19
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:739684

PURPOSE

The purpose of this report is to provide an update about the most recent Councillor Briefing held on 9 December 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, 9 December 2024:

Topic	Speaker/s	Notes
<p>Presentation/briefing:</p> <p>Sydney Airport to formally present their 20-year Master Plan (2045 Master Plan) and update its current status. They're conducting the review/update on their plan every five years.</p>	<p>Representing Sydney Airport:</p> <ul style="list-style-type: none"> ➤ Joseph Chan Senior Manager, Planning and Development and Project Director of 2045 Master Plan ➤ Kriston Kearney Project Manager of 2045 Master Plan 	<p>Guest speakers gave a high-level overview of the masterplan framework and responded to questions from Elected Members.</p>
<p>Presentation:</p> <p>Hunters Hill Traffic and Transport Strategic Plan</p> <ul style="list-style-type: none"> • Boronia Local Area Traffic Management • Draft Bike Plan concepts 	<p>Sam Urquhart Director of Infrastructure and Environmental Sustainability</p> <ul style="list-style-type: none"> ➤ Andrew Morse Managing Director, ptc <p>TfNSW representative will also be in attendance</p>	<p>Feedback was sought from Councillors prior to concepts/plans being completed to undertake comprehensive community consultation about both projects.</p>
<p>Planning Update</p>	<p>Steve Kourepis Director of Planning</p>	<p>Director gave update on various strategic planning matters, including:</p> <ul style="list-style-type: none"> • Marina appeal • Fairland Hall

Overview: Urban Forest Strategy and Net Zero Implementation Plan	Sam Urquhart Director of Infrastructure and Environmental Sustainability	Briefing about strategy and plan: Business Papers will be tabled at the Council Meeting, December 16.
Cowell St car park (Evie proposal)	Sam Urquhart Director of Infrastructure and Environmental Sustainability	Update on the possibility of EV chargers being located at the Cowell St car park. Business paper will be provided to Elected Members at a future Council Meeting.
Overview: Business Papers Council Meeting (16 December 2024)	Executive Leadership Team (ELT)	Councillors were advised of key business papers that would be on the agenda, re: Council Meeting on December 16. In addition to referenced papers above: <ul style="list-style-type: none"> • Committees of Council • Fairland Hall planning proposal • 1A Gale St planning proposal
Cr 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. General Business: No requests were made to amend draft minutes of the Council Meeting held on November 25.

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	: 4.20
SUBJECT	: MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE HELD ON 17 OCTOBER 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	: MITCHELL MURPHY

Ref:738158

PURPOSE

The purpose of this report is to provide Council with the minutes of the Audit Risk and Improvement Committee meeting held on 17 October 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.

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 Audit Risk and Improvement Committee held on 17 October 2024.**COMMENCEMENT**

The meeting opened at 2:10pm.

IN ATTENDANCE

Mozammel Ali	Chair (Independent)
Mark Dickinson	Independent Member (arrived 2:35pm)
Jose Herrera-Perea	Independent Member

ALSO PRESENT

Mr Mitchell Murphy	General Manager (GM)
Ms Maria Kenny	Director Finance, Procurement & Projects (DFPP)
Mr Ian Harris	Manager Risk & Compliance (MRC)
Alex Hardy	External Auditor (EA), Director Prosperity Audit (via zoom)
Sue Pritchard	Director - Financial Audit, NSW Audit Office (via Zoom)

APOLOGIES

Apologies were received for Mohua Mukherjee, Head of Internal Audit, NSROC.

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

RESOLVED on the MOTION of Chair (Independent) Ali, seconded Independent Member Herrera-Perea

That the Minutes of Audit Risk and Improvement Committee of previous Meeting held on 17/09/2024 be adopted with the following amendments:

- Under section 3.4 - "WHS residual risk ratings will always be medium" to "will mainly have a high residual risk due to the consequence and risk appetite".
- Under section 3.5 - "The report noted that all risk assessments have been completed within the organisation" to "The majority of assessments have been completed within the organisation".

REPORTS

3.1 PRESENTATION OF FINANCIAL STATEMENTS AND EXTERNAL AUDIT ENGAGEMENT CLOSING REPORT FOR YEAR ENDING 30 JUNE, 2024.

PROCEEDINGS IN BRIEF

Sue Pritchard, Director Financial Audit, NSW Audit Office advised this year's local government report to parliament, would be moving away from the listing of council results, to thematic risk-based reporting.

External Auditor (EA), Alex Hardy of Prosperity Advisors Group presented the findings of the external audit for the General-Purpose Financial Statements for the year ended 30 June, 2024, thanking the finance staff and management for their support during the review.

Following on from the interim audit Management Letter of June 2024, EA advised as identified in the Annual Engagement Plan, the following key issues were specifically reviewed:

- Revaluation of Buildings and Other Structures including community land holdings. EA noted the significant increase in value assigned to other structures.
- Assessment of the fair value of Council's infrastructure, property, plant and equipment (IPPE), including use of indices in assessing whether assets' carrying amounts materially reflect fair value.
- IT general controls and cybersecurity frameworks with regards to financial reporting, and risks relating to material misstatements.
- Recognition of capital grant income. Council recorded \$9.3 million in grant funding during 2023-24, which represents a significant portion of the Council's income, particularly in comparison to prior years.
- Key controls relating to capital expenditure and capitalisation of assets – as a significant capital works program was being finalised in FY2023-24.

EA reported that there was no material issues identified in relation to the above matters in the closing engagement report. It was also noted that substantial progress had been made with the implementation of internal audit recommendations relating to cyber security frameworks.

Two uncorrected misstatements were noted in the Engagement Closing Report, relating to unrecognised liability of software subscription fees received prior to the reporting period, and returning community hire fees to a nil balance for the reporting period for transactions relating to a future period. The net effect of the correction is an increase in assets and liabilities by 32k. It was agreed by

management, external audit, as well as ARIC, that this amount was immaterial to the General-Purpose Financial Statements as a whole.

The Draft Report on the Conduct of the Audit, has expressed an unmodified opinion on the Council's Financial Statements. This report will be circulated out of session upon final approval, which will be issued prior to the audited Statements being tabled to Council on 28 October, 2024.

The following observations and questions were made by the Committee:

- DFPP advised that the most significant variance in the Other Structures revaluations were for marine structures and, in particular, sea walls. This was also the case for neighbouring councils with significant sea wall assets.
- Whilst Council did not meet the Office of Local Government (OLG) benchmark for Operating performance ratio, it was noted by the Chair this metric includes depreciation expenses. EA advised the Committee this metric also excluded capital grant income, with many councils not meeting this benchmark.
- It was further queried, what were the processes for continuous review of expense management which would assist to meet the benchmark Operating Performance ratio. DFPP provided an overview of procurement governance and management, as well as the monthly budget review process.
- EA noted Council significantly exceeded the Own source performance benchmark performance ratio, with rating income and annual charges expected to continue to be the highest proportion of received income. The GM also flagged grant income sources were expected to trend upwards in the lead up to the next Federal election.
- For FY2023-24, Council did not meet the OLG benchmark of 5% for Percentage of uncollected rates and annual charges, which was achieved in the preceding financial year. DFPP discussed the Shared Rates Arrangement with Lane Cove Council, and advised the Committee a pro-active debt collection approach would be implemented this financial year.
- Disclosure note B4-1 Material budget variations – it was noted that in the Statement of Cashflows – the budgeted grant income was materially higher than actual income received. The GM and DFPP advised the Committee of the changing protocols regarding grant milestone reporting and the receipt of grant income. It was also discussed the timeliness of payments amongst various government departments.
- It was noted, in line with the reduced cash and cash equivalents, balance from prior year, that whilst Council exceeded the OLG benchmark for the Cash expense cover ratio, this had gone down from previous years. DFPP advised council had previously received up-front capital grant income. In

FY2023-24, with the completion of three major capital projects, these cash balances had now been expended, and therefore, this ratio has decreased.

- C1-3 Restricted and allocated cash, cash equivalents and investments. The Chair queried the material movement in the Asset Re-purposing Internally allocated account. DFPP advised this Restriction was created on 1 July 2023 to monitor the expenditure of funds where income has been earned from the disposal of assets. The financial strategy is to use this reserve to forward fund new community assets into the future. This account should not be used to fund day-to-day operations.
- C1-5 Infrastructure, property and plant and equipment & D2-1 Fair value measurement – EA advised particularly in the context of recent inflationary periods, it was vital that correct indexation was applied to the value of assets. EA further advised the Committee that all councils are required to document - Management’s assessment of their valuation results.
- B1-1 Financial Performance – functions or activities – income, expenses and assets. DFPP provided further information on the Waste and recycling function including how Domestic Waste Collection Charges are applied, with any surpluses at year end credited to the Domestic Waste reserve.
- B2-2 User charges and fees – DFPP explained the significant variance in Restorations charges from prior year. These charges relate to utilities working within the LGA, where activity can significantly vary year on year.
- D1-1 – Risks relating to financial instruments. As debt amount is not material for sundry debts, DFPP explained a provision was not applied this financial year as had been in the preceding financial year.

The Chair thanked the work of management and staff, and in particular, noting the volume of capital deployment in the financial year ending 30 June 2024.

RESOLVED on the MOTION of Independent Member Herrera-Perea, seconded Chair (Independent) Ali

1. That the report be received and noted.
2. That the Audit, Risk & Improvement Committee (ARIC) review and endorse the Financial Statements for 2023-24, and the accompanying External Auditor’s management letter to be tabled to Council for resolution on 28 October, 2024.

The meeting closed at 3.50pm.

I confirm that these Minutes are a true and accurate record of Audit Risk and Improvement Committee Meeting held on 17 October 2024.

Mozammel Ali

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CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

7.1 : CR ROSS WILLIAMS (SUBJECT: LEP DCP REVIEW: FLOOR SPACE RATIO AND LANDSCAPE AREA PROVISIONS)
COUNCILLOR : CR ROSS WILLIAMS

Questions With Notice were submitted in writing by Cr Ross Williams to the General Manager on 4 December.

Council's Code of Meeting Practice (Clause 3.16) states: The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

The General Manager has nominated the Director of Town Planning to respond to the questions.

QUESTION FROM CR WILLIAMS:

1. SUBJECT: LEP DCP REVIEW: FLOOR SPACE RATIO AND LANDSCAPE AREA PROVISIONS

Background

At Council Meeting 4532 held on 29 April 2024, at Item 4.2, Council resolved by majority (008/24) to forward a Planning Proposal to amend the Hunters Hill Local Environmental Plan 2012 ('LEP') to the Department of Planning, Housing and Infrastructure seeking Gateway Determination.

To deal with the excessive bulk and scale of some development, the Planning Proposal included a proposal to delete the current LEP clause 4.4 (2A), which provides an exemption from the Floor Space Ratio provisions in cases where clause 4.3, in respect of height, and clause 6.9, in respect of landscaping, are complied with.

The Planning Proposal also included proposals to reduce the landscaped areas given in clause 6.9, in light of the revised LEP having to use the standard instrument definition of landscaped area. I remain concerned that, to my knowledge, little analysis has been performed to compare the outcomes of the proposed landscaped area provisions with those that exist.

On Wednesday 13 November, at the Hearing regarding the reclassification of Council land at Fairland Hall, the Director of Town Planning made comments suggesting that the LEP Planning Proposal would not include changes to the Floor Space Ratio provisions and that problems with the proposed amendments to the landscaped area provisions had been resolved.

Question or Service Requested:

1. Please report on progress with the LEP/DCP Review.

RESPONSE:

The Department of Planning, Housing and Infrastructure (the Department) has provided feedback in relation to Council's Local Environmental Plan (LEP) Review Planning Proposal.

Council staff are currently reviewing this feedback with the intent to report this matter to Council in early 2025. This report will likely seek a Resolution of Council to address the

Department's feedback. The Development Control Plan (DCP) review is also proposed to continue to be progressed, with the intent that proposed updates to the DCP would be publicly exhibited concurrently with the LEP review planning proposal.

2. Please advise of any changes that have been made or are being considered to the LEP Planning Proposal.

RESPONSE:

Council staff are currently reviewing feedback from the Department with the intent to report this matter to Council in early 2025. This report will likely seek a Resolution of Council to address the Department's feedback which may result in recommended amendments to the planning proposal.

3. In particular:

- a. Is it intended to not proceed with the deletion of clause 4.4 (2A), which provides an exemption from the Floor Space Ratio provisions?
- b. If clause 4.4 (2A) is to remain in force, what is the justification for this?
- c. Have new landscaped areas provisions been drafted? and
- d. If so what are they and what analysis has been carried out to ensure any proposed provisions will deliver equivalent or greater garden areas and equivalent or greater tree canopy coverage?

RESPONSE:

Council Staff are currently reviewing feedback from the Department in relation to the LEP review, with the intent to report this matter to Council in early 2025. This report will likely seek a Resolution of Council to address the Department's feedback on the planning proposal. It is intended that further consideration of floor space ratio and landscaped area provisions would form part of the progression of the LEP review process.

ATTACHMENTS

There were no attachments to this report.