Ordinary Meeting

22 September 2025 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 22 September 2025

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

Nick Tobin
Acting 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:

H onesty

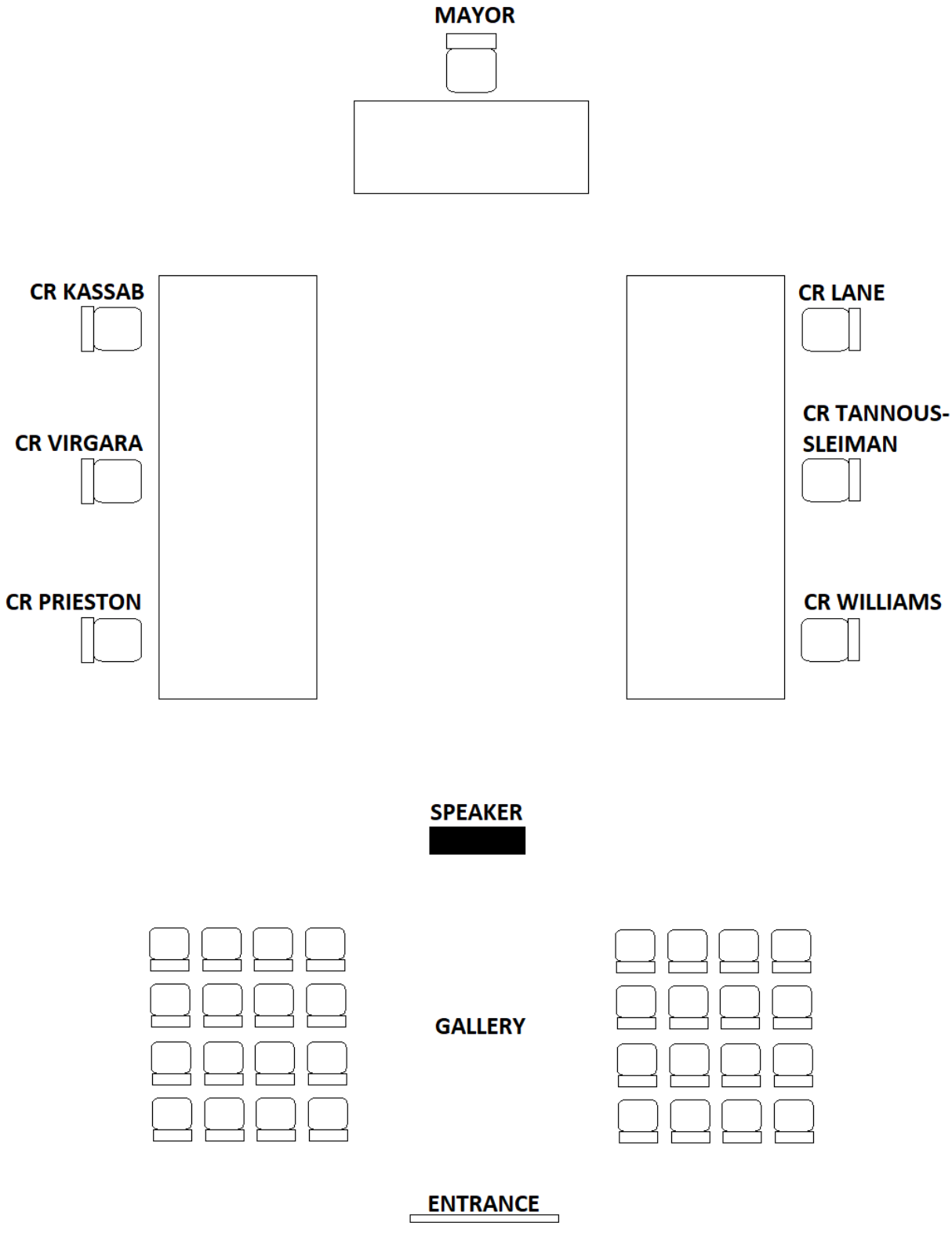
E xcellence

A ccountability

R espect

T eamwork

HUNTER'S HILL COUNCIL
COUNCIL CHAMBERS SEATING PLAN



ORDER OF BUSINESS

Prayer by Rosemary Brook

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
22 September 2025

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Nil

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Nil

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Nil

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COMMENCEMENT

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

IN ATTENDANCE

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

ALSO PRESENT

Acting General Manager, Nick Tobin, Director Community and Customer Services Annie Goodman, Director Infrastructure and Environmental Sustainability Samantha Urquhart, Director Town Planning Steve Kourepis, Chief Financial Officer, Christian Menday, 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

147/25 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Tannous Sleiman

That the Minutes of Ordinary Meeting No. 4547, 28 July 2025 be confirmed with a minor amendment to Item 1, Confirmation of Minutes, to reflect that Cr Kassab had not joined the meeting until after this item.

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

The MOTION was CARRIED unanimously

MAYORAL MINUTES & REPORTS

2.1 VALE COL JOYE AM

PROCEEDINGS IN BRIEF

148/25 RESOLVED on the MOTION of Mayor Miles

1. That the report be received and noted.
2. That a letter of condolence be forwarded to the family of the late Col Joye.

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

The MOTION was CARRIED unanimously

2.2 CONGRATULATIONS TO HUNTERS HILL LOCAL SENATOR DR. JESS COLLINS ON HER ELECTION TO THE FEDERAL SENTATE

PROCEEDINGS IN BRIEF

149/25 RESOLVED on the MOTION of Mayor Miles

1. That the report be received and noted.
2. That a letter of congratulations be forwarded to Senator Dr. Jess Collins.

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

The MOTION was CARRIED unanimously

2.3 COMISSIONING OF PUBLIC ART BUST OF WILLIAM PIGUENIT

PROCEEDINGS IN BRIEF

150/25 RESOLVED on the MOTION of Mayor Miles

1. That the report be received and noted.
2. That the Mayor write to the artist Gerry Colley thanking him for his work, and local resident Frank Pirreca for his substantial contribution to its commissioning.

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

The MOTION was CARRIED unanimously

TABLING OF PETITIONS

PROCEEDINGS IN BRIEF

Nil

ADDRESSES FROM THE PUBLIC

PROCEEDINGS IN BRIEF

Nil

COUNCIL REPORTS

4.1 UPDATE ON THE CLARKE'S POINT RESERVE AND MORTS RESERVE PLAN OF MANAGEMENT

PROCEEDINGS IN BRIEF

RECOMMENDATION

1. That the report be received and noted.

2. That Council endorse the formation of a Community Advisory Group.

3. That Council nominate one (1) Councillor representative for the Community Advisory Group.

4. That Council seek representation from the following:
   - Community representatives (2)
   - Bushland Management Advisory Committee representative (1)
   - Hunters Hill Sailing Club (1)
   - Council Officers (2)
   - Harbour Trust Officer (1)

151/25 RESOLVED on the AMENDED MOTION of Councillor Kassab, seconded Deputy Mayor Prieston

1. That the report be received and noted.
2. That Council endorse the formation of a Community Advisory Group.
3. That Council nominate one (1) Councillor representative for the Community Advisory Group.
4. That Council seek representation from the following:
   - Community representatives (2)
   - Local Commercial Operators (2)
   - Hunters Hill Sailing Club (1)
   - Council Officers (2)
   - Harbour Trust Officer (1)
5. That there be a standing agenda item for Council Committees to submit feedback.

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

The AMENDED MOTION was CARRIED

4.2 REMNANT LANDS PROJECT - UPDATE

PROCEEDINGS IN BRIEF

152/25 RESOLVED on the MOTION of Councillor Kassab, seconded Councillor Virgara

1. That the report be received and noted.
2. Further reports be prepared and reported to Council for consideration as detailed in the attachment for Categories A, B, C and D, such reports to detail disposal methodology and valuation advise together with an assessment of each parcel of land against Council's Sale of Remnant Land Policy.

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

The MOTION was CARRIED

4.3 PROPOSED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE - HENLEY

PROCEEDINGS IN BRIEF

153/25 RESOLVED on the MOTION of Councillor Williams, seconded Councillor Kassab

That at 6.59pm, Council move in to Closed Session to consider the commercial in confidence portion of this Item.

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

The MOTION was CARRIED unanimously

RESOLVED on the MOTION of Councillor Williams, seconded Councillor Prieston

That at 7.27pm, Council move back in to Open Session.

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

The MOTION was CARRIED unanimously

The Mayor advised that during closed session, the commercial terms were noted in the agreement that were part of the commercial in confidence discussion.

RECOMMENDATION

1. That Council endorse the installation of 2 x electric vehicle fast chargers with 4 x dedicated charging bays within the carpark of Crown St (cnr Victoria Rd) Henley according to the proposed plan.
2. That Council endorses the associated changes to carpark configuration to allow for charging according to the Australian Standard 2890.1-1986 Parking Facilities.
3. That Council endorse the General Manager (or delegated representative) to sign a Licence Agreement with NRMA (with mutually negotiated and beneficial terms).
4. That Council commit the revenue gained annually from the Licence Agreement to the Sustainability Reserve to fund future sustainability projects.

154/25 RESOLVED on the MOTION of Deputy Mayor Prieston, seconded Councillor Williams

1. That the matter be deferred.

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

The MOTION was CARRIED unanimously

4.4 CAPITAL PROGRAM AS AT 30 JUNE 2025 - WORKS IN PROGRESS AND FUNDING REQUIRED TO BE REVOTED

PROCEEDINGS IN BRIEF

155/25 RESOLVED on the MOTION of Deputy Mayor Prieston, seconded Councillor Tannous Sleiman

1. That the report be received and noted.
2. That the recommended re-voted capital projects totalling $478,958 included in this report be adopted for inclusion in the FY2025-26 budget.
3. That the recommended reallocations of budgets be noted.
4. That the carryovers of $2,803,155 be noted.

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

The MOTION was CARRIED

CARRIED MOTION

156/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab that Items 4.5, 4.6, 4.7, 4.8, 4.9 and 4.10 be moved in block.

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

The MOTION was CARRIED

4.5 INVESTMENT STRATEGY, POLICY & PORTFOLIO REVIEW FOR YEAR ENDING 30 JUNE 2025

PROCEEDINGS IN BRIEF

157/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.
2. That the amendments to the Investment Policy be adopted.

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

The MOTION was CARRIED

4.6 SUMMARY OF COUNCIL INVESTMENTS AS AT 31 JULY 2025

PROCEEDINGS IN BRIEF

158/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report on Investments held at 31 July 2025, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, be received and noted.

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

The MOTION was CARRIED

4.7 DRAFT FOOTPATH OCCUPATION DISPLAY POLICY

PROCEEDINGS IN BRIEF

159/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.

2. The draft Footpath Occupation Display Policy, attached, be placed on exhibition for 28 Days.

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

The MOTION was CARRIED

4.8 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN JULY 2025

PROCEEDINGS IN BRIEF

160/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.

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

The MOTION was CARRIED

4.9 REPORT OF LEGAL MATTERS - JULY 2025

PROCEEDINGS IN BRIEF

161/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.

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

The MOTION was CARRIED

4.10 COUNCILLOR BRIEFING AND WORKSHOPS

PROCEEDINGS IN BRIEF

162/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Kassab

1. That the report be received and noted.

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

The MOTION was CARRIED

QUESTIONS WITH OR WITHOUT NOTICE

Nil

COUNCIL IN COMMITTEE OF THE WHOLE

163/25 RESOLVED on the MOTION of Councillor Kassab, seconded Councillor Tannous Sleiman

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

   8.1 Cleaning Tender for Public Buildings and Amenities

   Item 8.1 is confidential in accordance with s10A(2)(c) of the *Local Government Act* because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.

3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passes or become irrelevant.

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

Councillor Marc Lane	
Councillor Tatyana Virgara	

The MOTION was CARRIED

OPEN COUNCIL RESUMED

164/25 RESOLVED on the MOTION of Councillor Tannous Sleiman, seconded Councillor Virgara

That at 8.13pm the meeting resume in Open Council and the gallery be invited back into the Chamber.

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

The MOTION was CARRIED unanimously

EPORT OF COUNCIL IN CONFIDENTIAL SESSION

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

165/25 RESOLVED on the MOTION of Councillor Williams, seconded Deputy Mayor Prieston

1. That the report be received and noted; and
2. That the contract with the incumbent service provider, Servicelink Pty Ltd be terminated;
3. That the contract for Hunter's Hill Council's cleaning services be awarded to Tenderer 1, as referenced in Table 5 of the report for the terms described within the body of this report;
4. That Council delegate authority to the General Manager to execute the contract and any other documentation required to give effect to this resolution within the parameters of the available budget.

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

Councillor Ross Williams	
Councillor Marc Lane	
Councillor Tatyana Virgara	

The MOTION was CARRIED unanimously

CONCLUSION

The meeting concluded at 8.16pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4548 held on 25 August 2025.

....

Councillor Zac Miles Nick Tobin

MAYOR ACTING GENERAL MANAGER

ITEM NO	:	4.1
SUBJECT	:	REVIEW OF HUNTERS HILL LOCAL ENVIRONMENTAL PLAN 2012 AND HUNTERS HILL DEVELOPMENT CONTROL PLAN 2013
STRATEGIC OUTCOME	:	NEIGHBOURHOODS EMBODY CHARACTER AND HERITAGE AND FOSTER A STRONG SENSE OF BELONGING
ACTION	:	COMPLETE THE REVIEW OF THE LEP AND DCP
REPORTING OFFICER	:	KIERAN METCALFE

Ref:788471

PURPOSE

The purpose of this report is to facilitate Council's consideration of recommendations to progress with the review of the Hunters Hill Local Environmental Plan 2010 (LEP) and the Hunters Hill Consolidated Development Control Plan 2013 (DCP).

The subject review has been undertaken in consultation with the Hunters Hill Community, with the proposed LEP and DCP amendments being sought to strengthen the plans, predominantly through removing anomalies, making the documents easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

Attached to this report is the Planning Proposal – LEP Review which seeks to amend the LEP including the objective, as discussed in the body of this report. Once adopted, the PP will be referred to the Department for Gateway Determination to begin the consultation process.

Also attached to this report is the draft amendments to the Hunters Hill Development Control Plan 2025. Once adopted, these amendments will be exhibited for community consultation in conjunction with the LEP consultation process.

RECOMMENDATION

That Council Resolve to:

1. Forward the Planning Proposal included as Attachment 1 of this report to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to amend Hunters Hill Local Environmental Plan 2012.

2. Subject to (1) above, advise the Department of Planning, Housing and Infrastructure that Council will be seeking to be authorised as the Local Plan Making Authority.

3. Subject to (1) above, Council endorse for public exhibition the Planning Proposal as outlined in (1) and the Development Control Plan included as Attachment 2 of this report.

4. Note that following public exhibition, the Planning Proposal and Development Control Plan would be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:

    a. To proceed with the Planning Proposal and/or Development Control Plan as exhibited.
    b. To proceed with amended controls in the Planning Proposal and/or Development Control Plan to that exhibited.
    c. To not proceed with the Planning Proposal and/or the Development Control Plan.

5. Delegate authority to the General Manager to make amendments to the Planning Proposal and Development Control Plan that:

    a. Are minor and do not alter the intent of the Planning Proposal or Development Control Plan; or
    b. In relation to the Planning Proposal, are required in order to comply with the Gateway Determination.

BACKGROUND

Council is currently undertaking a review of the LEP and DCP in accordance with the Hunters Hill Local Strategic Planning Statement (LSPS), with intent to have both sets of documentation available for concurrent public exhibition following the provision of a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI) in relation to the LEP.

The subject review has been undertaken in consultation with the Hunters Hill Community, with the proposed LEP and DCP amendments being sought to strengthen the plans, predominantly through removing anomalies, making the documents easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

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

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

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

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

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

1. *That the report be received and noted.*
2. *That Council note stakeholder feedback received in relation to the draft scoping proposal and thank those in the community who have provided feedback.*
3. *That Council refer the attached amended scoping proposal to the Department of Planning and Environment for review with the inclusion of an outdoor dining provision within the schedule of exempt development of the LEP to read as follows:*

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

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

DPHI did not provided a response to the above referral. However, Council Staff did meet with relevant DPHI representatives on 14 February 2024 to discuss the Scoping Proposal. Feedback received from DPHI during this meeting was considered in the development of the subsequent PP.

In relation to the preparation and amendment of DCPs, Council (as relevant planning authority) is able to undertake this function in accordance with Part 2, Division 3.6 of the *Environmental Planning and Assessment Act 1979*, and referral to DPHI during document preparation and amendment is not required.

REPORT

As detailed previously within this report, Council is currently undertaking a review of the LEP and DCP in consultation with the Hunters Hill Community.

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

Hunters Hill Local Environmental Plan Review – Planning Proposal

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

- **Clause 1.2 Aims** – To ensure the LEP captures the principle of ecologically sustainable development, to include references to the relevant DCP and LSPS and to strengthen heritage, character and landscape provisions.
- **Land Use Tables**:
    - To remove reference to land uses that do not exist and/or are not envisaged within the Hunters Hill LGA.
    - To include land uses that are complimentary to certain land use zones.
    - To facilitate land uses which are consistent with certain land use zones.
    - To maintain garden suburb character and provide plant and tree cover.
- **Clause 4.1 Minimum subdivision size -** To ensure practical outcomes for battle axe block subdivisions and to clarify that minimum lot size provisions under this clause also apply to dual occupancy development.
- **Clause 4.3 Height of buildings -** To clarify and strengthen provisions related to development scale and form to assist in maintaining character and minimise impacts to adjacent areas, whilst also facilitating appropriate development where impacts to existing character and the environment can be managed.

- **Clauses 4.4 and 4.5 Floor space ratio -** To clarify and strengthen provisions related to development scale and form and to ensure practical outcomes for battle axe block subdivisions.
- **Clauses 6.3 to 6.6 Stormwater management, terrestrial biodiversity**, **riparian land and adjoining waterways, limited development on the foreshore -** To ensure consistency with the intent of the Parramatta River Masterplan, which aims to create a word class river that is living and swimmable again.
- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings -** To simplify provisions for landscaping of dwellings while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the Municipality.
- **Schedule 1 Additional permitted use -** Removal of items from Schedule 1 where the listing does not complement the existing or intended use of the site.
- **Schedule 2 Exempt development -** Addition of a new exempt development item (outdoor dining) to Schedule 2.

A previous version of this PP was reported to the Local Planning Panel (LPP) meeting of 28 March 2024. As a result of its consideration of this matter, the LPP Resolved:

1. *The LPP advises Council that it supports the attached Planning Proposal being referred to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.*

The PP was then reported to Council's Ordinary Meeting of 27 April 2024. At this meeting it was Resolved that Council:

(A) Forward the Planning Proposal included as Attachment 1 of this report to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to amend Hunters Hill Local Environmental Plan 2012.

(B) Subject to (A) above, advise the Department of Planning, Housing and Infrastructure that Council will be seeking to be authorised as the Local Plan Making Authority.

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

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

(1) To proceed with the Planning Proposal as exhibited.
(2) To proceed with amended controls in the Planning Proposal to that exhibited.
(3) To not proceed with the Planning Proposal.

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

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

Subsequent to Item A of the above Resolution, the PP was submitted to DPHI seeking a Gateway Determination.

In response to the above request, DPHI advised that the PP would not proceed to assessment, suggesting that the PP should be simplified, with clear statements setting out the proposed amendments to the LEP and the intent of each without including the exact proposed drafting changes. DPHI also recommended that the proposed changes to Schedule 5 Environmental heritage be removed from the planning proposal and form part of a new planning proposal relating to heritage matters only. Following receipt of this response, it was discussed between Council and DPHI Staff that an appropriate way to progress with the proposal would be the development of two separate and simplified PPs, one for *'heritage'* and a second for *'all other matters'*.

In consideration of the above, at its Ordinary Meeting of February 2025 Council Resolved:

A. In relation to Council's current review of the Hunters Hill Local Environmental Plan 2010, that Council prepare two separate planning proposals as follows:

i. Schedule 5 Environmental heritage.
ii. All other matters.

The *'all other matters'* PP (included as Attachment 1 to this report) has now been updated in accordance with the above advice from DPHI and Resolution of Council's Ordinary Meeting of February 2025 (refer to Attachment 2 of this report).

The *'heritage'* PP is intended to be drafted by November 2025, due to further heritage inventory work being required.

In addition to the above, Council has sought legal review and advice in order to ensure the PP is legally sound, and the wording of Part 2 – Explanation of Provisions and Appendix 1 achieve Part 1 – Background, Objectives and Intended Outcomes of the PP. The attached PP incorporates this legal advice.

Local Planning Panel Advice

This matter was also reported to the LPP Meeting of 28 August 2025 in accordance with the Local Plan Making Guideline (August 2023), and Ministerial Direction (9.1 Local Planning Panels – Planning Proposals), which require that Council's refer PPs to local planning panels for advice. At this meeting, LPP unanimously Resolved:

1. The Panel acknowledges the extensive community consultation held by Council.
2. The Panel acknowledges that Council has conducted research and included provisions from the Parramatta River Master Plan, State Government instruments and other appropriate Council LEPs.

3. The LPP advises Council that it supports the attached Planning Proposal being referred to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance *with section 3.34 of the Environmental Planning and Assessment Act 1979,* with consideration to be given to the following matters:

    i. That Council consider the Wall Height definition of 7.2 metres in Clause 4.3A bearing in mind matters such as existing basements.
    ii. That Council ensure there is no conflict or inconsistency between the proposed Clause 6.1 and existing land use objectives for E1 and MU1 zones.
    iii. That Council consider those properties to be retained in Schedule 1, whether the listed additional land uses should be appropriately categorised having regard to current land use definitions in the standard instrument; or alternatively, whether some or all listings can be removed from Schedule 1and existing use rights henceforth be relied on.
    iv. That Council review clause 7.30 of the Penrith Local Environmental Plan 2010 – Urban Heat, for possible inclusion of similar in the Planning Proposal or the Development Control Plan.

Each of the matters listed within item 3 above are discussed within the table below.

Table – Matters raised by LPP

Item number	Matter Raised	Response
i	That Council consider the Wall Height definition of 7.2 metres in Clause 4.3A bearing in mind matters such as existing basements.	The proposed new clause 4.3A, as detailed within Appendix 1 of this PP, is as follows: *4.3A Height of buildings (additional provisions)* *(1A) The objectives of this clause are as follows—* *(a) to provide for view sharing,* *(b) to minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.* *(1) This clause applies to all land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map.* *(2) No building may be erected on land to which this clause applies if the building is more than 8.5 metres in height or has more than two storeys above ground level (existing).* *(3) However, the consent authority may grant development consent for an additional storey in the basement of a building on land to which this clause applies if the consent authority is satisfied that the building height and bulk is of an appropriate form and scale and environmental impacts are minimal.*

		(4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres. *(5) In this clause—* *dormer window means a window in the roof plane that measures no more than 25% of the width of the roof in that plane, or 1.8 metres, whichever is less.* *wall height means the vertical distance from ground level (existing) to the underside of the eaves at the wall line or parapet, whichever is highest.* Basement is defined within the LEP as: '*basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).'* In consideration of the above, no conflict appears to exist with matters such as existing basements, and no change to the PP is proposed.
ii	That Council ensure there is no conflict or inconsistency between the proposed Clause 6.1 and existing land use objectives for E1 and MU1 zones.	Proposed clause 6.11, as detailed within Appendix 1 of this PP, is as follows: *6.11 Development in local centres and mixed use areas* *(1) The objectives of this clause are as follows—* *(a) to ensure the scale and function of development in village and local centres are appropriate to the location,* *(b) to ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.* *(c) to facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.* *(2) This clause applies to land identified as Zone E1 Local Centre or MU1 Mixed Use on the Land Zoning Map.* *(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—* *(a) the impact of the development on—*

		(i) the character, heritage values and amenity of surrounding residential areas, and *(ii) the desired character, heritage values and amenity of the local centre, and* *(b) whether the development is consistent with providing for residents' daily needs within the hierarchy of village and local centres.* The existing objectives of zone E1 are: • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. • To encourage investment in local commercial development that generates employment opportunities and economic growth. • To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. The existing objectives of zone MU1 are: • To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To ensure that new buildings provide an appropriate transition between employment zones and surrounding residential localities. In consideration of the above, no conflict between existing objectives and proposed new provisions is apparent, and no subsequent change to the PP is proposed.

iii	That Council consider those properties to be retained in Schedule 1, whether the listed additional land uses should be appropriately categorised having regard to current land use definitions in the standard instrument; or alternatively, whether some or all listings can be removed from Schedule 1 and existing use rights henceforth be relied on.	Land use descriptions for properties within Schedule 1 which are proposed to be retained reflect the intended use of the respective sites. In addition, removal of all properties from Schedule 1 and reliance on existing use rights would remove certainty regarding future potential land uses on these sites, particularly if the land use listed within Schedule 1 has not yet been enacted. In consideration of the above, no subsequent change to the PP is proposed.
iv	That Council review clause 7.30 of the Penrith Local Environmental Plan 2010 – Urban Heat, for possible inclusion of similar in the Planning Proposal or the Development Control Plan.	Clause 7.30 of the Penrith Local Environmental Plan 2010 is as follows: *7.30 Urban heat* *(1) The objectives of this clause are to—* *(a) ensure development incorporates planning and design measures to reduce the urban heat island effect in Penrith, and* *(b) ensure buildings and outdoor spaces are thermally comfortable for people living and working in Penrith, particularly during summer, and* *(c) promote the cooling benefits of green infrastructure and water in the landscape.* *(2) This clause applies to land in the following zones—* *(a) Zone RU5 Village,* *(b) a residential zone,* *(c) an employment zone,* *(d) a mixed use zone,* *(e) a special purpose zone,* *(f) a recreation zone,* *(g) Zone C4 Environmental Living.*

		(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that— *(a) maximise green infrastructure, and* *(b) retain water in the landscape, and* *(c) use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and* *(d) use building, paving and other materials that minimise heat impacts, and* *(e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.* *(4) In this clause—* *green infrastructure means the network of green spaces, natural systems and semi-natural systems including waterways, bushland, tree canopy, green ground cover, parks and open spaces, that—* *(a) supports sustainable communities, and* *(b) is strategically designed and managed to support a good quality of life in an urban environment.* *urban heat island effect is a result of conditions that contribute to higher temperatures in urban areas, including—* *(a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and* *(b) activities that generate heat, including waste air from mechanical cooling systems, and* *(c) reduction in green infrastructure.* It can be noted that all development within the Hunters Hill Municipality is localised infill development within established natural and urban landscapes. These landscapes are proposed to be retained and enhanced through proposed amendments to the LEP and DCP, including through provisions associated with landscaping and protection of the natural environment as proposed within the PP.

		Notwithstanding the above, in consideration of this feedback from LPP, it can be noted that significant additional sustainable development provisions are now proposed through amendment to the DCP.

Hunters Hill Development Control Plan Review

In relation to the DCP, the sections of the plan proposed to be amended and the associated objectives of these amendments are summarised below:

- **Throughout document**: Update to refer to current legislation, regulations, guidelines and other administrative and minor amendments.

- **Section 2.2.4 – Desired Character:** Updates to ensure residential developments demonstrate reasonable compatibility with the predominant pattern of existing dwellings or buildings in the surrounding neighbourhood. This is proposed to be in part facilitated through having structures such as swimming pools, garages, and car ports set back behind the building line and including consideration of site topography to ensure development on sloping sites do not have visually dominant two and/or three storey elements.

- **Section 2.3 – Trees and Vegetation:**

    - Strengthening of aims and objectives relating to tree and vegetation management.
    - Clarification of what impacts to vegetation require development consent or a permit from Council, and what information is required to support such a development or permit application.
    - Clarifying of what constitutes impact to vegetation.
    - Inclusion of Riverglade Reserve (Villa Maria property) as a bushland remnant.

- **Section 2.4 – Heritage Conservation:**

    - Inclusion of a new clause relating to requirements for development proposals applying to heritage items and contributory buildings, to ensure adequate information is available to classify and consider the potential impacts of such development proposals on heritage items and contributory buildings.
    - Additional provisions seeking to minimise the impact of bulk and scale to heritage items, and to prohibit excavation beneath heritage items and excavation for driveways within front setbacks.
    - Clarification on when a Heritage Impact Statement is required, and what is required to be included within the Heritage Impact Statement.

- **Part 3 – Residential Development:** Full update to focus on the overall intent of this part of the DCP, being to clearly articulate the character and significance of existing residential development within the Municipality, and ensure new development is complimentary to this character. The updated Part 3 of the DCP seeks to utilise succinct

language and illustrations to communicate the intent of this part of the DCP, as outlined within the former Hunters Hill DCP 15 – Residential Development (2000).

- **Part 5 – General Controls:**

    - Reference within Section 5.6 to Council's Consolidated Stormwater Management Policy, as the guiding document for stormwater management within the Municipality.
    - Full update to Section 5.7 to capture contemporary waste management objectives and controls. This section also seeks to more clearly articulate waste management requirements, including requirements relating to mid and higher density development which may result from NSW Government planning reforms and Council initiated urban design reviews in locations such as Gladesville and Boronia Park.
    - Inclusion of a new sustainability chapter as Section 5.8. This new section seeks to capture contemporary sustainable development objectives and controls as supported by Council's Sustainability Committee.

- **Appendices:** Inclusion of new definitions within the dictionary section to support the above amendments. Additional templates and guidelines relating to waste management to support the above amendments to Section 5.7 of the DCP have also been included as Appendices 2 – 9.

  The existing appendix which lists contributory heritage items is proposed to be removed, as amendments to Section 2.4 seek to qualify contributory significance on a merits basis. This revised approach would seek to ensure that contributory heritage items are identified based on their contributory value, and seeks to avoid items being missed in the instance that they are not specifically listed in the DCP.

It can be noted that the 'Gladesville Village Centre' and 'Hunters Hill Village' sections of Part 4 of the DCP will be reviewed as part of urban design investigations currently being undertaken for these areas.

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

The next step in the DCP review process is for Council to place the DCP on public exhibition to seek feedback from the community. This report recommends that this public exhibition be undertaken concurrently with the public exhibition of the LEP.

Concurrent public exhibition of the LEP and DCP will provide the community with the opportunity to review and provide comment the full suite of proposed amendments to this documentation. This is important in consideration of the relationship between these two sets of documents, and their role in facilitating conservation and development outcomes within the Municipality. A 'Plain English Statement' would also be made available with and draft PP and DCP in order to assist with community interpretation of the exhibited material.

CONCLUSION

This report seeks to facilitate Council's consideration of recommendations to progress with the review of the LEP and DCP.

The subject review has been undertaken in consultation with the Hunters Hill Community, with the proposed LEP and DCP amendments being sought to strengthen the plans, predominantly through removing anomalies, making the documents easier to interpret and to reinforce provisions related to the conservation of the character, heritage and the environment of the Municipality.

The next steps in the LEP and DCP review process is for Council to consider referring the PP to DPHI seeking a Gateway Determination and proposed concurrent public exhibition of both sets of documentation. This report recommends that this referral and public exhibition now be undertaken.

ATTACHMENTS

1. Planning Proposal - LEP Review ⇩
2. Hunters Hill Development Control Plan 2025 ⇩

HUNTERS HILL COUNCIL

PLANNING PROPOSAL
Local Environmental Plan Review
September 2025

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Executive Summary

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

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

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

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

Part 1 – Background, Objectives and Intended Outcomes

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

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

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

- **Clause 1.2 Aims** – To ensure the LEP captures the principle of ecologically sustainable development, to include references to the relevant DCP and LSPS and to strengthen heritage, character and landscape provisions.
- **Land Use Tables**:
    - To remove reference to land uses that do not exist and/or are not envisaged within the Hunters Hill LGA.
    - To include land uses that are complimentary to certain land use zones.
    - To facilitate land uses which are consistent with certain land use zones.
    - To maintain garden suburb character and provide plant and tree cover.

- **Clause 4.1 Minimum subdivision size -** To ensure practical outcomes for battle axe block subdivisions and to clarify that minimum lot size provisions under this clause also apply to dual occupancy development.
- **Clause 4.3 Height of Buildings -** To clarify and strengthen provisions related to development scale and form to assist in maintaining character and minimise impacts to adjacent areas, whilst also facilitating appropriate development where impacts to existing character and the environment can be managed.
- **Clauses 4.4 and 4.5 Floor space ratio -** To clarify and strengthen provisions related to development scale and form and to ensure practical outcomes for battle axe block subdivisions.
- **Clauses 6.3 to 6.6 Stormwater management, terrestrial biodiversity**, **riparian land and adjoining waterways, limited development on the foreshore -** To ensure consistency with the intent of the Parramatta River Masterplan, which aims to create a word class river that is living and swimmable again.
- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings -** To simplify provisions for landscaping of dwellings while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the Municipality.
- **Schedule 1 Additional permitted use -** Removal of items from Schedule 1 where the listing does not complement the existing or intended use of the site.
- **Schedule 2 Exempt development -** Addition of a new exempt development item (outdoor dining) to Schedule 2.

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

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

This PP was reported to the Hunters Hill Local Planning Pannel (LPP) Meeting of 28 August 2025. At this meeting, LPP unanimously Resolved:

1. The Panel acknowledges the extensive community consultation held by Council.
2. The Panel acknowledges that Council has conducted research and included provisions from the Parramatta River Master Plan, State Government instruments and other appropriate Council LEPs.
3. The LPP advises Council that it supports the attached Planning Proposal being referred to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance *with section 3.34 of the Environmental Planning and Assessment Act 1979,* with consideration to be given to the following matters:

    i. That Council consider the Wall Height definition of 7.2 metres in Clause 4.3A bearing in mind matters such as existing basements.
    ii. That Council ensure there is no conflict or inconsistency between the proposed Clause 6.1 and existing land use objectives for E1 and MU1 zones.

iii. That Council consider those properties to be retained in Schedule 1, whether the listed additional land uses should be appropriately categorised having regard to current land use definitions in the standard instrument; or alternatively, whether some or all listings can be removed from Schedule 1 and existing use rights henceforth be relied on.

iv. That Council review clause 7.30 of the Penrith Local Environmental Plan 2010 – Urban Heat, for possible inclusion of similar in the Planning Proposal or the Development Control Plan.

Each of the matters listed within item 3 above, and where they are addressed within this PP (as applicable), is discussed within Table 1 below.

Table 1 – Matters raised by LPP

Item number	Matter Raised	Response
i	That Council consider the Wall Height definition of 7.2 metres in Clause 4.3A bearing in mind matters such as existing basements.	The proposed new clause 4.3A, as detailed within Appendix 1 of this PP, is as follows: ***4.3A Height of buildings (additional provisions)*** *(1A) The objectives of this clause are as follows—* *(a) to provide for view sharing,* *(b) to minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.* *(1) This clause applies to all land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential to which a maximum building height of 8.5 metres applies as shown on the Height of Buildings Map.* *(2) No building may be erected on land to which this clause applies if the building is more than 8.5 metres in height or has more than two storeys above ground level (existing).* *(3) However, the consent authority may grant development consent for an additional storey in the basement of a building on land to which this clause applies if the consent authority is satisfied that the building height and bulk is of an appropriate form and scale and environmental impacts are minimal.* *(4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.* *(5) In this clause—* ***dormer window** means a window in the roof plane that measures no more than 25% of the width of the roof in that plane, or 1.8 metres, whichever is less.*

		wall height *means the vertical distance from ground level (existing) to the underside of the eaves at the wall line or parapet, whichever is highest.* Basement is defined within the LEP as: '*basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).'* In consideration of the above, no conflict appears to exist with matters such as existing basements, and no change to the PP is proposed.
ii	That Council ensure there is no conflict or inconsistency between the proposed Clause 6.1 and existing land use objectives for E1 and MU1 zones.	Proposed clause 6.11, as detailed within Appendix 1 of this PP, is as follows: ***6.11 Development in local centres and mixed use areas*** *(1) The objectives of this clause are as follows—* *(a) to ensure the scale and function of development in village and local centres are appropriate to the location,* *(b) to ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.* *(c) to facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.* *(2) This clause applies to land identified as Zone E1 Local Centre or MU1 Mixed Use on the Land Zoning Map.* *(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—* *(a) the impact of the development on—*

		(i) the character, heritage values and amenity of surrounding residential areas, and *(ii) the desired character, heritage values and amenity of the local centre, and* *(b) whether the development is consistent with providing for residents' daily needs within the hierarchy of village and local centres.* The existing objectives of zone E1 are: • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. • To encourage investment in local commercial development that generates employment opportunities and economic growth. • To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. The existing objectives of zone MU1 are: • To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

		• To ensure that new buildings provide an appropriate transition between employment zones and surrounding residential localities. In consideration of the above, no conflict between existing objectives and proposed new provisions is apparent, and no subsequent change to the PP is proposed.
iii	That Council consider those properties to be retained in Schedule 1, whether the listed additional land uses should be appropriately categorised having regard to current land use definitions in the standard instrument; or alternatively, whether some or all listings can be removed from Schedule 1 and existing use rights henceforth be relied on.	Land use descriptions for properties within Schedule 1 which are proposed to be retained reflect the intended use of the respective sites. In addition, removal of all properties from Schedule 1 and reliance on existing use rights would remove certainty regarding future potential land uses on these sites, particularly if the land use listed within Schedule 1 has not yet been enacted. In consideration of the above, no subsequent change to the PP is proposed.
iv	That Council review clause 7.30 of the Penrith Local Environmental Plan 2010 – Urban Heat, for possible inclusion of similar in the Planning Proposal or the Development Control Plan.	Clause 7.30 of the Penrith Local Environmental Plan 2010 is as follows: ***7.30 Urban heat*** *(1) The objectives of this clause are to—* *(a) ensure development incorporates planning and design measures to reduce the urban heat island effect in Penrith, and* *(b) ensure buildings and outdoor spaces are thermally comfortable for people living and working in Penrith, particularly during summer, and* *(c) promote the cooling benefits of green infrastructure and water in the landscape.* *(2) This clause applies to land in the following zones—* *(a) Zone RU5 Village,*

		(b) a residential zone, *(c) an employment zone,* *(d) a mixed use zone,* *(e) a special purpose zone,* *(f) a recreation zone,* *(g) Zone C4 Environmental Living.* *(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that—* *(a) maximise green infrastructure, and* *(b) retain water in the landscape, and* *(c) use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and* *(d) use building, paving and other materials that minimise heat impacts, and* *(e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.* *(4) In this clause—*

		green infrastructure *means the network of green spaces, natural systems and semi-natural systems including waterways, bushland, tree canopy, green ground cover, parks and open spaces, that—* *(a) supports sustainable communities, and* *(b) is strategically designed and managed to support a good quality of life in an urban environment.* ***urban heat island effect*** *is a result of conditions that contribute to higher temperatures in urban areas, including—* *(a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and* *(b) activities that generate heat, including waste air from mechanical cooling systems, and* *(c) reduction in green infrastructure.* It can be noted that all development within the Hunters Hill Municipality is localised infill development within established natural and urban landscapes. These landscapes are proposed to be retained and enhanced through proposed amendments to the LEP and DCP, including through provisions associated with landscaping and protection of the natural environment as proposed within this PP. Notwithstanding the above, in consideration of this feedback from LPP, it can be noted that significant additional sustainable development provisions are now proposed through amendment to the DCP.

Part 2 – Explanation of Provisions

To achieve the intended outcomes, this PP seeks to amend the LEP 2012. Each of the proposed amendments sought through this PP are explained against each relevant clause of the LEP under the headings below. Appendix 1 of this PP also provides some example clauses of the proposed controls to provide clear guidance of the outcomes that this PP seeks to achieve. The final version of the clauses to be inserted into the LEP would be subject to drafting and agreement with the NSW Parliamentary Counsel's Office.

Aims of Plan

Proposal

It is proposed to amend Clause 1.2 of the LEP to:

- Reference the principle of ecologically sustainable development (ESD).
- Reference other key documents within the local strategic planning framework, including the LSPS and DCP.
- Strengthen wording relating to the management of important environmental, heritage, character and scenic qualities of the Municipality, including trees and vegetation, and ensure this wording refers to both public and private land.
- Reference natural hazards and climate change.
- Ensure development considers and supports active and public transport.

Rationale

Ecologically sustainable development

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

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

Reference to other key documents within the local strategic planning framework, including the LSPS and DCP

DCPs are not statutory documents, however, they are important in outlining planning provisions to manage development, through maintaining amenity and reducing impacts on surrounding development and the environment. Reference to the DCP within Clause 1.2 would highlight that DCPs are a key part of the development assessment framework.

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

Strengthen wording relating to the management of important environmental, heritage, character and scenic qualities of the Municipality

This proposed amendment seeks to recognise the critical importance of maintaining and enhancing environmental values and corridors (including trees and vegetation), natural features, character, scenic qualities, water resources and ecological processes. It is intended that reference to these aspects also refer to 'private and public' land where relevant to make clear that maintaining a network of open spaces that conserve natural and scenic qualities extends across both land tenures.

Reference natural hazards and climate change

Reference to natural hazards and climate change is proposed to be included within Clause 1.2, to ensure consideration of the potential impact of these factors on development within the Municipality.

Reference to active and public transport

It is proposed to included reference to active and public transport within Clause 1.2, to ensure development considers and supports active and public transport and to reduce dependence on private motor vehicle usage.

Permitted or prohibited development - Land use table

It is proposed to amend the land use table under Part 2 of the LEP as described below.

Proposal

Zone R2 Low Density Residential

- Add additional description to the zone objectives (as outlined within the example provisions included as Appendix 1 of this PP) to ensure that new development is respectful of, and compatible with, the garden suburb character and heritage values that distinguish low-density localities of the Municipality.

Rationale

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

Proposal

Zone R3 Medium Density Residential

- Amend zone objectives in order to:
    - Ensure that the design of development provides and integrates with deep soil landscaping to reflect the garden and bushland character of the municipality.

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

Rationale

The proposed amendments to the zone objectives are sought to maintain garden suburb character, respect existing amenity and desired future character of medium density residential areas.

Proposal

RE1 Public Recreation

- Expand the permitted land uses in the RE1 Public Recreation zone to include:
  - Information and education facilities.
  - Markets.
  - Recreation facilities (outdoor).
  - Restaurants and cafes.
  - Take away food and drink premises.

Rationale

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

Proposal

E1 Local Centre

- Amend E1 Local Centre provisions to include new objectives which seek to:
  - Enhance the viability, vitality and amenity of the local centres while protecting and enhancing the village character.
  - Manage potential impacts of non-residential uses on the amenity of adjacent residential areas, having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads.
  - Maintain the local character and heritage and enhance the village atmosphere of local centres by managing the height, bulk and scale of buildings and ensuring that new or altered buildings reflect the proportions of surrounding traditional shop fronts.
  - Encourage development that is compatible with the centre's position on the hierarchy of local centres.

Rationale

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

Proposal

MU1 Mixed Use

Include an additional objective within the MU1 Mixed Use zone which seeks to maximise active and public transport opportunities.

Rationale

Active transport is the most sustainable form of transport and contributes to improving neighbourhoods and the environment, reducing car use and traffic congestion, supporting local economies, and improving the general health of communities in NSW *(source: Transport for NSW)*. This amendment would seek to promote active and public transport opportunities within mixed use areas and to reduce dependence on private motor vehicle usage.

Principal development standards

It is proposed to amend the principal development standards under Part 4 of the LEP as described below.

Proposal

Minimum subdivision size

- Make amendments to Clause 4.1 which seek to:
  - Soften visual impacts of residential developments when also viewed from a neighbouring property, and to facilitate generous rather than just sufficient space for trees and plantings around buildings.
  - Accommodate residential developments that would be compatible with size, scale and existing character of both surrounding buildings and the locality.
- Add a new provision within Clause 4.1 that seeks to exclude the 'handle' of a battle axe block from the lot size calculation.
- Add a new provision within Clause 4.1 that seeks to clarify that minimum subdivision lot size provisions under this clause also apply to dual occupancy development.

Rationale

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

With regard to battle axe blocks, assessing development applications for these blocks has been problematic in the past, where unsatisfactory access handles have been proposed that are too narrow. The exclusion of access handles from the lot size calculation for battle axe blocks would

provide an opportunity to promote a suitable site for housing without compromising the access handle, and is a provision applied by many other councils.

Clarification that minimum subdivision lot size provisions under this clause also apply to dual occupancy development will assist to ensure that subdivision standards under this clause are not compromised through pursual of torrens title subdivision of complying development approved dual occupancy development under clause 6.3 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Council is aware of previous legal proceedings in this regard, and this clarification would seek to provide certainty for proponents and Council in relation to this matter.

Proposal

Height of buildings

It is proposed to amend Part 4.3 of the LEP as follows:

- Amend the objectives of this clause to strengthen provisions relating to height of buildings by substituting terms such as 'would be' and 'potential' with terms such as 'to ensure' and 'are'.

- To remove other potentially subjective terms such 'excessive' and to ensure that provisions recognise neighbouring properties in relation to impacts such as overshadowing, loss of privacy, obstruction of views and general visual impacts.

- To include new additional provisions and development standards applying to land Zone R2 Low Density Residential or Zone R3 Medium Density Residential to which a maximum building height of 8.5 metres applies which seek to outline the objectives which:

    - Facilitate view sharing.
    - Minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.
    - Limit building height to no greater than two stories above existing ground level, unless the additional story is within the basement of a building, where Council is satisfied that the building height and bulk is of an appropriate form and scale and environmental impacts are minimal and landscaping is suitable.
    - Specify and define appropriate wall height.

Rationale

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

Proposal

Floor space ratio

It is proposed to amend Part 4.4 of the LEP as follows:

- Substitute potentially subjective words such as 'encourage' and 'may be' with words such as 'ensure' and 'is'.

- Introduce new objectives which seek to minimise adverse effects of bulk and scale of buildings and limit excavation of sites and retain natural ground levels for the purpose of landscaping, biodiversity and containing urban run-off.

- Remove provision which circumvents floor space ratio requirements where a development meets the height and landscaped area provisions of the LEP.

Rationale

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

Proposal

Calculation of floor space ratio and site area

It is proposed to amend Clause 4.5 of the LEP as follows:

Exclude the handle of a battle axe block from the calculation of site area.

Rationale

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

Proposal

Heritage conservation

It is proposed to amend Clause 5.10 of the LEP as follows:

- To amend the objectives of this clause, to facilitate not only conservation, but also enhancement of the character of the Municipality.

- Reference both the item and area concerned with regard to the effect of proposed development on heritage significance.

Rationale

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

Additional local provisions

It is proposed to amend Part 6 of the LEP as described below, and as outlined within Appendix 1 of this PP.

Proposal

Development on river front areas

It is proposed to amend Clause 6.7 of the LEP as follows:

- Amend the objectives to ensure recognition and protection of this natural and visual environment, and to reinforce the dominance of landscape over built form.

- Refer to conservation of existing vegetation and rocky outcrops, rather than just trees.
- Refer to maintenance of existing views and vistas both to and from waterways and public places.
- Minimise the visual impact of development both to and from the nearest waterway or riverfront area, and to maintain existing natural landscape and landform

Rationale

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

Proposal

Clause 6.9 Landscaped areas for dwelling houses and secondary dwellings

It is proposed to amend Clause 6.9 to provide a clear and specific quantification of required landscaped area, with specific exclusions from the landscaped area calculation.

Rationale

The existing Clause 6.9 has been difficult to interpret by applicants. It is proposed to simplify this clause while retaining the intent of providing generous landscape areas to enhance the garden suburb character of the municipality.

Proposal

Development in local centres and mixed use areas

It is proposed that a new clause (Clause 6.11) be included within the LEP. The new clause would seek to:

- Ensure the scale and function of development in village and local centres are appropriate to the location.
- Ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.
- Facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.

Rationale

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

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

Additional permitted uses

Proposal

It is proposed to amend Schedule 1 as described within Table 2 below.

Table 2 – Proposed Schedule 1 Amendments

Item number	Existing	Comment	Recommendation
1	**Use of certain land at 21c Farnell Street, Boronia Park** 1) This clause applies to land at 21c Farnell Street, Boronia Park, being Lot 13, Section 6, DP 758143 and Crown Reserve R87767. 2) Development for the purpose of community facilities is permitted with development consent.	This site is zoned R2 Low Density Residential. Community facilities are permissible in the zone.	Remove land from Schedule 1
2	**Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville** 1) This clause applies to land at 2 and 4 Flagstaff Street, Gladesville, being Lots 3 and 4, DP 16241 and land at 6–8 Flagstaff Street, Gladesville, being Lot 1, DP 1022691. 2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent.	The site is zoned is zoned R3 Medium Density Residential. Health consulting rooms permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021. Given the location of the site close to the town centre and other planning provisions that apply, the application of a site specific provision for size is not considered necessary.	Remove land from Schedule 1
3	**Use of certain land at 17 and 19 Massey Street, Gladesville** 1) This clause applies to land at 17 and 19 Massey Street, Gladesville, being Lots 1 and 2, DP 16241.	• As above in No. 2	Remove land from Schedule 1

Item number	Existing	Comment	Recommendation
	2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent		
4	**Use of certain land at 20a Alexandra Street, Hunters Hill** 1) This clause applies to land at 20a Alexandra Street, Hunters Hill, being Lot 1, DP 1070714. 2) Development for the purpose of seniors housing is permitted with development consent.	• Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. • Land exists within a Heritage Conservation Area (HCA).	Retain as existing.
5	**Use of certain land at 32 Alexandra Street, Hunters Hill** 1) This clause applies to land at 32 Alexandra Street, Hunters Hill, being Lot 127, DP 1114617 and comprising the Hunters Hill Post Office. 2) Development for the purposes of business premises, multi dwelling housing and shop top housing is permitted with development consent	• Land is zoned R2 Low Density Residential. • Not suitable to zone commercial given its location in a R2 Low Density Residential zone	Retain as existing.
6	**6. Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill** 1) This clause applies to land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill, being (respectively) Lot 51, DP 16119, Lot 50,	• Montefiore seniors living. • 2 Gaza St, Lot 61/DP 16119 and 116 High St, Lot 62/DP16119 are missing – bought	Not in a HCA. New masterplan and planning controls are being proposed for the site.

Item number	Existing	Comment	Recommendation
	DP 16119, Lots 52–60, DP 16119 and Lot 63, DP 16119. 2) Development for the purpose of seniors housing is permitted with development consent	by Montefiore since the LEP was gazetted • Seniors housing permitted in the R2 Residential zone under the Housing SEPP • Land not in a HCA.	Remove from Schedule 1.
7	**Use of certain land at 49–51 Barons Crescent, Hunters Hill** 1) This clause applies to land at 49–51 Barons Crescent, Hunters Hill, being Lot 2, DP 312298, Lots 1 and 2, DP 325793 and Lots 9 and 10, DP 724017. 2) Development for the purpose of seniors housing is permitted with development consent.	• Part of Montefiore. • Seniors housing permitted in the R2 Residential zone under the Housing SEPP	Not in a HCA. Remove from Schedule 1.
8	**Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill** 1) This clause applies to land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill, being Lot 1, DP 302331 and Lot 12, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	• Lot 1, DP 302331 is known as 1A De Milhau Rd in planning portal. • Seniors housing permitted in the R2 Residential zone under the Housing SEPP • Not in a HCA.	Not in a HCA. Remove from Schedule 1.
9	**Use of certain land at 1 Durham Street, Hunters Hill** 1) This clause applies to land at 1 Durham Street, Hunters Hill, being Lots 10 and 11, DP 4614.	• Community facilities are permissible in the R2 zone.	Remove from Schedule 1

Item number	Existing	Comment	Recommendation
	2) Development for the purpose of community facilities is permitted with development consent.		
10	**Use of certain land at 35 Gladesville Road, Hunters Hill** 1) This clause applies to land at 35 Gladesville Road, Hunters Hill, being Lot 38, DP 224608 and Lot 11, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	• Address & lot/DPs correct. • Seniors housing permitted in the R2 Residential zone under the Housing SEPP • Not in a HCA.	Remove from Schedule 1
11	**Use of certain land at 41 Gladesville Road, Hunters Hill** 1) This clause applies to land at 41 Gladesville Road, Hunters Hill, being Lot 1, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	• Address & lot/DP correct. • Seniors housing permitted in the R2 Residential zone under the Housing SEPP. • Not in a HCA.	Remove from Schedule 1
12	**Use of certain land at 43 Gladesville Road, Hunters Hill** 1) This clause applies to land at 43 Gladesville Road, Hunters Hill, being Lot 2, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	• Seniors housing is permitted in the R2 Residential zone under the Housing SEPP. • Not in a HCA.	Remove from Schedule 1
13	**Use of certain land at 8 Passy Avenue, Hunters Hill** 1) This clause applies to land at 8 Passy Avenue, Hunters Hill, being Lot 1, DP	• Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However,	Retain as existing.

Item number	Existing	Comment	Recommendation
	133826, Lot 1, DP 206036 and Lot 1, DP 922514. 2) Development for the purpose of seniors housing is permitted with development consent	moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. • Land exists within a HCA.	
14	**Use of certain land at 10 and 12 Salter Street, Huntleys Cove** 1) This clause applies to land at 10 and 12 Salter Street, Huntleys Cove, being Lot 1, DP 823988 and known as "The Priory". 2) Development for the purposes of community facilities, function centres and restaurants or cafes is permitted with development consent.	• Land zoned R2 Low Density Residential.	Retain as existing.
15	**Use of certain land at 11 Gladstone Avenue, Woolwich** 1) This clause applies to land at 11 Gladstone Avenue, Woolwich, being Lots 1–5, Section E, DP 1015 and Lot 1, DP 795282. **2)** Development for the purpose of seniors housing is permitted with development consent.	• Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. • Land exists within a HCA.	Retain as existing.
16	**Use of certain land at 2C Margaret Street, Woolwich** 1) This clause applies to land at 2C Margaret Street, Woolwich, being Lots 2 and 4, DP 880264.	• Lots 2 & 4 DP 880264 • Currently zoned IN4 Working Waterfront.	Retain as existing.

Item number	Existing	Comment	Recommendation
	2) Development for the purpose of residential accommodation is permitted with development consent.		
17	**Use of certain land at 103 Woolwich Road, Woolwich** 1) This clause applies to land at 103 Woolwich Road, Woolwich, being Lot 5, DP 3110. 2) Development for the purposes of restaurants or cafes and shop top housing is permitted with development consent.	• Currently zoned R2.	Retain as existing.

Rationale

To remove redundant additional permitted uses, which have no practical effect due to permissibility of the identified land use under the LEP or other legislation.

Exempt development

Proposal

Amend Schedule 2 to include outdoor dining as a new exempt development item.

Rationale

To facilitate and also provide appropriate provisions relating to outdoor dining in addition to existing provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

This proposed amendment, similar to an outdoor dining clause included within Schedule 2 of the Mosman LEP 2012, is further described within Appendix 1 and is intended to permit appropriately managed outdoor dining as exempt development throughout the Municipality, including within heritage conservation areas.

Part 3 – Justification

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

Section A – Need for the Planning Proposal

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

Yes. This PP is one of a number of proposed LEP amendments outlined within the LSPS. This PP, and the associated review of the DCP, will also give effect to the following Planning Priorities contained within the LSPS:

Table 3: Consistency of this PP with applicable LSPS Planning Priorities

LSPS Planning Priority	Consistency with this PP
Planning Priority 4.2 - Review and amend the Hunters Hill DCP, to ensure development controls preserve the character and amenity of Hunters Hill and promote best practice design to support the LEP Review.	The DCP is being reviewed and amended concurrently with the LEP to ensure development controls preserve the character and amenity of Hunters Hill and promote best practice design to support the LEP Review.
Planning Priority 8.5 - Investigate opportunities for improved stormwater management and work with the Parramatta River Catchment Group to improve the health and sustainability of the river catchment.	This PP includes provisions which seek to align the LEP with the intent of the Parramatta River Masterplan, Step 4 (February 2021).

In addition to the above, the PP and associated DCP review will also give effect to the following actions contained within Council's Local Housing Strategy (LHS):

Table 4: Consistency of this PP with applicable LHS Actions

LHS Action	Consistency with this PP
Action 1.2 - Develop a range of tailored site-specific controls within the revised LEP and DCP to manage change and support sensitive uplift in key strategic centres and neighbourhood centres.	The PP will give effect to this action through the development of a range of tailored site-specific controls within the revised LEP (as detailed within Part 2 of this PP) to manage change and support sensitive uplift in key strategic centres and neighbourhood centres, such as mixed use and employment zones.
Action 3.1 – Encourage design and delivery of new housing that is focused on environmental sustainability and the delivery of good environmental outcomes through high quality residential design.	The PP includes various proposed LEP amendments that seek to encourage design and delivery of new housing that is focused on environmental sustainability and the delivery of good environmental outcomes through high quality residential design as detailed within Part 2 of this PP. This includes various proposed amendments to environmental provisions within residential zones.
Action 3.3 – Design revised planning controls that encourage design excellence in new	Revised planning controls are proposed that seek to encourage sensitive response of

development and a sensitive response to the surrounding streetscapes.	development to the surrounding streetscapes as detailed within Part 2 of this PP.
Action 3.5 – Use the Hunter's Hill DCP as a mechanism to improve environmental sustainability and resilience in new residential precincts.	The Hunter's Hill DCP is being reviewed concurrently with the review of the LEP through this PP. This DCP review will seek to align with this PP in improving environmental sustainability and resilience in new residential precincts as detailed within Part 2 of this PP.
Action 4.5 – Review and amend the Hunter's Hill DCP to: clarify and reinforce development controls addressing the garden-suburb concept, view scapes and character statements, which support the rich character and sense of place in Hunter's Hill LGA.	The Hunter's Hill DCP is being reviewed concurrently with the review of the LEP through this PP. This DCP review will seek to align with this PP to clarify and reinforce development controls addressing the garden-suburb concept, view scapes and character statements, which support the rich character and sense of place in Hunter's Hill LGA.

The LEP and DCP review will also assist to facilitate the following items within Housing Priority 3 of the Local Housing Strategy:

- New development considers local character and heritage character.
- Detailed character work informs protection of significant environmental, aesthetic and social values.

With regard to addressing administrative errors within an LEP as proposed, page 14 of the LEP Making Guideline outlines a description and timeframes associated with this process, which have been considered as part of the development of this PP.

It can also be noted that both LEPs and DCPs should be reviewed every 5 years in accordance with section 3.12 of the *Environmental Planning and Assessment Act 1979*. The subject review process is intended to ensure Council's LEP and DCP review is being undertaken as required in accordance with the *Environmental Planning and Assessment Act 1979.*

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

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

Section B – Relationship to Strategic Planning Framework

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

Yes. Chapter 6 of the North District Plan, which gives effect to the Greater Sydney Region Plan, requires 'councils to update local environmental plans through the development of their local strategic planning statements and other relevant plans and policies'. This PP is an action of Council's adopted LSPS and as such the current review of the LEP is in accordance with the North District Plan and the wider regional strategic planning framework.

The consistency of this PP with relevant objectives contained within the Greater Sydney Region Plan and the North District Plan are outlined within Tables 5 and 6 below respectively.

Greater Sydney Region Plan

Table 5: Consistency of this PP with applicable Greater Sydney Region Plan Objectives

Objective	Consistency with this PP
Objective 13 - Environmental heritage is identified, conserved and enhanced	As detailed within Part 2, this PP incorporates proposed amendments to heritage provisions which will seek to conserve and enhance environmental heritage.
Objective 25 – The coast and waterways are protected and healthier	This PP incorporates proposed amendments to the objectives and additional local provisions contained within the LEP. These proposed amendments seek to further enhance stormwater quality and further protect terrestrial biodiversity, riparian land and adjoining waterways and foreshore areas in line with the intent of the Parramatta River Masterplan and further strengthen provisions to protect the environment. These proposed amendments will assist to facilitate waterways that are protected and healthier.
Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced	This PP incorporates proposed amendments to the objectives and additional local provisions contained within the LEP. These proposed amendments seek to further protect terrestrial biodiversity, riparian land and adjoining waterways and foreshore areas in line with the intent of the Parramatta River Masterplan and further strengthen provisions to protect the environment. These proposed amendments will assist to protect and enhance biodiversity, urban bushland and remnant vegetation.
Objective 28 – Public open space is accessible, protected and enhanced	Proposed amendments to the RE1 land use table as outlined within this PP will seek to further enhance functionality and accessibility of public open space through facilitating a wider range of uses within public recreation areas.

North District Plan

Table 6: Consistency of this PP with applicable North District Plan Planning Priorities

Planning Priority	Consistency with this PP
Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage	This PP incorporates proposed amendments to Clause 5.10 of the LEP which would seek to facilitate protection and enhancement of heritage.

Planning Priority N15 - Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	This PP incorporates proposed amendments to the objectives and additional local provisions contained within the LEP. These proposed amendments seek to further enhance stormwater quality and further protect terrestrial biodiversity, riparian land and adjoining waterways and foreshore areas in line with the intent of the Parramatta River Masterplan and further strengthen provisions to protect the environment. These proposed amendments will assist to facilitate protection and improvement of the health and enjoyment of Sydney Harbour and the District's waterways.
Planning Priority N16 - Protecting and enhancing bushland and biodiversity	This PP incorporates proposed amendments to the objectives and additional local provisions contained within the LEP. These proposed amendments seek to further protect terrestrial biodiversity, riparian land and adjoining waterways and foreshore areas in line with the intent of the Parramatta River Masterplan and further strengthen provisions to protect the environment. These proposed amendments will assist to facilitate protection and enhancement of bushland and biodiversity.
Planning Priority N17 - Protecting and enhancing scenic and cultural landscapes	As detailed within Part 2 of this PP, a number of LEP amendments are proposed which would seek to protect and enhance scenic and cultural landscapes through strengthening of provisions related to the conservation and enhancement of heritage, character and the natural environment.
Planning Priority N23 - Preparing local strategic planning statements informed by local strategic planning	As outlined within Table 2 of this PP, this PP seeks to give effect to the LSPS.

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

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

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

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

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

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

Table 7 - Assessment Against Potentially Applicable State Environmental Planning Policies (SEPPs)

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

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

Consideration of section 9.1 directions has been undertaken within Table 8 below. As detailed within Table 8, the PP is generally consistent with the applicable directions.

Table 8: Assessment against Section 9.1 Ministerial Directions

No	Direction	Objective	Applicable	Consistency	Comment
Planning Systems					
1.1	Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	Yes	Yes	The planning proposal gives effect to the objectives of the North District Plan 2056.
1.2	Development of Aboriginal Land Council Land	The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.	No	N/A	The PP does not seek to enact or impact upon delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.
1.3	Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	Yes	The PP does not seek to result in concurrence from the Minister or referral authorities.
1.4	Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No	N/A	This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out. As can be noted within Part 2 of this PP, this Direction is

No	Direction	Objective	Applicable	Consistency	Comment
					not relevant as the proposal would not allow a particular development to be carried out.
1.4A	Exclusion of Development Standards from Variation	The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.	Yes	Yes	The PP does not seek to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent Provision.
1.5	Parramatta Road Corridor Urban Transformation Strategy	The objectives of this direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and	No	N/A	The LGA is located outside of the Parramatta Road Corridor Urban Transformation Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.			
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).	No	N/A	The LGA is located outside of the North West Priority Growth area.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan).	No	N/A	The LGA is located outside of the Greater Parramatta Priority Growth area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	No	N/A	The LGA is located outside of the Wilton Priority Growth Area.

No	Direction	Objective	Applicable	Consistency	Comment
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	No	N/A	The LGA is located outside of the Glenfield to Macarthur Urban Renewal Corridor.
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.	No	N/A	The LGA is located outside of the Western Sydney Aerotropolis area.
1.11	Implementation of Bayside West Precincts 2036 Plan	The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia, and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	No	N/A	The LGA is located outside of the Bayside West Precincts.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	The LGA is located outside of the Cooks Cove Precinct area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).	No	N/A	The LGA is located outside of the St Leonards and Crows Nest 2036 Plan area.

No	Direction	Objective	Applicable	Consistency	Comment
1.14	Implementation of Greater Macarthur 2040	The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with: (a) Greater Macarthur 2040 dated November 2018, (b) the Greater Macarthur Growth Area Structure Plan 2022 (Structure Plan), and (c) the Guide to the Greater Macarthur Growth Area (Guide).	No	N/A	The LGA is located outside of the Greater Macarthur growth area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	The objectives of this direction are to: (a) facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy, (b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and	No	N/A	The LGA is located outside of the Pyrmont Peninsula Place Strategy area.

No	Direction	Objective	Applicable	Consistency	Comment
		(c) guide growth and change balanced with character, heritage, and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.			
1.16	North West Rail Link Corridor Strategy	The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.	No	N/A	The LGA is located outside of the North West Rail Link Corridor Strategy area.
1.17	Implementation of Bayside West Place Strategy	The objectives of this direction are to: (a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework), (c) actively support the consistent delivery of	No	N/A	The LGA is located outside of the Bayside West Place Strategy area.

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

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

No	Direction	Objective	Applicable	Consistency	Comment
		the Cherrybrook Station Precinct Place Strategy, and (b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.			
Design and Place					
N/A					
Biodiversity and Conservation					
3.1	Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	Yes	The PP seeks to facilitate the protection and enhancement of environmentally sensitive areas and will not reduce the conservation standards that apply to land within the LGA.
3.2	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.	Yes	Yes	The PP contains provisions that facilitate the conservation of areas of heritage significance.
3.3	Sydney Drinking Water Catchment	The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment.	No	N/A	The LGA is located outside of the areas identified in the Ministerial Direction.
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.	No	N/A	The LGA is not located within the Far North Coast.

No	Direction	Objective	Applicable	Consistency	Comment
3.5	Recreational Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	No	N/A	The PP does not seek to enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	No	N/A	The PP does not apply to land that is identified as avoided land or a strategic conservation area.
3.7	Public Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: (a) preserving: i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland, iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes, and functions, including natural drainage lines, watercourses, wetlands, and foreshores,	Yes	Yes	The PP would seek to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland in accordance with this direction. This would be achieved through strengthening conservation provisions within the LEP applying to the LGA, as outlined within this PP.

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

No	Direction	Objective	Applicable	Consistency	Comment
		Harbour and its islands and foreshores (b) minimise risk to development from rising sea levels or changing flood patterns as a result of climate change (c) ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity (d) protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation, (e) promote the equitable use of the Foreshores and Waterways Area (f) protect the cultural heritage significance of Sydney Harbour, its islands and foreshores (g) ensure a prosperous working harbour and effective transport corridor; and (h) encourage a culturally rich and vibrant place for people.			

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

No	Direction	Objective	Applicable	Consistency	Comment
		Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.			
4.2	Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW.	No	N/A	The PP does not seek to enact any particular development activity or to rezone land.
4.3	Planning for Bushfire Protection	The objectives of this direction are to: (a) protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The PP is also unlikely to impact upon bushfire risk.
4.4	Remediation of Contaminated Lands	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The PP is also unlikely to impact upon contaminated land risk.
4.5	Acid Sulfate Soils	The objective of this direction is to avoid significant adverse	No	N/A	The PP does not seek to enact any particular development activity or to rezone land. The

No	Direction	Objective	Applicable	Consistency	Comment
		environmental impacts from the use of land that has a probability of containing acid sulfate soils.			PP is also unlikely to impact upon acid sulfate soil risk.
4.6	Mine Subsidence & Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	No	N/A	The LGA is not located within a Mine Subsidence Area or unstable land.
Transport and Infrastructure					
5.1	Integrating Land Use & Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and	Yes	Yes	The PP does not seek to enact any particular development activity or to rezone land. However, the PP seeks to better align existing provisions of the LEP with *'Improving Transport Choice – Guidelines for planning and development (DUAP 2001)'* and *'The Right Place for Business and Services – Planning Policy (DUAP 2001)'* as detailed within this document.

No	Direction	Objective	Applicable	Consistency	Comment
		(d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.			
5.2	Reserving Land for Public Purposes	The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Yes	Yes	The PP does not seek to alter land available for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not	No	N/A	The LGA is not located in close proximity to any airports or airfields.

No	Direction	Objective	Applicable	Consistency	Comment
		adversely affected by aircraft noise.			
5.4	Shooting Ranges	The objectives of this direction are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	No	N/A	The LGA is not located in close proximity to any shooting ranges.
Housing					
6.1	Residential Zones	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on	No	N/A	The PP does not seek to enact any particular development activity or to rezone land.

No	Direction	Objective	Applicable	Consistency	Comment
		the environment and resource lands.			
6.2	Caravan Parks and Manufactured Home Estates	The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.	No	N/A	The PP does not seek to rezone land and is unlikely to impact upon any caravan parks or manufactured home estates.
Industry and Employment					
7.1	Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres.	No	N/A	The PP does not seek to rezone land or reduce the total potential floor space area for employment uses, related public services or reduce the total potential floor space area in employment zones.
7.2	Reduction in Non-hosted Short-term Rental Accommodation Period	The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.	No	N/A	The PP is not within the Byron Shire Council LGA as outlined within this section 9.1 Direction.

No	Direction	Objective	Applicable	Consistency	Comment
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	The objectives for managing commercial and retail development along the Pacific Highway are to: (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway, (d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	No	N/A	The PP will not impact on development along the Pacific Highway.
Resources & Energy					
8.1	Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals,	No	N/A	The PP will not impact on any petroleum production or extractive industries.

No	Direction	Objective	Applicable	Consistency	Comment
		petroleum and extractive materials are not compromised by inappropriate development.			
Primary Production					
9.1	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	No	N/A	The PP does not impact upon land zoned for rural purposes.
9.2	Rural Lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development, and protection of rural lands to promote the social, economic, and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,	No	N/A	The PP does not impact upon land zoned for rural purposes.

No	Direction	Objective	Applicable	Consistency	Comment
		(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.			
9.3	Oyster Aquaculture	The objectives of this direction are to: (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	No	N/A	The PP will not impact upon Priority Oyster Aquaculture Areas.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and	No	N/A	The LGA is not within the NSW Far North Coast.

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

Section C – Environmental, Social and Economic Impact

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

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

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

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

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

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

Section D – State and Commonwealth Interests

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

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

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

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

Part 4 Mapping

No mapping amendments are proposed in relation to this Planning Proposal.

Part 5 Community Consultation

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

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

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

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

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

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

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

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

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

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

Part 6 Project Timeline

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

Table 9 - Project Timeline

Task	Target Date
Report to Hunters Hill Local Planning Panel	August 2025 - Completed
Report of Planning Proposal to Council seeking referral for Gateway Determination.	September 2025
Gateway Determination	October 2025
Consideration of Gateway Determination and preparation for public exhibition.	November – December 2025
Public agency consultation, public exhibition and assessment stage, which includes review of submissions.	January - April 2026
Planning Proposal finalisation and report to Council seeking consideration of submissions and finalisation of Planning Proposal. Referral to the NSW Government and notification.	May – June 2026

Summary and Conclusion

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

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

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

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

Should Council Resolve to seek a Gateway Determination in relation to this PP, and should such a Gateway Determination be issued, Council will place the PP on public exhibition for a period of not less than 28 days and undertake consultation with all stakeholders as directed, in accordance with conditions of the Gateway Determination.

This PP is intended to be reported to Council for consideration at its September 2025 Ordinary Meeting (seeking referral of this PP for Gateway Determination), with the subject LEP amendment process intended to be finalised by June 2026.

Appendix 1 – Example Provisions

The final version of the provisions to be included within the LEP are subject to drafting and agreement with NSW Parliamentary Counsel's Office. However, examples of potential provisions which seek to achieve the objectives and intended outcomes of this PP are provided below.

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

Clause 1.2 Aims

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

(a) to promote ecologically sustainable development,

(b) to create a land use framework for controlling development in the municipality that -

i. allows detailed provisions to be made in any development control plan made by the Council, and

ii. is consistent with the adopted Hunters Hill Local Strategic Planning Statement,

(c) to maintain and enhance the character and identity of established neighbourhoods in ~~Hunters Hill~~ the municipality by regulating the use and development of land,

(d) ~~to maintain and enhance biodiversity values and corridors by conserving natural features and scenic qualities that distinguish the municipality.~~ to protect, enhance and sustainably manage the biodiversity values and corridors, natural features, scenic qualities, water resources and ecological processes within the municipality for the benefit of current and future generations. This includes protection and enhancement of trees and vegetation,

(e) to conserve Aboriginal heritage and European heritage that influence the character and identity of the municipality,

(f) to accommodate a range of housing that will maintain the garden suburb character of the municipality, while responding to the needs of a growing population and changing demographics,

(g) to consolidate housing growth in locations that are well-serviced by shops, transport and community services,

(h) to ensure development considers and supports active and public transport,

(i) to provide for employment and a variety of businesses that service residents of the municipality and surrounding areas,

(j) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(k) to maintain a network of private and public open spaces that conserve natural and scenic qualities and biodiversity as well as providing a variety of active and passive recreation opportunities for residents of the municipality and surrounding areas,

(l) to accommodate a range of community and educational infrastructure for residents of the municipality and surrounding areas,

(m) to promote high standards of urban and architectural design quality,

(n) to protect and promote public access to and along the foreshores,

(o) to maintain and improve water quality within the catchments of the municipality,

(p) to facilitate adaptation to climate change and ensure sustainable building development,

(q) to manage risks to the community and the environment in areas subject to natural hazards and risks,

(r) to retain views to and from water and foreshore reserves and public areas from streets and residential lots,

(s) to protect and enhance landform and vegetation, particularly foreshores and bushland, in order to maintain the landscape amenity of the municipality,

(t) to manage change in a way that ensures an ecologically and economically sustainable urban environment in which the needs and aspirations of the community are prioritised,

(u) to preserve and continue the garden suburb character of dwellings set in informal gardens including mature trees that distinguish the low density localities,

(v) to minimise excavation and alteration of topography and manage impacts, including the potential impact of construction dewatering.

Part 2 Permitted or prohibited development - Land use table

Proposal

Amend the objectives of Zone R2 Low Density Residential as follows:

Zone R2 Low Density Residential

1 Objectives of zone

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

- To ensure that development is of a height and scale consistent with a low density residential environment.
- To encourage residential development that maintains or enhances local amenity and, in particular, public and private views.
- To minimise the adverse effects of bulk and scale of new development.

2 Permitted without consent

Home occupations; Roads.

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Proposal

Amend objectives of R3 Medium Density zone as follows:

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

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

R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the character and heritage of the locality.*
- *To ensure that the design of development provides and integrates with deep soil landscaping to reflect the garden and bushland character of the municipality.*
- ~~*To provide for levels of amenity that are reasonable for a medium density residential environment.*~~
- *To provide for housing that is compatible with the desired future character of the area in terms of bulk, height and scale.*
- *To provide a transition between low density residential housing and higher density forms of development.*

- *To encourage residential development that is in keeping with local amenity, including public and private views.*

2 Permitted without consent *Home occupations; Roads*

3 Permitted with consent

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

4 Prohibited

Any other development not specified in item 2 or 3.

RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

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

4 Prohibited *Any development not specified in item 2 or 3*

E1 Local Centre

1 Objectives of zone

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

- To maintain the local character and heritage and enhance the village atmosphere of local centres by managing the height, bulk and scale of buildings and ensuring that new or altered buildings reflect the proportions of surrounding traditional shop fronts.

- To encourage development that is compatible with the centre's position on the hierarchy of local centres.

Zone MU1 Mixed Use

1 Objectives of zone

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

Part 4 Principal development standards

Proposal

4.1 Minimum subdivision size

Make the following amendments to Clause 4.1:

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

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

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

(2) This clause applies to a subdivision of any land shown on the *Lot Size Map* that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land.

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

(3b) For the avoidance of doubt, this clause applies to the subdivision of land for the purpose of a dual occupancy.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or

(b) by any kind of subdivision under the *Community Land Development Act 2021*.

4.3 Height of buildings

Make the following amendments to Clause 4.3:

The objectives of this clause are as follows-

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

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

4.3A Height of buildings (additional provisions)

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

(a) to provide for view sharing,

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

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

(2) No building may be erected on land to which this clause applies if the building is more than 8.5 metres in height or has more than two storeys above ground level (existing).

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

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

(5) In this clause—

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

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

Proposal

4.4 Floor space ratio

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

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

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

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

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

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

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

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

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

(a) a dual occupancy—0.5:1,

(b) multi dwelling housing—0.6:1.

Proposal

4.5 Calculation of floor space ratio and site area

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

(a) if the proposed development is to be carried out on only one lot, the area of that lot, or

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

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

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

Clause 5.10 Heritage conservation

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

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

(a) ~~to~~ ensure the conserv~~e~~ation and enhancement of the environmental heritage and character of ~~Hunter Hill~~ the municipality…

Part 6 Additional local provisions

Clause 6.3 Stormwater management

Stormwater Management and Water Sensitive Urban Design

1) The objectives of this clause are as follows:

(a) to minimise the adverse impacts of stormwater runoff and diffuse stormwater pollution downstream of new development

(b) to ensure that development on properties adjoining bushland, riparian land or other areas of native vegetation is designed to minimise the impacts of stormwater runoff into those areas

(c) to ensure that new development contributes to achieving the NSW Water Quality Objectives

(d) to improve the health of the Parramatta River and Lane Cove River

(e) to protect and enhance the values of all waterways in the Parramatta and Lane Cove River catchments

2) This clause applies to all areas of the municipality.

3) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development:

(a) is designed to maximise pervious surfaces and vegetation coverage

(b) is designed to reduce the quantity (volume) of stormwater discharged from the land, including:

i. maximising the harvesting and use of rainwater and/or stormwater for appropriate non-potable end uses, reducing the quantity of runoff

ii. maximising infiltration and evapotranspiration, having regard to the soil characteristics affecting on-site infiltration of water

(c) is designed to avoid, mitigate or offset stormwater quality impacts

(d) will avoid, mitigate or offset any adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems

(e) is designed in keeping with the principles of water sensitive urban design.

4) For the purposes of subclause (3)(e), the water sensitive urban design principles are—

(a) minimising demand on Sydney's centralised water supply system

(b) minimising wastewater discharge

(c) minimising stormwater runoff

(d) improving the quality of remaining stormwater runoff to a standard suitable to meet downstream water quality objectives

(e) minimising harmful impacts of urban development on surface and groundwater flow regimes

(f) protecting and enhancing natural waterways

(g) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, enhancement of ecological processes, habitat and biodiversity, urban heat mitigation, recreational value and visual amenity.

Clause 6.4 Terrestrial biodiversity

…(1) The objective of this clause is to protect, maintain and ~~improve~~ enhance the diversity and condition of native vegetation and habitat, including the following—…

Clause 6.5 Riparian land and adjoining waterways

Waterways and Riparian Land

1) The objectives of this clause are as follows —

(a) to protect or improve—

i. water quality within waterways, and

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

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

iv. ecological processes within waterways and riparian lands, and

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

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

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

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

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

(a) Identified in the NSW Government Hydroline dataset; or

(b) Identified via physical features that are consistent with the definition of a "river" within the *Water Management Act 2000*

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

(a) whether the development is likely to have an adverse impact on the following—

i. the water quality in any waterway,

ii. the natural flow regime, including groundwater flows to any waterway,

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

iv. the stability of the bed, shore and banks of any waterway,

v. the free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land,

vi. public access to, and use of, any public waterway and its foreshores,

(b) any opportunities for rehabilitation or re-creation of any waterway and its riparian areas,

(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

(a) is consistent with the objectives of this clause, and

(b) integrates riparian, stormwater and flooding measures, and

(c) is designed, sited and will be managed to avoid any potential adverse environmental impacts, and

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(d) if a potential adverse environmental impact cannot be avoided by adopting feasible alternatives—the development minimises or mitigates any such impact to a satisfactory extent.

Clause 6.6 Limited development on the foreshore

Foreshore area development

1) The objective of this clause is to:

(a) ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area, and

(b) connect recreational open space through a continuous public foreshore.

2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails or picnic facilities.

3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—

(a) the development will achieve the objectives for the zone in which the land is located, and

(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be visually compatible and recessive with the surrounding area and preserve and enhance the natural environment, and

(c) the development will not cause environmental harm such as—

i. pollution or siltation of the waterway, and

ii. an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, and

iii. an adverse effect on drainage patterns, and

iv. excessive clearing of native vegetation contiguous to adjacent foreshore or public open space, or fencing that would prevent the movement of fauna between such vegetation, and

(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and

(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and

(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and

(h) sea level rise or change of flooding patterns as a result of climate change has been considered.

4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—

(a) continuous public access to and along the foreshore through or adjacent to the proposed development,

(b) public access to link with existing or proposed open space,

(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,

(d) public access to be located above mean high water mark,

(e) the reinforcing of the foreshore character and respect for existing environmental conditions.

5) In this clause—

foreshore area *means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody.*

foreshore building line *means the line shown as the foreshore building line on the Foreshore Building Line Map.*

Note—

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

Clause 6.7 Development on river front areas

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

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

(a1) to recognise and protect this natural and visually significant environment,

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

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

(c) to maintain existing views and vistas ~~towards~~ to and from waterways ~~from~~ and public places.

(2) This clause applies to land identified as "River Front Area" on the River Front Area Map.

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

(a) measures will be taken, including in relation to the location, design and appearance of the development and conservation of existing trees, to minimise the visual impact of the development to and from the nearest waterway or riverfront area, and

(b) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out, and of surrounding land, will be maintained, ~~and~~

(b1) the development will maintain the existing natural landscape and landform, and

(c) existing views towards waterways from public roads and reserves would not be obstructed.

Note—

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

Clause 6.9 Landscaped areas for dwelling houses and secondary dwellings

1. *The objectives of this clause are as follows—*

   (a) to maintain the character and identity of Hunters Hill by ensuring that dwelling houses and secondary dwellings are surrounded and separated by individual gardens,

   (b) to soften the visual impacts of dwelling houses and secondary dwellings when viewed from any waterway, park or road by providing sufficient space for trees and plantings around every building,

   (c) to protect and preserve native vegetation in general, and in particular, native vegetation that occurs in a riverfront area or on riparian land

   (d) to ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality,

   (e) to minimise the discharge of stormwater from any site, whether by drainage or by overland flow.

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

   (a) for each site with a direct frontage to the Parramatta River or the Lane Cove River—60% of the site area, or

   (b) for all other sites—50% of the site area.

3. *For the purposes of subclause (2), the site area is to be calculated under clause 4.5 (3) and any area that has a length or a width of less than 2 metres is not to be included in calculating the proportion of landscaped area.*

4. *The minimum landscaped area under subclause (2) may be reduced by a maximum of one third (i.e. 33%) for the purpose of accommodating a pathway, a patio / terrace (unroofed) or a pool (if the pool has a water surface area of less than 40 square metres), but only if the consent authority is satisfied that the proposed development would be consistent with the objectives of this clause.*

6.11 Development in local centres and mixed use areas

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

(a) to ensure the scale and function of development in village and local centres are appropriate to the location,

(b) to ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.

(c) to facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.

(2) This clause applies to land identified as Zone E1 Local Centre or MU1 Mixed Use on the Land Zoning Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—

(a) the impact of the development on—

(i) the character, heritage values and amenity of surrounding residential areas, and

(ii) the desired character, heritage values and amenity of the local centre, and

(b) whether the development is consistent with providing for residents' daily needs within the hierarchy of village and local centres.

Schedule 1 Additional permitted uses

~~**1 Use of certain land at 21c Farnell Street, Boronia Park**~~

~~(1) This clause applies to land at 21c Farnell Street, Boronia Park, being Lot 13, Section 6, DP 758143 and Crown Reserve R87767.~~

~~(2) Development for the purpose of community facilities is permitted with development consent.~~

~~**2 Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville**~~

~~(1) This clause applies to land at 2 and 4 Flagstaff Street, Gladesville, being Lots 3 and 4, DP 16241 and land at 6–8 Flagstaff Street, Gladesville, being Lot 1, DP 1022691.~~

~~(2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent.~~

~~**3 Use of certain land at 17 and 19 Massey Street, Gladesville**~~

~~(1) This clause applies to land at 17 and 19 Massey Street, Gladesville, being Lots 1 and 2, DP 16241.~~

~~(2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m2, is permitted with development consent.~~

1 ~~4~~ **Use of certain land at 20a Alexandra Street, Hunters Hill**

(1) This clause applies to land at 20a Alexandra Street, Hunters Hill, being Lot 1, DP 1070714.

(2) Development for the purpose of seniors housing is permitted with development consent.

2 ~~5~~ **Use of certain land at 32 Alexandra Street, Hunters Hill**

(1) This clause applies to land at 32 Alexandra Street, Hunters Hill, being Lot 127, DP 1114617 and comprising the Hunters Hill Post Office.

(2) Development for the purposes of business premises, multi dwelling housing and shop top housing is permitted with development consent.

~~**6 Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill**~~

~~(1) This clause applies to land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill, being (respectively) Lot 51, DP 16119, Lot 50, DP 16119, Lots 52–60, DP 16119 and Lot 63, DP 16119.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

~~**7 Use of certain land at 49–51 Barons Crescent, Hunters Hill**~~

~~(1) This clause applies to land at 49–51 Barons Crescent, Hunters Hill, being Lot 2, DP 312298, Lots 1 and 2, DP 325793 and Lots 9 and 10, DP 724017.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

~~**8 Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill**~~

~~(1) This clause applies to land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill, being Lot 1, DP 302331 and Lot 12, DP 846102.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

~~**9 Use of certain land at 1 Durham Street, Hunters Hill**~~

~~(1) This clause applies to land at 1 Durham Street, Hunters Hill, being Lots 10 and 11, DP 4614.~~

~~(2) Development for the purpose of community facilities is permitted with development consent.~~

~~**10 Use of certain land at 35 Gladesville Road, Hunters Hill**~~

~~(1) This clause applies to land at 35 Gladesville Road, Hunters Hill, being Lot 38, DP 224608 and Lot 11, DP 846102.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

~~**11 Use of certain land at 41 Gladesville Road, Hunters Hill**~~

~~(1) This clause applies to land at 41 Gladesville Road, Hunters Hill, being Lot 1, DP 716526.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

~~**12 Use of certain land at 43 Gladesville Road, Hunters Hill**~~

~~(1) This clause applies to land at 43 Gladesville Road, Hunters Hill, being Lot 2, DP 716526.~~

~~(2) Development for the purpose of seniors housing is permitted with development consent.~~

3 ~~13~~ Use of certain land at 8 Passy Avenue, Hunters Hill

(1) This clause applies to land at 8 Passy Avenue, Hunters Hill, being Lot 1, DP 133826,

Lot 1, DP 206036 and Lot 1, DP 922514.

(2) Development for the purpose of seniors housing is permitted with development consent.

4 ~~14~~ Use of certain land at 10 and 12 Salter Street, Huntleys Cove

(1) This clause applies to land at 10 and 12 Salter Street, Huntleys Cove, being Lot 1, DP 823988 and known as "The Priory".

(2) Development for the purposes of community facilities, function centres and restaurants or cafes is permitted with development consent.

5 ~~15~~ Use of certain land at 11 Gladstone Avenue, Woolwich

(1) This clause applies to land at 11 Gladstone Avenue, Woolwich, being Lots 1–5, Section E, DP 1015 and Lot 1, DP 795282.

(2) Development for the purpose of seniors housing is permitted with development consent.

6 ~~16~~ Use of certain land at 2C Margaret Street, Woolwich

(1) This clause applies to land at 2C Margaret Street, Woolwich, being Lots 2 and 4, DP 880264.

(2) Development for the purpose of residential accommodation is permitted with development consent.

7 ~~17~~ Use of certain land at 103 Woolwich Road, Woolwich

(1) This clause applies to land at 103 Woolwich Road, Woolwich, being Lot 5, DP 3110.

(2) Development for the purposes of restaurants or cafes and shop top housing is permitted with development consent.

Schedule 2 Exempt development

Outdoor dining

In order to be exempt development, the development must meet the following standards:

(1) Must be associated with an adjacent food and drink premises being carried out with lawful consent.

(2) Must be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993*.

(3) If located on the footway of a public road, must be carried out in accordance with an approval granted under section 125 of the *Roads Act 1993*.

(4) Must not be located on land steeper than a 1:50 gradient.

Hunters Hill Development Control Plan 2025

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PART ONE INTRODUCTION

1.1 NAME, PREPARATION & OPERATION OF THIS PLAN

1. The title of this development control plan (Plan) is *Hunters Hill Development Control Plan 2025.*

2. This Plan has been prepared in accordance with Section 3.41 of the *Environmental Planning and Assessment Act 1979.*

3. This Plan was adopted on [insert date] and it takes effect from [insert date].

1.2 APPLICATION OF THIS PLAN

(a) This Plan applies to all lands within the Municipality of Hunters Hill, and to all types of development which are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

(b) Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires the consideration of this Plan together with any applicable planning instruments and policies:

(i) The local planning instrument and policies are available at the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or may be downloaded from http://www.huntershill.nsw.gov.au

(ii) State Environmental Planning Policies are available from the NSW Department of Planning, Housing & Infrastructure, or they may be downloaded via the Department's website http://www.planning.nsw.gov.au

1.3 AIMS & OBJECTIVES OF THIS PLAN

(a) This Plan has the following strategic aims:

(i) To implement State policies which permit only one development control

plan to apply to any land or property.

(ii) To support development standards and provisions that are specified by *LEP 2012.*

(iii) To contribute to more efficient planning and assessment of development proposals in the Hunters Hill Municipality.

(b) This Plan has the following strategic objectives:

(i) To maintain and enhance the character and identity of established neighbourhoods in the Hunters Hill Municipality.

(ii) To maintain and enhance biodiversity values by conserving natural features and scenic qualities that distinguish this Municipality.

(iii) To conserve identified heritage values that influence the character and identity of this Municipality.

(iv) To promote high standards of urban design and architectural quality in relation to built form, private landscapes, social and residential amenities, and levels of community activity.

(v) To specify services that are necessary for each development, which include car parking and water cycle management.

(vi) To contain environmental impacts during construction and occupancy, which include the control of erosion and the preservation of existing trees.

(vii) To specify detailed procedures in relation to development assessment and notification, and to provide directions for conditions of consent that are appropriate for each development.

1.4 OPERATION OF THIS PLAN

(a) Development proposals must address all relevant parts of this Plan which include:

(i) General controls in Parts One, Two and Five that apply to all types of development; and

(ii) Detailed controls in Parts Three and Four that apply to the proposed development or land use, or to the site upon which development is proposed.

(b) Development applications must include a *site analysis* (as detailed within Council's Development Application Lodgment Guide) which provides information about the site and its surroundings that are relevant to the proposed development.

(c) Development applications must demonstrate that the proposed development satisfies all relevant provisions of this Plan which include:

(i) Aims & Objectives of this Plan.

(ii) Relevant controls in relation to desired character and/or heritage conservation in *Part Two* of this Plan.

(iii) The relevant detailed development controls in *Part Three* or *Part Four* of

this Plan.

(iv) The relevant technical controls in *Part Five* of this Plan.

(d) The consent authority may accept non-compliance, inconsistency or incompatibility with a control in this Plan:

(i) Where circumstances of the site or proposed development either prevent or do not demand full compliance, for example steeply sloping topography, shape or orientation of a development site, or siting or form of an existing building upon the site or adjoining the site; and

(ii) **Provided that** the development application demonstrates that the proposed development would be consistent with the relevant objectives of that control; and

(iii) **Provided also that** the development application demonstrates that quality and effects of the proposed development would be equal to, or better than, a fully-compliant development.

(e) Development consent may be refused:

(i) If an application fails to demonstrate compliance with the objectives and controls in this Plan; or

(ii) If an application fails to demonstrate conformity with character controls in *Part Two* of this Plan; or

(iii) If a development proposal complies only with the numeric controls in this Plan.

(f) Definitions which apply throughout this Plan, listed in the *Dictionary* of this Plan:

(i) In this Plan, definitions under the *LEP 2012* apply if the same words or terms are used by this Plan.

(ii) The *Dictionary* defines words or terms which are used by this Plan but which are not defined by the *LEP 2012.*

1.5 DEVELOPMENT APPLICATION REQUIREMENTS

(a) All development applications must include documents and information which are sufficient for a proper assessment by the consent authority, and as specified by:

(i) The *Environmental Planning and Assessment Act 1979.*

(ii) The *Environmental Planning and Assessment Regulations.*

(iii) The *LEP 2012.*

(iv) This Plan.

(b) Consultation with the Council's development assessment officers prior to lodging a development application is recommended:

(i) At the very least, documents for discussion should include site analysis with schematic plans and building forms.

(ii) Final or detailed plans are neither necessary nor desirable for the initial consultation with Council officers.

Notes: Refer to Council's Development Application Lodgment Guide regarding information that is required to accompany development applications.

Consultation with officers at the beginning of the planning process will clarify the Council's expectations and requirements, and is likely to contribute to faster processing of development applications.

PART TWO CHARACTER & HERITAGE OF THE HUNTERS HILL MUNICIPALITY

2.1 PURPOSE OF THIS PART

Part Two of this Development Control Plan provides the basis for planning and assessment of **all** development proposals in the Municipality of Hunters Hill.

Part Two comprises the following chapters which respond directly to provisions of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012):*

1. *Chapter 2.2* *Character* identifies significant environmental qualities and features which contribute to the identity of this Municipality, and which apply to all development applications.

2. *Chapter 2.3* *Trees and Vegetation* provides details in relation to conservation and management of existing vegetation which is considered to be a significant element of the Municipality's existing character.

3. *Chapter 2.4* *Heritage Conservation* provides detailed requirements in relation to *heritage items* and *heritage conservation areas* which are identified by the *Hunters Hill LEP 2012,* and which are significant elements of this Municipality's character and identity.

2.2 CHARACTER

2.2.1 INTRODUCTION

This chapter applies to all types of development that are permitted by the *Hunters Hill LEP 2012 (LEP 2012).*

This chapter emphasises a fundamental objective for successive planning policies that have been adopted by Hunter's Hill Council since the mid-1980's: "*environmental factors which contribute to the unique character and identity of this Municipality should be maintained and enhanced".*

Typically, factors which contribute to character are revealed by site analysis which is a preparatory step in the planning and design of all development proposals. *Part One* of this Plan and Council's *Development Application Lodgment Guide* require that all development applications must provide a *site analysis* document which addresses elements of the natural, scenic and urban environments which are relevant to each proposed development.

Successive planning policies adopted by Hunter's Hill Council have recognised that character and identity of this Municipality reflect a unique combination of factors which include the underlying natural environment in addition to thematic history and the appearance of suburban settlement.

LEP 2012 has continued the Council's focus upon character as a foundation element of local planning policies. Character is noted by aims of the instrument, and also is specified by zone objectives together with a number of local provisions which must be considered before a development consent may be granted.

The *LEP 2012* identifies a number of localities with special significance in terms of character where special matters for consideration apply, including *River Front Areas, Foreshore Areas,* and *Heritage Conservation Areas.*

2.2.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

(a) Conserve and enhance character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.

(b) Maintain and enhance qualities of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's heritage, scenic quality and environmental identity.

(c) Complement provisions of *LEP 2012* to ensure that future development does not detract from existing character of landscape settings, streetscapes, residential gardens and buildings which contribute to this Municipality's heritage, scenic quality and environmental identity.

2.2.3 EXISTING CHARACTER

Features that influence existing character in the Hunters Hill Municipality provide a background to desired character controls which must be satisfied by all development proposals. In general, the desired character controls seek to maintain and enhance existing character.

Successive planning policies which have been adopted by Hunter's Hill Council over the past four decades confirm that the existing character and identity of this Municipality may be explained according to four broad themes:

(a) Natural or scenic qualities which include:

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

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

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

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

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

(b) Streetscapes which comprise the following significant elements:

(i) In general, streetscapes are defined by patterns of gardens and building forms which have been influenced by a combination of land use and thematic development history in this Municipality.

(ii) Most significant streetscapes occur within 'garden suburb' neighbourhoods that are widely recognised as emblems of this Municipality's identity. Buildings in these neighbourhoods typically date from the mid-Nineteenth Century through to the early-to-mid Twentieth Century, but are screened substantially by the canopies of mature trees which have been established in private gardens and along street verges.

(iii) Significant streetscapes also occur within *Heritage Conservation Areas,* where groups of buildings display special qualities in terms of history, culture and/or aesthetics, and where special considerations are specified by *LEP 2012* in relation to new development.

(iv) Important streetscapes also occur in neighbourhoods that contain clusters of *contributory items* which are defined within *Appendix 1* of this Plan, where the current consistency of traditional architecture or building forms has produced streetscapes which display a high degree of visual harmony.

(v) Front gardens are significant elements of all residential areas, and they establish building setbacks which are relatively consistent across most neighbourhoods, as well as accommodating trees which ensure that most streetscapes are not visually dominated by buildings or structures.

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

(c) Residential landscapes with the following detailed qualities:

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

(ii) Private gardens incorporate *landscaped areas* that surround each building, and that conserve natural features such as rock outcrops and existing trees which are bushland remnants.

(iii) Traditionally, *landscaped areas* display an informal 'green character' that maintains topography in a natural or near natural configuration without the need for substantial retaining walls, and without extensive encroachments by paved surfaces or outdoor structures.

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

(d) Buildings and architecture which consistently incorporate the following details:

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

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

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

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

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

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

2.2.4 DESIRED CHARACTER

All development applications must demonstrate satisfactory responses to controls for desired character in this Plan which complement requirements of *LEP 2012:*

(a) Aims of the instrument: clause 1.2.

(b) Zone objectives: clause 2.3.

(c) Objectives for principal development standards in relation to height and floor space ratio: respectively clauses 4.3 and 4.4.

(d) Conservation and management of trees and vegetation: clause 6.4.

(e) Development of *heritage items* and *heritage conservation areas:* clause 5.10.

(f) Development on river front areas: clause 6.7.

(g) Minimum street frontage for medium density residential development: clause 6.8.

(h) Landscaped area for dwelling houses and secondary dwellings: clause 6.9.

The following controls for desired character apply to all development proposals:

(a) Desired natural character and scenic quality:

(i) In general, existing site features which contribute to existing natural character or scenic quality should be conserved and enhanced, and new building forms should not visually dominate *river front areas* or *foreshore* areas which are defined by *LEP 2012*.

(ii) Environmental impacts that would have adverse visual effects in terms of existing natural character or scenic quality should be avoided by all development proposals in *foreshore areas, riparian lands,* or *river front areas* that are defined by *LEP 2012.*

(iii) Visual impacts of development proposals in *river front areas* which are defined by *LEP 2012* should be minimised by appropriate siting of proposed structures and by low impact construction which would maintain and enhance existing natural features such as natural or near natural topography, bushland or individual trees which are bushland remnants, and rock outcrops or shoreline rock platforms.

(iv) Existing scenic qualities of *river front areas* and prominent ridges should be maintained and enhanced by development proposals that would conserve existing trees together with visual continuity of the existing 'green canopy' that limits visual impacts of buildings or structures from surrounding vantage points on waterways and residential hillsides.

(v) Existing trees that are scenically prominent features of *river front areas* and prominent ridges should be conserved by providing *landscaped areas* around every building or paved area, and by maintaining existing topography within those *landscaped areas,* as well as by ensuring that any proposed excavation would be confined predominantly beneath a *building footprint*.

(vi) In *river front areas* and along prominent ridges, existing views and vistas toward a waterway or shoreline that are available from any public place or residential property should be maintained, or should be 'shared' by appropriate siting and form of proposed buildings (views that should be shared include existing glimpses which are available beneath tree canopies, and above or between existing buildings that are located upon another property).

(b) Desired streetscape character:

(i) In general, proposed developments should maintain and enhance the character of existing streetscapes which contribute to identity and history of the Hunters Hill Municipality.

(ii) Streetscape character of *heritage conservation areas* and *heritage items* should respond to requirements that are specified by *LEP 2012* and *Chapter 2.4 Heritage* of this Plan.

(iii) In areas with special qualities that contribute to identity of the Hunters Hill Municipality, the siting and form of proposed developments should achieve **very high** levels of compatibility with established patterns of gardens and buildings:

- *Heritage conservation areas* that are defined by *LEP 2012.*
- 'Garden suburbs' where existing residential buildings range from the mid-Nineteenth Century through to the early-to-mid Twentieth Century.

- Neighbourhoods that accommodate clusters of *contributory items*.

(iv) In general, proposed residential developments should demonstrate reasonable compatibility with the predominant pattern of existing dwellings or buildings in the surrounding neighbourhood:

- Setbacks for proposed buildings and structures should be similar to the immediate neighbours, and front setbacks in particular should remain relatively consistent along the surrounding street frontage.
- Proposed front gardens should have dimensions which would be sufficient to accommodate a green backdrop to their street frontage, and should not be visually enclosed by fences that would be tall or visually incompatible with the scale or character of existing fences nearby.
- Structures such as swimming pools, garages, and car ports should be set back behind the building line and not located within front gardens.
- The form of proposed buildings and roofs should incorporate a degree of articulation which is **similar** to existing traditional residential buildings nearby, and the alignments of exterior walls should not be long or continuous without incorporating any visible break or stepping.
- The principal roofs of all residential buildings must incorporate eaves and should be pitched, although pitches do not need to be identical with neighbouring or nearby buildings (except in a *heritage conservation area)*.
- In residential localities where existing development is predominantly single storey: any proposed two storey element should not visually dominate the immediate street frontage, and also should not be visually intrusive when viewed from a nearby public place or waterway. This is to include consideration of site topography, to ensure development on sloping sites does not have the imposition of visually dominant two and/or three storey elements when viewed from a nearby public place or waterway.

(v) Proposed commercial developments should demonstrate reasonable compatibility with predominant patterns of existing buildings nearby:

- Setbacks for lower storeys of any proposed street facade should be the same as, or similar to, existing traditional shop buildings nearby.
- Proposed walls which would face a residentially zoned property should have side and/or rear setbacks to accommodate a screen of ‘deep soil landscaping’ between neighbouring buildings.
- Heights of proposed front facades should be compatible with existing commercial or mixed-use buildings nearby.
- Proposed side and/or rear facades that would adjoin a residential

building should be compatible with the height of those neighbouring residential buildings.

- Compatibility with the height of existing buildings may be achieved where new developments incorporate a pronounced setback between lower storeys and any upper storeys that would be taller than those existing buildings.

(c) Desired residential landscape character:

(i) In general, existing character of residential localities should be maintained and enhanced by providing *landscaped areas* **around** each building or paved area:

- *Landscaped areas* should conserve existing trees or accommodate new landscaping.
- Existing trees and new landscaping should ensure that new building forms would not visually dominate any existing streetscape or landscape setting.

(ii) In *river front areas* and 'garden suburb' neighbourhoods in particular, the predominantly informal character of existing gardens should be maintained:

- Existing rock outcrops and slopes should be maintained to avoid the need for tall retaining walls that would be visually prominent.
- Existing trees which are visually prominent features of the surrounding locality must be retained, and in conjunction with new trees and shrubs, should provide attractive backdrops to waterways and streets as well as 'green separation' between neighbouring properties.
- Along street frontages, fences or walls generally should be consistent with the scale, construction and design character of traditional fences nearby.

(d) Desired character of buildings and architecture:

(i) In general, the form and architectural character of development proposals should be compatible with existing traditional buildings which were constructed in this Municipality between the mid-Nineteenth Century and the early-to-mid Twentieth Century (including residential, commercial and civic buildings).

(ii) Existing character of residential localities should be maintained and enhanced:

- For proposed facades which would be visible from a waterway or public place: style and level of architectural detail should be consistent **or** compatible with existing traditional buildings nearby.
- Proposed facades should not be visually dominated by wide garages or by exposed basements.

(iii) Existing character of commercial centres should be maintained and enhanced:

- Proposed street facades should incorporate features of traditional

main street development which contribute to high levels of business and pedestrian activity such as near continuous shopfronts, street lobbies, awnings and balconies.

- The width of proposed driveways and location of proposed on-site parking should not interrupt the continuity of shopfronts and street lobbies which maintain high levels of business and pedestrian activity along all street frontages.

(iv) Design of visually prominent exterior walls for both residential and commercial buildings should be compatible with the architectural character of traditional buildings that are located nearby:

- New walls predominantly should be masonry construction with windows that are set into vertically proportioned openings, and facades that incorporate ribbons of windows or extensive glazed balcony balustrades should not be visually prominent.

- Exterior finishes predominantly should incorporate earthy or medium-to-dark tones.

Notes: An effective definition of 'compatibility' is provided in the *Planning Principle* which has been published by the NSW Land and Environment Court in relation to *Surrounding Development* (see paragraphs 22 to 30). That *Planning Principle* provides reasonable latitude for contemporary architectural design.

Existing buildings which might not be consistent or compatible with the desired traditional architectural character do not establish a rationale for significant variation of desired character controls.

2.3 TREES & VEGETATION

2.3.1 INTRODUCTION

This chapter applies to all trees and vegetation within the Hunters Hill Municipality. Trees and vegetation contribute significantly to the character and identity of this Municipality, which is explained in this Plan by *Chapter 2.2 Character.* Trees and vegetation also includes bushland which is located in public parks or reserves, and in private gardens.

Provisions of *LEP 2012* and controls in this Plan require that character and identity of established neighbourhoods in this Municipality must be maintained and enhanced. These requirements have direct implications for the conservation of existing trees and vegetation which are widely recognised as significant elements of established neighbourhoods in the Hunters Hill Municipality.

Provisions of *LEP 2012* which apply to development proposals include clause 6.7 which requires the conservation of existing trees in *river front areas* in order to minimise the visual impacts of new buildings in these scenically prominent locations.

Vegetation is prescribed by this Plan in accordance with Part 2.3 of Chapter 3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 and requires that a development consent or a permit is obtained from Hunter's Hill Council before affecting any vegetation that is *prescribed* by this chapter **unless** an exemption has been otherwise specified by this Plan.

The *Environmental Planning and Assessment Act 1979* provides for significant penalties in relation to vegetation management works which have been undertaken without a development consent or permit. Hunter's Hill Council considers that vegetation management works without approval are a serious matter, and has a long standing commitment to investigating and prosecuting all reported incidents.

2.3.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

(a) Enhance the Municipalities urban forest on both public and private land, to promote the associated biodiversity, social, health, economic and aesthetic benefits of the urban forest.

(b) Ensure appropriate tree and vegetation outcomes for new development.

(c) Support aims and requirements of Commonwealth and State legislation regarding species of flora and fauna which have been identified as rare, threatened or vulnerable, and ecological communities which are endangered.

(d) Complement provisions of LEP 2012 and controls of this Plan regarding impact to trees and vegetation and desired character of the Municipality.

(e) *Prescribe* trees and vegetation which require development consent or a permit from Hunter's Hill Council before removal or management works may commence.

(f) Provide details for applications which seek a development consent or permit to remove or manage trees or vegetation which are prescribed by this Plan.

(g) Specify vegetation or situations which do not require consent or permit before management works may commence.

2.3.3 VEGETATION WHICH IS PRESCRIBED BY THIS PLAN

Vegetation which is *prescribed* by this Plan requires a development consent or a permit from Hunter's Hill Council before clearing.

The following vegetation is *prescribed* by this Plan:

(a) Any vegetation which has a height of 4 metres or more, including roots greater than 30mm.

(b) *Bushland* or individual plants which are bushland remnants:

(i) On properties which adjoin Buffalo Creek Reserve, Boronia Park Reserve and Riverglade Reserve (Villa Maria property).

(ii) Including species that are listed as rare, vulnerable or threatened according to the Federal *Environment Protection and Biodiversity Conservation Act 1999* and NSW *Biodiversity Conservation Act 2016.*

(c) Vegetation on lands which are defined by *LEP 2012* as having *biodiversity* or *high biodiversity significance*.

(d) Trees which are listed as a *heritage item* by *LEP 2012.*

(e) Trees which are listed by the *Hunters Hill Significant Tree Register.*

Notes: Clear vegetation means to:

(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation; or
(b) lop or otherwise remove a substantial part of the vegetation.

In this chapter, bushland is defined as vegetation which either is the remainder of natural vegetation upon the site, or vegetation which has been altered but remains representative of the site's natural vegetation in terms of structure and floristics.

Hunters Hill Significant Tree Register may be downloaded at http://www.huntershill.nsw.gov.au

2.3.4 MANAGEMENT OF TREES & VEGETATION

Activities that require development consent or a permit

A development consent or a permit from the Council is required before commencing clearing of vegetation *prescribed* by this Plan.

Activities that do not require development consent or a permit

The following activities are consistent with the scope of exemptions that are specified by *LEP 2012* and State legislation, and also do not require consent or a permit before vegetation may be cleared:

(a) Emergency works carried out for safety reasons:

(i) *Fire and Rescue NSW Act 1989,* the *State Emergency Service Act 1989,* or the *State Emergency & Resource Management Act 1989.*

(ii) On behalf of Hunter's Hill Council or the State Emergency Services.

(b) Tree management works:

(i) Under the *Electricity Supply Act 1995* and the *Electrical Supply (General) Regulation,*
or the *Gas and Electricity (Consumer Safety) Act 2017.*

(ii) Under the *Roads Act 1993.*

(iii) Of any tree located on Council owned or managed land, provided the works are undertaken by Council or Council authorised agents

(c) Bushfire hazard reduction works carried out under the *Rural Fires Act 1997.*

(d) Building clearance works undertaken in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees of branches equal to or less than 50mm to provide a maximum clearance of 2 metres from a roof or from the external face of a building.

(e) Pedestrian clearance works undertaken in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees of branches equal to or less than 50mm to provide a maximum clearance of 2.5 metres above a public pedestrian path.

(f) Vehicular clearance works undertaken in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees of branches equal to or less than 100mm to provide a maximum clearance of 2.5 metres above a parking lane and 4.5m above the kerb.

(g) Domestic power or telecommunication lines clearance works undertaken in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees of branches equal to or less than 50mm to provide a 0.5 metres minimum and 1 metre maximum clearance from the service line.

Note: Branch size is measured from the point of attachment to another branch or the trunk.

Vegetation that does not require development consent or a permit

The following vegetation is **not prescribed** by this Plan, and a consent or permit is **not required** before the specified types of vegetation or species may be cleared:

(a) Priority weeds:

(i) Removal, pruning, control or eradication of species that have been declared - state and regional priority weeds within the Hunters Hill Municipality under the *Biosecurity Act 2015.*

Note: Plants that are declared priority in this Municipality are listed by the NSW Department of Primary Industries: **- https://weeds.dpi.nsw.gov.au/**

(b) Exempt species:

(i) Removal of any species listed in Table 2.1 except trees or vegetation that are located upon a property which is listed as a *heritage item* by *LEP 2012*.

Table 2.1: Exempt species

Botanical name	***Common name***
Acacia baileyana	Cootamundra Wattle
Acacia podalyrifolia	Mount Morgan Wattle
Acacia saligna	Golden Willow Wattle
Acer negundo	Box Elder
Ailanthus altissima	Tree of Heaven
Cinnamomum camphora (except where over 10m metres in height)	Camphor Laurel

Botanical name	***Common name***
Celtis spp. (except where over 10 metres in height)	Hackberry
Cotoneaster spp.	Cotoneaster
Eriobotrya japonica	Loquat Tree
Erythrina spp. (except where over 10 metres in height)	Coral Trees
Ficus elastica	Rubber Tree
Gleditsia triacanthos	Honey Locust
Grevillea robusta (except where over 10 metres in height	Silky Oak
Lagunana patersonii	Norfolk Is. Hibiscus
Ligustrum lucidum and cvs	Large Leaf Privet
Ligustrum sinense	Small Leaf Privet
Liquidambar styraciflua (except where over 10 metres in height)	Liquidambar
Musa spp.	Banana
Nerium oleander	Oleander
Olea europaea ssp. *cuspidata*	African Olive
Pinus radiata	Radiata Pine
Pinus eliottii	Slash Pine
Populus spp. (except where over 10 metres in height)	Poplar
Robinia pseudoacaia	Black Locust
Salix spp.	Willow
Schefflera actinophylla	Umbrella Tree
Syagrus romanzoffianum	Cocos Palm

(c) Hedges: annual maintenance involving pruning works of less than 500mm in relation to existing height, width or depth, and where branches to be pruned are less than 30mm in diameter.

(d) Dead trees: may be removed unless that tree contains nesting hollows or habitat for native fauna.

(e) Deadwood: removal of dead branches from any tree in accordance with *AS 4373-2007 Pruning of Amenity Trees.*

(f) Trees which are a risk to human life or habitable property. To seek confirmation the applicant is to:

i. Provide photographic and written evidence to Council at least seven days before the tree is cleared that demonstrates the tree is dead or dying to an extent that is beyond recovery; or
ii. Provide photographic and written evidence to Council that demonstrates the tree is an imminently dangerous risk to human life or habitable property, and that the works undertaken will be or were the minimum necessary to manage the risk, by submitting either:
   - a report from a qualified Arborist (minimum AQF Level 5 in Arboriculture) demonstrating the imminently dangerous risk at least 48 hours prior to the tree being pruned or removed; or
   - a statement including photographic evidence from a qualified Arborist (minimum AQF level 3 in Arboriculture) within 48 hours following the trees pruning or removal, which demonstrates the tree had already failed.

2.3.5 APPLICATIONS & ASSESSMENT

Types of application

An application must be submitted to Hunter's Hill Council in order to obtain a development consent or permit to clear vegetation.

Note: A consent or permit will not be granted for:

- Clearing of vegetation in order to eliminate minor shading of a property or dropping of leaves, fruit or bark; or
- Clearing of vegetation in order to provide views.

Notes:

clear *vegetation, includes:*
(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
(b) lop or otherwise remove a substantial part of the vegetation.

vegetation *means a tree or other vegetation, whether or not it is native vegetation.*

These applications are discussed further under the headings below.

Development consent under the Environmental Planning and Assessment Act 1979

Development consent is required to clear vegetation on the following sites under clause 5.10 (2) of LEP 2012:

- Heritage items; and
- Heritage conservation areas.

Note: Development consent is required to clear vegetation on land in a heritage conservation area unless it is excepted under clauses 2.10 (c) and 2.10 (d) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 as outlined below. If the exceptions are met, the clearing may be able to be dealt with via a permit under State Environmental Planning Policy (Biodiversity and Conservation) 2021.

For any Development Application that also involves clearing (for example an application for a new house that also seeks to remove a tree) development consent can be obtained for both the proposed development and clearing. In this scenario, development consent is all that is required, and there is no need to obtain a further permit under State Environmental Planning Policy (Biodiversity and Conservation) 2021. This applies to development applications throughout the Municipality, including both within and outside of Heritage Conservation Areas.

Note: Also refer to clause 5.10 of LEP 2012 in relation to additional requirements for development consent for demolition of a tree in a Heritage Conservation Area and trees on land that is identified as a Heritage Item. This provision does not apply to trees determined to be 'significant trees'.

Approval of a permit pursuant to State Environmental Planning Policy (Biodiversity and Conservation) 2021

In instances where a development application is not required, Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 outlines the requirements for a permit which must be obtained prior to clearing. Specifically, Clause 2.6 of this chapter requires:

A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.

Content of all applications

Applications must provide sufficient information for the Council to assess proposals to remove existing vegetation or proposed tree management works:

(a) Written authorisation by the owner of the land which accommodates the vegetation that is proposed to be removed or managed, or that is likely to be affected by a proposed development:

  (i) Where the affected property has a Strata or Company Title, written authority must be provided by the responsible officer of the Owners' Corporation or by the Company Secretary.

  Note: Applications in relation to vegetation that is located wholly or partly upon a neighbouring property may be considered only if the applicant has obtained written authority from the neighbouring landowner. However, Council may approve pruning applications without tree owner's consent where the works are minor, undertaken from outside of the land which accommodates the vegetation and undertaken in accordance with Australian Standard AS-4373 Pruning of Amenity Trees.

(b) Applications may require technical reports such as:

  (i) Arboricultural report prepared by an AQF Level 5 Arborist in accordance with Australian Standard 4970 Protection of Trees on Development Sites

(2025) and/or Australian Standard 4373 Pruning of Amenity Trees (2007) as appropriate.

(ii) Engineering report prepared by a qualified structural engineer.

(iii) Drainage report, prepared by qualified hydraulic engineer or a licensed plumber, and including a diagram of lines or pipes in relation to existing trees.

(iv) Other reports which address unusual circumstances of the site or vegetation which would be affected by tree management works.

(c) Arboricultural reports are required for the following situations or species:

(i) *Bushland* or individual plants which are bushland remnants, in particular vegetation that occurs on properties or sites which adjoin Buffalo Creek Reserve or Boronia Park Reserve or Riverglade Reserve.

(ii) Plant species that are listed as *rare, vulnerable* or *threatened* according to the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* or the NSW *Biodiversity Conservation Act 2016.*

(iii) Trees or vegetation on lands which *LEP 2012* defines as *biodiversity* or *high biodiversity significance*.

(iv) Trees which are listed as a *heritage item,* or that are located upon a property which is listed as a *heritage item* according to *LEP 2012*.

(v) Trees which are listed by the *Hunters Hill Council's Significant Tree Register*.

(vi) Requests under section 82A of the *Environmental Planning and Assessment Act 1979* for a review of the Council's determination regarding a previous application to remove or manage trees or vegetation.

(vii) Other situations or locations where the Council might consider that detailed information is necessary for proper assessment.

(d) Fees are payable for both development applications and tree permit applications.

Notes. The schedule of fees which are payable for applications may be obtained from the Hunters Hill Administration Centre in Alexandra Street Hunters Hill.

Information regarding the resolution of disputes between neighbours regarding the management of vegetation is available from the *NSW Land and Environment Court* website.

Matters for consideration in relation to all applications

The following matters will be considered by Hunter's Hill Council in relation to applications which propose to clear vegetation which is *prescribed* by this Plan:

(a) The useful life expectancy, significance and/or retention value of the tree or vegetation.

(b) Environment and character of the property or locality where works are proposed:

(i) Likely scenic impacts and/or streetscape impacts in relation to controls for desired character that are contained in *Chapter 2.2 Character*.

(ii) Within a *river front area* that is identified by *LEP 2012:* likely impacts in relation to matters that are specified by sub-clause 6.7(3) of the LEP.

(iii) For *heritage items* and within *heritage conservation areas* that are identified by the *Hunters Hill LEP 2012:* likely impacts in relation to matters that are specified by sub-clause 5.10(4) of the LEP.

(iv) On lands that have *high biodiversity significance* or *biodiversity significance* according to the *Hunters Hill LEP 2012:* likely impacts in relation to matters that are specified by sub-clause 6.4 of the LEP.

(v) In relation to species of vegetation or fauna which the NSW *Biodiversity Conservation Act 2016* or Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* specify as rare, endangered or threatened, or part of an *Endangered Ecological Community:* likely impacts in relation to considerations that are specified by those acts.

(vi) Whether proposed removal or management might be compensated by replacement planting with suitable species, sizes and numbers of plants, in order to maintain and enhance existing landscape character of the surrounding neighbourhood.

(vii) Whether proposed removal or works would be likely to affect nesting wildlife, and if so, whether nesting fauna might be relocated by a trained wildlife handler or might move naturally away after the nesting season.

Note: If nesting fauna is discovered during the course of approved removal or management of a tree, works must cease until that fauna has been relocated by a trained wildlife handler or has moved naturally away.

(c) Likely impact of proposed works in relation to longevity and stability of existing trees.

(d) Likely impacts in relation to property, buildings or infrastructure:

(i) Whether alternative or engineered solutions could eliminate conflict between structures and roots or branches, for example pier-and-beam footings or above grade paving.

(ii) Whether damage to property is relatively minor at present and is unlikely to increase: for example, in relation to driveways, pathways, fences and low retaining walls.

2.4 HERITAGE CONSERVATION

2.4.1 INTRODUCTION

This chapter provides details of procedures for heritage conservation which complement statutory requirements of the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

LEP 2012 identifies *heritage items* and *heritage conservation areas.* Values of *heritage items* and *heritage conservation areas* have been confirmed by detailed studies and inventories that have been prepared by Hunter's Hill Council.

This chapter applies primarily to proposals for the redevelopment of properties which are identified as a *heritage item* or which are located within a *heritage conservation area.* This chapter also applies to development proposals for properties which have no heritage status, but which are located in the vicinity of a *heritage item* or a *heritage conservation area* (and therefore, where redevelopment has the potential to affect heritage values that are defined by *LEP 2012).*

Values of *heritage items* and *heritage conservation areas* in the Hunters Hill Municipality relate primarily to hundreds of buildings which date from the Nineteenth Century and the early Twentieth Century, and which demonstrate the evolving history of this Municipality as well as contributing to this Municipality's historic identity. However, *heritage items* and *heritage conservation areas* often include other elements which contribute to the Municipality's historic character and identity such as trees, sandstone walls, kerbs and gutters, culverts and steps.

2.4.2 AIMS & OBJECTIVES OF THIS CHAPTER

This chapter has the following aims and objectives:

(a) Conserve and enhance cultural heritage which contributes to character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings and structures.

(b) Protect the heritage significance of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's character, scenic quality and environmental identity.

(c) Retain evidence of this Municipality's thematic development history by conserving significant elements of environmental heritage.

(d) Complement heritage conservation provisions of *LEP 2012* to ensure that future development does not detract from the significance of *heritage items* and *heritage conservation areas* which are important elements of this Municipality's character and environmental identity.

2.4.3 GENERAL REQUIREMENTS IN RELATION TO HERITAGE AND CONTRIBUTORY ITEMS

Note: Contributory item means a building which contributes to the character of heritage conservation areas, being a building which dates from the 1830s to the mid-late 20th century which represents important aspects of the history and character of the area and its development over time.

Applications for the redevelopment of, or development adjoining or within the vicinity of, a *heritage item,* a property within a *heritage conservation area,* or a property that is a *contributory item* should address the following requirements:

(a) Development proposals must evaluate likely effects in relation to identified values or significance of a *heritage item* and its setting, or the identified values and significance of a *heritage conservation area:*

(i) Evaluation of likely effects upon heritage significance should address principles of the *ICOMOS (Australia) Burra Charter* which have been adopted by this Plan.

(ii) In relation to proposed redevelopment of a *heritage item,* the *Burra Charter* requires proper research of the *heritage item* in terms of its form, components, growth and history, together with an assessment of significance in relation to heritage of the Hunters Hill Municipality.

(iii) In relation to a *heritage conservation area,* any proposed change to a building or its surroundings demands proper research of the *heritage conservation area* in terms of identity, history, character, topography and amenity.

(b) In relation to heritage items and contributory buildings, development proposals must:

(i) Reinstate characteristic and decorative features to heritage items and contributory buildings where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.

(ii) New rear additions should be subservient/smaller in scale, height and length than a heritage item or an original existing building/ contributory building on the site. Consider pavilion extensions/additions. Refer to Figure 2.1 below.

(iii) New work should maintain the integrity of the building form of an original existing building/ contributory building on the site.

(iv) Any consistent pattern of front, rear and side setbacks of heritage items and contributory buildings in the vicinity of a site should be reflected in new development. Rear additions should reflect the side setbacks of any original existing building/contributory building on the site.

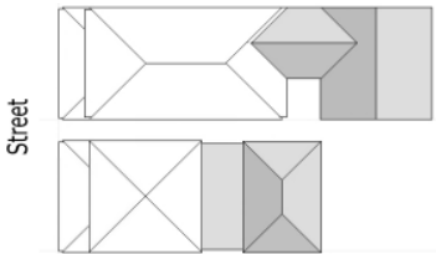


Figure 2.1 – Examples of minimisation of changes to front elevations

(c) Documents should demonstrate that the proposed development would neither destroy nor detract from qualities which make the *heritage item* and its setting significant, or detract from qualities which make the *heritage conservation area* significant.

2.4.4 DETAILED REQUIREMENTS FOR *HERITAGE ITEMS*

Proposals for redevelopment of a *heritage item* also should address the following requirements:

(a) Primary aims are to maintain and enhance qualities that have been documented by a *heritage conservation management plan.*

(b) Any proposed changes to the existing building should respect the form, scale and materials of the original building, or should be of a very minor extent.

(c) Proposals which involve substantial extensions are more likely to be acceptable if they would not compromise the integrity or character of the original building and are subservient to the original building in height, bulk and scale as follows:

(i) Desirably, extensions should be separated from the original building (i.e. a "pavilion" form addition with a single storey link into the rear of the existing house).

(ii) In general, alterations or additions should respect the original building in terms of form and shape, scale, architectural details, materials and finishes.

(iii) New works should incorporate an architectural style and details that would complement the original building, and should neither imitate nor visually compete with the architectural character of the original building.

(iv) Design of alterations or additions should incorporate a simple and unobtrusive architectural style which would neither detract from nor visually dominate the character of the original building.

(v) Basement additions beneath original buildings are not permitted. Basement additions beneath new additions must have excavation set back a minimum of 1m from any walls of the original building.

(vi) No excavation for a driveway is permitted in any front setback. Driveway and basement excavation must be located a minimum of 1m from the side or rear wall of an original building and 2m from any property boundary, and if within a side setback, with driveway gates to the side of the original building obscuring the commencement of the excavated driveway slope. Refer to Figure 2.2 below.

Note: It is likely that Hunter's Hill Council will **not** support development proposals which involve substantial or total demolition of a *heritage item.*

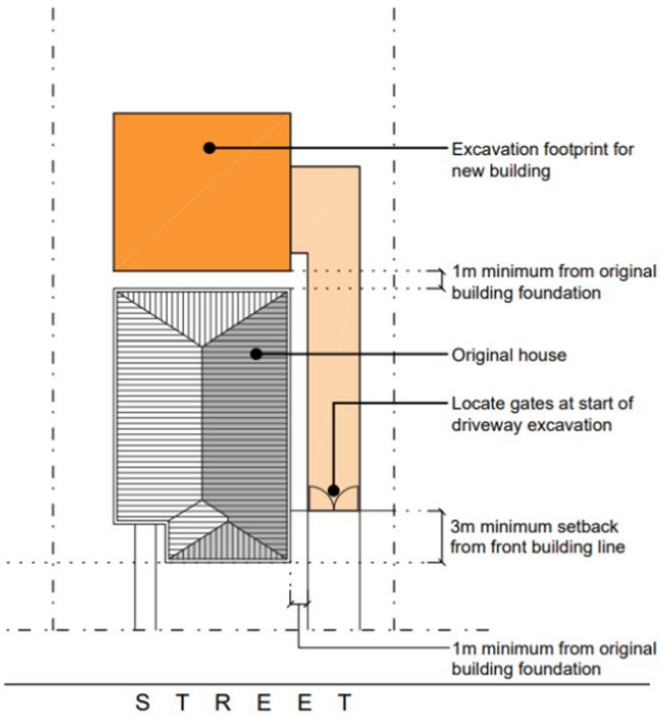


Figure 2.2 – Driveway excavation in a heritage site

2.4.5 DETAILED REQUIREMENTS FOR *HERITAGE CONSERVATION AREAS*

Proposals for redevelopment of a property that is located within a *heritage conservation area* also should address the following requirements:

(a) Primary aims are to maintain and enhance qualities that have been documented by a *heritage impact statement.*

(b) Proposed works should neither destroy nor detract from qualities which are influenced by elements of the area's existing character which include:

(i) Streetscape character and amenity.

(ii) Topography and established gardens.

(iii) Buildings with pitched roofs.

(iv) Facades which incorporate a high proportion of wall-to-window area.

(v) Windows and doors that have vertical proportions.

(vi) Building colour schemes which do not clash with established garden settings.

Note. It is likely that Hunter's Hill Council will **not** support development proposals which involve substantial or total demolition of a building that is located

within a *heritage conservation area, where the building is considered contributory to the character of the heritage conservation area.*

2.4.6 ASSESSMENT PROCEDURES FOR HERITAGE CONSERVATION

LEP 2012 specifies that *heritage management documents* may need to be provided by certain development applications:

(a) Where the proposed development would demolish, alter or affect a *heritage item* or a property that is located within a *heritage conservation area.*

(b) For redevelopment of a property that has no formal heritage status, but that is located near a *heritage item* or a *heritage conservation area.*

Heritage management documents should be prepared by a qualified heritage architect or heritage planner, and should provide the following information which addresses principles of the *ICOMOS (Australia) Burra Charter:*

(a) Proposed redevelopment of a *heritage item* may require a *heritage conservation management plan* which must be prepared in accordance with the latest Heritage NSW Guidelines for preparation of conservation management plans. Please consult with Council's planning officers and Heritage Advisor with regard to the extent of works proposed and whether a conservation management plan will be required.

(b) Proposed redevelopment of a heritage item requires a Heritage Impact Statement (regardless of whether a Conservation Management Plan has been prepared) which must be prepared in accordance with the latest Heritage NSW Guidelines for preparing a Statement of Heritage Impact. If there is a Conservation Management Plan for the property, the Statement of Heritage Impact must also address relevant Conservation Policies in the Conservation Management Plan relating to the proposed work.

(c) Proposed redevelopment within a *heritage conservation area* or in proximity to a *heritage item* or a *heritage conservation area* requires a *statement of heritage impact* which must be prepared in accordance with the latest Heritage NSW Guidelines for preparing a Statement of Heritage Impact.

(d) All development proposals that would affect a *heritage item* or a *heritage conservation area* (including any property that is located near a *heritage item* or a *heritage conservation area*) must provide detailed responses in heritage management documents to matters for consideration and principles which are specified by *LEP 2012* and this Plan.

Development applications which are submitted to Hunter's Hill Council, and which involve proposals for development that are likely to affect heritage values, will be reviewed by the Council's *Conservation Advisory Panel (CAP):*

(a) The CAP primarily provides recommendations to the Council in relation to likely heritage impact of development proposals, but also provides heritage conservation advice to landowners, applicants and architects.

(b) The CAP meets monthly, and its recommendations are considered by the Council prior to the determination of development applications which are likely to affect heritage values.

Before lodging an application for development which would be likely to affect the value of a

heritage item or a *heritage conservation area* that are listed by *LEP 2012,* applicants are encouraged to consult Council's Planning Officers:

(a) As the basis for effective discussion with the Council's heritage adviser or the CAP, preliminary sketches should be guided by a *heritage conservation management plan* or a *statement of heritage impact,* and should incorporate sufficient detail to address heritage values that have been identified.

(b) Preliminary sketch plans should not provide final details and, at the very least, should include a locality plan which describes adjoining properties and buildings (in particular, any *heritage items*) together with a site plan, plus elevations and sections which describe the intent of proposed building works.

Any heritage documentation prepared in relation to a development application must consider any relevant heritage requirements outlined within Council's Development Application Lodgment Guide.

PART THREE RESIDENTIAL DEVELOPMENTS

Part Three of this Development Control Plan provides detailed requirements and guidelines which apply to all types of residential development within the Hunters Hill Municipality, including subdivision of land which is zoned residential.

Part Three comprises the following chapters:

- 3.1 Hunters Hill – The Residential Development Context
- 3.2 Planning Policy – All Development
- 3.3 Planning Policy – Heritage and Conservation Area
- 3.4 Planning Policy – Foreshore and Scenic Protection Area
- 3.5 Planning Policy – Visually Prominent Sites
- 3.6 Development Controls
- 3.7 Garages and Carports
- 3.8 Fences
- 3.9 Medium Density

3.1 HUNTERS HILL – THE RESIDENTIAL DEVELOPMENT CONTEXT

3.1.1 THE CHARACTER OF HUNTER'S HILL

The most outstanding aspect of the environmental significance of the Municipality is the quantity, quality and diversity of its 19th and 20th century domestic architecture, resulting in a distinct, characteristic and identifiable urban form.

Certain areas of Hunters Hill exhibit even stronger (stylistic) associations than those generally described above. For example, a large proportion of Hunters Hill contains predominantly 'Victorian', 'Federation period' and 'Californian Bungalow' style development and displays 'garden suburb' characteristics in line with the town planning movement in the early part of this century.

This tradition has continued with notable residences in the history of Australian domestic architecture being built within the Municipality in continuing decades and recent times.

3.1.2 URBAN FORM CHARACTERISTICS

Whilst there are a great variety of development forms contributing to the residential environment of Hunters Hill, there are a number of features essential to creating its residential character which are constant throughout the majority of the area (refer to Figure 3.1 below). These include:

- Large allotments containing high quality detached housing of 1 - 2 storeys in a range of different house styles set in a forest like setting.
- Buildings set well back from the street to provide generous soft landscaped front yards generally containing substantial planting.
- Significant private tree and vegetation planting to compliment street trees.
- The buildings respect and reveal the landform of the Hunter's Hill peninsula and views to and from the water are retained.
- Building materials and man made surfaces are unobtrusive.

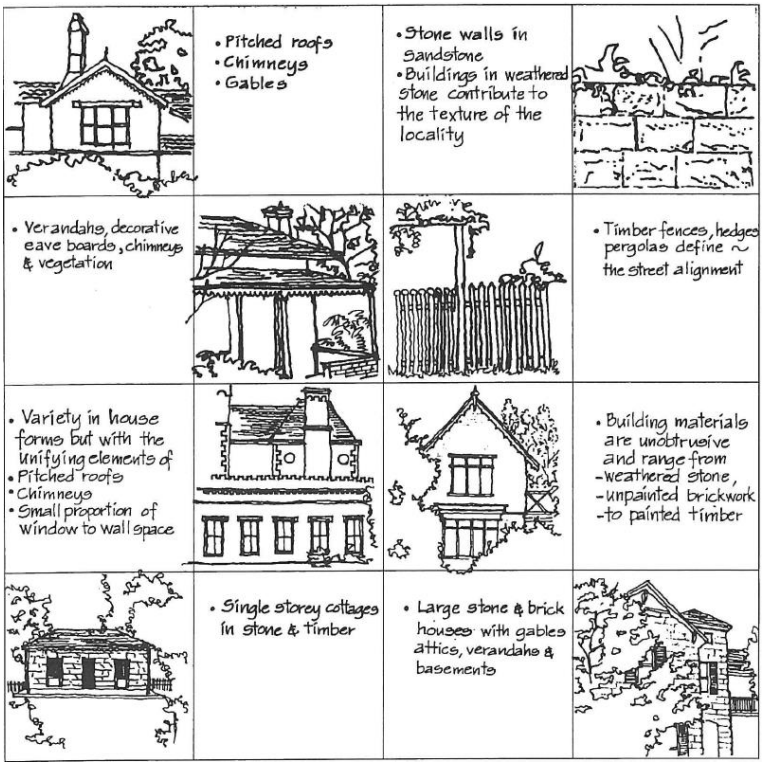


Figure 3.1: Urban Form Characteristics

These characteristics which contribute to the urban form are further described under the following headings:

Texture

The texture of the Municipality is derived from the successive subdivision of the villa estates resulting in a wide range in the size and shape of allotments, a variety of building lines and a range of house styles. Exceptions to this variety are found in small lot subdivisions, for example in the Sunnyside Estate, in Boronia Park, and in Gladesville where re- subdivision has not occurred. These areas are characterised by regular building lines and a uniformity of house styles consistent with their development over a limited period of time.

The texture of the Municipality is also derived from the articulated form of the buildings themselves - pitched roofs, chimneys, gables, verandahs, relatively small proportion of window to wall space. Fences define the street alignment, but vary in height and material - stone walls, timber fences, hedges.

Scale

Generally, buildings in Hunter's Hill are no higher than a large Victorian two storey house, but within this limit there is enormous variety, from the tiny single storey stone or timber cottage, to the large stone or brick house with gables, attics and basement.

There are precincts within the Municipality such as in Boronia Park and Gladesville where a consistent single storey scale predominates and characterises the streetscape. New development must be designed to harmonise with and maintain the single storey scale and form of the street. This may require that any first floor addition be designed as rooms in the roof or alternatively the first floor be significantly setback from the front elevation.

Vegetation

Much of the distinctive appearance of Hunter's Hill lies with its large trees. Broad-leafed evergreens with lustrous foliage and dense shade such as the brush box, camphor laurels and figs are most common as street trees. Large deciduous trees such as the London plane are also used. There are large areas of native bushland in Kellys Bush, Boronia Park, and Barons Crescent. Private gardens of trees and shrubs fill the spaces: pines, figs and the ubiquitous jacaranda combine with the street trees to dominate the street and the houses are revealed between the foliage rather than exposed fully to view.

Building Materials

These are unobtrusive - weathered stone, unpainted brick of varying shades reflecting the contemporary fashion of each house, or painted timber. This contrasts with other suburbs of Sydney where white and light colours predominate.

Man-made surfaces are also of materials, which are unobtrusive and not heavily textured, such as macadam, concrete, or sandstone.

Rendering and painting of existing face brick buildings will usually not be supported. New development must be in darker recessive earth tones. Where a building is constructed on a base or elevated subfloor area, the lower external walls should be constructed in sandstone or treated in a contrasting texture and colour to create a traditional base element which assists in reducing the perceived height and scale of the building.

Variety

Within the limits outlined above, Hunter's Hill is characterised by the variety of its buildings in type, style, materials and age. Although most buildings were constructed between 1919 and 1961, the most noticeable elements of its character and on which its heritage significance rests, are the buildings constructed between 1860 and 1920. Similarly, while only a small proportion of buildings are constructed of stone, it is a very noticeable element in the Municipality, partly owing to the siting of the stone houses and the large number of stone walls.

3.2 PLANNING POLICY – ALL RESIDENTIAL DEVELOPMENT

Objectives

(a) Development should be compatible with the landscape character of the area. Generally, the landscape character of Hunters Hill is encapsulated in the ‘tree’ whether indigenous, native or exotic. Hunter's Hill Council is committed to protecting and enhancing the area's landscape character and natural environment.

(b) Development, particularly when viewed from the street or other public place, should be compatible with the character and scale of any existing building to be retained on the site and residential development in the immediate vicinity.

(c) Development, particularly when viewed from public reserves, National Parks, waterways or across valleys should not be obtrusive in or upon the natural landscape.

(d) In areas with significant stylistic/architectural associations and identity, additions and new development should be designed in sympathy with their surrounds.

Controls

(a) Development should ensure that the size and shape of development, the extent of cut and fill, the type and colour of building materials, the design of roofs (in terms of materials, colour, pitch, etc) and the amount and type of landscaping, are:

(i) Compatible with the character and scale of surrounding residential development; and

(ii) Do not intrude or otherwise impact upon the natural landscape, particularly on ridge top locations and adjoining public places.

(b) Each property should provide its share of appropriate vegetative cover, as well as protection and retention of indigenous vegetation and wildlife habitat on site. It should be noted that street tree planting (e.g. on nature strips) is controlled by Council. Applicants should not seek to rely on landscaping in Council's reserve or on adjacent properties to screen adverse visual impact of development sites.

(c) Layout and design of residential development should be based on:

(i) Slope and orientation of the land.

(ii) Energy efficient design of subdivisions, new dwellings/dwelling-houses including alterations and additions to existing dwellings/dwelling-houses (also refer to Section 5.8 of this Plan).

(iii) Solar access to adjoining dwellings/dwelling-houses.

(iv) Adequate visual and acoustic privacy.

(v) Relationship to adjoining dwellings/dwelling houses.

(vi) Retention of special landscape qualities or features such as existing vegetation, permanent rock outcrops and trees and watercourses.

(vii) Provision of adequate site drainage.

(viii) Provision for landscaping and private open space.

(ix) Existing streetscape character.

(x) If applicable, an assessment of the heritage significance of the building, its surrounds and of any Heritage Item in the immediate vicinity.

(xi) Relationship to natural areas, public and private land.

(xii) Protection of remnant native vegetation where possible and provision of compatible planting.

Preferred Design Elements

Council favours the following elements in the design of residential development:

(a) New residential development should reflect the scale, bulk and character of development in the vicinity.

(b) Architectural relief and modulation of facades to avoid a bulky appearance.

(c) The design of buildings should attempt to break up long lines of walls through variations in elevations to provide visual interest to buildings and opportunities for the provision of landscaping to minimise the visual impact of large expanses of walls.

(d) The roof of the building should be designed so it does not unduly increase the bulk of the buildings. Attention should be paid to materials, colour and roof pitch. Only under exceptional circumstances will flat roof buildings be considered.

(e) There should be architectural unity in the design of alterations and/or additions to existing dwellings/dwelling-houses and wherever possible external finishes of building work should match and be in character with the existing building(s) on the site (exemptions may apply to heritage buildings).

(f) Excessive areas of glazing on street and waterfront elevations ('walls of glass') will not be supported within a conservation area, or vicinity of a heritage item. Windows and openings should have a vertical emphasis and be significantly less in proportion to solid massing i.e windows in walls.

(g) External lighting must not result in buildings being visually intrusive at night.

(h) The minimisation of hard surfaces.

(i) Retention of the natural landform and vegetation.

(j) Proposals that, as a minimum, meet the relevant canopy cover site targets as outlined within Section 6.1 of the NSW Government's Greener Neighbourhoods Guide.

(k) Where planting is proposed on top of built structures (such as basement car parks, podiums, roofs and walls), compliance with the minimum soil standards for plant types and sizes as detailed within Section 4P of NSW Government's Apartment Design Guide.

Landscape Plans

A landscape plan should be submitted with any relevant development application as outlined within Council's Development Application Lodgment Guide. The landscape plan should be prepared by a qualified Landscape Architect and is to include consideration, and demonstration of compliance with the relevant objectives, controls and preferred design elements outlined within this chapter, along with any additional information as required by Council's Development Application Lodgment Guide or any other relevant section of this Plan.

3.3 PLANNING POLICY – HERITAGE CONSERVATION AREAS

Objectives

Council's objective in respect of heritage conservation matters is to conserve the identity of the Municipality as established by its heritage, character, topography and residential amenity by:

(a) Conserving the environmental and cultural heritage significance, the foreshore and riverscape, the townscape quality and tree covered environment of the Municipality through regulation of the use and development of land, buildings and structures.

(b) Retaining specific evidence of the thematic development of the environmental heritage of the Municipality through conservation of items of environmental heritage.

(c) Integrating heritage conservation into the planning and development control processes.

(d) Providing the public involvement in matters relating to the conservation of the area's environmental heritage.

(e) Ensuring that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of the items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the Municipality.

Consultation

Early consultation with Council's Planning Officers is encouraged before lodging an application.

Preliminary sketches drawn to scale to a reasonable level of accuracy can be discussed with Council's planning staff and if appropriate, with the Council's Conservation Advisory Panel or Council's Heritage Adviser.

Preliminary sketch plans need not be elaborate but should show a site plan, adjoining properties and buildings, especially heritage items, and include elevations and sections where helpful to show the proposal.

Conservation Advisory Panel

The Advisory Committee, established in 1972 to advise the Council on items of the environmental heritage, was reconstituted in 1989 as the Conservation Advisory Panel (CAP). The CAP provides advice to Council's Development Planners to assist in the consideration of heritage matters. An important role of the CAP is also to provide heritage conservation advice to property owners, applicants and architects contemplating development.

The appointment of members is voluntary and the CAP has no decision making power.

The CAP comprises the following members:

- An elected member of the Council (chair).

- The Council's Heritage Advisor.
- One representative of the Royal Australian Institute of Architects, nominated by the Institute.
- One representative of the National Trust of Australia [NSW], nominated by the Trust.
- A person nominated by the Hunter's Hill Trust, with detailed knowledge about the local history of Hunters Hill.
- Two (2) citizens of the Municipality with appropriate professional qualifications and/or experience in conservation of heritage buildings, appointed by the Council.

CAP meets monthly and its views are considered by Council in its assessment of a Development Application.

The Principles Which Apply – Heritage Items

In 1985, Council adopted the principles of the ICOMOS [Australia] Burra Charter to guide its consideration of all applications for change related to listed heritage items. These principles also apply to Heritage Conservation Areas and Contributory Items.

The basic principle of the Charter is that, before any changes are considered to a heritage item, the existing item must first be properly researched. This requires an examination of its history and its growth, its form and its individual components, and an assessment of its significance in the heritage of Hunters Hill.

Changes proposed are judged against the effect they will have on the significance of the heritage item and its setting.

The aim is to keep the qualities, which make the heritage item and its setting significant. Changes should not destroy these qualities, nor detract from them.

Where the item is a building, minor changes should respect the original form, scale and materials.

Substantial extensions may be acceptable where they do not affect the integrity or character of the original building. Extensions which are separated from the original building, which respect the shape, scale, materials and finishes of the original buildings, and are designed in a simple unobtrusive style can meet these criteria. The architectural style and details of new work should compliment, not imitate or compete with, the original building.

An application should be accompanied by information showing how these guidelines have been followed.

The Principles Which Apply – Buildings in the Vicinity of a Heritage Item

New development and change to existing buildings in the vicinity of a heritage item are judged in respect of the matters outlined in Article 8 of the Burra Charter which states:
'Conservation requires the maintenance of an appropriate visual setting, e.g. form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the settings should be allowed, Environmental intrusions which adversely affect appreciation or enjoyment of the place should be excluded.'

The Principles Which Apply – Heritage Conservation Areas

The purpose of Heritage Conservation Areas is to retain the special historic identity of the Municipality. An explanation of that identity is given in 'The Character of Hunter's Hill'.

Within the Heritage Conservation Areas there are hundreds of buildings of the 19th century and early 20th century. These buildings provide important evidence of the continuing history of Hunter's Hill and contribute to its reputation as a historic place. Other elements like the hundreds of natural sandstone kerbs and gutters, sandstone culverts and steps also contribute to the historic character of Hunter's Hill.

The aim is to keep the qualities, which contribute to the identity of the Heritage Conservation Areas. Changes should not destroy these qualities nor detract from them. The main elements which contribute to these qualities include buildings having pitched roofs, high proportion of wall to window area, verticality of window and door proportions, colours which do not clash with the established garden settings and the gardens themselves.

Demolition, new buildings, alterations or additions to any building in a Heritage Conservation Area requires the consent of Council.

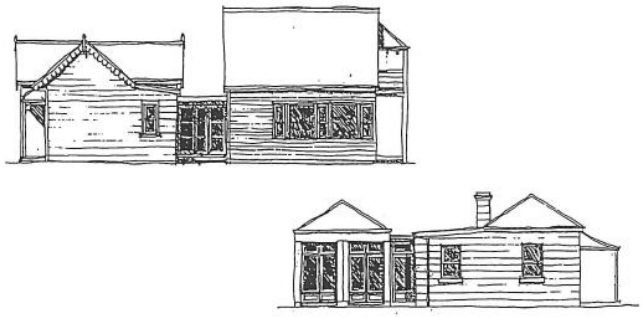
Council may refuse consent to demolish a building which contributes to the evidence of the history of Hunters Hill.

Before Council considers any change to a building or its surroundings within a Heritage Conservation Area, the identity of the part of the Heritage Conservation Area needs to be researched and understood as part of the application process, assessing its history, character, topography and residential amenity.

Changes proposed will be judged on the affect they might have on the heritage, character, topography and residential amenity of that part of the Heritage Conservation Area.

New buildings, additions or alterations should be designed to complement the character of the area by their scale, shape and use of materials. New work should not be designed to imitate or compete with historic buildings. It should be an expression of the contribution of the present time to the evolution of the site. This approach is consistent with Articles 3 and 19 of the Burra Charter.

Examples of additions to heritage items, contributory buildings and conservation areas are presented in Figure 3.2 below.



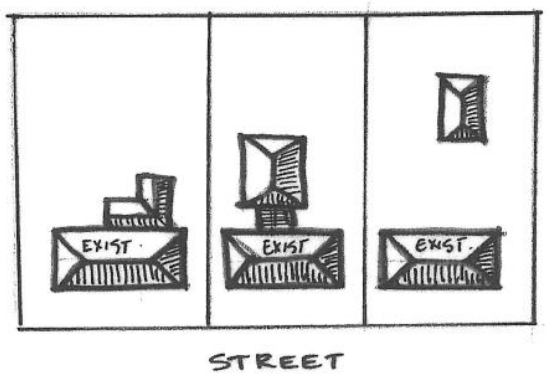


Figure 3.2 - Examples of additions to heritage items, contributory buildings and conservation areas

3.4 FORESHORE AREA

Objectives

(a) To ensure any development, including the extension, alteration or rebuilding of an existing building in the Foreshore Area, does not degrade the amenity of the surrounding residents or the visual quality of Hunter's Hill, particularly when viewed from waterways.

(b) To minimise the visual impact of development when viewed from adjacent land, public reserves and waterways.

(c) To ensure that development within the Foreshore Area is designed with regard to the site conditions, to minimise the impact on the landform and visual amenity.

(d) To ensure that development within the Foreshore Area blends into the natural surroundings and is consistent with the aesthetic quality of surrounding developments.

(e) To ensure that the design of development has regard to preserving existing views towards waterways from public roads, public reserves and adjoining properties.

Controls

(a) The appearance of any proposed structure, from both the waterway and adjacent foreshore areas, must be visually compatible and recessive with the surrounding area and preserve and enhance the natural environment.

(b) Careful attention should be given to controlling the mass of any structure, by the creation of smaller scale forms within the whole and exploiting effects of light and shade. Overall bulk and scale, materials and colours should not stand out from the predominantly landscaped setting.

(c) Any proposed development must not cause environmental harm such as:

I. pollution or siltation of the waterway.
II. adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats.
III. adverse effect on drainage patterns.
IV. excessive clearing of native vegetation contiguous to adjacent foreshore or public open space, or fencing that would prevent the movement of fauna between such vegetation.

(d) Development must not cause congestion or generate conflict between people using open space areas or the waterway.

(e) Opportunities to provide continuous public access along the foreshore and to the waterway must not be compromised.

(f) Any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land must be maintained.

(g) Existing tree canopy cover, whether native or exotic species, should be maintained and strengthened with appropriate new planting.

(h) All development shall be designed to address ‘The Character of Hunters Hill’ (Section 3.1.1 of this Plan).

3.5 PLANNING POLICY – VISUALLY PROMINENT SITES

Visually prominent sites include ridge top locations, escarpments, environmentally sensitive sites on sloping land, elevated corner allotments and any site that has the potential to degrade visual amenity.

Such sites are sensitive and consequently the right of individuals to develop these unique areas carries a responsibility to ensure that the visual and environmental quality of Hunters Hill is maintained.

Objectives

(a) To encourage residential development that ensures dwelling form, including alterations and additions, that does not degrade the amenity of the surrounding residents or the aesthetic quality of Hunter's Hill.

(b) To minimise the visual impact of development when viewed from adjacent land, public reserves and waterways.

(c) To ensure that dwellings be designed with regard to the site conditions, to minimise the impact on the landform and visual amenity.

(d) To ensure that dwellings blend into the natural surroundings.

(e) To ensure that dwelling designs have regard to preserving existing views.

Controls

Council will be paying particular attention to ensure that new development on visually prominent sites is in harmony and has been carefully integrated into the overall streetscape and locality.

(a) Development should be designed in scale with the size and shape of their allotment and the character of the surrounding development to avoid overbearing scale relationships.

(b) Development should be carefully designed to integrate with the topography, bushland setting and neighbouring development.

(c) New development must be sympathetic to the street and locality in which it is situated, be harmonious in scale, height, proportion and include the provision of suitable landscaping to complement and enhance the street scape and character of the area.

(d) Bulky elevations or unrelieved vertical elevation should be avoided or softened with horizontal elements such as verandahs, pergolas, or suitable planting schemes.

(e) Roofscapes should be designed to reduce bulk and dominance. Flat roofs may be appropriate in limited circumstances, outside of Heritage Conservation Areas, with sections of the structure having pitched or low angled pitched roofs.

(f) Building materials should be chosen carefully for their suitability for the design and location.

(g) For any site considered by Council to be either visually prominent or within an area that displays environmental sensitivity, the applicant must submit sufficient details with the application to demonstrate that a proper site analysis has been undertaken. Such information may include:

- Survey data.
- Geo-technical assessment.
- Landscape plans.
- Photomontages etc.

Applications for buildings which dominate ridgelines, escarpments or which do not complement the existing development will not receive favorable consideration.

(h) The colour and surface finish of external building components is important to the overall impact of new development.

The use of earth tone colours with low reflective finishes is preferred, particularly on ridge top and escarpment locations to enable the building to blend with the natural environment.

Samples of proposed brickwork, roofing, fencing and driveway finishes and external colour schemes will be required to be submitted with the Development Application.

(i) Site development should ensure retention of existing trees, vegetation and natural landform features to the fullest extent possible. Cut and fill on the site should be kept to a minimum.

3.6 DEVELOPMENT CONTROLS

3.6.1 HEIGHT

Objectives

(a) To avoid the adverse impacts associated with the excessive height, bulk and scale of development within the existing residential area.

(b) To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.

(c) To maintain and enhance the varied domestic scale, form and character of the residential area.

(d) To minimise visual impact, disruption to views, loss of privacy and loss of sunlight to existing residential development.

(e) To provide for view sharing.

(f) To minimise the adverse impact on Heritage Conservation Areas, Foreshore Areas, items of environmental heritage significance and contributory buildings.

(g) To reduce the visual impact of development when viewed from waterways as well as other public places such as parks, roads and community facilities.

General Requirements

The maximum permitted height of buildings is detailed within the Hunters Hill Local Environmental Plan 2012 Height of Buildings Map. The height of a building on any land within the Municipality is not to exceed the maximum height shown for the land on the Height of Buildings Map or the provisions of Clauses 4.3 and 4.3A of the Hunters Hill Local Environmental Plan 2012.

Height of building (or building height) means:

(a) In relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) In relation to the reduced level (RL) of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

3.6.2 FRONT, SIDE AND REAR SETBACKS

Objectives

(a) To ensure that setbacks of new dwellings and alterations and extensions to existing dwellings respect the characteristic pattern of setbacks in the locality and in particular conserve the identity of the Municipality established by its townscape of pre-1930s buildings.

(b) To maintain the garden space between buildings which is part of the existing character of the Municipality, and to minimise the adverse visual impact on adjacent and adjoining properties.

(c) To further the objectives of the Foreshore Area by maintaining and where possible improving public water views between buildings.

(d) To ensure equitable access to sunlight, privacy and private views.

(e) To preserve and enhance the streetscape.

Front Building Setbacks

New buildings shall have a setback determined by the allotment dimensions, the character of the street and the setback of the buildings in the street. Where an applicant seeks to vary a building line, a survey drawing shall be prepared indicating the front boundary setback of the four (4) properties immediately either side of the site. Under all circumstances, the objectives of this clause must be met.

Front Street is determined by the postal address. Building Lines to Secondary streets on corner blocks, or allotments with two street frontages, will be determined on its merits.

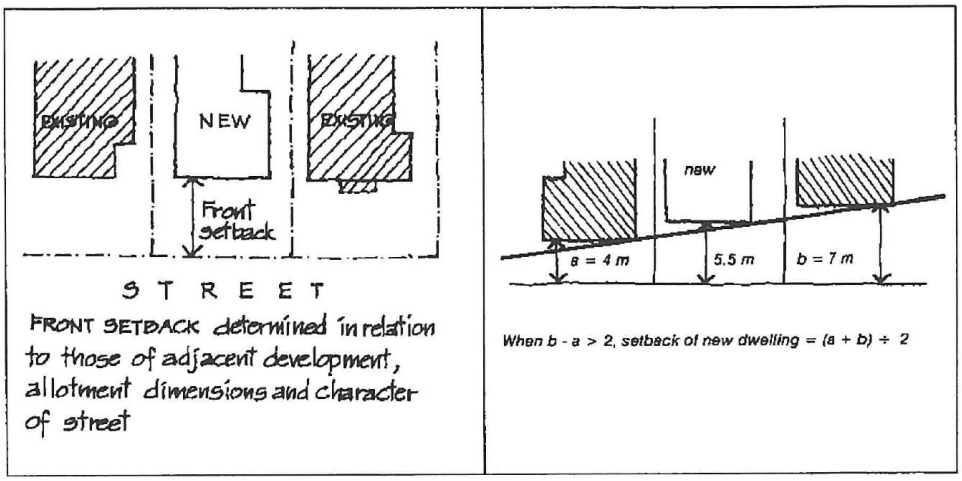


Figure 3.3 - Front Setback

Side Boundary Setbacks

The distance between any part of the building and the side boundaries of the site shall not be less than 1.5 metres.

Generally, Council favors walls facing side boundaries to be staggered to permit windows to face 90° to the boundary into landscaped areas. In these circumstances, Council will consider permitting part of the building to be constructed closer to the side boundary than the building height plane, provided another part of the building equal in area to the area protruding beyond the setback line, is setback an equivalent amount to the protrusion.

Concessions are permitted to single storey structures, carports, garages etc, subject to satisfying the objectives of this clause.

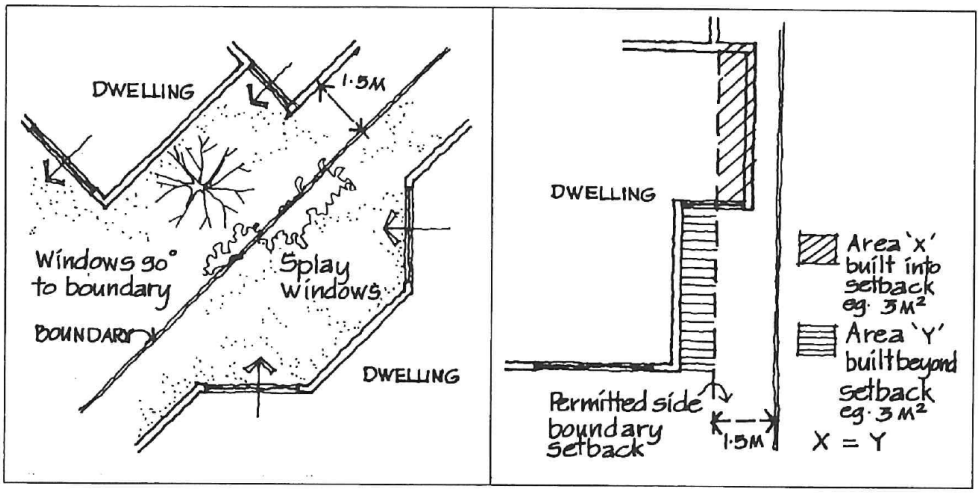


Figure 3.4 - Side Setback

Rear Boundary Setbacks

The distance between any part of the building and the rear boundary shall be 6 metres. Rear boundary is defined as the boundary furthest from and generally parallel to the street boundary.

Single storey buildings will be permitted within the 6 metre rear boundary setback area. Single storey buildings having a maximum wall height of 2.4 metres shall be permitted up to the boundary for a maximum length of 33% of the boundary.

Any Foreshore Building Line, however, will continue to apply and overrides any setback provision in this plan.

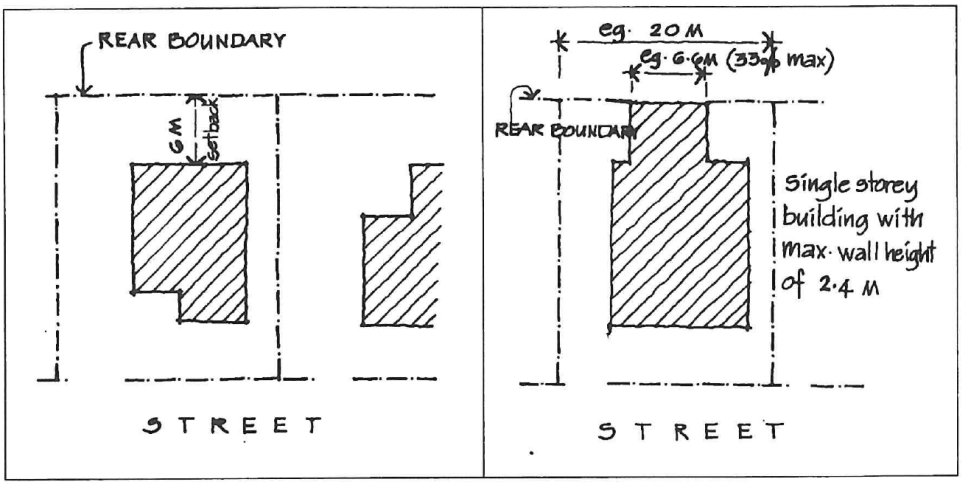


Figure 3.5 - Rear Setback

Exceptions to the Setback Provisions

Council may permit buildings to be erected within the calculated boundary setback area, where it can be demonstrated that the objectives of the setback controls, particularly privacy and solar access, can be achieved without strict adherence to the standards. For example:

- Balconies, verandahs, porches etc.
- Single storey buildings.
- Alterations and additions to existing buildings.
- Where the narrow width or shape of an allotment makes a strict adherence of setbacks impractical.

However, in considering such encroachments, the applicant must demonstrate to Council that the adjoining properties will not be unduly adversely affected.

3.6.3 GARDEN AREA

Note: In this Plan, the term 'Garen Area' and the same meaning as 'Landscaped Area' as defined within the Hunters Hil Local Environmental Plan 2012.

Objectives

(a) To conserve the character of the Municipality derived from detached houses set in and separated by individual gardens, by establishing the minimum proportion of garden area per allotment.

(b) To ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality.

(c) To soften the visual impacts of dwelling houses and secondary dwellings when viewed from any waterway, park or road by providing sufficient space for trees and plantings around every building.

(d) To retain, protect and augment the vegetated and tree-covered environment for

which the Municipality is noted.

(e) To ensure that gardens are useful, accessible and have adequate sunlight and privacy.

(f) To ensure that new buildings respect rather than alter the existing steep sandstone topography for which the Municipality is noted.

(g) To protect the existing drainage system from increased stormwater run off, including minimising the discharge of stormwater from any site, whether by drainage or by overland flow.

General Requirements

A landscape plan shall be an integral part of all residential development applications. The landscape plan shall identify existing natural features (e.g. rock outcrops), man-made features (e.g. garden walls, paths and other structures) and existing shrubs and trees, the siting and species of proposed new planting, their height at maturity and any proposed ancillary work: walls, stairs, paving. Landscaping shall be of a predominantly indigenous and endemic species. Plant selection and planting shall be in accordance with NATSPEC guidelines for container grown stock.

Further information regarding the requirements for landscape plans is provided within Section 3.2 of this document and Council's Development Application Lodgment Guide.

All trees to be retained shall be appropriately fenced off to avoid damage by machinery, plant and stockpiling of materials etc. Full details are to be provided with the landscape plan.

All landscaping is to be implemented prior to occupation of the building.

The following minimum number of canopy trees capable of achieving a minimum mature height of 12 metres:

- Sites less than 400m^2: 1 tree
- Sites between 400m^2 - 900m^2: 3 trees
- Sites between 900m^2 - 1200m^2: 5 trees
- Sites over 1200m^2: 7 trees

Specific Provisions

A building shall not be erected on any allotment of land within a residential zone unless it has a garden area equal to or greater than 50% of the area of the allotment.

Where any boundary of the allotment fronts the Lane Cove or Parramatta Rivers (including their tributaries), the garden area shall be no less than 60% of the area of the allotment.

Areas having a dimension of less than 2 metres shall not be included in the garden area calculation for the purpose of satisfying this section.

Landscaped area (for the purposes of this Plan may also be referred to as 'garden area') means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

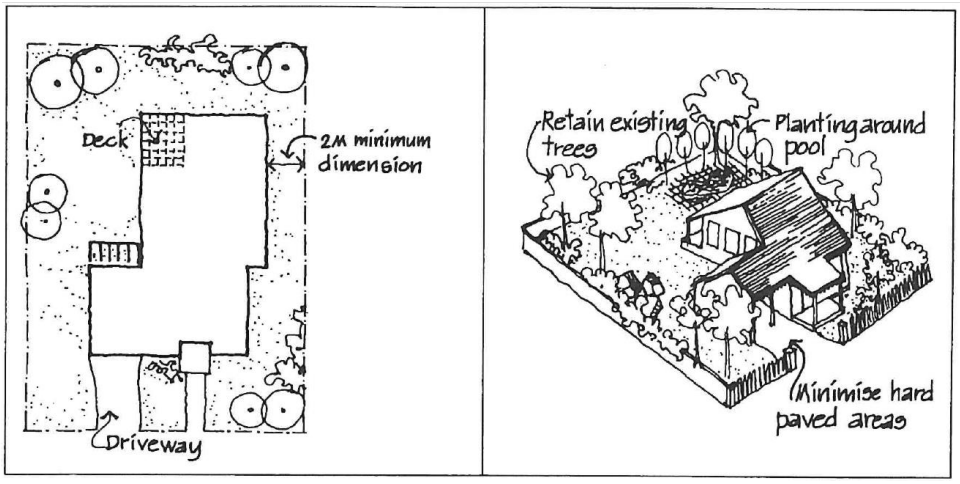


Figure 3.6 - Garden Area

Treatment of Garden Areas

At least two thirds of garden areas shall be a planted area and shall be landscaped with planting, gardens, lawns, shrubs and endemic trees and shall be free from any hard surface.

Existing trees and under storey native vegetation should be kept and incorporated into the landscaping. Council may vary other provisions of this Plan to allow retention of existing substantial trees on site where Council is satisfied that other amenity considerations are adequately covered.

Natural and man made features of the site such as rock outcrops, and other topographic features, sandstone walls and retaining walls shall be retained where possible and incorporated in developing the site for buildings, driveways and outdoor areas.

On sites in the vicinity of remnant urban bushland, Council will require the regeneration of the site and removal of noxious and undesirable weeds.

Garden structures such as steps, retaining walls and the like and hard paved surfaces may be erected within the garden area, but not within the required planted area.

Hard paved areas shall be minimised to avoid collection and diversion of surface water into the drainage system. Where hard paving is necessary (for driveways, paths, terraces and the like) it should incorporate water-permeable surfaces that allow water to percolate through the soil.

Gardens shall provide residential amenity by being accessible to occupants, reasonably private, and should be provided with at least 4 hours of sunlight between 9am and 3pm on 22nd June, and by being predominantly planted with lawns, plants, shrubs and trees.

Treatment of Site

All unbuilt-on portions of the site, whether or not they are part of the garden area required by this Plan, with the exception of paved areas for vehicles, should be landscaped using planting and/or other landscape materials referred to above.

Planting shall be provided on the site in the area between the street alignment and the dwelling except for the area set aside for pedestrian and vehicular access.

Planting should be provided on the site in the area located:

(i) Alongside a driveway where it is located on one side of the allotment.

(ii) Between the boundary and any other structure such as a swimming pool, tennis court, retaining wall and the like to reduce the visual impact of such structures.

Garden Topography

The existing natural topography of the landscaped area of the site shall be retained wherever possible. Finished garden levels other than existing ground levels shall be not more than 1.5m above or below the floor level of any dwelling they are proposed to serve.

Driveways shall be of visually unintrusive materials such as sandstone flagging, paving, or oxide stencil concrete.

3.6.4 SOLAR ACCESS

Objectives

(a) To provide reasonable access to sunlight to living spaces within buildings and open spaces around building.

(b) To encourage reasonable residential site planning and building design that optimises solar access to land and buildings.

(c) To reduce total energy use in residential buildings, by reducing heat loss, and energy consumption for heating and cooling purposes.

(d) To encourage the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.

General Requirements

New development must not eliminate more than one third of the existing sunlight to adjacent properties at ground level, measured at 9.00 am, 12 noon and 3.00 pm of the winter solstice. Buildings are to be designed to minimise loss of sunlight to adjacent buildings. Shadowing from trees will not usually be taken into account.

New development should be designed to receive as much mid-winter sunlight as possible to the principal outdoor areas or to windows of the principal living rooms. New residential buildings shall, where possible be designed to be energy efficient and to maximise the use of solar power.

Where adjoining development relies on solar access for heating or cooling systems, that access where possible must be preserved.

Council requires submission of shadow diagrams at 1:100 or 1:200 scale, showing the impact of a proposal on the sunlight of adjoining residential buildings and their landscaped open space, which will demonstrate that Council's requirements have been achieved. Such diagrams should be prepared by an architect or surveyor and be based on a survey of the relevant site and adjoining development.

Shadow diagrams will be required for all new buildings and first floor additions. Plans must clearly demonstrate the difference between the existing available sunlight and available sunlight following development.

Solar access is a measure of the available sunlight for a particular building or site. Mid winter is the most critical time to assess solar access to dwellings, and its associated private open space.

The orientation of spaces within the house, in relation to the movement of the sun, is the most significant influence on energy efficiency in the home. The north side of a building is a good location for spaces that are continually occupied during the day, such as living zones. The spaces usually have large heating and lighting requirements. During the winter season, the north face of the building will receive significantly more solar energy than east and west sides. Living areas orientated towards north can take advantage of this solar energy, maximise thermal comfort and achieve energy savings.

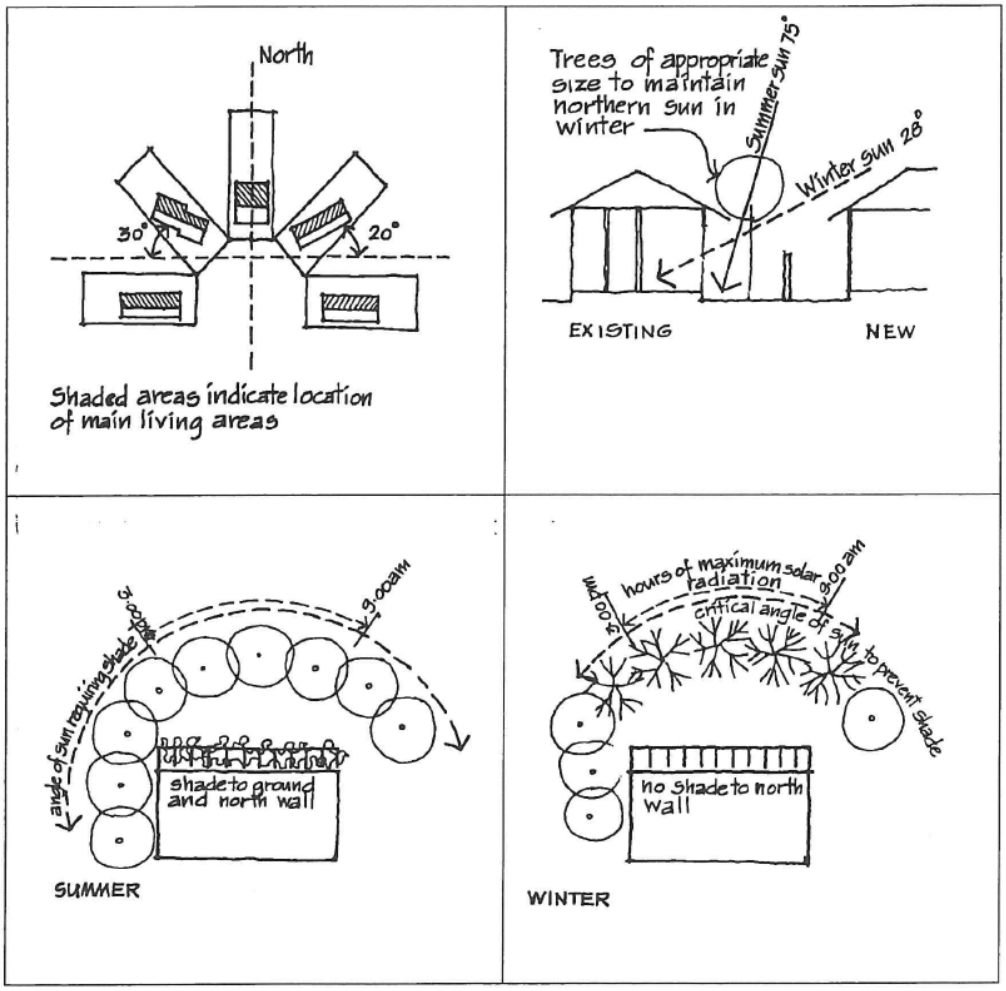


Figure 3.7 - Solar Access

3.6.5 PRIVACY

Objectives

(a) To provide for the reasonable privacy of dwellings and outdoor spaces.

General Requirements

New development should be designed to minimise loss of privacy to adjacent properties. Screening, off setting of opposing windows, reduction in window areas and orientation of dwellings shall be provided to ensure visual privacy.

Visual privacy for adjoining properties and within the development itself may be achieved by:

(i) Using windows, which are narrow, translucent or obscured, or have high sill heights i.e. minimum 1600mm above floor level.

(ii) Ensuring that windows do not face directly onto the windows, balconies or courtyards of adjoining dwellings.

(iii) Screening opposing windows, balconies and courtyards.

Windows and balconies of dwellings should be separated or screened from communal areas such as paths, driveways, active open space etc. Screens could include courtyard walls, hedges and fences whilst separation could be achieved either by distance or changes in level.

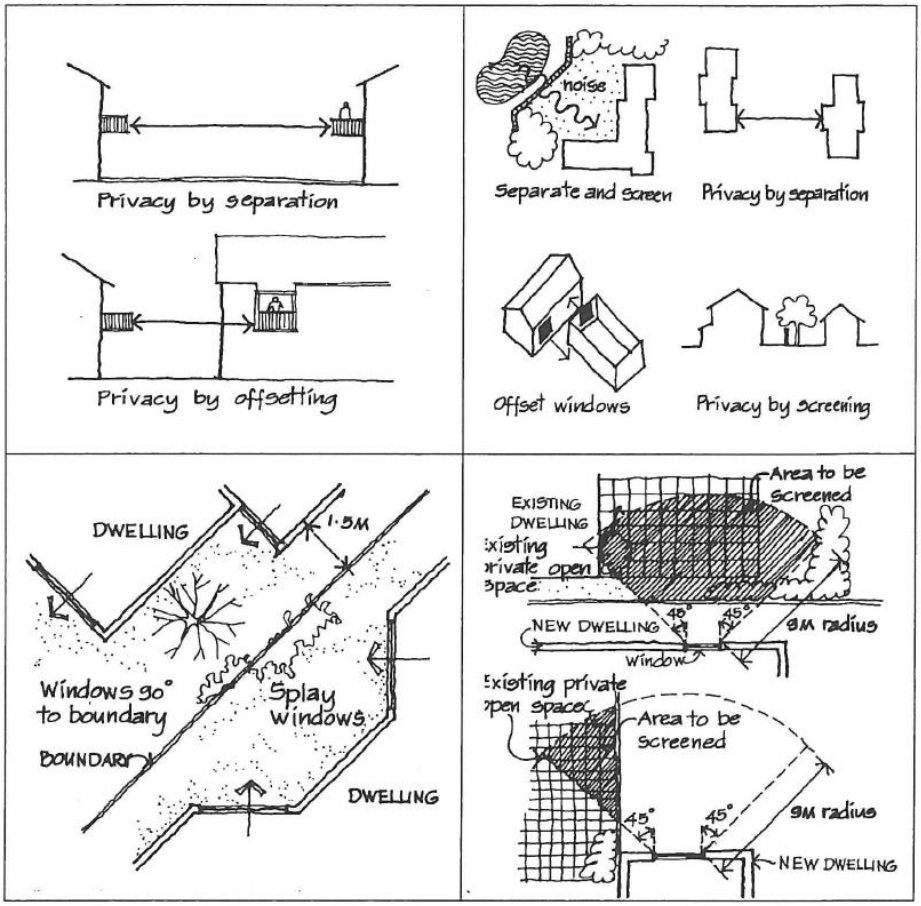


Figure 3.8 - Privacy

3.6.6 Views

Objectives

To provide opportunities for view sharing by both the existing and future residents of the Municipality.

To ensure that the maximum number of residents enjoy a view by avoiding the monopolising of a view by existing dwellings and undue obstruction of views by new dwellings or additions.

General Requirements

New development should be designed to minimise view loss to adjoining or adjacent properties while still providing views from the development itself. This practice is called view sharing and in some cases Council will insist on erection of templates indicating the height of the proposed development together with written and/or photographic displays to ensure that loss of view is minimised.

Template construction is to be to the satisfaction of Council's officers and are to be certified by a registered surveyor upon erection.

As essential element to the character of the Hunters Hill peninsula is the relationship with the Parramatta River and Lane Cove River, and city skyline views. New development should not unduly obstruct these views from any street, public place or reserve.

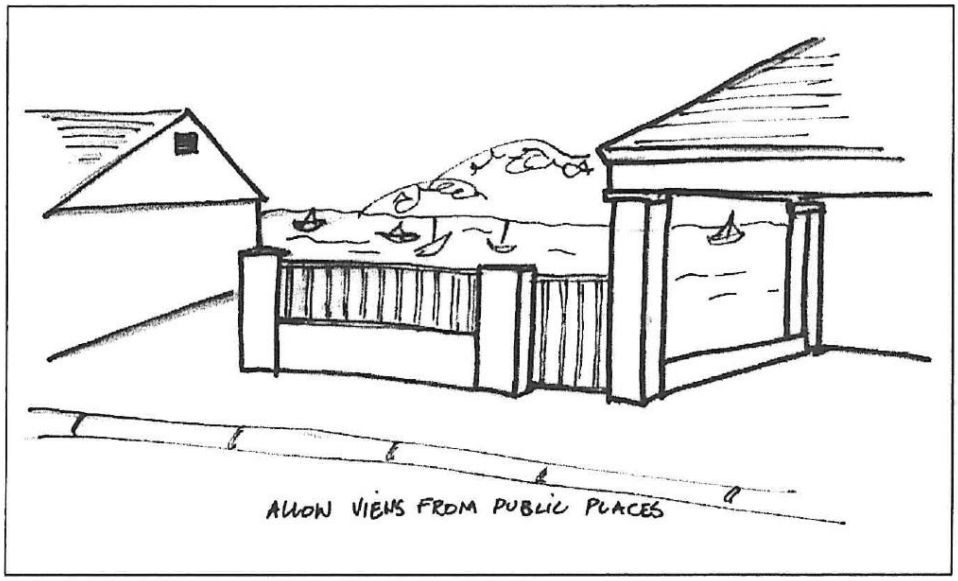


Figure 3.9 - Views

3.6.7 Car Parking

Objectives

(a) To provide sufficient off street parking for both residents and visitors.

(b) To provide safety for vehicles and pedestrians both within and outside the site.

(c) To ensure vehicular access integrates with the development and overall site landscaping.

General Requirements

(a) Each car space shall be separately accessible and be at least 5.5m x 2.5m clear of structures.

(b) Where development involves three (3) or more dwellings or provides access from Victoria Road or Pittwater Road, adequate turning areas to enable vehicles to enter and exit the site in a forward direction must be provided.

(c) Garages and carports shall be designed and sited in accordance with Section 3.7 of this Plan.

(d) Carparking shall be provided (where practical) behind the building line.

(e) Paving of the site for access and parking of vehicles shall be limited as far as practicable and only one vehicle driveway shall be permitted.

(f) The width of any such driveway shall not be less than 3 metres where driveway is provided on the side of the allotment. Such driveway is to include 500mm of planting strip between the driveway and the side boundary of the property.

(g) The gradient of an access ramp shall not exceed 1 in 5 and shall be provided with minimum 5 metre long 1 in 8 transitions at the top and bottom of the driveway.

(h) Parking shall be provided as detailed within Chapter 5.3 of this Plan.

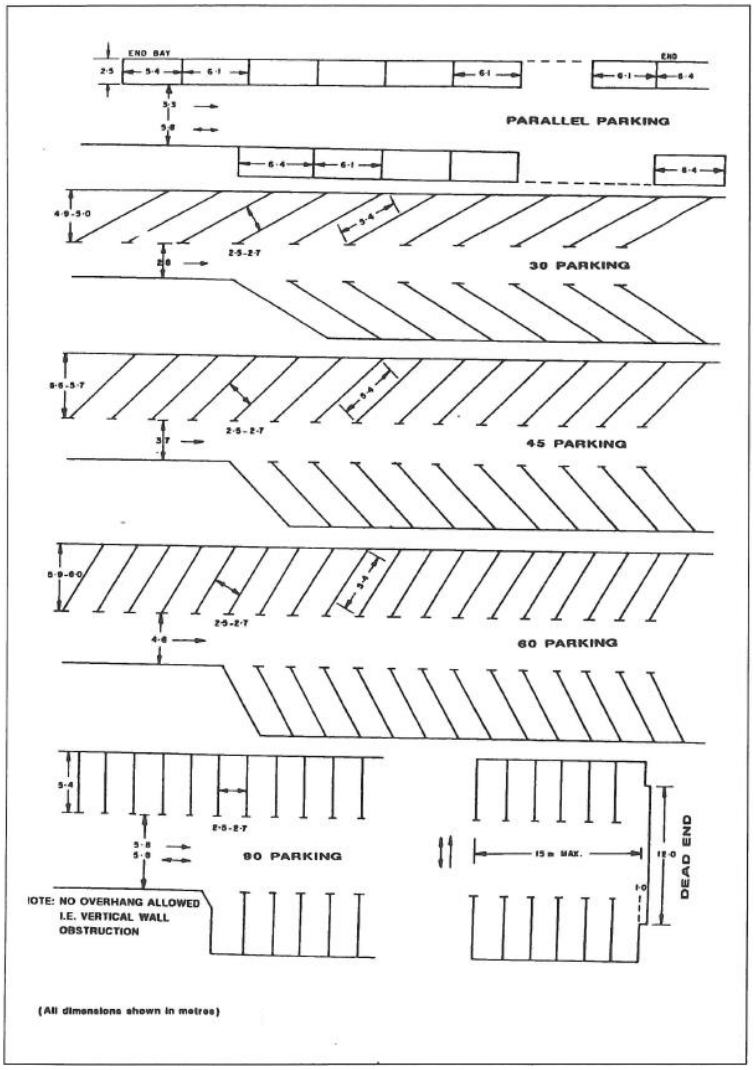


Figure 3.10 - Recommended Minimum Parking Dimensions

3.7 GARAGES AND CARPORTS

3.7.1 PURPOSE OF THIS PART

The purpose of this part is to regulate the location and design of new garages, car ports and carparking areas on residential allotments in order to maintain quality of the townscape and tree covered environment of the Municipality.

It is necessary because of the proliferation of large carports and garages, especially in front of houses which, taken together, have had a detrimental effect on the townscape of Hunter's Hill.

3.7.2 TOWNSCAPE & HERITAGE VALUE OF HUNTER'S HILL

The Municipality of Hunter's Hill is distinguished throughout Australia for its heritage. That is, its buildings, structures and gardens tell us a great deal about our history and the history of Sydney generally, and the townscape is valued for its character.

In order to keep the historic character of Hunter's Hill it is important to keep evidence of the history of the Municipality as shown in its sub-division patterns and its buildings and building materials.

Part of the character of Hunter's Hill comes from the relationship between garden spaces, buildings and fences which together create townscapes of a very high quality.

Garages and car ports, where required, should not detract from that townscape.

3.7.3 GARAGES AND CARPORTS IN HUNTER'S HILL

Traditional garages

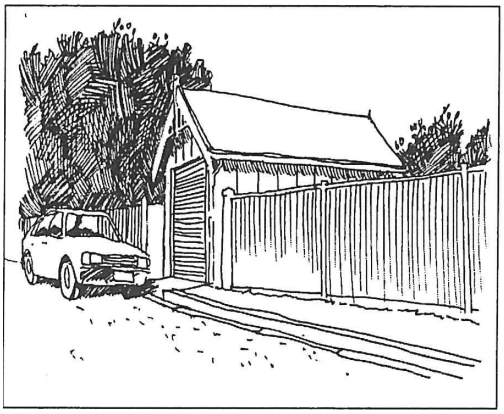
Garages emerged as a building type just before World War 1 and have no architectural precedent in the Victorian and early Federation periods when most of the Municipality's significant development occurred.

Before the arrival of the car, stables had served a similar purpose. In establishing principles for the siting and design of carports and garages today it is worth noting that their antecedent, the stable, was always separated from the house and usually sited at the rear. Early car owners treated garages in the same way.

Between the two world wars garages became more common as car ownership increased. This was an important development phase particularly in the western parts of the Municipality. Yet even then the garage had little impact on the townscape because it was still treated as an out-building. It was located in the back yard at the end of a driveway down one side of the property. The alternating wide and narrow side boundary setbacks created a streetscape pattern particularly noticeable in Boronia Park.

In the older estate subdivisions on the peninsula, where land was steeply sloping, houses were often set well back from street boundaries and single garages were sometimes constructed on the street frontage. Whether on the street frontage or at the rear of the block, garages were treated as secondary or utilitarian buildings with little embellishment.

Where it *was planned* as part of an overall site development the garage were often constructed of the same materials as the house.



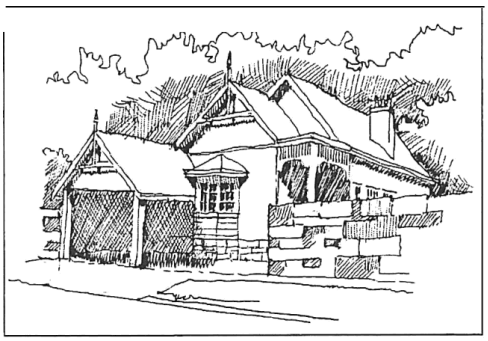
In Werambie Street there is a simple asbestos cement sheet and batten garage. It has diamond shaped asbestos cement shingles and modestly decorated gables. It stands on the street boundary and reflects the style of the house on the waterfront behind.

Figure 3.11 – Simple Garage Reflecting the House Style

It is important to recognise that early garages did not draw attention to themselves or compete with the major buildings on the site. Early garages within the front boundary setback were an exception, not the rule.

Carports

Carports did not occur until the 1960s. They were less costly to build than the enclosed lock-up garage. With no direct stylistic antecedents, car ports have been designed in a wide range of shapes, sizes and architectural treatments ranging from the bland pipe column and flat roof structure, to attempts to create decorative high Victorian or Federation period structures of a type which, of course, never existed. As with garages, car ports relate most successfully to older houses where they are designed as simple functional shelters without embellishments grafted from earlier periods.



This carport obscures the house behind and creates an intrusive element in the streetscape.

Figure 3.12 – Intrusive Carport

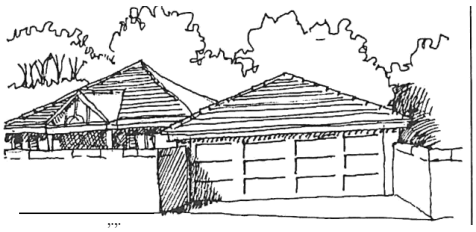
Impact on streetscape

The more recent construction of two and three car garages has had an increasing impact on the streetscape, particularly where the structure is close to the street or is visible from public places.

These large garage structures have a detrimental impact on the townscape where:

- They obscure the house or houses behind, many of which are fine examples of the domestic architecture of their time.
- They compete with traditional streetscape elements such as leafy gardens, stone walls, hedges, brick and timber fences, all of which contribute to the special character of the Municipality.
- They introduce new horizontal shapes into the streetscape such as wide roller shutters and tilt up doors which are out of scale with existing development.
- They block views between houses from public streets and reserves.

Intrusive new elements in the townscape cannot be disguised by the use of architectural features such as finials or Federation period gables, or the use of traditional materials such as rough cast stucco, terracotta tiles or slates: a large intrusive garages remains a large intrusive garage.



This large garage with its wide door of horizontal design is out of scale with existing development. It also blocks views between buildings and disrupts the townscape

Figure 3.13 – Intrusive Modern Garage

Large carports are as intrusive as garages when they are visible from the street, and the parked cars remain very visible.

In more densely subdivided parts of the Municipality garages and carports squeezed into small front boundary setbacks create a gap-toothed effect in the streetscape.

3.7.4 STATUTORY CONTROLS AFFECTING GARAGES AND CARPORTS ON RESIDENTIAL ALLOTMENTS

Council requirements for car parking

Council does not require provision of off street parking for any existing house, other than in the case of an integrated housing development.

3.7.5 PLANNING AND DESIGN GUIDELINES

Where to put your new garage or carport

First consider whether it is necessary to have car parking on the site at all. Check with the Council to find out if off street parking will be required, look at the availability of kerb side parking, think about the loss of site area for garden, outdoor recreation and children's play areas.

Remember, on site parking is best located at the rear of the property.

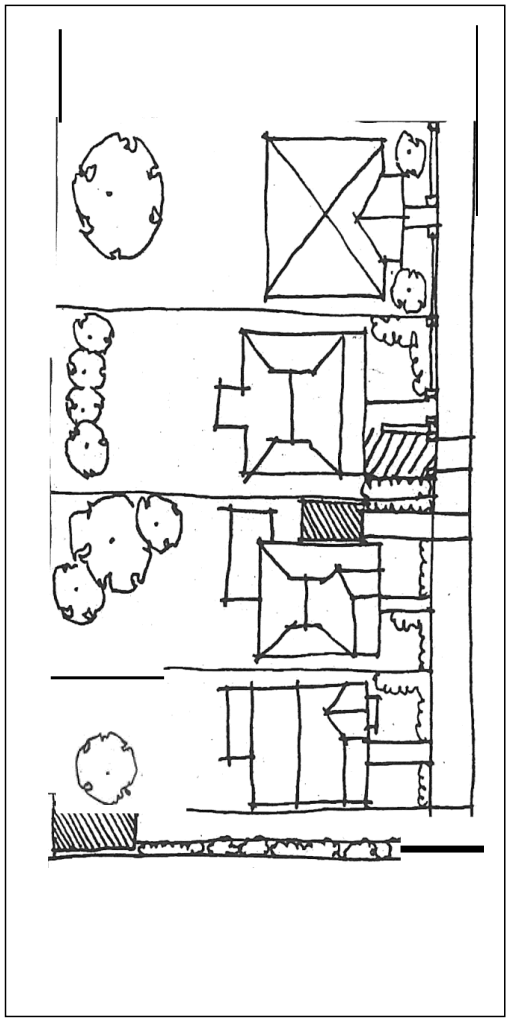
Where this is not possible, car parking should be located within a side boundary setback and at least 1 metre back from the front wall of the house (not the front of the verandah).

The windows, doors or verandahs of your house are best if they are not obscured by your new garage or car port.

Consider whether a sheltering structure is required at all. Is a paved area sufficient?

If shelter is needed an open sided car port will do the job more economically and less intrusively than an enclosed garage. An open carport can often double as a garden shelter for outdoor entertainment.

If essential parking can only be located within the front boundary set back, due to the exceptional circumstances of the site, Council would prefer a paved standing area instead of a garage or car port.



There are a number of properties like this one, where it is just not possible to accommodate a car on site: here the front setback is too small and there is no room at the side.

Here there is no room to build a garage or carport behind the house. A paved standing area at the front may be acceptable.

Where a garage or carport is sited at the side of the house it needs to be set back at least 1 metre from the adjacent front wall of that house.

Where *possible* garages and carports are best located at the rear. Favourable consideration will not be given to parking forward of the house.

Figure 3.14 – Garage and Carport Design

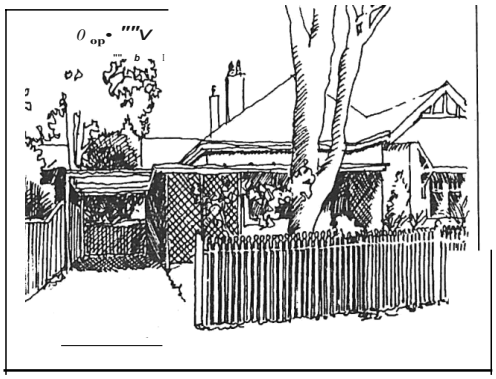
How to design garages and car ports

Views

- Avoid blocking views of the building already on site.
- Avoid blocking public views between buildings.

Design: General Principles

Garages and car ports are utilitarian structures. Their design should be subservient to the scale, form, materials and colours of the house to which they belong.



This simple light framed flat roofed carport is subservient to its house. It stands at the side of the house, well set back from the front of the building.

Figure 3.15 – Subservient Carport Design

Garages and carports should express their present day functions and not attempt to imitate architecture details like finials and barge boards which belong to earlier periods. Avoid 'reproduction' garages and car ports.

Avoid design which compete with the character of the existing townscape by attempting to be clever or to stand out.

Look at the shape of roofs and buildings on your allotment and in your neighbourhood, and design your garage or carport to fit in, without imitating. For example a well designed flat roof on a well proportioned supporting structure will fit in better than a low pitch skillion on pipe columns or a garage with high Federation gables.

Batteries of garage doors or very wide doors visible from the street are destructive to the townscape of Hunter's Hill, and further proliferation of such structures will not be viewed favorably by Council. Where a garage or carport is to be more than one car wide it must be faced away from the street or broken up into smaller units.

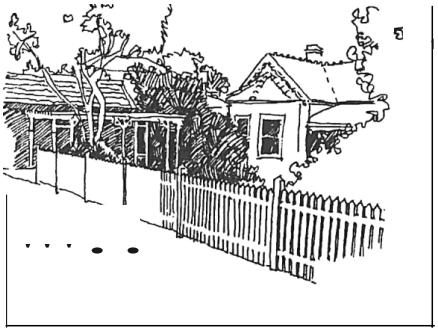
Figure 3.16 – Preferred Garage Façade

If you are building a new house, think about separating car parking from the house: this opens up opportunities for a better house design.

Roofs

The early garages of Hunter's Hill and other Sydney suburbs were built with a slightly lower pitch than the roof of the main house.

A well designed flat roof structure may often be a better solution. In this way it is often possible to minimise the visual impact on an existing house.



This lightweight flat roofed carport which stands between the street and the front building line does not compete with the architecture of the house. Its sensitive low key design complements the streetscape.

Figure 3.17 – Sensitively Designed Carport

Materials

Materials and colour selections should harmonise with the house. They do not have to be identical and should not draw attention away from the house. Remember, the garage is a secondary building.

Traditionally garages (and their ancestors, the stables) were often built of lighter materials: for example a stone house would often have brick or timber stables, and a brick house always looked much more important than its timber or fibro garage.

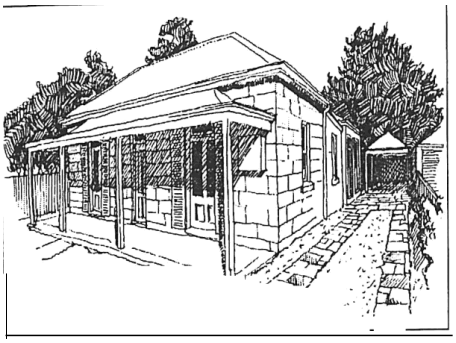
Roof materials are particularly important: slate should be avoided except on those rare substantial garages for large stone villas. It should never be used on a light weight structure like a carport. Corrugated iron is often the appropriate roofing material for a garage and carport.

Avoid doors which draw attention to themselves such as decorative or panelled doors.

Driveways

Paved driveways can jar the look of your property. At all times avoid large concrete or paved brick or tile areas. Two wheel tracks on a solid substrate of road base with lawn or ground cover between can reduce the visual impact and look attractive. They can be constructed from split sandstone, or even broomed concrete.

Crushed gravel for driveways is another low impact solution.



This low impact driveway is constructed of sandstone wheel-tracks set in lawn. It leads to a carport at the rear of the property.

Figure 3.18 – Low Impact Driveway

Access

All access gates must have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath.

Where it is proposed to provide an opening in the fence or wall of a distance of less than 5 metres it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.

Where the property is a heritage item or in a conservation area, dispensation from these requirements will be considered where an opening for vehicular access is required and there is an existing fence which contributes to the heritage significance of the property, but only when matters of safety are adequately addressed.

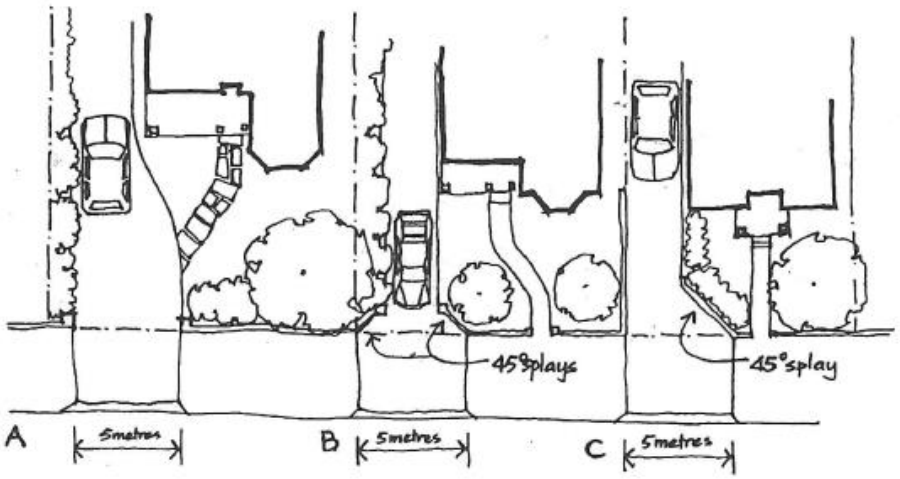
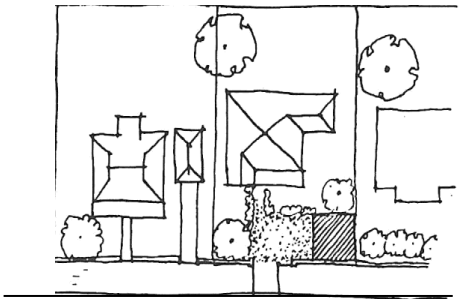


Figure 3.19 – Vehicular Access

Orientation of garages and carports in the front building line

If the garage or car port can only be located within the building line it should be set as far to the side as possible without affecting the amenity of neighbours.



Where there is sufficient room it may be possible plan the opening on the side, with access from a forecourt. The side wall can then be treated as a street boundary fence. It will need to be kept as low as possible. In some parts of the municipality this approach has been very successful.

Figure 3.20 – Garage and Carport Setback

3.8 FENCES

3.8.1 FENCES IN HUNTERS HILL

The character of Hunter's Hill comes in part from its fences. Stone walls are the most obvious, but brick and timber are more numerous.

The early photographs available to Council suggest that early this century timber fences were by far the most common. Many large houses had timber fences, either pickets or palings. Iron fences do not appear to have been part of the earlier character of Hunter's Hill and are not characteristic of the area today, as they are for example in Paddington, Stanmore or Annandale - suburbs with ready access to iron foundries. Iron fences are very durable and if they existed in any numbers in Hunter's Hill they would still be present.

Stone fences mark the boundaries of some of the original land grants in Hunter's Hill and stone was a readily accessible material for front boundary fences from first settlement until the 1920s. Many properties still have front fences which were built at the same time as the house and these form part of the architectural composition of the house. Many fences make an important and deliberate contribution to the character of the street and in some localities, such as Gladesville, there is a consistency in their scale and character.

In Sydney, as in other cities, different fashions in fencing can be seen as one walks or drives around each suburb. These different fashions can be seen also in Hunter's Hill, for example, the low unpainted brick fences with diagonal brick capping, which were popular from the 1930s - 1950s.

The Front Fence

The purpose of the front fence

What is the purpose of a front fence? The main purpose of a front fence is to mark the boundary between private and public responsibility, to exclude animals, and provide some privacy. But in large part, the design and character of the front fence is a convention, part of the 'manners' of the locality, (which include building setbacks and height) and designed not only to suit the house but also the street. Some of the similarity in fences in any one area is also likely to be due to the designs favored by local builders.

The increase in road traffic and in outdoor living means that some people now want front fences to provide privacy and to attenuate the impact of unwanted noise.

Assessing the value and appropriateness of the present fence

Before deciding upon a new front fence, the appropriateness of the existing fence must first be considered by asking the following questions:

- Is the fence an original or early fence built to complement the house?
- Does the fence match others nearby in scale, materials or design?

If "YES" is the answer to either or both questions, then:

- Is the fence structurally sound? and if not, can it be repaired?

Many timber fences can be repaired with much of the existing material. If the existing fence cannot be repaired then consider its re-construction - i.e., build a new fence the same as the old, but using new materials.

Options for a new fence

If the present fence is not suitable for the house, or the locality, and needs replacing, then the following options should be considered:

Option 1 - reconstruction of an earlier fence (known from old photographs and/or physical evidence). This option can be used when the present fence is not original, and where information about the design of an earlier fence is available (from old photographs or other documents or remains of the old fence).

Option 2 - construction of a period fence (based on information about fences in the locality and on the age and design of your house). This option can be used when there is insufficient evidence to re-construct an earlier fence and you don't want a modern fence.

Option 3 - construction of a modern fence that complements the house and the locality and fits in with the established conventions in the street. This option is appropriate where there is insufficient evidence to construct an earlier fence and where there are other modern fences in the locality.

Designing a New Front Fence

Documentary evidence for reconstructing an earlier fence

Before designing a new period fence or new modern investigate evidence for earlier fences. Possible sources of photos and other information about the property include:

- The Hunter's Hill Historical Society (museum in the western end of the Council building in Alexandra Street) has a collection of photos of houses and street scenes, including copies of photos from the Government Printer's Collection (now in Mitchell Library).
- Previous owners of your house. Remember, fences often occur in family or garden photos.
- Books of Hunter's Hill. The first edition 1969 of the Old Buildings of Hunter's Hill published by the Hunter's Hill Trust shows many early fences that have now been demolished. A copy can be inspected at the Council offices.
- Douglass Baglin Collection. Douglass Baglin took many photos of houses in Hunter's Hill from mid 1950s - 1980s.

Owners of neighbouring properties may also have useful photos, or may remember earlier

fences.

Physical evidence for reconstructing an earlier fence

The most obvious sources of evidence of an earlier fence is the property itself. The position of fence posts and rails might remain in the footpath adjoining the boundary, or in the adjoining fences. Careful inspection below the surface of the ground might reveal evidence of fence posts or the brick base course.

Often the material from earlier fences is re-used in the backyard or elsewhere, or perhaps stored under the house. Whilst such evidence might not provide all the details, it could provide sufficient information to construct a fence similar in character to an earlier fence, and more appropriate to your house than a new period fence. If there is no evidence of such a fence, it is more likely that the original fence was timber.

Choosing a new period fence

In choosing a new period fence it is preferable to select a plain, rather than a fancy or elaborate design. In contrast with the current fashion for elaborate fences, fences in Hunter's Hill until the 1970's were simple in design.

Elaborate fences arid non-palisade fences will not fit in with the established character of the Municipality, no matter how well-designed or executed.

To assist in designing period fences where there is little evidence of previous fences, Council has:

- Copies of some old photos of Hunter's Hill.
- Photos-of appropriate fences.
- Information about design and construction of period fences.

Designing a new modern fence

In designing a new modern fence look at the fences in the street, their scale, height, materials, colour and finish. Identify their most common characteristics, and use these as a basis for your design. It is not necessary to imitate other fences in every detail. Plants and 'greenery' might be a prominent feature along the front boundaries, so one option might be to construct a fence which allows a hedge or other planting to grow through obscuring the materials of the fence itself.

Timber Fences

The care of timber fences

A problem with older timber fences is that they tend to deteriorate and become unstable because of rotting posts. Where a fence is generally sound, except for the posts in the ground, it can often be repaired simply by strengthening the posts, or replacing the lower part of the post.

Loose pockets can be a problem. A simple means of extending the life of such fences is either by screw fixing the pickets or by using galvanised hoop iron to prevent pickets falling off. The hoop iron should be the plain sort, not the punched variety used in building construction.

Sometimes total rebuilding of a picket fence is needed because a number of its elements have deteriorated. Even in this situation a number of items can be reused. Pickets that have

a rotten base can be shortened slightly and the overall height of the fence maintained with a higher plinth. Replacement pickets and posts can be obtained from most timber yards.

New timber picket fences

The most common style of fencing for Victorian and Edwardian houses in Hunter's Hill was the timber picket fence. The pickets were normally about 1 - 1.2m high, although on some larger properties they may have been taller. Sometimes, the fences were backed by a hedge of greater height than the fence itself.

The two design features which varied were the shape of the picket heads and the configuration of the pickets. Early fences had simple picket heads either arrow shaped (cut to about 60 degrees) or curved. Towards the end of the 19th century designs became more elaborate. After about 1910 simple designs were again in fashion.

The pickets were arranged in a straight line along the boundary often with a slight upturn at the gate and posts. Some fences had an overall curved configuration, usually concave.

Some examples of simple picket fences that would be appropriate for Hunter's Hill can be found in publications such as 'Getting the Details Right', by Ian Evans (1989).

Timber paling fences

Unpainted timber-paling fences are the common form of side boundary fencing in Sydney, and are the most suitable form of side and rear fences in Hunter's Hill. The side boundaries of corner properties also had paling fences even though they were erected along a street frontage. Large properties sometimes had front paling fences, often with a scalloped edge to each paling.

Painting

Timber picket fences are always painted, not stained. Traditionally, pickets were painted in the lightest colour used in the painting of the house - in white or cream or a light ochre. Front paling fences were sometimes painted in the past, but side paling fences are not painted and the timber is allowed to weather to soft silver.

Timber and wire fences

Fences of timber posts with wire mesh infill panels are becoming quite rare and are worthy of conservation. They were fashionable in the 1930s and 1940s, and were often associated with a clipped hedge of lantana, bay or privet. They can be repaired or reconstructed, while an informal hedge behind can provide the desired privacy.

Brick Fences

Existing brick fences

Brick fences most commonly belong to houses built in the 1920s and I930s, but are also found with Federation houses. They were usually designed to complement the house, using the same bricks and the same brick decoration. They usually stood just below one metre high, and like the walls of the houses to which they belong, they were never painted. They are a characteristic part of the streetscape of post World War I suburbs, and are particularly notable in Hillcrest and Sunnyside Avenues and Isler and Massey Streets, and in parts of Woolwich Road.

Very low brick fences of very simple decoration belong with houses of the 1940s and 1950s, and may be seen in Windeyer Avenue and in Ramleh and Gaza Streets, Boronia Park.

New brick fences

These are appropriate where evidence of an earlier brick fence can be found or where brick fences are common in your street or where it is known that the house was built in the 1920s, 1930s or 1950s.

Fences of Stone

Stone Fences

Stone fences are a major feature of Hunter's Hill. There are several types, the most obvious being the front stone fence often built at the same time as the house, and the dry stone walls used to mark boundaries of estates, such as the one parallel to and between Herberton Avenue and Durham Street.

The care of stone walls

Stone walls are best conserved with the minimum of change or interference. Walls may need repair due to loss of mortar, cracking of stone, damage caused by tree roots, or accidental bumping. Where repairs are necessary it is essential to seek expert advice, so that the wall can be repaired with minimum change to its fabric, construction and configuration: (i.e. height and width). Jointed walls should be repaired using lime mortar of mix I cement; 2 slaked lime: 10 or 12 bush sand, not a cement mix.

To avoid damage to stone walls:

- Always repair walls using original building methods.
- Avoid changing the level of ground alongside the wall.
- Avoid water flowing near the base of the wall.
- Do not build other fences or structures directly alongside.
- Do not plant trees near the wall to avoid damage from roots.

Detailed Guidelines about stone walls in Hunters Hill are available from Council.

New stone fences

Unless there is evidence that a stone wall previously existed, a new stone fence should be avoided. Where such evidence exists the new wall must be of the same type of cut stone as the earlier wall. (i.e. dressed stone, sparrow pecked stone or rock faced stone).

High Front Fences

Private needs and public townscape

The increase in road traffic and in outdoor living means that some people now want high front fences to reduce unwanted noise and to provide increased privacy. The challenge in Hunter's Hill (and in other areas of heritage value) is to meet these needs whilst retaining the heritage and townscape values of appropriate fencing. However, it should be noted that the private interest does not outweigh the public interest in this regard.

Alternative approaches

1. Where the present fence is of value because it complements the house, or the streetscape:

- Use screen planting behind the existing fence e.g. plant a hedge, or build a frame designed to support climbing plants.
- Build a separate new fence behind the existing fence in a different material.
- Build an additional fence attached to or above the present fence. This may be appropriate where:

  - The present fence is a new brick fence, and the additional height would not interfere with the continuity of fences in the street; or
  - The present fence originally had a superstructure which has been removed; or
  - The additional fence can be erected without causing damage to the existing fence.

2. Where the present fence does not complement the house or is not in keeping with the general character of fences in the street:

   - Examine fences in the locality and take note of their design, materials, height and finish.
   - Consider the type of fence that will suit the design of your house. Where low brick fences predominate, as they do in much of the western areas of the Municipality, build a low brick fence which keeps the continuity of the streetscape with a timber or wire fence behind through which a hedge or other plantings can grow and provide privacy.

3. Where low fences are not common, it might be appropriate to have a high fence of a material, finish and colour to blend with the streetscene. Particular care is needed with wide frontages, such as along Woolwich Road, to avoid introducing a new and dominant element into the streetscape. High walls of rendered masonry painted in a light colour are out of character with Hunters Hill and are not acceptable.

Views

Views to the water, to the city, to bushland and to other suburbs are one of the features of Hunter's Hill. As important is the interrelationship of the public and private domain, and the view to buildings of environmental heritage significance or which contribute positively to the character, history and identity of Hunters Hill. Any new high fence should be designed so that these views are maintained.

New Side and Rear Fences

Dividing Fences

Dividing fences in Hunter's Hill are mostly of paling, with some stone walls, and some modern wire fences. The options for side fences include:

- The unpainted timber paling fence - the typical Sydney fence.
- A wire fence where shrubs can be planted alongside.

Height within building line

In Hunter's Hill it is common for side boundary fences to increase in height from the alignment with the footpath up to the building line. On corner lots it is the common practice to have the paling fence along the side alignment, for most of its length, and to have a decorative front fence along the front boundary, and turning the corner. Council must still consider the impact on streetscape.

Design of side and rear fences

The considerations for side fences are the same as those for front fences, namely, examine the side fences common in your locality and choose a design that fits in and suits the circumstances of tile property.

Consultation with adjoining owners

The *Dividing Fences Act 1991* makes provision for neighbours to share equally the costs of a standard timber paling fence. It is recommended that the character of new side fences be discussed with adjoining owners even if you are prepared to pay the total cost.

Splays and Openings to provide sight lines

All vehicular access gates shall have a clear unobstructed opening of 5 metres at the boundary between the allotment and the Council footpath. Where it is proposed to provide an opening in the fence or wall of a distance less than 5 metres, it will be necessary to return the fencing back onto the property with a splay of 45° to a point which provides the required width of opening.

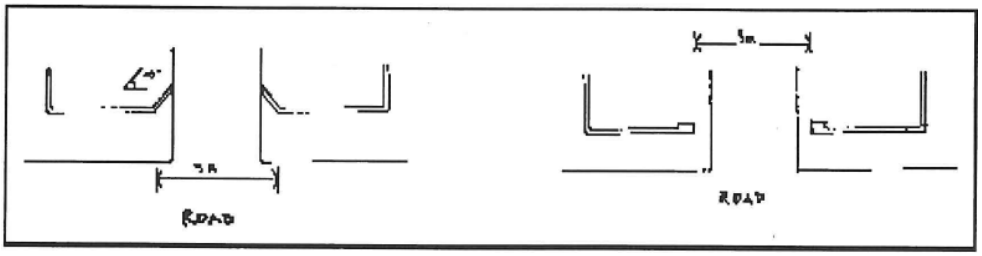


Figure 3.21 – Vehicular Access

In addition to the requirements above, where it is proposed to erect a fence or wall along both street frontages of a corner block, a splay of at least 1.5 metres x 1.5 metres shall be provided at the corner of the allotment.

Where the property is a heritage item or in the conservation area, dispensation from these requirements will be considered when an earlier fence is to be reconstructed, but only when matters of safety are adequately addressed.

Access for public utility undertakings

Satisfactory provision shall be made for access to public utility installations such as electric meters, water meters, and the like to the satisfaction of the relevant statutory authorities.

3.9 MEDIUM DENSITY RESIDENTIAL DEVELOPMENT

3.9.1 DEVELOPMENT TO WHICH THIS PART APPLIES

This part applies to all proposed types of multi-unit residential development that is permitted by the Hunters Hill Local Environmental Plan 2012 (LEP 2012) including:

(a) *Boarding houses.*

(b) *Bed and breakfast accommodation.*

(c) *Dual occupancy.*

(d) *Group homes.*

(e) *Multi dwelling housing.*

(f) *Residential flat buildings.*

Note: Controls for *shop top housing* are provided by *Chapter 4.3 Commercial Premises & Shop top Housing.*

This part shall be read in conjunction with all other relevant parts of this Development Control Plan.

3.9.2 SIZE OF ALLOTMENTS

Objectives

(a) To maintain the character for which the Municipality is known, particularly in terms of the proportion of garden areas per dwelling.

(b) To permit the planting and nurturing of trees in open space around and in front of existing and new dwellings.

(c) To provide protection of scenic values and retention of the visual identity and to protect the urban bushland within the Municipality.

Controls

(a) The area of an allotment of land upon which a dwelling house may be converted into a building containing two dwellings or upon which a new attached building containing two dwellings may be erected shall be not less than 700m^2, (excluding the area of any battle axe access handle).

(b) The area of an allotment upon which an additional detached dwelling house or two new detached dwelling-houses may be erected shall be not less than 900m^2, (excluding the area of any battle axe access handle).

(c) The area and width of any allotment to accommodate a low-rise multi housing or residential flat building development shall be sufficient to comply with all requirements of this Part particularly, density, car parking, garden area and setbacks.

3.9.3 HOUSING DENSITY

Objectives

(a) To ensure that the new dwelling, whether attached or detached, sits comfortably in its own garden setting without crowding the site with buildings or motor vehicles facilities.

(b) To ensure the residential and garden amenity of occupiers of new integrated housing.

(c) To ensure that the existing allotment is not overcrowded with people or motor cars to the detriment of the residents of the locality in particular those on adjacent allotments.

(d) To reduce adverse visual impact integrated housing development on the streetscape, riverscape and amenity of the locality.

(e) To provide for a variety of housing choice within appropriate areas within the municipality.

(f) To allow for the provision of granny flats, house keepers rooms and guest accommodation etc under certain circumstances.

Controls

(a) Integrated housing - the maximum number of bedrooms (including rooms otherwise referred to but in the opinion of Council readily, capable of use as bedrooms) in both dwellings or dwelling-houses shall be in proportion of one bedroom for each 120 square metres of the allotment area.

The maximum floor space ratio shall be 0.5:1 and on properties having frontage to the Parramatta River or Lane Cove River the maximum floor space ratio shall be 0.4:1.

Notwithstanding the above, a second dwelling is limited to a maximum gross floor area of 80m^2 in Conservation Areas to provide for housing commonly known as granny flats, house keepers rooms, maids quarters or guest accommodation etc. This limit however does not apply to applications for the conversion of an existing building.

(b) Low-rise multi-unit housing and Residential Flat Buildings shall comply with the following table:

Table 3.1: Low-rise multi-unit housing and residential flat building site requirements

Column 1	Column 2	Column 3
Zone	Minimum site area per bedroom (in square metres)	Minimum proportion of site area used as garden area
R2	100	45%
R3	90	40%

3.9.4 SITE CONSIDERATIONS, BUILDING SETBACKS & DESIGN

Controls

(a) Building walls shall be sited and be of length and height to ensure amenity to adjacent dwellings, private open space or streetscape.

(b) For Integrated Housing developments and low-rise multi-unit housing developments, the distance between any part of the building and the side boundaries of the site shall not be less than one third of the maximum height of the adjacent external wall, but in any case no closer than 1.5 metres to that boundary.

(c) For residential flat building developments, the distance between any part of the building and the side boundaries of the site shall not be less than one half of the maximum height of the adjacent external wall, but in any case no closer than 1.5 metres to that boundary.

3.9.5 HEIGHT AND SCALE

Controls

(a) A person shall not erect a building on a site within Zone R2 - Low Density Residential:

(i) containing more than 2 storeys; or
(ii) to a height greater than 7.2 metres wall height, at any point of the building (other than at a chimney, gable end or dormer window.

(b) Notwithstanding the above clause, Council will not grant consent for integrated housing development on an allotment unless:

(i) in the case of a second or detached dwelling-house, the building farthest from the street shall:

- contain habitable rooms on only one floor;

(ii) not exceed 3.6 metres wall height, at any point of the building (other than at a chimney, gable end or dormer window.

,

(c) Where an additional storey is proposed to be added to an existing dwelling or a two storey building is proposed to the street front, in a predominately single storey area, the two storey section is to be set back an additional 5 metres behind the existing front alignment of the building. Such proposals will be considered on their merit having regard to their appropriateness to the established streetscape.

3.9.6 BUILDING CONSTRUCTION, SERVICES AND MATERIALS

Objectives

(a) To ensure that materials used for new buildings shall be compatible with the colours and textures of building materials characteristic of the Municipality of Hunters Hill as a whole.

(b) New buildings shall be constructed of materials compatible with the immediate townscape and landscape context.

(c) Light colours on walls should be generally restricted to details only; understated colours are generally preferred.

(d) Any proposal shall generally comply with the requirements of the National Construction Code.

(e) Separate laundry facilities or equipment for washing and drying of clothes shall be provided for each dwelling to the satisfaction of the Council.

(f) An external stairway shall not be constructed for use as the principal means of access to any dwelling created by alteration or conversion of a dwelling house under these provisions.

(g) Any development consent granted by the Council shall be subject to arrangements being made by the applicant to the satisfaction of the Council:

(i) Water supply to each dwelling.
(ii) Disposal of sewage from each dwelling.
(iii) Disposal of waste from each dwelling.
(iv) Disposal of stormwater from the land.
(v) Underground services to each dwelling, including electricity and telecommunications.

The provision of services shall be carried out by, or to the specifications of, the relevant supply authority.

3.9.7 PRIVATE OPEN SPACE

Objectives

(a) To enhance residential amenity and the environmental quality of the Municipality by ensuring the provision of adequately designed and located landscaped areas within integrated housing developments.

(b) To conserve the character of the Municipality derived from detached houses set in and separated by individual gardens, by establishing the minimum proportion of garden area per allotment.

(c) To protect the existing vegetation so as to permit its use as part of a wildlife corridor and/or as a natural stabiliser of the soil surface.

(d) To protect and augment the tree-covered environment for which the Municipality is noted.

(e) To ensure that gardens are useful, accessible and have adequate sunlight and privacy.

(f) To ensure that new buildings respect rather than alter the existing steep sandstone topography for which the Municipality is noted.

(g) To protect the existing drainage system from increased stormwater run off.

Controls

(a) Integrated Housing within the required garden area - there shall be a private open space for each dwelling having a minimum area of 80 square metres, of which at least 40 square metres shall be situated adjacent to the living room and have a minimum width dimension of 4.0 metres.

(b) Low-rise Multi-unit Housing within the required garden area - there shall be a private open space for each dwelling having a minimum area of 40 square metres, of which at least 20 square metres shall be situated adjacent to the living room and have a minimum width dimension of 3 metres.

(c) Residential Flat Buildings shall provide private open space for each dwelling having a minimum area of 10 square metres which shall be situated adjacent to the living room and have a minimum dimension of 1.5 metres.

(d) Hard paved areas shall be minimised to avoid collection and diversion of surface water into the drainage system. Where hard paving is necessary (for driveways, paths, terraces and the like), materials such as dry jointed paving which allows water to permeate to the subsoil are preferred.

(e) The residential amenity of private open space shall be maintained by ensuring that it is readily accessible to occupants, by having at least 4 hours of sunlight between 9am and 4pm on 22nd June, and by being· predominantly planted with lawns, plants, shrubs and trees.

i. Private open space should not be located within the front yard area if required screen facing is likely to detract from the streetscape.

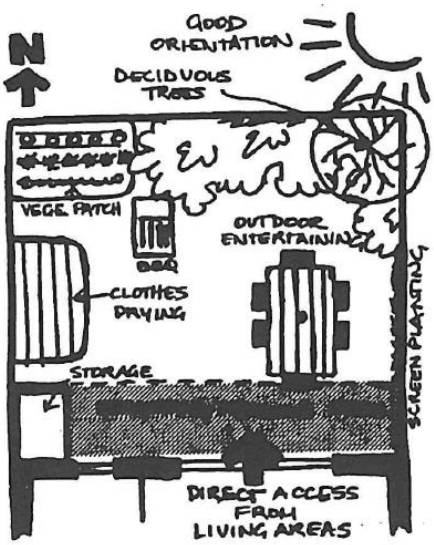


Figure 3.22 – Private open space adjacent to living area

PART FOUR VILLAGES & NON-RESIDENTIAL DEVELOPMENTS

4.1 PURPOSE OF THIS PART

Part Four of this Development Control Plan provides detailed requirements and guidelines which apply to centres and specific types of non-residential developments within the Hunters Hill Municipality.

Part Four comprises the following chapters:

1. *Chapter 4.2* *Child Care Centres.*
2. *Chapter 4.3* *Commercial Premises & Shop top Housing* provides general controls which apply to zones *B1 Neighbourhood Centre* and *B4 Mixed Use* in the Hunters Hill Municipality, as well as to existing *commercial premises* in other zones.
3. *Chapter 4.4* *Gladesville Village Centre* provides controls for zone *B4 Mixed Use* which extends along Victoria Road at Gladesville.
4. *Chapter 4.5* *Hunters Hill Village* provides controls for zone *B4 Mixed Use* which is located along Gladesville Road at Hunters Hill.

4.2 CHILD CARE CENTRES

4.2.1 INTRODUCTION

This chapter applies to *child care centres* that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

This chapter provides detailed development controls that complement provisions of the *Hunters Hill LEP 2012* and other chapters in this Plan which relate to all forms of development in the Hunters Hill Municipality.

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

Notes: Operation of *child care centres* is regulated by the NSW Government, and licenses may be necessary before the operation of a centre can commence.

There may be other licenses which need to be obtained in order to operate a *child care centre* which has received development consent.

4.2.2 OBJECTIVES OF THIS CHAPTER

General objectives for the development of *child care centres* are:

(a) Encourage development of *child care centres* in appropriate locations that meet community needs.

(b) Ensure that *child care centres* are compatible with neighbouring land uses.

(c) Ensure that *child care centres* are located and employ high quality design in order to avoid health or safety risks to children and staff.

(d) Minimise potential adverse impacts related to noise, traffic and on-street parking which might affect residential areas and the environment or amenity of neighbouring properties.

(e) In residential areas, ensure that built form and landscape design of child care centres would integrate appropriately with the surrounding environment.

4.2.3 LOCATIONAL CONSIDERATIONS

Objectives

Objectives for the location of *child care centres* are:

(a) Provide new development in areas of need.

(b) Ensure that location of new development would not adversely affect existing environmental amenity due to noise, traffic and pedestrian safety, loss of privacy, or impacts in relation to heritage conservation.

(c) Ensure that site characteristics such as topography, traffic and pedestrian safety are suitable for new development.

(d) Avoid sites that are likely to have been affected by soil contamination.

Controls

Development proposals should comply with the following requirements:

(a) Sites with the following characteristics are preferred for the development of *child care centres:*

(i) Sites that are flat or that slope gently from their road frontage.

(ii) Sites with a north to northeast aspect which would maximise winter sunlight that would be available to activity areas.

(iii) Sites that are capable of accommodating activity areas that would not be overlooked or overshadowed by adjoining or nearby buildings.

(iv) Sites that are part of, or that are located adjacent to, existing churches, primary schools or community facilities unless traffic and parking requirements cannot be satisfied.

(v) Sites that adjoin a minimal number of residential properties, and consequently that would minimise possible impacts upon existing residential amenity.

(vi) Sites that are located close to public transport services which offer the opportunity to reduce traffic congestion and demand for off-street parking.

(b) Sites in the following locations, with the following characteristics, are not preferred for the development of *child care centres:*

(i) Sites that are located on arterial roads or near busy intersections.

(ii) Sites that are located as part of, or that are adjacent to, a residential flat building.

(iii) Sites that have been exposed to contaminated soils or buildings.

(iv) Sites that are located within 30 metres of an electricity transmission easement which carries lines equal to or greater than 132kV capacity.

(v) Sites within 300 metres of a mobile phone tower.

(c) Detailed considerations apply to the following sites:

(i) Sites that are located within or adjacent to a *heritage conservation area*, or that contain or adjoin a *heritage item,* will be subject to detailed consideration by the Council's *Conservation Advisory Panel* and assessment will be according to heritage provisions of the *Hunters Hill LEP 2012.*

(ii) Sites that are located in areas that are zoned for business purposes will require detailed consideration in relation to safety and amenity of children.

(iii) Sites that have been exposed to environmental contamination, or where the Council considers that environmental contamination is likely to have occurred, require detailed consideration to confirm suitability for development of a child care centre.

Note: Where contamination of sites is known or suspected to have occurred, State Environmental Planning Policy (Resilience and Hazards) 2021 specifies detailed considerations and procedures which must be followed.

4.2.4 HOURS OF OPERATION

Objectives

Objectives for the operation of child care centres are:

(a) Ensure that hours of operation are compatible with the amenity of residential areas and have minimal impact upon neighbouring dwellings.

Controls

Development proposals should comply with the following requirement:

(a) Operating hours for any child care centre that is proposed within or adjoining a residential area shall be limited to weekdays between 7:00 am and 6.30 pm.

4.2.5 BUILT FORM & APPEARANCE

Objectives

Objectives in relation to built form and appearance of child care centres are:

(a) Ensure that new child care centres are compatible with the scale of existing buildings in the vicinity.

(b) Enhance and complement the surrounding streetscape, as well as protecting conservation and heritage values, by development that displays a high visual quality.

(c) Maintain and enhance external and distant views.

Controls

Development proposals should comply with the following requirements:

(a) Child care centres must comply with built form controls that apply to the applicable land use zone.

Notes. Development standards for height and floor space ratio are provided by *LEP 2012*.

Development proposals in residential zones should consider the relevant chapters in Part Three of this Plan.

Development proposals within a business or mixed use zone should consider the relevant chapters in Part Four of this Plan which relate to local centres, the *Gladesville Village Centre* or the *Hunters Hill Village*.

(b) The design and layout of child care centres must respond to character of the existing neighbourhood and streetscape:

(i) For new buildings in a residential zone, single storey building forms are preferred. Two storey forms may be considered only in situations where no other option is available.

(ii) Exterior materials and finishes, together with landscaping and fencing, should be consistent or compatible with general characteristics of the existing neighbourhood and streetscapes which surround the development site.

(c) New developments should promote view sharing by minimising the loss of existing views for adjoining or nearby properties, or views that are significant features of any street or reserve, while providing views from the proposed development:

(i) Building forms, fencing and landscaping should allow for existing horizon or water views to be maintained and enhanced.

Note. *Storey* is defined by *LEP 2012,* and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

4.2.6 LANDSCAPING

Objectives

Objectives in relation to landscaping of child care centres are:

(a) Preserve and enhance amenity and streetscape character of the surrounding neighbourhood.

(b) Ensure that new developments demonstrate a high visual quality.

(c) Provide attractive and natural environmental settings for future occupants.

Controls

Development proposals should comply with the following requirements:

(a) Child care centres in residential zones must comply with landscape controls that apply to the applicable zone.

Notes. Development standards for landscaped area in certain residential zones are provided by *LEP 2012*.

Development proposals in a residential zone should consider the relevant chapters in *Part Three* of this Plan.

(b) Child care centres within business or mixed use zones should provide appropriate soft and hard landscaping to enhance the amenity of proposed outdoor play areas.

(c) Council may require provision of landscaped areas and landscaping that exceeds requirements for residential, business or mixed use zones that are specified by this Plan.

(d) Development proposals should provide deep soil and planting in the following locations or to achieve the following outcomes:

(i) Existing bushland and mature trees should be preserved.

(ii) Appropriate planting along the street frontage should be provided in order to complement existing streetscape character and soften the appearance of new building forms.

(iii) Screen plantings along boundaries should contribute to the privacy of neighbouring dwellings and private open spaces.

(iv) Car parking areas should be screened by suitable plantings.

(v) Trees should be located along northern and western boundaries in order to shade play rooms and outdoor areas during summer.

4.2.7 PLAY AREAS & INTERNAL AMENITY

Objectives

Objectives in relation to play areas and the internal amenity of child care centres are:

(a) Provide a safe and pleasant environment for children by appropriate design and layout of play areas.

(b) Ensure visual and acoustic privacy for children of the centre, and also for neighbouring residents.

Controls

Development proposals should comply with the following requirements:

(a) Satisfactory indoor play rooms should be provided by each child care centre:

(i) The minimum requirement for indoor play rooms is 3.25m^2 per child.

(ii) Indoor play rooms that are larger than the minimum are encouraged, and provision of play rooms which exceed the specified minimum may be offset against the provision of parking spaces (subject to justification according to circumstances of the site or merit of the proposed development).

(iii) Building layout should provide ready supervision of children using indoor play rooms.

(iv) Access to services and other areas should not reduce the size, safety or functionality of play rooms.

(v) Building layout should maximize natural ventilation and sunlight which would be available to play rooms.

(b) Satisfactory outdoor play areas should be provided by each child care centre:

(i) Development proposals must comply with all current Australian playground standards.

(ii) The minimum requirement for outdoor play areas is $7m^2$ per child.

(iii) Outdoor play areas that are larger than the minimum are encouraged, and provision of play areas which exceed the specified minimum may be offset against the provision of parking spaces (subject to justification according to circumstances of the site or merit of the proposed development).

(iv) Outdoor play areas should have a north or north-east orientation to maximise solar access, and should be protected from extreme sunlight during summer.

(v) Building layout should provide ready supervision of children using outdoor play areas.

(vi) Design of outdoor play areas should include buffer plantings of hedges along property boundaries, and fences to ensure safety and security for children.

(c) Development proposals that are located on a major road, or within 60 metres direct distance from a major road, should provide adequate noise protection for indoor and outdoor play areas:

(i) A noise assessment prepared by an accredited acoustic consultant must be provided with the development application.

(ii) Building layout and design measures should address recommendations by the acoustic consultant which are necessary to achieve suitable amenity for indoor and outdoor play areas.

Note: Double glazing and appropriate locations for windows may be necessary to reduce noise impacts of road traffic.

(d) Swimming pools are not permitted in order to avoid undue risk to children.

4.2.8 NEIGHBOURHOOD AMENITY

Objectives

Objectives in relation to amenity of neighbouring dwellings which adjoin a proposed child care centres are:

(a) Provide visual and acoustic privacy for nearby residents within their dwellings and private open spaces.

(b) Ensure that child care centres in residential areas would not generate unacceptable noise levels.

(c) Provide adequate sunlight to neighbouring dwellings.

(d) Maintain and enhance external and distant views.

Controls

Development proposals should comply with the following requirements:

(a) Building layout and design measures should minimise noise impacts to adjoining residential properties:

(i) A noise assessment prepared by an accredited acoustic consultant must be provided with the development application, and should specify building layouts or design measures which are necessary to achieve suitable amenity for neighbouring dwellings.

(ii) In general, noise generating areas such as playgrounds or playrooms should be oriented away from neighbouring bedrooms, and should be screened by fences.

(iii) Pedestrian gates shall be fitted with closers to prevent impact noise.

Notes: The following guidelines apply to noise assessments:

(i) During proposed operating hours, the L_{Aeq} (1 Hour) ambient noise level at any location within site boundaries of a proposed centre (including any outdoor play or activity area) shall not exceed the maximum noise level that is recommended by the NSW Environment Protection Authority for school playgrounds (refer *NSW Industrial Noise Policy:* Table 2.1).

(ii) The L_{Aeq} (15 minute) noise level emitted from the site (including playground activity noise and indoor activity noise) shall not exceed the rating background level by more than 5dBA at the assessment location.

If estimated noise would exceed the specified guidelines, noise mitigation measures which should be implemented could include:

(i) Appropriate siting and design for buildings;

(ii) Provision of acoustic glazing, fencing or screen plantings;

(iii) Restrictions on the number of children who may use outdoor play areas, or limitations on times when play areas could be occupied.

(b) Building layout and design measures should minimise privacy impacts to adjoining residential properties:

(i) Direct overlooking of neighbours' internal living areas, bedrooms and private open spaces should be minimised by appropriate building layout and suitably located pathways, windows and doors.

(ii) Fences should minimise loss of privacy for adjoining area (at the same time, having regard for the need to complement streetscape character and qualities that distinguish any heritage conservation area or nearby heritage item).

(c) Proposed developments should maintain reasonable sunlight for adjacent dwellings

as specified by *Chapter 3.6.4 Residential Amenity*.

4.3 COMMERCIAL PREMISES & SHOP TOP HOUSING

4.3.1 INTRODUCTION

This chapter applies to development which is permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)* within zone *E1 Local Centre* or zone *MU1 Mixed Use,* and to the following types of development which *LEP 2012* also might permit in other zones:

(a) *business premises.*

(b) *commercial premises.*

(c) *hotel or motel accommodation.*

(d) *neighbourhood shops.*

(e) *shop top housing* in conjunction with ground floor *business premises* or *retail premises.*

(f) *retail premises.*

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

This chapter aims to provide detailed development controls that complement provisions of *LEP 2012* together with the provisions of State Environmental Planning Policies which might be applicable to proposals that are covered by this chapter:

(a) Shop top housing in a building which contains three or more storeys:
State Environmental Planning Policy (Housing) 2021 and the associated guideline 'Apartment Design Guide'.

(b) Any *d*evelopment site which has a frontage to a classified road that carries an annual average daily traffic volume of 40,000 vehicles:
State Environmental Planning Policy (Transport and Infrastructure) 2021.

(c) Shop top housing in a development which would provide affordable housing:
State Environmental Planning Policy (Housing) 2021.

Applications for developments which are covered by this chapter also must address other parts and chapters of this Plan which are relevant:

(a) *Part Two Character & Heritage of the Hunters Hill Municipality*.

(b) *Chapter 3.9 Medium Density Residential.*

(c) *Chapter 4.4* Gladesville Village Centre.

(d) *Chapter 4.5 Hunters Hill Village.*

(e) *Part Five General Controls.*

4.3.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

(a) Provide for a high standard of architectural and landscape design that is innovative, that is compatible with the existing context of the surrounding locality (particularly any adjoining residential or open space areas), and that enhances Hunters Hill environmental identity.

(b) Promote increased housing choice.

(c) Encourage a high standard of design in business zones and areas.

(d) Provide for housing that is affordable, environmentally friendly, attractive and enjoyable for people to live in.

(e) Encourage optimum use of public transport and existing social and community infrastructures by encouraging a mix of residential accommodation and commercial premises close to existing infrastructure, lessening the need for motor vehicle trips, and encouraging pedestrian and bicycle mobility.

(f) Underpin the viability of business centres by encouraging a mix of land uses within the business zones.

4.3.3 STREETSCAPE

Objectives

Objectives in relation to streetscape are:

(a) Ensure that the scale and form of new buildings are sensitive to environmental conditions of the surrounding locality.

(b) Minimise the bulk of new buildings.

(c) Enhance the character and amenity of streetscapes.

(d) Improve access and landscaping as appropriate to the street's functions and environmental conditions of the locality.

Controls

Development proposals should comply with the following controls:

(a) Ensure that the appearance of buildings from public streets and adjoining sites is attractive and visually compatible with any dominant design themes that are demonstrated by surrounding development, and/or with the likely future character of the surrounding area in terms of:

  (i) Building mass and proportions.

  (ii) Ground floor height above street level.

(iii) Roof pitches, where the majority of new roofs would not be more than 5 degrees steeper, or five degrees flatter, than the predominant pitch of surrounding roofs which are visible from the site. If buildings that surround the site have flat roofs, steeper pitches for new roofs may be acceptable if they would contribute to streetscape quality.

(iv) Articulation of facades by verandahs or balconies, eaves or parapets.

(v) Detailing of facades according to window and door proportions, materials and patterns, textures and colours, and decorative elements.

(vi) Location and dimensions of driveways.

(vii) Where relevant, by the appropriate design and alignment of fences.

Notes. Likely future character may be estimated by reference to zone objectives, development standards and relevant local provisions that are specified by *LEP 2012,* together with controls for desired character in *Chapter 2.2 Character.*

Future character also might be determined by an urban design study or an environmental enhancement plan which the Council has prepared and adopted for the surrounding locality.

(b) Developments that include *shop top housing* should be compatible with their surrounding commercial area:

(i) The design of individual dwellings should contribute to visual variety of a building's exteriors, and should minimise building bulk.

(ii) The residential component of a mixed development should have a separate identifiable entrance and address.

(iii) Pedestrian access to the residential component of a mixed development should be clearly defined, appropriately lit, and should provide night-time access which is safe and secure.

(c) Design of landscaped areas on each site should:

(i) Be sensitive to the site's attributes or character, and integrated with design of the proposed development.

(ii) Provide for infiltration of stormwater run-off wherever practicable, but subject to considerations related to site soils and the locality's existing or desired characters.

(d) Landscaping of public or communal streets should:

(i) Define a theme for new streets, or complement existing streetscapes.

(ii) Complement existing or desired functions of the street.

(iii) Reinforce desired traffic behaviour and speed.

(iv) Include appropriate street trees, having regard for image and role of the street, solar access requirements, local soils, appropriate species, and the location of utility services.

(e) Provide an analysis of impacts of the proposed development in relation to the existing streetscape and likely future character of the surrounding locality:

(i) Analysis should include a schedule of external finishes that illustrates proposed building materials, pavements, retaining walls and fences.

(ii) Confirm shadow impacts in relation to neighbouring dwellings.

Note: Acceptable shadow impacts are specified by *Section 3.6.4.*

4.3.4 MIXED USE DEVELOPMENTS

Objectives

Objectives for mixed use development proposals that include *commercial premises* and *shop top housing* are:

(a) Provide an appropriate mix of *residential accommodation* and *commercial premises* to ensure that commercial villages continue to provide the community with retail, commercial and business services.

(b) In residential locations, respect the amenity and landscape character of the surrounding area.

Controls

Mixed use development proposals that include *commercial premises* and *shop top housing* should comply with the following numeric controls:

(a) A minimum of 50% of the ground floor (excluding car parking) should accommodate business, commercial or retail uses that are located at street level.

(b) In residential locations, there should be a maximum of one dwelling per 75m^2 of site area.

(c) These controls may be varied subject to conformity with the locality's existing character, or desired character which is recommended by an urban design study or environmental enhancement plan that has been adopted by the Council.

(d) Controls also may be varied in order to provide incentives for the provision of positive public benefits as part of a development proposal.

4.3.5 HEIGHT

Objectives

Objectives in relation to height are:

(a) Integrate new development with the scale of surrounding development or future development that is permitted by the *LEP 2012*.

(b) Minimise visual dominance, and any undesirable impacts in relation to overshadowing or the loss of privacy.

Controls

Development standards in the *LEP 2012* are relevant to this section:

(a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

(a) Height and design of elevations adjacent to a footpath or road should display a human scale and human proportions.

(b) Height should not generate shadow impacts upon a neighbouring dwelling which would exceed the requirements of *Chapter 3.6.4*.

4.3.6 SETBACKS

Objectives

Objectives in relation to setbacks are:

(a) Contribute to attractive streetscapes.

(b) Ensure reasonable visual and acoustic privacy.

(c) In residential areas, to accommodate substantial landscaping and retain any mature tree canopy.

(d) Allow flexibility in the siting of buildings.

(e) Contribute to modulation of building forms by incorporating varied vertical and horizontal setbacks for facades.

(f) Accommodate improved access to buildings.

Controls

1. Front boundary setbacks

Front boundary setbacks should comply with the following controls:

(a) Setbacks should increase progressively as wall height increases in order to reduce bulk and overshadowing, and to maintain adequate daylight and sunlight.

(b) A minimum front setback of 3.5 metres applies to any third storey above *ground level (existing)* unless otherwise specified by another chapter of this Plan, or by an urban design study that has been prepared and adopted by the Council.

(c) Setbacks in residential areas should be consistent with the predominant established building alignment along the street.

Notes. *Setback* is defined by the *LEP 2012 (*see *building line* or *setback),* and includes all elements or components of a proposed building (whether located above or below ground).

Storey is defined by *LEP 2012,* and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by the *LEP 2012.*

2. Side & rear boundary setbacks

Side and rear boundary setbacks should comply with the following controls:

(a) A zero setback from side boundaries may be acceptable.

(b) If materials proposed for the side wall of a building would require future maintenance, side setbacks should be a minimum of 900mm.

(c) For development proposals that include *shop top housing* next to land that is zoned or used for residential purposes:

(i) Setbacks from side or rear boundaries should achieve reasonable separation between windows and private open spaces of dwellings on adjoining properties.

(ii) Side boundary setbacks should not be less than 1.5 metres and rear boundary setbacks should not be less than 4 metres **provided that** proposed elevations do not contain windows or open spaces which would allow cross viewing between dwellings on adjoining properties.

Note: Dimensions which achieve reasonable separation are specified by the Apartment Design Guide under State Environmental Planning Policy (Housing) 2021.

(d) Minor encroachments into setback areas which are permissible include roof eaves, sunhoods, gutters, downpipes, chimneys, light fittings, electricity and gas meters, TV aerials and satellite dishes.

(e) For development proposals that include *shop top housing* next to land that is zoned or used for residential purposes, unbroken facades should not be longer than 12 metres.

(f) All facades should be modulated by varied setbacks, courtyards, balconies and other appropriate architectural treatments.

4.3.7 LANDSCAPED AREAS

Objectives

Objectives in relation to landscaped areas are:

(a) Implement recommendations by any landscape master plan, urban design study or environmental enhancement plan that has been adopted by the Council.

(b) Ensure that new developments complement existing landscape character of the surrounding locality, and that proposed landscaping reflects natural attributes of the surrounding locality.

(c) Provide sufficient landscaping to complement proposed developments, as well as to reduce scale, bulk and mass of proposed buildings.

(d) Create attractive residential living environments within commercial centres.

(e) Where appropriate, to retain, regenerate and promote the planting of indigenous trees, shrubs and ground covers as integral elements of urban design quality.

Controls

Landscaping should comply with the following controls:

(a) The minimum *landscaped area* is 20% of the site area, or 20m^2 per dwelling, whichever is greater.

(b) Calculation of *landscaped area* may not include any land that has a length or a width less than 2 metres.

(c) For any proposed canopy tree, the minimum soil volume for a planter bed should not be less than 10m^3.

(d) Extent of paved surfaces should be minimised, and should be integrated with the design and character of landscaped areas.

(e) Type and scale of proposed landscaping should be in proportion to the scale of proposed buildings: tall canopy trees should be used to reduce the scale of large buildings.

(f) Existing natural features such as rock outcrops and mature trees that are taller than 4 metres should be retained, especially near the site's boundaries.

(g) Provide street trees to complement and/or enhance streetscape where appropriate.

Note. *Landscaped area* is defined by *LEP 2012,* and does not include any planted area which is constructed above a basement or a storey below.

4.3.8 PRIVATE OPEN SPACE

Objectives

Objectives for development proposals that include *shop top housing* are:

(a) Ensure that all dwellings are provided with private open spaces that are useable and suitably located for recreation, service functions and storage.

(b) Integrate private open spaces with indoor living areas.

(c) Locate private open spaces to receive sufficient sunlight.

Controls

Development proposals that include *shop top housing* should comply with the following controls:

(a) Private open spaces should be provided for each dwelling, and should be directly accessible from living areas.

(b) For each dwelling that would be located at ground level: private open space should not be smaller than 20m^2, or have a dimension that is less than 3 metres.

(c) For each dwelling that would be located above ground level: private open space should not be smaller than 10m^2, or have a dimension that is less than 2 metres.

(d) Balconies that provide private open spaces should be oriented towards front or rear boundaries of the site, rather than toward a side boundary where they would overlook neighbouring buildings.

(e) Privacy of private open spaces should be protected by landscaping, planter boxes, lattice screens or the like.

(f) Future enclosure of balconies which provide private open spaces will not be permitted.

4.3.9 SOLAR DESIGN & ENERGY EFFICIENCY

Objectives

Objectives for all development proposals are:

(a) Encourage energy efficient design and layout for *shop top housing*.

(b) Provide adequate daylight and ventilation for habitable rooms, and adequate sunlight to living areas and private open spaces.

(c) Preserve solar access for existing properties.

(d) Encourage ecologically sustainable developments which reduce the use of fossil fuels for heating and cooling, and which encourage use of renewable energy.

(e) Reduce ongoing costs for residents in relation to the use of energy and water.

Controls

Development proposals should comply with the following controls:

(a) The majority of proposed dwellings should have living rooms and private open spaces which receive reasonable sunlight as specified by *Section 3.6.4* of this Plan.

(b) Proposed developments should maintain reasonable sunlight for adjacent dwellings as specified by *Section 3.6.4* of this Plan.

(c) Development proposals should be designed and orientated to minimise the use of fossil fuel energy:

  (i) Use of solar energy for heating and lighting should be maximised.

  (ii) Proposed dwellings should be provided with natural cross ventilation and daylight.

(iii) Stairwells and common areas in multi-unit developments should receive natural daylight and ventilation.

(iv) Windows should be sized, located and shaded to reduce summer heat and to allow the entry of winter sun.

(v) Window shading may be provided by horizontal or vertical screens and shutters, by recessed windows, by overhanging balconies, eaves, verandahs or pergolas, or by large trees such as deciduous species which block hot summer sun but admit warming winter sun.

(vi) Carparks should be designed to avoid reliance upon mechanical ventilation, but where mechanical ventilation is unavoidable, time clocks should concentrate operation to peak hours or regular intervals.

(vii) Building materials and insulation should assist thermal performance, with high thermal mass materials concentrated around living areas to capture sunlight during winter, and insulation provided for all ceilings, roofs, walls and floors.

(viii) Landscaping should admit sun during winter and provide summertime shade, as well as filtering the air.

(ix) Development proposals should incorporate facilities for recycling and composting, as well as low energy and reduced water flow fixtures that include dual flush toilets, and provide for the storage and reuse of roof water.

4.3.10 PRIVACY

Objectives

Objectives for all development proposals are:

(a) Limit overlooking into neighbouring dwellings and private open spaces.

(b) Substantially contain noise within each building.

(c) Limit the effect of noise from shared facilities or communal areas upon adjoining dwellings.

(d) Ensure that housing located next to major roads is designed and constructed to provide comfortable living conditions by reducing adverse impacts of traffic.

Controls

Development proposals should comply with the following control:

(a) Privacy for all dwellings should be maximised as required by *Section 3.6.5* of this Plan.

4.3.11 SAFETY & SECURITY

Objectives

Objectives for all development proposals are:

(a) Enhance community safety (both real and perceived).

(b) Establish a sense of territory for residents.

(c) Provide security for residents, visitors and property.

Controls

Development proposals should comply with the following controls:

(a) A diversity of complementary land uses should be provided to encourage a degree of activity in public places at all times of the day and night.

(b) Buildings should provide casual surveillance for public and communal streets, and other public areas.

(c) Dwellings that would be located adjacent to a public or communal open space, or that would face a street, should have at least one habitable room window overlooking those places.

(d) Shared entrances should serve a maximum of eight dwellings, and should have a lockable door or gate.

(e) Adequate lighting should be provided for:

  (i) Building entrances, lobbies and pedestrian paths.

  (ii) Parking areas.

(f) Buildings should be designed to discourage or minimise potential access between roofs, and balconies or windows of dwellings.

4.3.12 SITE FACILTIES & SERVICES

Objectives

Objectives for all development proposals are:

(a) Provide site facilities and services which are necessary for each development.

(b) Ensure that site facilities and services are compatible with streetscape character and are integrated with the development's design.

(c) Locate site facilities and services to ensure convenient access by residents and other users or service authorities.

(d) Ensure that site facilities and services are durable and require minimal maintenance.

Note. Site facilities include storage for garbage bins and household items, mail boxes, clothes drying areas and antennas.

Controls

Development proposals should comply with the following controls:

(a) Construction of site facilities should be highly durable, and where appropriate, waterproof and rot resistant.

(b) Lockable storage of $8m^3$ should be provided for each dwelling area, either within the dwelling or associated with parking areas.

(c) Suitable clothes drying facilities should be provided for *shop top housing:*

(i) Outdoor drying facilities should be screened from the street and neighbouring dwellings, and should receive direct sunlight.

(ii) Clothes drying for dwellings that do not have private open space at ground level may be in a communal area or clothes dryer within the dwelling.

(d) Master television antennas should be provided for developments that include *shop top housing* in order to minimise the number of television antennas and satellite dishes.

(e) Floor plans should accommodate current and future installations of cabling for telecommunications, lighting and home automation facilities without the need for costly retro fitting or attachment of conduits to outside walls.

4.4 GLADESVILLE VILLAGE CENTRE

4.4.1 INTRODUCTION

This chapter applies to all properties that are located along Victoria Road at Gladesville which are zoned B4 under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012),* and to lands zoned B4 which are located near Victoria Road:

(a) Collectively, these properties are known as the *Gladesville Village Centre*.

(b) The village centre includes a *Key Site* where more detailed controls apply:

(i) The *Key Site* is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street.

(ii) Detailed controls for the *Key Site* are provided in section 4.4.8 of this chapter, and those detailed controls shall prevail in the event of any inconsistency with another control in this chapter, or with any control in Chapter 4.3 *Commercial Premises & Shop top Housing*.

This chapter provides detailed development controls that complement provisions of the *Hunters Hill LEP 2012* together with State Environmental Planning Policies which are applicable to development proposals which involve:

(a) Residential flat buildings, or shop top housing, in buildings which contain three or more storeys: State Environmental Planning Policy (Housing) 2021 and the

associated guideline Apartment Design Guide.

(b) Any development site which has a frontage to a classified roads that carries an annual average daily traffic volume of 40,000 vehicles: State Environmental Planning Policy (Transport and Infrastructure) 2021.

(c) Residential flat buildings or shop top housing which would provide affordable housing: State Environmental Planning Policy (Housing) 2021.

Applications for developments which are covered by this chapter also must address other parts and chapters of this Plan which are relevant:

(a) *Part Two Character & Heritage of the Hunters Hill Municipality.*

(b) *Chapter 3.9 Medium Density Residential.*

(c) *Chapter 4.3 Commercial Premises & Shop top Housing*

(d) *Part Five General Controls.*

4.4.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

(a) Service local communities with a wide range of uses that are appropriate for a village centre which is vibrant and expanding.

(b) Accommodate major developments which combine a mixture of retail, commercial, residential, community and entertainment activities.

(c) Encourage a more cohesive built form, including new buildings that are visually compatible with existing streetscapes and heritage items.

(d) Ensure that new buildings provide an appropriate transition between the village centre and surrounding residential neighbourhoods.

(e) Maximise levels of pedestrian and business activity along all street frontages.

(f) Enhance design quality and safety of the existing public domain.

(g) Provide new pedestrian links and urban spaces which are designed as safe and attractive outdoor rooms, and which encourage access from surrounding neighbourhoods.

(h) Integrate off-street parking and loading areas with built form and without compromising pedestrian or business activity along street frontages.

4.4.3 DESIRED CHARACTER

Development proposals should be consistent or compatible with detailed controls for desired character which apply to the following areas within the *Gladesville Village Centre* (in addition to satisfying the desired character controls in *Chapter 2.2 Character):*

(a) For the *commercial core precinct* which extends from Pittwater Road to Junction Street:

(i) Transform the shopping strip into a vibrant mixed-use centre.

(ii) Contribute to revitalization of the village centre as a whole by effective redevelopment of the existing *Gladesville Shopping Village* and adjoining properties.

(iii) Enhance the amenity of existing streets and retail frontages by new developments which incorporate public domain improvements such as a new public square that is protected from traffic noise in Victoria Road, landscaping and new paving or street furniture.

(iv) Along street frontages, retain the continuity of established building alignments or setbacks, as well as footpath awnings.

(b) For the *South Gladesville precinct* which extends southwards from Junction Street:

(i) Transform this low rise residential precinct to create an attractively landscaped southern entrance for the village centre as a whole, and an appropriate transition from surrounding residential neighbourhoods.

(ii) Ensure that new developments provide well landscaped deep soil setbacks to Victoria Road which are supplemented by street tree plantings.

(c) In relation to the *Heritage Conservation Area* which is defined by the *Hunters Hill LEP 2012:*

(i) Maintain the established scale and rhythm that has been influenced by predominant allotment widths and existing buildings by appropriate building forms and detailing of street façades, such as masonry piers that divide successive shopfronts, and balconies that are recessed behind the line of exterior walls.

(ii) Provide street facades with a predominance of masonry walls that contain a considered composition of 'punched' windows, with fully glazed facades occupying only a minor proportion of each building.

(iii) Ensure that the composition of new facades is compatible with traditional facades, for example by using vertical proportions for windows and recessed balconies in order to create rhythmic patterns.

(iv) Promote architectural detailing for new facades which is compatible with traditional facades, for example by employing corbels, lintels, string courses or cappings that avoid sheer or planar facades.

(d) For the east-west streets that provide links to Victoria Road:

(i) Enhance established roles as pedestrian pathways and local traffic routes by new street tree plantings, paving and street furniture.

(ii) Along these streets, employ building alignments or setbacks which vary according to proximity of each site to Victoria Road or to residential neighbourhoods.

4.4.4 HEIGHTS

Objectives

Objectives in relation to height are:

(a) Promote compatibility with the character of existing streetscapes by ensuring an appropriate scale for new developments in proximity to the *Heritage Conservation Area* and also in relation to residential neighbourhoods nearby.

(b) Retain adequate sunlight for all buildings, streets and public spaces.

(c) Ensure that ground floor levels are adaptable, and may accommodate a wide range of uses over time.

Controls

Development standards in *LEP 2012* are relevant to this section:

(a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

(a) Buildings should not exceed the maximum number of storeys which is specified by Table 4.1, and which should be measured in relation to *ground level (existing)* beneath any point of the proposed building.

(b) Storeys should incorporate minimum floor-to-ceiling heights which vary according to the use which is proposed to be accommodated:

(i) For *residential accommodation:* a minimum of 2.7 metres.

(ii) For *business premises* or *commercial premises*: generally a minimum of 3.6 metres.

(iii) For small *shops:* a minimum of 2.7 metres.

Table 4.1 Maximum number of storeys in the Gladesville Village Centre

Height of buildings *see LEP 2012 clause 4.3*	***Number of storeys***

6m	1 to 2 storeys (subject to assessment of heritage impact)
9m	2 storeys + attic
16m	5 storeys (street level retail plus 4 storeys)
18m	5 storeys
19m	5 storeys
26m	7 storeys
34m	9 storeys (existing retail building plus 7 storeys)

Notes. *Storey* is defined by *LEP 2012,* and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by *LEP 2012.*

In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, maximum building heights and details regarding ceiling heights are specified by section 4.4.9.

4.4.5 SETBACKS

Objectives

Objectives in relation to setbacks are:

(a) Maintain established building alignments within the village centre's *commercial core* precinct.

(b) Create a landscaped gateway to the village centre in the *South Gladesville precinct.*

(c) Promote compatibility with the character of existing streetscapes by ensuring appropriate setbacks and landscaping for new developments in proximity to the Heritage Conservation Area and also in relation to residential neighbourhoods nearby.

(d) Maximise visibility of shop frontages in relation to public footpaths, particularly within the village centre's *commercial core* precinct.

(e) Accommodate desired street tree plantings and awnings without encroachment beyond alignments of existing street kerbs.

(f) Contribute to the desired articulation of new building forms which incorporate a base, a middle and a distinctive roofline.

(g) Accommodate upper storey terraces which provide private or communal open spaces.

Controls

Development proposals should comply with the following controls:

(a) Street setbacks for the lowest three storeys in any building should be:

(i) In the *commercial core precinct:* a maximum of zero for exterior walls, but windows and doors may be recessed behind the line of exterior walls.

(ii) In the *South Gladesville precinct:* a minimum of 5 metres which predominantly should be deep soil that will support large trees and vegetation.

(iii) Required setbacks may include minor indentations to a maximum distance of 0.4 metres for windows or doors that are recessed behind the face of an exterior wall.

(b) Street setbacks for upper storeys (level 4 and above) should be:

(i) A minimum of 5 metres for the *commercial core precinct*.

(c) Setbacks from rear boundaries that adjoin a residential property should be:

(i) For the lowest two storeys (ground floor/level one and level 2): a minimum of 3 metres which predominantly should be deep soil that will support large trees and screening vegetation.

(ii) For upper storeys (level 3 and above): a minimum of 12 metres.

(d) For *shop top housing* and *residential flat buildings:* setbacks and separations between adjoining facades that incorporate windows and/or balconies should be consistent with the Apartment Design Guide under State Environmental Planning Policy (Housing) 2021.

Notes. *Setback* is defined by *LEP 2012 (*see *"building line* or *setback"),* and includes all elements or components of a proposed building (whether located above or below ground).

In relation to setback controls, the 'lowest storeys' are measured according to *ground level (existing)* along the relevant boundary.

In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, setbacks are specified by section 4.4.9.

4.4.6 ACTIVE FRONTAGES

Objectives

Objectives in relation to active frontages are:

(a) Promote uses and visible activity at ground floor level that would maximise pedestrian traffic along street frontages and across public open spaces.

(b) By promoting visible activity at ground floor level, contribute to village centre's commercial performance and viability.

(c) Also by promoting visible activity, contribute to safety and security of the public domain.

(d) By limiting ground floor residential in high activity locations, avoid privacy problems for dwellings that would be situated at street level and next to, or close to, a major road.

(e) Promote site planning and design features which encourage high levels of pedestrian traffic along street frontages and across public open spaces.

Controls

Development proposals should comply with the following controls:

(a) Provide *active uses* at ground level in the following locations:

(i) Along all frontages to Victoria Road.

(ii) For secondary streets that intersect with Victoria Road: along at least those portions of the street frontage which are located within 20 metres of the intersection with Victoria Road.

(iii) Facing any public open space that is located upon private or public lands.

(b) *Active uses* which contribute to pedestrian activity are defined to include:

(i) *Business premises, commercial premises* and *office premises.*

(ii) *Restaurants or cafes, retail premises* and *shops*.

(iii) *Community facilities* and *places of public worship.*

(iv) *Entertainment facilities* and *function centres*.

(v) *Hotel or motel accommodation*, and *pubs*.

(vi) *Medical centres* and *public administration buildings.*

(vii) *Residential accommodation* and *serviced apartments,* including entrances and lobbies to *residential accommodation* or to *serviced apartments*.

(c) Floor space which accommodates an *active use* should have a depth of at least 10 metres (measured perpendicular to the street frontage).

(d) Elements which detract from desired *active uses* at ground level are acceptable only where no practical alternative location exists:

(i) Entrances to garages or loading areas.

(ii) Service cupboards and storage areas.

(e) The following elements and details contribute to the effectiveness of *active uses* along a street frontage, and should be provided where applicable:

(i) In relation to serviced apartments, hotels and motels: the location of lobbies, shops and restaurants or cafes at ground level.

(ii) Awnings above street footpaths, or surrounding any public open space, that provide continuous weather protection for pedestrians (note that glazed awnings are not encouraged because they typically do not provide effective sun control, and also because they require extensive maintenance to

ensure an attractive streetscape).

(iii) Lighting along street footpaths and surrounding public open spaces (typically, but not always, fitted beneath an awning) that contributes to after-hours safety and security.

(iv) Sun control blinds or awnings (typically, but not always, fitted to an awning) that provide summer-time protection for pedestrians.

(v) Where security shutters are required: the use of see through grilles that permit views to and from interiors (note that opaque roller-shutter doors are not desirable).

Note. In relation to the *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street, requirements for active frontages are specified by Section 4.4.8.

4.4.7 PUBLIC DOMAIN

Objectives

Objectives in relation to the public domain are:

(a) In association with redevelopment of properties, to improve the landscape character and amenity of existing pedestrian routes and public places.

(b) As important elements of major development projects, to supplement the existing pedestrian network by providing new pedestrian links and open spaces that encourage pedestrian and commercial activities.

(c) Generally, to improve pedestrian access within the village centre, and from surrounding residential neighbourhoods into the village centre.

(d) Also in general, to promote safety and security along pedestrian routes and in public places.

(e) Emphasise the hierarchy of public places and streets by appropriate tree plantings that also contribute to shade, pedestrian amenity and identity of the village centre.

(f) Co-ordinate the civic design of public places within the village centre.

Controls

Development proposals should comply with the following controls:

(a) Provide pedestrian connections and public places as elements of the larger scale developments:

(i) Only in locations that would complement the established pedestrian network, and where those new places would contribute to viable business activity within the village centre.

(ii) Arcades or alleyways should have a minimum width of 3 metres, and alignments should provide clear sightlines from one end to the other, or from the street entrance to a major on-site public place.

(iii) Active uses should be provided along a high proportion of frontages.

(iv) Spaces and places should be publicly-accessible from 7:00 am until at least 7:00 pm daily (however 24 hour public access with security-monitoring is preferred)

(v) Spaces should have natural lighting and ventilation, together with effective night-time lighting.

(vi) Spaces should provide barrier-free access that is suitable for people with disabilities.

(b) Where appropriate, public landscaping should be provided as a component of larger-scale developments:

(i) New street trees should incorporate species that complement the palette of existing street trees.

(ii) New street trees should be located according to the scale of buildings nearby, widths of streets and verges, and according to environmental considerations such as soil type and aspect.

(iii) Suggested planting themes should incorporate:

- Along Victoria Road southwards from Junction Street: large evergreen trees which are indigenous species.
- Along Pittwater Road, Cowell Street and Hillcrest Avenue: large trees that complement existing species.
- Along Massey Street, Flagstaff Street, Junction Street and Batemans Road: small trees.

(c) Where appropriate, paving and street furniture should be provided as components of larger scale developments:

(i) New street furniture and lighting, together with special paving, should emphasise major pedestrian routes within the *commercial core precinct*.

(ii) Paving and street furniture should be consistent with existing elements, or as determined by the Council.

(iii) Wherever possible, overhead cables should be relocated below ground.

4.4.8 KEY SITE

1. Strategic objectives

The *Gladesville Village Centre* includes a *Key Site* which is bounded by Victoria Road, Cowell Street, Flagstaff Street and Massey Street.

Strategic objectives in relation to this *Key Site* are:

(a) Encourage co-ordinated redevelopment in order to create a mixed village of housing, shops and businesses.

(b) Increase current levels of retail activity in order to maintain the village centre's role as an effective local shopping centre.

(c) Attract a wider range of business activities and local employment opportunities.

(d) Accommodate new residents in a location that is close to trunk bus services which provide direct access to major metropolitan employment centres.

(e) Modernise existing building stock in order to address contemporary housing needs and commercial requirements.

(f) Improve the current network of public places and pedestrian paths.

2. Development precincts

Objectives

Within the *Key Site,* objectives in relation to development precincts are:

(a) Provide a framework for detailed controls to co-ordinate the most effective re-development of this *Key Site*.

(b) Define areas within this *Key Site* where existing characteristics demand specific development outcomes or particular development controls.

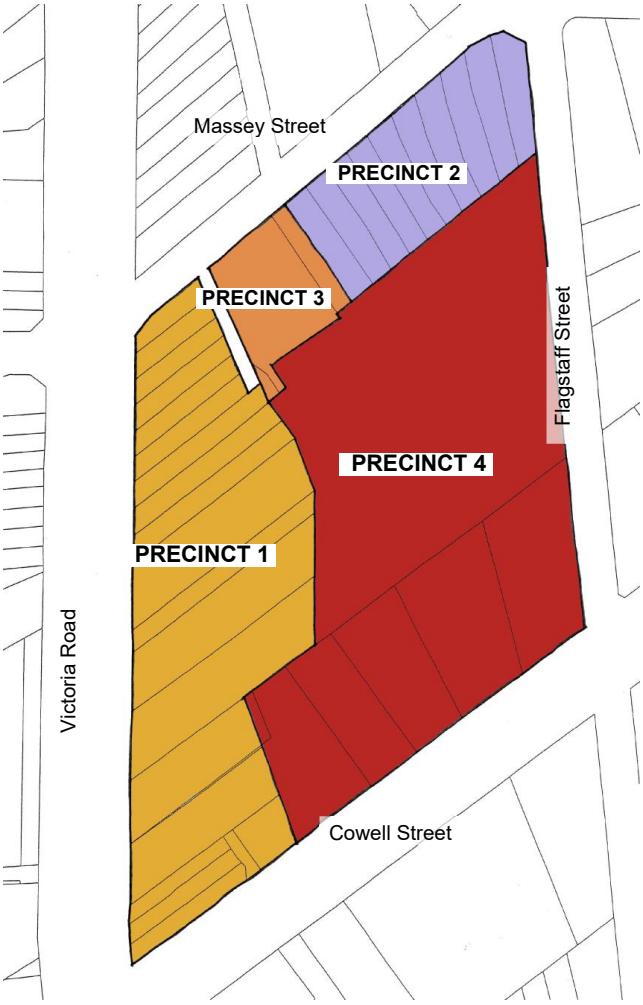


Figure 4.1 Development precincts within the Gladesville Village *Key Site*

Controls

Development proposals should comply with the following controls:

(a) Respond to detailed development controls which are relevant to the applicable precinct which is defined by figure 4.1:

(i) *Precinct 1:* properties that face Victoria Road.

(ii) *Precinct 2:* the existing townhouse style development facing Massey Street near the intersection with Flagstaff Street.

(iii) *Precinct 3:* the existing commercial property facing Massey Street next to the public laneway.

(iv) *Precinct 4:* the remaining portion of this street block which comprises retail and residential properties plus Council owned lands.

(b) In *Precinct 1:* width of any development site shall be sufficient to accommodate on-site parking as required by Council's policies.

(c) In *Precinct 2:* any re-development of existing buildings must maintain existing right-of-way access to neighbouring properties.

(d) In *Precinct 3:* co-ordinated re-development in conjunction with *Precinct 4* is most desirable, although a stand-alone mixed use re-development would be acceptable.

(e) In *Precinct 4:* the co-ordinated mixed-use re-development of all properties is desirable in order to deliver public facilities that are specified by this section.

3. Vehicle access & traffic management

Objectives

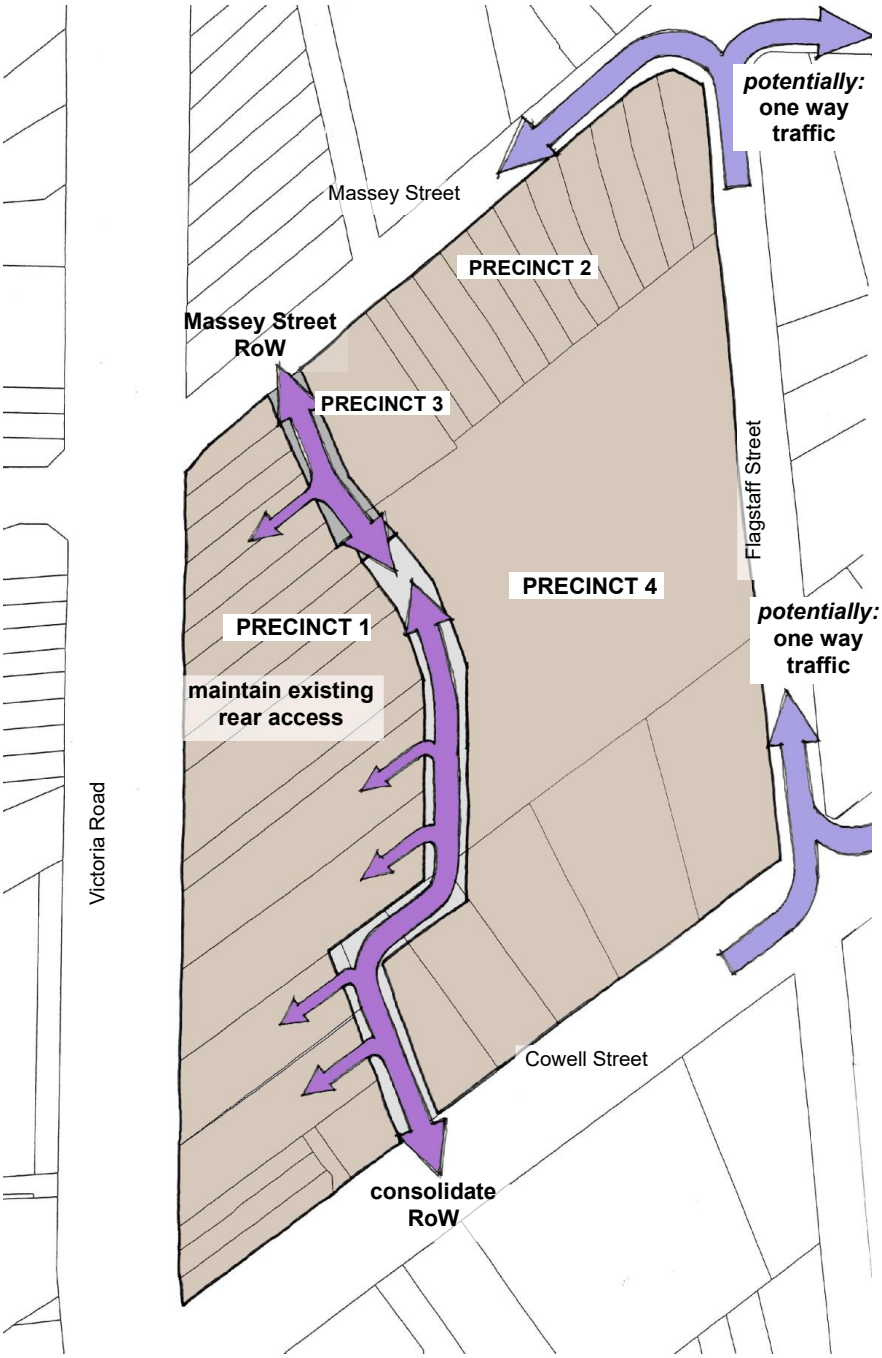
Within the *Key Site,* objectives in relation to vehicle access and traffic management are:

(a) Maintain off-street access to all properties which is legally defined by an existing right-of-way.

(b) Encourage reorganisation of existing rights-of-way to permit the most efficient form of re-development.

(c) Identify desirable improvements to existing public roads.

Figure 4.2 Vehicle access & traffic management for the Gladesville Village *Key Site*



Controls

Development proposals should comply with the following controls which are shown on Figure 4.2:

(a) Comprehensive redevelopment in *Precinct 4* shall consolidate and relocate existing rights-of-way (RoW) to align with the rear boundaries of all properties that face Victoria Road.

(b) The consolidated rights-of-way shall extend continuously from Cowell Street as a 'laneway' which is 8.5 meters wide to accommodate two way traffic plus one footpath. This RoW shall remain fully open to the sky, and shall not be overhung by the upper storeys of any development.

(c) In conjunction with redevelopment of *Precinct 3,* the existing public laneway and the associated RoW from Massey Street should be realigned and widened to match the required Cowell Street RoW (irrespective of whether the latter RoW has been constructed at that time).

Note. Acceptable building overhangs above this RoW are shown on Figure 4.5.

(d) The combined rights-of-way should permit free access to the rear of Victoria Road properties and passage from Cowell Street through to Massey Street.

(e) In conjunction with any comprehensive redevelopment of *Precinct 4,* investigate improved traffic flows such as one-way shoppers' access from Cowell Street to Victoria Road via Flagstaff and Massey Streets, and incorporating reconfiguration of the Massey Street / Victoria Road intersection to provide an exit for north-bound traffic.

4. Pedestrian links & public places

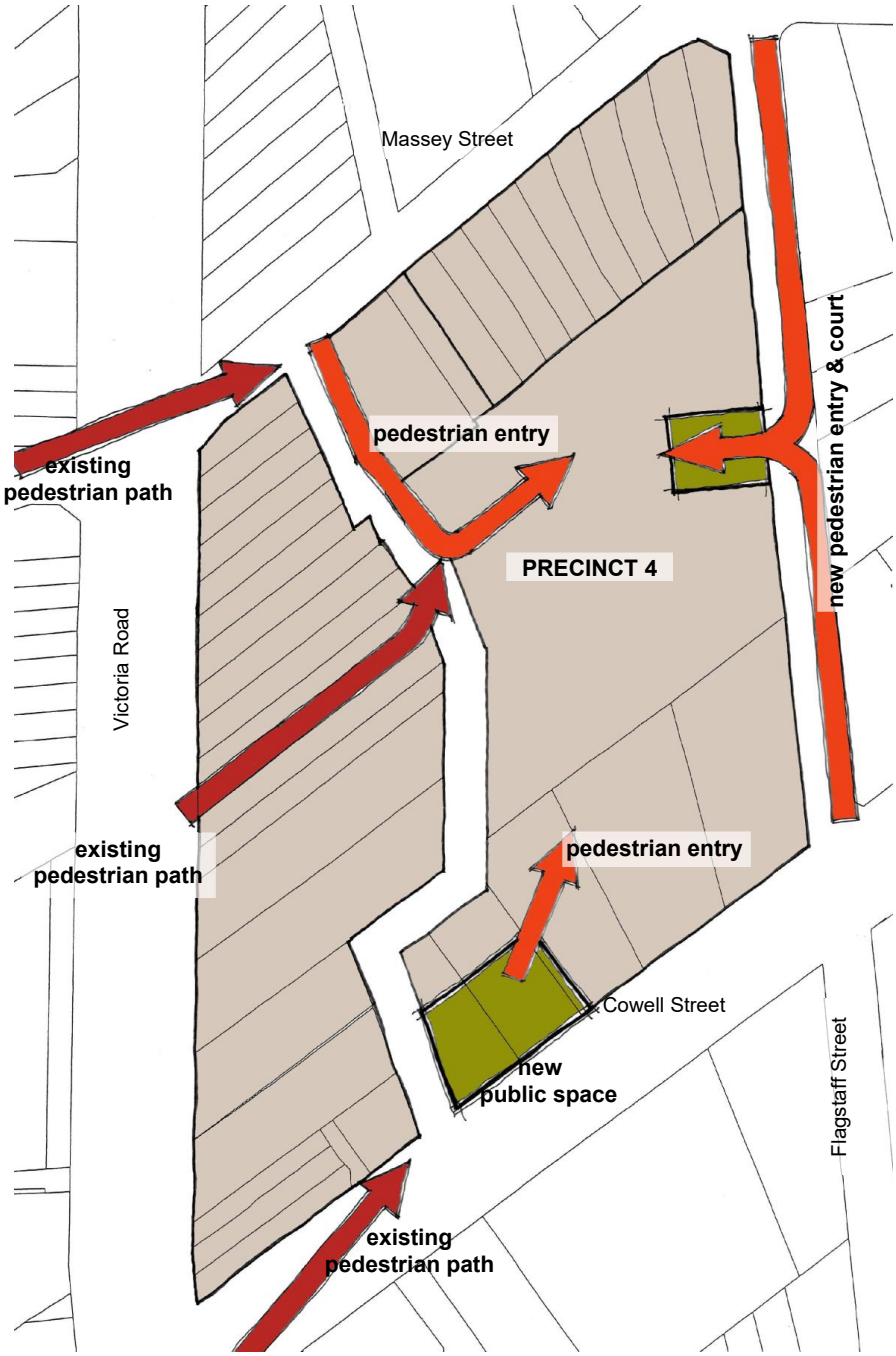
Objectives

Within the *Key Site,* objectives in relation to pedestrian links and public places are:

(a) Provide improved pedestrian access to the centre from residential neighbourhoods that are located to the east.

(b) Define appropriate locations and characteristics for new places that would be accessible to the public.

Figure 4.3 Pedestrian links & public places for the Gladesville Village *Key Site*



Controls

Development proposals should comply with the following controls which are shown on Figure 4.3:

(a) Maintain existing pedestrian pathways which are positive features of this *Key Site:*

(i) From the intersection of Victoria Road and Massey Street via the existing laneway.

(ii) Via the existing Gladesville Arcade.

(iii) From the intersection of Victoria Road and Cowell Street.

(b) Comprehensive redevelopment of *Precinct 4* shall provide new pedestrian pathways that permit direct access to the Town Centre via Flagstaff Street from existing residential neighbourhoods to the east.

(c) Comprehensive redevelopment of *Precinct 4* shall provide a public space facing Cowell Street, in the location shown on figure 4.3 with the following features:

(i) A minimum area of 600m^2.

(ii) A minimum street frontage of 30 metres.

(iii) Finished surface not lower than RL 46 (AHD) at the western-most end.

(iv) Surface grades not steeper than 1:40.

(v) Barrier free access from Cowell Street.

(vi) Fully open to the sky, with sunlight falling onto at least half of the surface area on any day between 10:30 am and 1:30 pm.

(vii) Integrated with active frontages that are shown on figure 4.6.

(d) Comprehensive re-development of *Precinct 4* also shall provide an outdoor courtyard in the location shown on figure 4.3, and in association with a new entrance from Massey Street which is described in sub-section viii below.

5. Heights

Objectives

Within the *Key Site,* objectives in relation to building heights are:

(a) Ensure that new building forms are compatible with character of the most significant streetscapes in this village centre.

(b) Prevent any unreasonable impact upon the character or amenity of surrounding residential areas.

(c) Specify limits for the scale and intensity of future development.

Controls

Development standards in *LEP 2012* are relevant to this section:

(a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.4 (which appears overleaf):

(a) Comply with *maximum building height* which is specified by *LEP 2012.*

(b) Ensure that shadows cast by proposed building forms would not excessively reduce the amount of sunlight which is available to any existing dwelling:

(i) Not less than three hours daily between 9:00 am and 3:00 pm.

(ii) The minimum sunlight should be received by living room windows and at least half of any private open space.

(c) Building forms should not exceed the maximum number of storeys which are specified for each precinct by Figure 4.4.

(d) Accommodate ceiling heights that are appropriate to each land use:

(i) Dwellings: 2.7 metres.

(ii) Business premises and small shops: between 2.7 metres and 3.5 metres.

(iii) Larger shops (such as supermarkets): up to 4.5 metres.

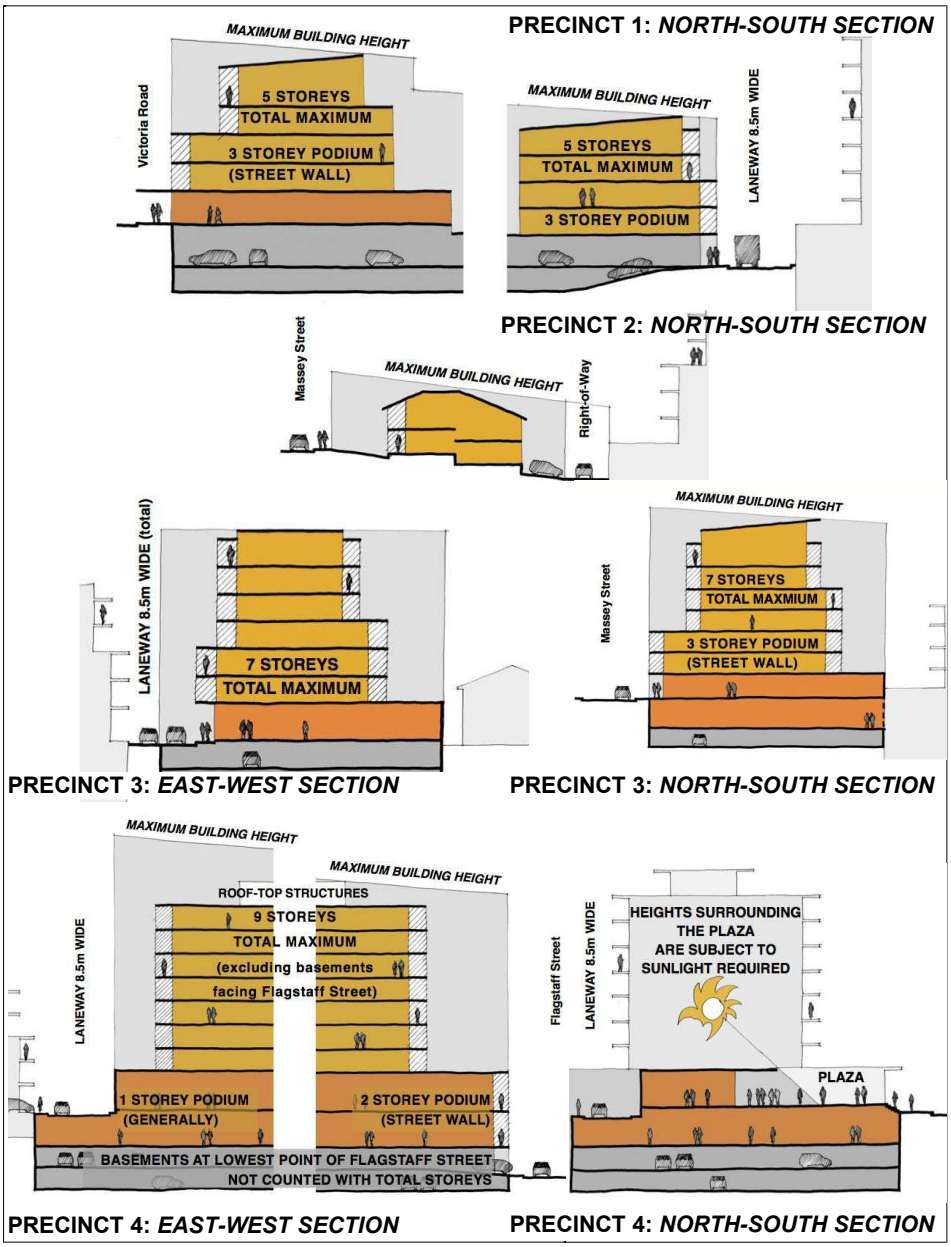
(e) Note that that maximum building heights might not be achievable in some situations:

(i) In the event of excessive shadow impacts upon any existing dwelling nearby.

(ii) Where identified values of any heritage item demand special consideration.

(iii) If proposed land uses have broad floorplates that 'exhaust' the maximum FSR which is permitted by *LEP 2012.*

Figure 4.4 Storey heights for the Gladesville Village *Key Site*



Notes: Figure 4.4 illustrates the maximum permissible number of storeys for each precinct. Interior floor levels are indicative only.
Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

6. Building lines & setbacks

Objectives

Within the *Key Site,* objectives in relation to building lines and setbacks are:

(a) Ensure compatibility with existing two storey “main street” building frontages along Victoria Road.

(b) Provide high levels of amenity for residential components of mixed use developments.

(c) Maximise the visibility of desirable shop frontages facing public streets to support the most effective retail activity.

(d) Specify limits for the scale and intensity of future development.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on Figure 4.5 (which appears overleaf):

(a) Building forms should not exceed envelopes that are applicable to their street and laneway frontages according to Figure 4.5.

(b) In *Precinct 4,* the combined footprints of residential components should not exceed 40% of the podium area below.

(c) Also, building forms shall comply with provisions of Section 4.3.7, and with the Apartment Design Guide under State Environmental Planning Policy (Housing) 2021 in relation to requirements for sunlight, natural cross ventilation and amenity separation.

(d) Minor encroachments beyond the specified envelopes by elements such as balconies and roofs are acceptable provided that:

  (i) Sunlight to public places and streets would not be restricted as a result.

  (ii) Amenity of any existing dwelling nearby would not be compromised.

  (iii) Heritage values of any listed item would not be affected.

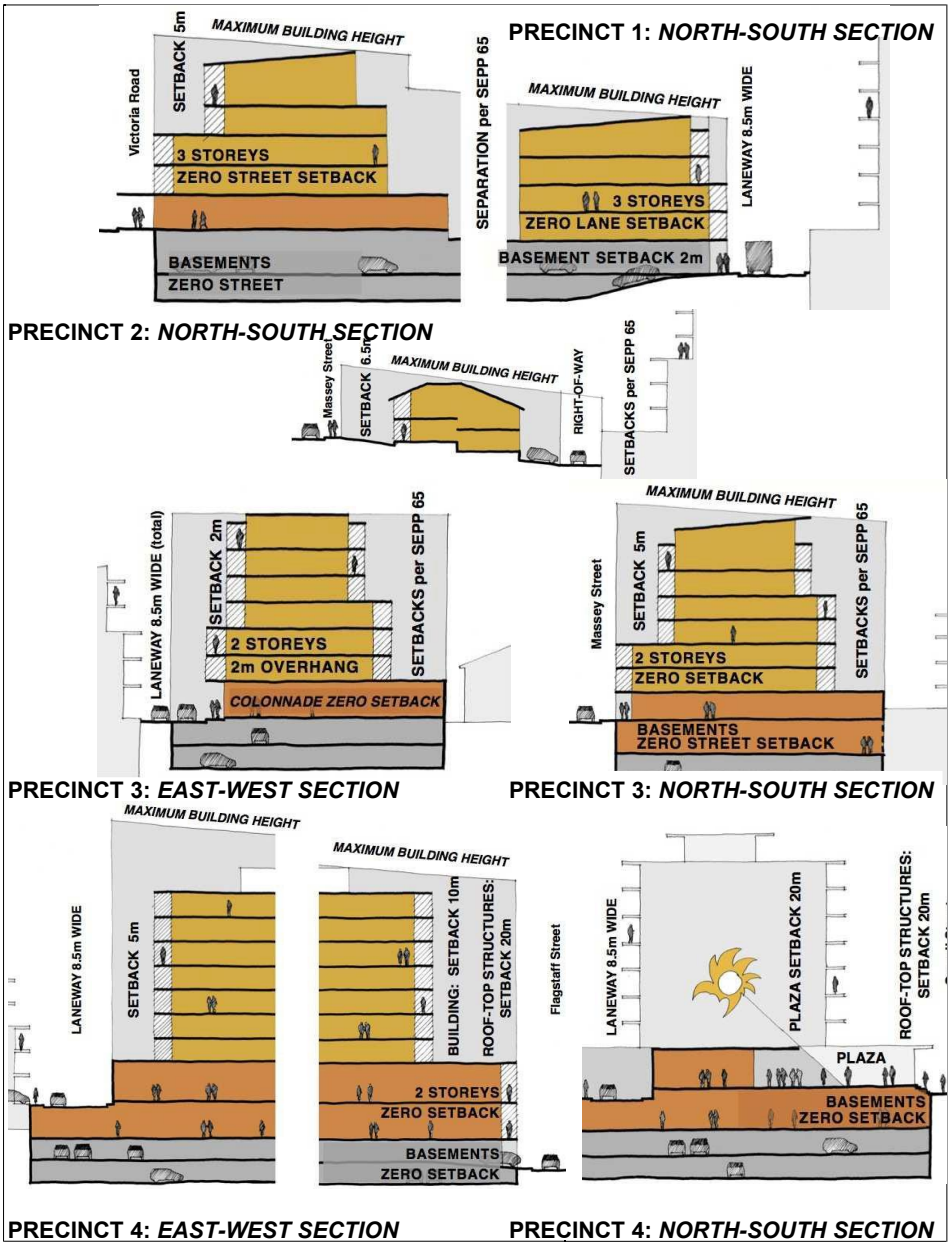
(e) Note that that maximum envelopes might not be achievable in some situations:

  (i) If requirements of the *Residential Flat Design Code* cannot be satisfied.

  (ii) In the event of excessive shadow impacts upon any existing dwelling nearby.

  (iii) Where identified values of any heritage item demand special consideration.

Figure 4.5 Building lines & setbacks for the Gladesville Village *Key Site*



Notes: Figure 4.5 illustrates the maximum permissible building envelope for each precinct. Interior floor levels are indicative only.
Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

7. Active frontages & major entrances

Objectives

Within the *Key Site,* objectives in relation to active frontages and major entrances are:

(a) Promote vibrant streetscapes which attract high levels of public domain activity.

(b) Contribute to effective retail trading.

(c) Discourage antisocial behaviour within the Town Centre.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.6 (which appears overleaf):

(a) Provide active ground floor frontages as defined by Section 4.3.8 across the minimum proportions of each façade which are specified by Figure 4.6.

(b) Ground floor activity shall include the following strategically important elements:

  (i) Facing the new Cowell Street plaza: provide a backdrop of shops along two sides of that plaza plus a retail arcade entrance.

  (ii) Facing Flagstaff Street: locate a new a retail arcade entrance that provides barrier free access from the street footpath.

  (iii) Facing Victoria Road: shops, business premises and residential foyers should occupy almost the entire street frontage.

  (iv) Along the eastern side of the laneway at Massey Street: locate a pedestrian colonnade which provides barrier free access from Massey Street to the adjacent retail centre, and which includes a continuous backdrop of shops.

(c) Upper storey facades shall display visible indoor activity across minimum proportions of each façade which are specified by Figure 4.6:

  (i) Visible activity for residential storeys is provided by balconies and/or large windows in living and dining rooms.

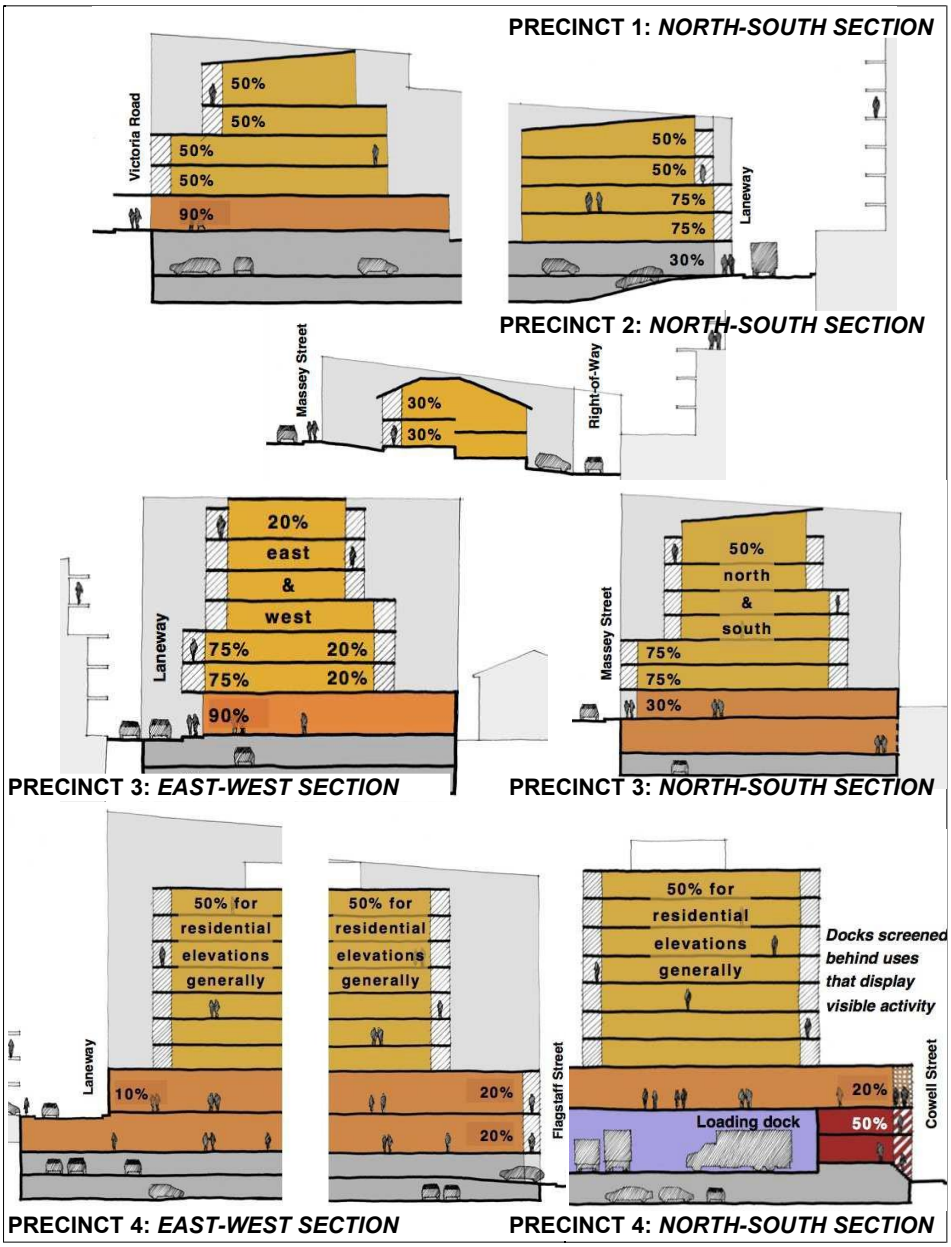
  (ii) Visible activity for commercial and retail storeys is provided via large display windows, major entrances and outdoor courtyards.

(d) Carparks and delivery areas shall be screened substantially behind uses that display visible indoor activity:

  (i) Prominent locations near street corners should be screened behind a “veneer” of dwellings and/or business premises.

  (ii) Less prominent areas may be disguised by well-articulated building facades, or mitigated by windows on the storey which is located immediately above an “inactive” street frontage.

Figure 4.6 Active frontages & major entrances for the Gladesville Village *Key Site*



Note: Figure 4.6 illustrates the minimum percentage of each façade across which visible activity is desirable. Interior floor levels are indicative.
Residential storeys are shown in yellow, and commercial or retail storeys are shown in orange.

8. Parking & delivery access

Objectives

Within the *Key Site,* objectives in relation to parking and delivery access are:

(a) Accommodate sufficient off-street parking to support current and future business activities within the village centre.

(b) Provide designated residential parking for new dwellings in the village centre.

(c) Locate delivery docks where desired levels of pedestrian activity would not be compromised.

Controls

Development proposals should comply with the following requirements and numeric controls which are shown on figure 4.7 (which appears overleaf):

(a) All new developments shall provide parking according to the rates which are specified by *Chapter 5.3 Car parking & vehicle access*.

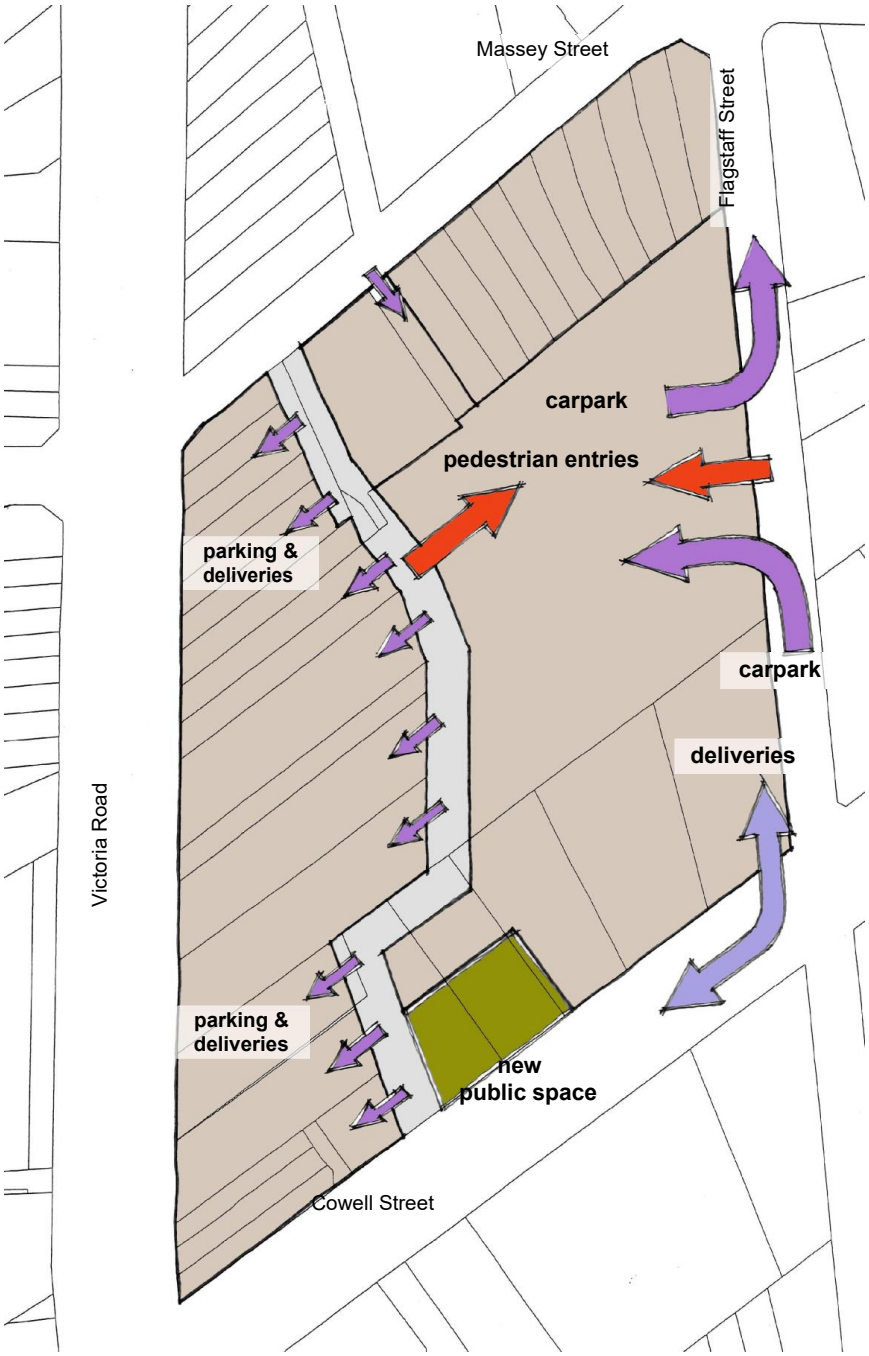
(b) Redevelopment of properties where temporary public parking facilities are located currently shall incorporate public parking spaces that are equal to the existing facilities.

(c) On properties which face Victoria Road, access to developments shall be via the rear of each site only, and shall not interrupt the desired continuity of active frontages along Victoria Road.

(d) Redevelopment of Victoria Road properties shall ensure that the minimum width of any development site is sufficient to accommodate the required number of parking spaces, as well as permitting vehicles to enter and exit in a forward direction only.

(e) Delivery docks shall be provided for developments that would accommodate more than one shop and/or a supermarket, and the location of entrances to these docks shall not compromise the amenity and pedestrian safety of major public open spaces, colonnades and entrances, or footpaths.

Figure 4.7 Parking & delivery access for the Gladesville Village *Key Site*



4.5 HUNTERS HILL VILLAGE

4.5.1 INTRODUCTION

This chapter applies to all properties that are located along Gladesville and Ryde Roads at Hunters Hill which are zoned *B4 Mixed Use* under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).* Collectively, these properties are known as the *Hunters Hill Village*.

This chapter provides detailed development controls that complement provisions of *LEP 2012* together with State Environmental Planning Policies which are relevant to development proposals that contain:

(a) Residential flat buildings or shop top housing in a building with three or more storeys: State Environmental Planning Policy (Housing) 2021 and the associated Apartment Design Guide.

(b) Any development site which has a frontage to a classified road that carries an annual average daily traffic volume of 40,000 vehicles: State Environmental Planning Policy (Transport and Infrastructure) 2021.

(c) Residential flat buildings or shop top housing which would provide affordable housing: State Environmental Planning Policy (Housing) 2021.

Applications for developments which are covered by this chapter also must address other relevant provisions of this Plan which may include:

(a) *Part Two Character & Heritage of the Hunters Hill Municipality.*

(b) *Chapter 3.9 Medium Density Residential.*

(c) *Chapter 4.3 Commercial Premises & Shop top Housing*

(d) *Part Five General Controls.*

4.5.2 OBJECTIVES OF THIS CHAPTER

General objectives for development that is covered by this chapter are:

(a) Ensure that future development respects and enhances the environmental character and amenity of the Hunters Hill Village.

(b) Promote high standards of architecture, landscaping and urban design.

(c) Improve commercial and retail functions of the Hunters Hill Village while recognising that its role is secondary to the Gladesville Village Centre.

(d) Encourage additional residential development as a component of mixed developments within the *commercial core precinct* of this *Village*.

(e) Ensure that environmental heritage is conserved.

(f) Protect the amenity of residential neighbourhoods which surround the *Hunters Hill Village.*

4.5.3 DESIRED CHARACTER

Development proposals should be consistent or compatible with detailed controls for desired character which apply to the following areas within the *Hunters Hill Village* (in addition to satisfying the desired character controls in *Chapter 2.2 Character):*

(a) The Village contains two precincts, and includes a *heritage conservation area* together with several listed heritage items:

(i) The *village core precinct:* properties zoned B4 under the *Hunters Hill LEP 2012* which are located along northern and southern sides of Gladesville Road between Joubert Street and Ryde Road, as well as properties along the southern side of Ryde Road which are located to the east of Figtree Park.

(ii) The *civic precinct:* numbers 40A to 46 Gladesville Road which include a group of community buildings and cottages.

(iii) The *heritage conservation area* and *heritage items* are identified by *LEP 2012.*

(b) The following character controls apply to the *village core precinct:*

(i) Emphasise this precinct as the primary focus of the *Hunters Hill Village.*

(ii) Encourage a mix of residential accommodation above commercial and retail uses at street level.

(iii) Respect heritage values and positive architectural characteristics of the Village.

(iv) Respect the scale and form of existing buildings.

(v) Protect the amenity of adjoining residential neigbourhoods.

(vi) Improve winter-time solar access to ground floor areas while ensuring summer-time shade.

(vii) Ensure high levels of street-amenity by encouraging active uses at street level, and by improvements to the public domain.

(viii) Provide additional landscaping along streets.

(ix) Promote shared use of Howard Place by vehicles and pedestrians.

(c) The following character controls apply to the *civic precinct:*

(i) Maintain an appropriate mix of community and recreational facilities together with supporting services.

(ii) Provide opportunities for public car parking that would service the Village.

(iii) Maintain character and heritage values of the Village.

(iv) Provide satisfactory landscaping and pedestrian links to Figtree Park.

(d) In relation to *heritage items* and the *heritage conservation area:* character objectives are achieved by satisfying provisions of *LEP 2012.*

4.5.4 HEIGHTS

Objectives

Objectives in relation to height are:

(a) Maintain heritage values and positive architectural characteristics of this Village.

(b) Respect the scale and form of existing buildings.

(c) Protect the amenity and attractiveness of adjoining residential areas.

Controls

Development standards in *LEP 2012* are relevant to this section:

(a) *Height of buildings* is specified by clause 4.3.

Development proposals should comply with the following controls which complement LEP objectives for the maximum height of buildings:

(a) Street frontages of any building should not exceed a height of three storeys which should be measured in relation to *ground level (existing)* immediately below.

(b) Facing the street frontage, basement parking should be fully recessed below the existing level of Gladesville Road.

(c) Storeys should incorporate minimum floor-to-ceiling heights which vary according to the use which is proposed to be accommodated:

(i) For *residential accommodation:* generally a minimum of 2.7 metres, but a minimum 2.4 metres is acceptable for the top storey only.

(ii) For *business premises* or *commercial premises* at street level: a minimum of 3.6 metres.

(iii) For *business premises* or *commercial premises* in a second or third storey that is located above street level: a minimum of 2.7 metres.

Notes. *Storey* is defined by *LEP 2012,* and does not include an *attic* or *mezzanine* (also defined), or a *basement* where the floor level of the storey immediately above is less than 1 metre above *ground level (existing)*.

Ground level (existing) is defined by *LEP 2012.*

4.5.5 SETBACKS

Objectives

Objectives in relation to setbacks are:

(a) Maintain heritage values and positive architectural characteristics of the Village.

(b) Respect the scale and form of existing buildings.

(c) Maintain the amenity and attractiveness of adjoining residential areas.

(d) Improve winter-time solar access to ground floor areas, and ensure summer-time shade.

(e) Accommodate outdoor dining and additional landscaping along streets.

Controls

1. Front boundary setbacks

Front boundary setbacks for new developments, including alterations and additions, should comply with Table 4.2.

Table 4.2: Front boundary setbacks in the Hunters Hill Village

Situation or location	***Level***	***Setback*** *measured from the boundary*
Village Core Precinct: sites less than 900m^2 along the southern side of Gladesville Road, *and* sites along the northern side of Gladesville Road	1 (Gladesville Road level)	zero
	2	zero
	3	3.5m
Village Core Precinct: sites more than 900m^2 along the southern side of Gladesville Road	1 (Gladesville Road level)	3m
	2	3m
	3	6.5m
Civic Precinct: all sites	all levels	consistent with average setback along the street

Notes. In Table 4.2, the *level* in a building is measured relative to *ground level (existing)* along the site's frontage to Gladesville Road.

Setback is defined by *LEP 2012 (*see *building line* or *setback),* and includes all elements or components of a proposed building (whether located above or below ground).

***2.* Rear boundary setbacks**

Rear boundary setbacks for new developments, including alterations and additions, should comply with Table 4.3.

Table 4.3: Rear boundary setbacks in the Hunters Hill Village

Situation or location	***Level***	***Setback*** *measured from the boundary*
Village Core Precinct: sites with a rear boundary that faces a property which is zoned residential	Basement	6m (predominantly deep soil for trees and screening vegetation)
	1 (Gladesville Road level)	6m (predominantly deep soil for trees and screening vegetation)
	2	9m
	3	12m
Village Core Precinct: sites with a rear boundary facing Howard Place	Street level carparking with a ceiling that is **not** taller than 2.4m above Howard Place	zero
	1 (Gladesville Road level)*and* Street level parking with a ceiling that is taller than 2.4m above Howard Place	10m
	2	13m
	3	16m

Notes. In Table 4.3, the *level* in a building is measured relative to *ground level (existing)* along the site's frontage to Gladesville Road.

Basement is defined by *LEP 2012,* and includes a level where the storey immediately above has a floor that is less than 1 metre above *ground level (existing)*.

3. **Side boundary setbacks**

Side boundary setbacks for new developments, including alterations and additions, should comply with the following controls:

(a) For sites in the *village core precinct:* a zero setback generally is acceptable.

(b) For sites that adjoin properties which are listed as a *heritage item* by *LEP 2012:* a minimum of 2 metres, or according to merit assessment of a *heritage management document* which may be required by *LEP 2012*.

(c) For sites in the *civic precinct:* a minimum of 2 metres from eastern and western boundaries of this precinct, which predominantly should be deep soil for trees and screening vegetation.

(d) For development proposals that include *shop top housing* or *residential flat buildings* next to land that is zoned or used for residential purposes:

(i) Separation between windows and private open spaces of dwellings upon adjoining properties should be consistent with the Apartment Design Guide under State Environmental Planning Policy (Housing) 2021.

4.5.6 BUILT FORM & FACADES

Objectives

Objectives in relation to built form and the design of facades for developments in the *Hunters Hill Village* are:

(a) Respect and enhance the environmental character and amenity of the Hunters Hill Village.

(b) Promote high standards of architecture, landscaping and urban design.

(c) Conserve environmental heritage.

Controls

Development proposals should comply with the following requirements:

(a) Pattern and rhythm of the existing subdivision should be reflected by the width of development sites, or by the form of new buildings.

(b) New buildings on corner sites should address both street frontages:

(i) Facing the intersection between Gladesville Road and Joubert Street.

(ii) Facing the intersection of Gladesville and Ryde Roads which is known as “Mapledoram’s Corner”.

(c) Facing a residential property, building forms should incorporate pronounced steps with setbacks that increase progressively for each storey in order to minimise visual impacts.

(d) Individual shopfronts should not be wider than 6 to 7 metres, or should be broken into modules that are not wider than 6 to 7 metres.

(e) Design of shopfronts should reflect characteristics of traditional shopfronts which survive in buildings nearby, but may incorporate contemporary construction.

(f) Continuous awnings should be provided above street footpaths, and should incorporate lighting.

(g) Security shutters or grilles which are not see-through should not be installed on shopfronts.

(h) Apartment entrance lobbies should be a prominent element of street frontages, and should be protected from weather as well as designed to promote safety and security.

(i) Facing Howard Place, the visual impact of any storey which is used for parking should be minimised by use of semi-transparent materials for the street facade.

4.5.7 ACTIVE FRONTAGES

Objectives

Objectives in relation to active frontages are:

(a) Promote uses and visible activity at ground floor level that would maximise pedestrian traffic along street frontages and across public open spaces.

(b) By promoting visible activity at ground floor level, contribute to commercial performance and viability of this village.

(c) Also by promoting visible activity, contribute to safety and security of the public domain.

(d) By limiting ground floor residential in high activity locations, avoid privacy problems for dwellings that would be situated at street level and next to, or close to, a major road.

(e) Promote site planning and design features which encourage high levels of pedestrian traffic along street frontages and across public open spaces.

Controls

Development proposals should comply with the following requirements and numeric controls:

(a) Provide *active uses* at ground level in the following locations:

  (i) Along both frontages to Gladesville Road.

  (ii) Along visually prominent curved frontages that face Joubert Street and Gladesville Road.

  (iii) At the corner of the property which is located between Gladesville and Ryde Roads.

  (iv) Along frontages to Pitt Street which are located within 10 metres of the intersection with Gladesville Road.

  (v) Facing any publicly accessible space that is located upon private or public lands.

(b) *Active uses* which contribute to pedestrian activity are defined to include:

  (i) *Business premises, commercial premises* and *office premises.*

  (ii) *Restaurants or cafes, retail premises* and *shops*.

  (iii) *Community facilities* and *places of public worship.*

  (iv) *Entertainment facilities* and *function centres*.

  (v) *Hotel or motel accommodation*, and *pubs*.

  (vi) *Medical centres* and *public administration buildings.*

(vii) Entrances and lobbies to *residential accommodation* or *serviced apartments*.

(c) Floor space which accommodates an *active use* should have a depth of at least 10 metres (measured perpendicular to the street frontage).

(d) Elements which detract from the desired level of activity for street frontages are acceptable only where no practical alternative location exists:

(i) Residential accommodation located at street level which would occupy more than 50% of that storey, or the majority of a site's street frontage.

(ii) Entrances to garages or loading areas.

(iii) Service cupboards and storage areas.

(e) The following elements and details contribute to effectiveness of *active uses* along street frontages, and they should be provided wherever applicable:

(i) In relation to serviced apartments, hotels and motels: lobbies, shops and restaurants or cafes should be located at street level.

(ii) Awnings should be provided along street footpaths, and surrounding any public open space, in order to provide continuous weather protection for pedestrians (note that glazed awnings are not encouraged because typically they do not provide effective sun control, and because they require extensive maintenance to ensure an attractive streetscape).

(iii) Lighting along street footpaths and surrounding public open spaces (typically, but not always, fitted beneath an awning) should be provided in order to contribute to after-hours safety and security.

(iv) Sun control blinds or awnings (typically, but not always, fitted to an awning) should provide summer-time protection for pedestrians.

(v) Where security shutters are required: see-through grilles that permit views to and from interiors should be used (note that opaque roller-shutter doors are not desirable).

4.5.8 LANDSCAPING

Objectives

Objectives in relation to built form and the design of facades for developments in the *Hunters Hill Village* are:

(a) Respect and enhance the environmental character and amenity of the *Hunters Hill Village.*

(b) Promote high standards of architecture, landscaping and urban design.

(c) Maintain the amenity and attractiveness of residential neighbourhoods that adjoin the *Village*.

(d) Conserve environmental heritage.

(e) Co-ordinate the civic design of public places within the village.

Controls

Development proposals should comply with the following controls:

(a) Existing trees on development sites should be conserved unless an arborist's report confirms that removal is desirable.

(b) Existing street trees should be retained, particularly in prominent locations such as *Mapledoram's Corner.*

(c) New trees should be provided along the street, and also at the rear of each development site for shade and shelter.

(d) Facing Howard Place, landscaping which incorporates vines or climbing plants should be used to minimise the visual impact of any storey which would be used for parking.

(e) Street improvements (which include soft landscaping, paving and street furniture) should be consistent with any urban design policy that has been adopted by the Council.

PART FIVE GENERAL CONTROLS

5.1 PURPOSE OF THIS PART

Part Five of this Development Control Plan provides controls in relation to topics which may have a general relevance to all development applications in the Municipality of Hunters Hill.

Part Five comprises the following chapters:

- **Chapter 5.2** ***Access & Mobility*** relates to provision of access for members of the public who may experience some form of disability.
- **Chapter 5.3** ***Car Parking & Vehicle Access*** specifies requirements for car parking and vehicle access which apply to all types of development within the Hunters Hill Municipality.
- **Chapter 5.4** ***Sediment & Erosion Control*** provides detailed development controls in relation to management of erosion and control of sediment during the construction of approved developments.
- **Chapter 5.5** ***Signage & Advertising Structures*** presents detailed development controls and guidelines in relation to signage or advertising structures which are ancillary to a development that is permitted by the Hunters Hill Local Environmental Plan 2012.
- **Chapter 5.6** ***Stormwater Management*** specifies development controls in relation to stormwater and associated environmental impacts upon local receiving waters which include the Lane Cove River, the Parramatta River and minor tributaries to those rivers.
- **Chapter 5.7** ***Waste Management*** provides controls and guidelines for waste avoidance and resource recovery during the construction and occupancy of developments which have been approved under the Hunters Hill Local Environmental Plan 2012 (LEP 2012).
- **Chapter 5.8** ***Sustainability*** provides controls and guidelines to promote sustainable development to work towards achieving net-zero, incorporating measures to improve resilience and general health associated with new development and to positively contribute to the surrounding environment through an integrated urban management approach.

5.2 ACCESS & MOBILITY

5.2.1 INTRODUCTION

This chapter applies to all developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*, where public access would be likely or where people with a disability are likely to be accommodated or employed. Note that this chapter does not apply to dwelling houses.

This chapter applies to new and existing buildings, recreation facilities and parks, plazas and courtyards within developments.

This chapter aims to highlight requirements for provision of access to new developments by members of the public who may experience some form of disability. Those requirements are specified by the following Commonwealth statutes or reference documents:

(a) The Commonwealth *Disability Discrimination Act* (DD Act), which is supported by the *Disability (Access to Premises – Buildings) Standards 2010* (including detailed standards in the *Access Code for Buildings*).

(b) The *Building Code of Australia,* which is supported by numerous *Australian Standards.*

This chapter also specifies detailed requirements in relation to access and mobility which apply to certain types of development in the Hunters Hill Municipality.

5.2.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to access and mobility are:

(a) Provide continuous accessible paths of travel throughout publicly accessible areas of every development from entrances to points of destination.

(b) Enhance the safety of public areas for all users.

(c) Ensure that residential developments accommodate all levels of mobility, including future needs of residents aging in-situ.

(d) Increase awareness of access requirements.

5.2.3 ACCESS STANDARDS

All developments shall provide levels of access which are defined by the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010* and the *Building Code of Australia:*

(a) Detailed requirements, including the need for continuous accessible paths of travel, are defined by the *Access Code for Buildings* which is appended to the Commonwealth *Disability (Access to Premises – Buildings) Standards 2010*.

(b) General requirements are summarised by Table 5.1 (which appears overleaf).

(c) Although detailed requirements that are specified by *Disability (Access to Premises – Buildings) Standards 2010* and the *BCA* typically are assessed with Construction Certificate applications, development applications should incorporate dimensions, gradients and vertical circulation that are sufficient or suitable to accommodate the required access standards without requiring any amendment of a development consent.

(d) Applications for the following types of development should include an access audit which has been prepared by a consultant accredited by the *Association of Consultants of Access Australia:*

(i) *Residential flat buildings* or *shop top housing* that contain more than ten dwellings.

(ii) *Multi dwelling housing* that contains more than three dwellings.

(iii) New *commercial premises* (which include *business premises, office premises,* and *retail premises*).

(iv) Alterations to *commercial premises* which involve the addition of more than 200m^2 floor area.

(v) Seniors housing.

Table 5.1 Requirements for access to buildings in the Hunters Hill Municipality

***Access Standards 2010* and *BCA* classifications**	**Applicable land uses per *Hunters Hill LEP 2012***	**Required considerations**
Class 1a • single dwelling house • row house • terrace house • town house • villa unit	• attached dwelling • dwelling house • dual occupancy	***DD Act* and Access Standards:** Not applicable **Hunters Hill LGA:** Accessible paths of travel per *Access Code for Buildings* are encouraged for all developments containing more than one dwelling
Class 1b • bed and breakfast • boarding house, hostel or group house with total floor area less than 300m^2 where not more than 12 persons ordinarily would be resident	• backpackers' accommodation • bed and breakfast accommodation • boarding house • group home • hostel • tourist and visitor accommodation	***DD Act* and Access Standards:** *Access Code for Buildings* applies to specified Class 1b developments: • new developments of boarding houses, guest houses, hostels and the like with more than 1 bedroom that is used for rental accommodation • existing buildings with four or more bedrooms that are used for rental accommodation • four or more single dwellings on the same allotment which are used for short term holiday accommodation **Hunters Hill LGA:** Accessible paths of travel per *Access Code for Buildings* are encouraged for all developments that comprise Class 1b buildings

***Access Standards 2010* and *BCA* classifications**	**Applicable land uses per *Hunters Hill LEP 2012***	**Required considerations**
Class 2 • A building containing two or more separate dwellings	• multi dwelling housing • residential flat building • serviced apartment	***DD Act* and Access Standards:** *Access Code for Buildings* applies to buildings that have short-term rental accommodation **Hunters Hill LGA:** Accessible paths of travel per *Access Code for Buildings* are encouraged for adaptable units (where required by this Plan)
Class 3 • boarding houses, guest houses, hostels or lodging houses with total floor area greater than 300m2 where more than 12 persons ordinarily would be resident • residential portions of hotels and motels residential portions of schools • accommodation for aged, disabled or children • residential portions of health-care buildings which accommodate staff	• backpackers' accommodation • boarding house • group home • hostel • hotel or motel accommodation • residential care facility • seniors housing • tourist and visitor accommodation	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 3 buildings **Hunters Hill LGA:** Compliance with *Access Code for Buildings*
Class 4 • sole dwelling in a mixed-use building that otherwise would be class 5, 6, 7, 8 or 9	• shop top housing	***DD Act* and Access Standards:** Not applicable **Hunters Hill LGA:** No further requirements
Class 5 • office buildings used for professional or commercial purposes	• business premises • office premises	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 5 buildings

***Access Standards 2010* and *BCA* classifications**	**Applicable land uses per *Hunters Hill LEP 2012***	**Required considerations**
		Hunters Hill LGA: Compliance with *Access Code for Buildings*
Class 6 • shops used for sale of goods or supply of services to the public • cafés and restaurants • portions of hotels or motels that are used for dining, bars or kiosks • sales or show rooms • service stations	• food and drink premises • hardware and building supplies • kiosk • neighbourhood shop • plant nursery • pub • restaurant or café • retail premises • service station • shop • take away food and drink premises • veterinary hospital	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 6 buildings **Hunters Hill LGA:** Compliance with *Access Code for Buildings*
Class 7 • car parks • storage or display of goods for sale by wholesale	• car park • wholesale supplies	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 7 buildings **Hunters Hill LGA:** Compliance with *Access Code for Buildings*
Class 8 • laboratories • buildings where goods are produced, assembled, altered, repaired, packed, finished or cleaned prior to sale	• boat building and repair facility • industrial activity • light industry	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 8 buildings **Hunters Hill LGA:** Compliance with *Access Code for Buildings*

***Access Standards 2010* and *BCA* classifications**	**Applicable land uses per *Hunters Hill LEP 2012***	**Required considerations**
Class 9 • buildings of a public nature • health-care buildings • assembly buildings • pathology laboratories in health-care buildings • workshops or laboratories in a school • aged care buildings	• amusement centre • charter and tourism boating facility • child care centre • community facility • educational establishment • entertainment facility • environment facility • function centre • health consulting rooms • health services facility • hospital • information and education facility • marina • market • passenger transport facility • place of public worship • public administration building • recreation area • recreation facility • registered club • respite day care centre • school • seniors housing • water recreation structure • wharf or boating facilities	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 9 buildings **Hunters Hill LGA:** Compliance with *Access Code for Buildings*
Class 10 • non-habitable outbuildings or structures • private garages or carports • sheds • swimming pools	• swimming pool	***DD Act* and Access Standards:** *Access Code for Buildings* applies to all Class 10 buildings except those: • in association with a Class 1a building • in association with a Class 4 part of a building **Hunters Hill LGA:** Compliance with *Access Code for Buildings*

Notes. The Commonwealth *Disability (Access to Premises – Buildings) Standards 2010* and *BCA* refer to building classifications which are not identical to definitions which apply under NSW *Standard Instrument* Local Environmental Plans.

In order to clarify this situation, Table 5.1 matches *BCA* building classifications with the closest equivalent LEP definitions that apply to the Hunters Hill Municipality, and highlights relevant considerations which are specified by the *Access Code for Buildings*.

5.2.4 ADAPTABLE HOUSING

Residential developments should provide adaptable housing:

(a) Adaptable housing is defined by *Australian Standard AS 4299.*

(b) Adaptable housing in the Hunters Hill Municipality should comply with Class C requirements of *AS 4299.*

(c) Although detailed requirements that are specified by *AS 4299* typically are assessed with Construction Certificate applications, development applications should incorporate dimensions that are sufficient or suitable to accommodate the required standards without requiring any amendment of a development consent.

(d) For complex or large scale development applications, the Council will require an audit of proposed adaptable dwellings by a consultant who has been accredited by the *Association of Consultants of Access Australia.*

Notes. Adaptable housing typically incorporates dimensions for rooms, doorways and fixed furniture which allow access by people with a disability, or which may be modified simply to accommodate residents' future needs for accessibility.

Fixtures and fittings in adaptable housing either should be designed for residents with impaired mobility or strength, or should be capable of simple replacement.

5.3 CAR PARKING & VEHICLE ACCESS

5.3.1 INTRODUCTION

This chapter applies to all types of development that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

This chapter specifies requirements for car parking and vehicle access which apply to all types of development within the Hunters Hill Municipality.

In addition to the provisions of this chapter, dimensions and design of parking spaces must address requirements of *Chapter 5.2 Access & Mobility.*

Also, parking for all forms of *residential accommodation* must address site planning and design guidelines in *Parts Two* and *Three* of this Plan.

In addition, parking for all forms of *commercial premises, shop top housing* and *childcare centres* also must address site planning and design guidelines in *Parts Two* and *Four* of this Plan.

Notes. The dimensions and layouts of car parking areas and parking spaces in all development proposals must be consistent with the relevant *Australian Standard.*

Development proposals on sites that face major roads which carry an annual average daily traffic volume of 40,000 vehicles also must address requirements that are specified by State Environmental Planning Policy (Transport and Infrastructure) 2021.

5.3.2 OBJECTIVES OF THIS CHAPTER

Objectives for all developments are:

(a) Provide sufficient off-street parking for employees, customers, residents and visitors.

(b) Accommodate access and parking for vehicles and bicycles which is safe and convenient

(c) Ensure that parking areas and driveways do not dominate built form or compromise streetscape character.

(d) Integrate vehicle access and parking with the design of proposed buildings and landscaping.

(e) Ensure safety of pedestrians in vehicle entry and exit areas.

5.3.3 CONTROLS

Development proposals should comply with the following requirements:

(a) Off-street car parking should be provided according to Table 5.2.

Table 5.2: Required off-street car parking

Use	***Requirements***
• Bed and breakfast accommodation • Boarding houses • Group homes	• 1 space per six bedrooms • 1 space for caretaker/manager
• Commercial premises *includes: business premises, office premises, retail premises*	• 1 space per 30m^2 of nett floor area
• Child care centres	• 1 space for every 2 employees • 1 space for every 8 children
• Dual occupancy • Dwelling houses (new)	• 1 space for gross floor area less than 125m • 2 spaces for gross floor area above 125m^2
• Dwelling houses (alterations or additions) • Home occupations	• nil
• Home businesses	• 1 space per 50m2 gross floor area
• Multi dwelling housing • Residential flat buildings • Shop top housing	• 1 space per studio dwelling, or per dwelling with one bedroom • 1.2 spaces per dwelling with two bedrooms • 1.6 spaces per dwelling with three or more bedrooms • 1 visitor space per 4 dwellings
• Secondary dwellings	• 1 space • nil for developments permitted by Chapter 2 of State Environmental Planning Policy (Housing) 2021
• Major developments and land uses that are not specified by this table	• per *Guide to Traffic Generating Development* (NSW Department of Roads and Maritime Services)

Note. The number of bedrooms in any proposed dwelling, and required parking, should be calculated to include all rooms which are capable of use as a bedroom or simple conversion to create a bedroom. Examples of such rooms may include studies, media rooms, or family rooms which might be proposed in addition to a dwelling's primary living room.

(b) Driveways and parking areas should conform with the following design requirements:

(i) In general, their location and design should blend with character of the surrounding locality (defined by the relevant desired character controls in *Chapter 2.2 Character).*

(ii) Dimensions and design should not visually dominate any façade which would be visible from a road.

(iii) Paved outdoor areas for vehicle access and parking should be minimised.

(iv) In village centres, vehicle access should be from rear lanes or side streets wherever possible in order to minimise conflict with pedestrian traffic along the main street frontage.

(v) Garages and carports for residential developments should be located behind the street boundary setback (or front building line).

(c) Driveways and parking areas should conform with the following requirements:

(i) Dimensions and gradients of driveways, access ramps, aisles and parking areas shall conform with *Australian Standard AS 2890.1 Design of Off-street Parking.*

(ii) In general, only one vehicle driveway should be provided for each development site.

(iii) For developments within any residential zone, driveways that would be located near a side boundary should have a width of not less than 3 metres, and driveways generally should be setback at least 1 metre from the side boundary in order to provide a planting strip.

(iv) Adequate turning areas that enable vehicles to enter and exit from a site in a forward direction should be provided for all developments that comprise three or more dwellings, that require access from Victoria Road or Pittwater Road, or that include commercial premises.

(d) Parking spaces should conform with the following requirements:

(i) Dimensions and gradients of parking spaces shall conform with *AS 2890.1.*

(ii) In general, each space should be separately accessible, and stacked or tandem parking spaces will be accepted only where they relate to the same dwelling or to an individual tenancy within commercial premises.

(iii) Visitor parking spaces should be conveniently accessible and clearly identified.

(iv) Parking spaces for vehicles and bicycles should be undercover.

(e) Child care centres should satisfy the following special requirements:

(i) Development applications should be supported by a traffic study.

(ii) Car parking areas should be safe and appropriate to meet the special needs of children, people with disabilities, and staff.

(iii) The Council will consider reduction of numeric parking requirements specified by Table 5.2 if safe on-street parking is available, and also if the use of such parking would not adversely affect amenity of the surrounding area or traffic safety.

(iv) A maximum of two parking spaces in a stacked or tandem configuration may be provided but only for use by employees.

(v) At least one parking space should have a minimum width of 3.8 metres to accommodate people with disabilities or children in prams.

(vi) Car parking may be provided in basements if safe access by pedestrians and vehicles can be achieved.

(vii) Drop-off and pick-up points for children should be designed to protect children's safety, should be clearly identified, and either provided within the site or adjacent to the site if a suitable location is available.

(viii) Pedestrian access should include clearly defined paths with a minimum width of 1.8 metres that are separated from vehicles, for example by bollards with a minimum height of 1.2 metres.

(ix) Sight lines from access driveways to the street must not be obstructed by fences, buildings or vegetation.

(f) For every development, Council may require street works that may include construction of a full width kerb and gutter, a concrete footpath, and associated street drainage works.

(g) For sites that are located in a village or a village centre, provide access for pedestrians and cyclists to public transport and/or community facilities.

5.4 SEDIMENT & EROSION CONTROL

5.4.1 INTRODUCTION

This chapter applies to all developments that are permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

This chapter provides detailed development controls in relation to management of erosion and control of sediment during the construction of approved developments. The controls in this chapter complement provisions of the *Hunters Hill LEP 2012* which relate to earthworks and stormwater.

Development consent is required for all developments which do not satisfy the standards that are specified by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.* For developments which require consent under the *Hunters Hill LEP 2012,* potential impacts of erosion and sediment must be considered in relation to riparian lands and waterways, areas of bushland, and properties which are adjacent to development sites or nearby.

5.4.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to management of sediment and control of erosion are:

(a) Minimise land degradation and water pollution which might arise during the construction of approved developments.

(b) Avoid sediment pollution of downstream lands and receiving waters which include the Lane Cove River, the Parramatta River, and minor tributaries to those rivers.

(c) Avoid the degradation of bushland by sediment which might be discharged from development sites.

(d) Reduce nuisance to adjoining and downstream properties due to sediment or dust which might be mobilised during construction works.

Detailed objectives in relation to management of sediment and control of erosion are:

(a) Achieve effective control for sediment pollution from development sites in order to minimise watercourse turbidity during specified storm events.

(b) Avoid environmental degradation which may be associated with urban development by effective planning prior to the commencement of earthworks in order to minimise erosion and limit the movement of sediment or dust from the development site.

(c) Identify best management practices (BMPs) for control of erosion and the management of sediment according to the circumstances of each development site, and employing best available technology appropriate to the scale of development that is proposed.

(d) Ensure effective operation of approved soil and water management structures during design storm events.

Notes. Sediment which is generated during construction works also includes airborne dust.

Although effective management of erosion and control of sediment occurs during the construction phase, appropriate planning requires that best management practices are identified by development applications and confirmed by development consents.

In order to specify BMPs for the effective management of erosion and control of sediment, development applications must include an *Erosion and Sediment Control Plan* or a *Soil and Water Management Plan*.

Details of the approved *Sediment Control Plan* or *Soil and Water Management Plan* will need to be implemented continuously throughout the construction phase. Construction will be monitored by Hunter's Hill Council, and unsatisfactory control of erosion or management of sediment may result in proceedings under the *Protection of the Environment Operations Act*.

5.4.3 APPROACH FOR THIS CHAPTER

This chapter provides a combination of principles, performance standards and guidelines:

(a) The *Sediment Control Plan* or *Soil and Water Management Plan* may select solutions for erosion control and management of sediment that are most appropriate for each site, and which satisfy desired outcomes in the most cost effective manner.

(b) In order to satisfy provisions of the *LEP 2012,* all development applications must address four topics:

(i) Erosion control.

(ii) Building operations.

(iii) Drainage control.

(iv) Sediment control.

(c) Technical reports prepared by consultants may be necessary to demonstrate that development proposals will satisfy the desired outcomes which are specified by this chapter.

5.4.4 EROSION CONTROL

Minimise Disturbance

Development proposals, together with the *Sediment Control Plan* or the *Soil and Water Management Plan* and management during construction, should conform with the following principles:

(a) The volume of earthworks should be minimised.

(b) Earthworks should be commenced immediately prior to building.

(c) Topsoil removed during excavation should be stockpiled on-site for reuse.

(d) Maximise the area of existing vegetation which is retained without disturbance during construction, particularly down-slope from work sites and along street verges.

(e) Maximise the surface area of soil which is retained without disturbance during construction works.

(f) Where vegetation must be removed, protect areas of exposed soil by appropriate temporary measures such as erosion control matting, gravel or leaf mulching.

Stockpiles

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Stockpiles and storage for building materials may not be located upon public footpaths or within road reserves without prior approval by Hunter's Hill Council.

(b) Stockpiles and storage for building materials should be located within the development site, and confined to a 'sediment control zone' which is contained by a sediment fence or an appropriate sediment barrier.

(c) Stockpiles should not be located within an overland flow path for stormwater in order to minimise erosion of sand or soil.

(d) Where stockpiles must be located within an overland flow path for stormwater, a perimeter bank should be constructed up-slope of the stockpile to direct run-off around the stockpile.

(e) Stockpiles and storage for building materials should not be located within the Tree Protection Zone (TPZ) of any tree *prescribed* by this Plan.

(f) Erosion from stockpiles (including airborne dust) should be minimised by covers.

Erosion Control Mats

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Erosion control mats should be used to minimise soil erosion on sites with soils that present a high erosion risk, upon steep slopes, or where a delay in building works or site rehabilitation are likely.

(b) Erosion control mats should be used for revegetation of slopes steeper than 4:1 (H:V) unless well anchored turf is proposed.

(c) Preferred erosion control mats include biodegradable materials where landscape works are proposed, and tile mats within steep overland flow paths.

Service Trenches

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Service trenches should be backfilled with compacted material, and capped with topsoil to a level at least 75mm to 100 mm above the adjoining ground level in order to minimise erosion.

Note: This practice allows for subsidence of fill material, but ensures that fill is sufficiently compacted to minimise future erosion.

Site Rehabilitation

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) All ground which has been disturbed by building activities should be stabilised promptly and progressively in order to minimise potential for erosion.

(b) Effective stabilisation is achieved by turfing and revegetation.

Garden Beds

Proposed landscaping, together with the *Sediment Control Plan* or the *Soil and Water Management Plan* and management during construction, should conform with the following principles:

(a) Mulch should be applied to all garden beds in order to minimise potential for erosion

(b) Effective mulching requires a depth of 75mm to 100 mm.

Note. Effective mulching also assists establishment of new landscaping by minimising water loss and controlling weed growth.

5.4.5 BUILDING OPERATIONS

Generally

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Building operations such as washing of tools and painting equipment, and cutting of bricks, tiles or masonry, should not occur outside of the development site.

(b) Such activities should be undertaken on a permeable surface such as grassed areas, or above an infiltration trench or loosened soil, so that pollutants may be contained on-site.

(c) Particular care should be taken in relation to operation of water cooled cutting equipment that typically generates significant quantities of polluted wastewater.

Building Waste & Litter

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) All solid wastes should be stored securely within the development site to prevent dispersal by wind or water.

(b) Litter and smaller waste products should be stored in covered bins or beneath litter traps that are protected on three sides and above by geotextile screens.

Site Clean-up

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Accidental spills of soil or other materials onto public roads (including spills into gutters or drains) shall be removed prior to storms, and at the very least, at the end of each working day.

(b) Materials to be removed from roads and drains shall be swept or shovelled, and should not be hosed away.

(c) Following any storm event, the road reserve and all sediment barriers shall be inspected and excessive build-up of sediment should be swept or shovelled for removal.

Concrete Mixer Clean-Up

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Concrete waste washed from trucks and mixer units shall be securely contained within the development site, and shall not be exposed to potential stormwater flows or rainfall that might allow waste to wash from the site.

Concrete Surfaces

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Concrete should be installed and cured in a way that prevents cement wash-off to flow into stormwater drains or waterways.

(b) Ideally, cement residue from concrete surfaces should be washed onto previously poured surfaces, or should be contained within a temporary trench or bunded area:

(i) The bunded area may be constructed from sand or gravel filled bags stacked tightly to form a gutter, or as a temporary concrete bund 200mm to 250 mm high which is poured onto plastic sheeting.

(ii) Collected wash-off water may be pumped onto a pervious surface such as a grassed area, and after drying, cement residue should be shovelled into a waste bin.

5.4.6 DRAINAGE CONTROL

Diversion Of Stormwater

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) If stormwater run-off from a catchment that is larger than 0.5 hectares would feed into a work site, up-slope water should be diverted around the work area.

(b) Stormwater may be diverted by small catch drains or perimeter banks.

(c) On steep sites, earth drains should be lined with turf or geotextile fabric.

(d) Diverted stormwater should be discharged onto stable areas, and should not flow onto a neighbouring property unless written permission of the neighbouring landowner has been obtained.

(e) Diverted stormwater should not be directed towards a vehicle entrance or exit onto the development site.

Check Dams

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) 'Check dams' constructed from sand or gravel filled bags should be used to contain erosion in unlined diversion drains.

(b) Check dams should occur at regular intervals so that base of the up-slope dam is level with crest of the down-slope dam.

Level Spreaders

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Where stormwater must be diverted around a work site, discharge should be via sheet flow through an undisturbed grass area.

(b) If discharge into an undisturbed grassed area is not practical, stormwater should be discharged via a level spreader that is located at the end of the catch drain or perimeter bank in order to convert a concentrated flow to a less erosive sheet flow.

Roof Water Collection

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Roof water from completed structures should be connected to stormwater drains as soon as practicable within the construction program.

(b) Temporary or permanent downpipes should be installed immediately after roofing materials have been installed.

5.4.7 SEDIMENT CONTROL

Stabilised Vehicle Entrances & Exits

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Vehicle entrances and exits to the development site should be confined to a single location (which may be temporary).

(b) Vehicle entrances and exits should be stabilised to prevent sediment being tracked from the site: for example, by a pad of 40mm crushed rock or recycled concrete which is at least 150mm to 200mm deep (generally, geotextile filter fabric is not required beneath pads).

(c) Stabilised vehicle entrances or exits should be at least 2 metres wide and 5 metres long, and on smaller sites should extend from the street kerb to the main works area.

(d) If vehicle entrances or exits would slope towards the public road, the aggregate pad should incorporate a raised bund or hump to deflect stormwater run-off to one side where it may be filtered by a sediment fence.

Sediment Fences

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Development sites should incorporate a sediment barrier or fence along the lower sides of areas that would be disturbed, and should be aligned to prevent channelling of stormwater flows.

(b) Sediment fences should comprise geotextile fabric tied to steel posts or stapled to hardwood stakes that are approximately 40mm square, with lower edges of fabric screens buried by at least 100mm.

(c) In situations where burying lower edges of the sediment fence are undesirable or impractical, at least 200mm of the fabric screen should extend up-slope across the ground surface and should be secured by 100mm of aggregate.

Notes: The most efficient sediment barrier or fences incorporate geotextile fabric, rather than filter cloth or shade cloth which are not recommended.

Tied sediment fences offer the advantage of being readily unhooked from support posts during working hours to allow unloading or access, which may be particularly useful for narrow fronted building sites.

Perimeter Banks

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Aggregate perimeter banks may be used as an alternative to sediment fences level flat sandy sites where the run-off catchment comprises only the development site.

(b) Aggregate perimeter bank should be 300mm high and 1000mm wide at their base, and should be formed with clean aggregate of 40mm to 75mm.

Note. Compared to sediment fences, perimeter banks offer advantages which include relatively unrestricted access and durability. However, removal and recycling of aggregate from banks may be more complicated.

Straw Bales

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Straw bales are not recommended in lieu of sediment fences or perimeter banks, other than for short term or small scale situations.

(b) Use of straw bales should be confined to locations down-slope of small stockpiles provided that they are appropriately secured by two stakes per bale and that water is prevented from flowing under or around the bales.

(c) Straw bales should not be used on properties that accommodate bushland, or that are located next to bushland, which might be affected by seeds from pasture grasses that are carried within the bales.

Filter Strips

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) Sediment fences or perimeter banks may not be required on development sites that retain significant areas of undisturbed grass down-slope from proposed works areas.

(b) In order to be effective, undisturbed grass should have be a minimum width that is five times the percentage slope of the grassed area (measured across counters and in the direction of stormwater flow), and stormwater run-off from disturbed areas should be discharged evenly across the grass (discharges should not be concentrated).

Note: For example, the minimum width would be 5 metres for a 1% slope and 50 metres for a slope of 10%. Land with a 1% slope falls 0.1 metre (or 100mm) over a distance of 10 metres.

(c) Undisturbed grassed areas that are proposed for filtration and infiltration should be fenced during construction works to prevent damage from vehicles or storage of materials.

Barriers for On-Site Stormwater Inlets

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) During construction, stormwater inlets that are located upon a development site should be protected by layers of geotextile fabric placed directly over a grated inlet or by fabric fixed securely to timber or metal posts around the inlet.

(b) During storm events, ponding should be permitted around the stormwater inlet so that sediment may settle, and post-and-fabric screens should be structurally capable of withstanding the weight of ponded waters.

Barriers for Road-Side Gullies

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) In general, sediment barriers should not be located outside the development site where they might obstruct roads or footpaths, or where they might be damaged by vehicles.

(b) Protection of kerbside gullies typically is not reliable because sediment laden waters are usually diverted to the next unprotected gully downslope.

(c) Sediment barriers around kerbside gullies should be limited to 'sag points" in the road's vertical alignment, should not fully-block the inlet structure, and should consist of temporary dams constructed from sand or gravel filled bags that are located at least 4 metres up-slope from the gully inlet.

(d) Barriers around kerbside gullies may not be installed without prior approval from Hunter's Hill Council.

Maintenance of Control Measures

The *Sediment Control Plan* or the *Soil and Water Management Plan,* together with management during construction, should conform with the following principles:

(a) All approved sediment control measures must be regularly checked and maintained in good working order.

(b) Best practice management requires that potential risks are anticipated, and that preparation for abnormal storms or emergencies includes on-site stockpiling of extra materials for sediment fences or barriers to enable emergency repairs.

(c) Stabilised pads at vehicle entry or exit points will require additional crushed rock if an excessive build-up of sediment occurs.

(d) Maintenance for sediment fences includes the replacement of damaged fabric, removal of sediment that has been deposited up-slope, and re-burial of bottom edges to fabric screens.

5.4.8 CONTROL & MANAGEMENT PLANS

The *Sediment Control Plan* or the *Soil and Water Management Plan* should provide the following details:

(a) Site details:

  (i) Property boundaries.

  (ii) General soil description.

  (iii) Existing contours, highlighting the head and foot of embankments.

  (iv) Existing overland drainage flow paths.

  (v) Existing vegetation.

  (vi) Existing buildings and/or paved areas.

(b) Details of the proposed development:

  (i) Proposed finished contours, including the head and foot of proposed embankments or retaining walls.

  (ii) Location of existing vegetation that would be retained together with extent of proposed landscaped areas.

(iii) Location of proposed buildings and/or paved areas.

(c) Proposed erosion control measures:

(i) Location of proposed temporary drainage control measures.

(ii) Location of proposed erosion and sediment control measures.

(iii) Location of proposed stockpiles for soil and sand, and material storage.

(iv) Location of stabilised pads for vehicle entrances and/or exits.

(d) Proposed works sequence and responsibilities:

(i) Timing of works and installation of control measures.

(ii) Maintenance requirements for control measures.

(iii) Schedule of contractors who would be responsible for installation and maintenance of control measures.

Note. *Managing Urban Stormwater– Soils and Construction* (also known as "The Blue Book") which is published by Landcom NSW provides useful technical references regarding designs and details that should be included with any *Sediment Control Plan* or *Soil and Water Management Plan*.

5.5 SIGNAGE & ADVERTISING STRUCTURES

5.5.1 INTRODUCTION

This chapter provides detailed development controls and guidelines in relation to signage and advertising structures which are ancillary to a development that is permitted by the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

The detailed development controls provided by this chapter complement provisions of the *Hunters Hill LEP 2012* together with provisions of any applicable State Environmental Planning Policies (SEPPs) which may include:

(a) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

5.5.2 OBJECTIVES OF THIS CHAPTER

General objectives for development of signage or advertising structures are:

(a) Ensure that advertising structures and signage do not detract from existing scenic qualities, or heritage significance, or neighbourhood character, or residential amenity which are characteristics of the Hunters Hill Municipality.

(b) Encourage advertising structures and signage that harmonise with the form and design of buildings to which they are attached.

(c) Prevent excessive signage which contributes to visual clutter.

5.5.3 SCOPE OF THIS CHAPTER

This chapter provides detailed controls and guidelines for the following types of signage and advertising structures:

advertising panel A structure which is not illuminated, such as a hoarding or bulletin board.

awning sign Attached below an awning (but not including a sign which is attached to an awning fascia or return end).

fascia sign Attached to the fascia or return end of an awning.

fin sign Erected upon or above the canopy of a building, such as a service station canopy.

flashing sign Illuminated signs (any part of the advertising area), whether constantly or at frequent intervals, by an internal source of artificial light and including all types of advertising structure.

floodlit sign Illuminated signs (any part of the advertising area) by an external source of artificial light and including all types of advertising structure.

flush wall sign	Attached to the wall of a building, including painted wall signs, (other than above the transom to a doorway or display window) and painted wall signs which do not project horizontally more than 0.3 metres from a wall.
moving sign	Attached to a building and capable (any part of the advertisement or advertising structure) of movement by any source of power, and including all types of advertising structure.
painted wall sign	Advertisement painted directly onto the facade of a building.
pole or pylon sign	Erected on a pole or pylon independent of any building or other structure.
projecting wall sign	Attached to the wall of a building sign (other than above the transom of a doorway or display window) and projecting horizontally more than 0.3 metres from the wall.
real estate sign	Advertisement of a place or premises where the sign is located, and containing only a notice of sale or letting for that place or premises together with details of the sale or letting: (a) Advertisements for letting or sale of residential premises do not: (i) exceed an area of 2.5m². (ii) have a return dimension more than 180mm. (b) Advertisements for commercial premises that do not exceed an area of 4.5m². (c) Advertisements are not displayed for more than fourteen days after letting or completion of the sale of the premises or place.
roof sign	Erected on or above the roof or parapet of a building.
top hamper sign	Attached above the transom of a doorway or display window.
window sign	Any advertisement that is located or displayed on, or in, the window of a building.

5.5.4 GENERAL CONTROLS FOR BUSINESS ZONES

Objectives

Objectives in relation to signage and advertising structures in business zones are:

(a) Communicate the facilities, amenities, goods and services which exist within a Business Zone.

(b) Permit adequate identification of premises by signage which is designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings.

(c) Enhance the distinctive urban character and amenity of this Municipality.

(d) Prevent unnecessary or excessive advertising and associated visual clutter or confusion which might result.

(e) Encourage fewer, better designed and more effective signs.

Controls

Development proposals in business zones should comply with the following controls:

(a) Applications for advertising structures or signage will be considered on merit according to the following matters:

- (i) Land use zoning and permissibility of the development to which signage is proposed to be attached.
- (ii) The number of existing signs upon the building and adjacent buildings.
- (iii) Visibility.
- (iv) Advertising content.
- (v) Size.
- (vi) Scale in proportion to building and other urban elements.
- (vii) Design and compatibility with buildings and streetscape.
- (viii) Environmental character and impact on streetscape.
- (ix) Colours.
- (x) Whether the sign is above awning height.
- (xi) Illumination and its affects on residents, traffic etc.
- (xii) Durability and maintenance.
- (xiii) Safety, in terms of traffic distraction and structural integrity.
- (xiv) Relationship to heritage items.
- (xv) Design criteria in this chapter.

(b) Signage should clearly communicate the product or service which is offered.

(c) Signage should not contribute to a ‘domino effect’ with competition from neighbouring premises to gain the advantage in commercial exposure.

(d) Preferred locations for typical shop-front signs are:

(i) Illuminated 'under awning' signs.

(ii) Attached or applied to the awning fascia.

(iii) Located above the transom over a door or shop-front ('top hamper signs').

(e) 'Under awning' signs should be limited to one per shop-front:

(i) Signs should provide a minimum 3 metre spacing from the nearest existing under awning sign to allow reasonable and effective exposure.

(ii) For premises with a wide frontage, more than one under awning sign may be permitted but the proposed signs should not be closer than 4 metres from each other.

(f) Signs constructed above awning height (typically 3 metres above the footpath) and projecting wall signs will not be approved.

(g) Advertising structures or signage which are flush to the exterior wall of a building may be approved provided that they would be in keeping with the architectural design and finish of the building, and would be in proportion to the scale, size and height of that building and its neighbours.

(h) Design of new buildings or alterations and refurbishment of existing buildings should allow for future advertising structures or signage:

(i) Future signs should appear as integral elements of the building and should avoid a 'tack-on' appearance.

(ii) If development applications for building works do not provide a co-ordinated concept plan for advertising structures and signage, subsequent applications for advertising structures or signage might not be approved.

(i) Roof signs which break the roofline of a building will not be approved unless the proposed advertising gives the impression of being an integral element of the building design:

(i) Identification signs should be limited to one per elevation, and wording should relate to use of the building.

(ii) Design, colour, height and scale of signs must be compatible with the architectural style and finish of the building to which they would be attached.

(j) Flush wall signs:

(i) Should not be attached or applied to end walls of a building that adjoin residential premises or that face a common boundary with other premises where maintenance access cannot be guaranteed.

(ii) Subject to Council's approval, might be permitted on the end wall of a building which adjoins a public place provided that such signs are not larger than $5m^2$, do not visually dominate the facade to which they would be attached, and would be visually harmonious with the streetscape.

(iii) Repainting of a facade may be necessary to ensure that a proposed flash wall signs would appear as an integral element of that façade.

(iv) Poster type signs, including regularly changing advertisements or alcohol and cigarette advertising material, will not be permitted as flush wall signs or advertising panels that are attached to a wall.

(k) A-frame and temporary footpath signs are not permitted in public places, and will only be allowed in arcades where they would not obstruct pedestrians or vehicles.

(l) 'Third party' advertising generally will not be permitted:

(i) Unless advertising content relates to the underlying building or premises, or to goods which are sold on those premises.

(ii) Note that cigarette or alcohol advertising which might be allowed by Federal or State legislation will not be permitted, except in situations where it would relate to goods sold on the premises, and provided that such advertising would occupy a minor proportion of the proposed sign.

5.5.5 GENERAL CONTROLS FOR RESIDENTIAL ZONES

Objectives

Objectives in relation to signage and advertising structures in residential zones are:

(a) Permit adequate identification of small shops, and other permissible or non-conforming uses without compromising amenity of the surrounding area or the amenity of residential properties nearby.

(b) Prevent degradation of existing and likely quality of the surrounding residential environment.

(c) Minimise visual impacts of signs.

Controls

Development proposals in residential zones should comply with the following requirements:

(a) Illuminated signs should avoid nuisance to nearby residents or local traffic:

(i) Depending upon the location and relationship to nearby residential premises, control of illumination by automatic time clocks may be required in order to extinguish signs between 10pm and 6am, or as appropriate to circumstances of the proposed location.

(b) A maximum of two signs will be permitted per frontage, and in the following locations which are preferred:

(i) Under awning.

(ii) Awning fascia.

(iii) Transom signs above a door or shop-front ('top hamper').

(iv) Inside the display window.

(v) Below the window sill.

(vi) Flush wall signs.

(c) Advertising which is proposed for an end wall should not visually dominate the facade to which it would be attached, or compromise streetscape quality:

(i) Primary consideration will be given to design and aesthetics.

(ii) End wall signs should be visually harmonious with streetscape.

(iii) Poster signs which include regularly changing advertisements, cigarette or alcohol advertising material, whether flush wall signs or advertising panels, generally will not be approved.

(iv) Advertising signs or structures will not be permitted on end walls that adjoin a residential property.

(v) Advertising signs will not be permitted on end walls which are located hard against a common boundary because maintenance access cannot be guaranteed.

5.5.6 CONTROLS FOR *HERITAGE ITEMS* & *HERITAGE CONSERVATION AREAS*

Objectives

Objectives in relation to signage and advertising structures in relation to *heritage items* and *heritage conservation areas* are:

(a) Design and locate signage in a manner which preserves and enhances the values and qualities of *heritage items* and *heritage conservation areas*.

Controls

Development proposals should comply with the following requirements:

(a) Heritage provisions in clause 5.10 of *LEP 2012* must be satisfied.

(b) Proposed signage should be visually discreet and should complement architectural character of the building to which they would be attached as well as the character of surrounding buildings.

(c) Proposed signage should be placed in locations which are traditionally used for signage or advertising.

(d) Heritage considerations may limit opportunities for advertising structures or signage.

(e) Suitable locations for new signage include:

(i) Solid parapets above a cornice

(ii) The horizontal panel below a cornice

(iii) Verandah or awning fascias

(iv) Ground floor windows

(v) Notice boards or plaques on ground floor piers

(vi) Small signs on individual architectural elements such as rendered blocks

(vii) Under awning signs

(viii) Small free standing pole signs which are not illuminated

(ix) Side walls (subject to detailed considerations that are specified by this Chapter).

(f) Detailed criteria include:

(i) Signs on shop windows should not exceed 25% of the window area.

(ii) Colours for signs should be consistent or compatible with traditional exterior colours.

Notes: External colours applied during different historical periods varied, and were more muted in range than today.

Appropriate colour ranges for buildings in heritage areas should be researched.

Generally, dark or muted colours are suggested: maroon, dark green, terra-cotta, brown, charcoal with highlights by creams, ochres, pinks and earth tones.

(iii) Heritage lettering styles may involve shaded letters, the mixing of sizes and styles of letters, and ornamental scrolls relevant to the period of the building.

(iv) Signs are preferably illuminated by floodlighting, with the source of the illumination being suitably concealed.

(v) Modern standardised 'trademark' advertising usually is not compatible with heritage values, but may be acceptable if surrounded by a perimeter margin, or if printed in sympathetic heritage colours.

5.5.7 SIZES & DESIGN CRITERIA FOR *SIGNAGE* & *ADVERTISING STRUCTURES*

Development proposals should comply with dimensions and design criteria which are specified below.

Note: Applications must address all relevant sections in this chapter.

Compliance with dimensions and design criteria alone is not a sufficient reason for development consent to be granted.

Advertising panels

(a) Where erected or attached to the wall of a building:

(i) Shall not extend laterally beyond the wall

(ii) Shall not project above the top of the wall

(iii) Shall not project more than 200mm from the wall

(b) If erected or attached less than 2.6 metres above ground level:

(i) Shall not project more than 500mm over a public place

(ii) Shall not cover any window or architectural projection

(iii) Shall not contain non-durable advertising material such as poster paper.

Fascia signs

(a) Shall not project above or below the fascia or return end of the awning to which it is attached

(b) Shall not extend more than 300mm from the fascia end of the awning, and

(c) Unless the council otherwise approves, shall not extend or project beyond a point 600mm within the vertical projection of the kerb line.

Fin signs: not permitted

Floodlit signs

(a) A floodlit sign which projects over a public road:

(i) Shall not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

(ii) Lighting shall not cause distraction or nuisance to neighbouring properties or traffic.

Flush wall signs

(a) Flush wall signs generally:

(i) Shall not extend laterally beyond the wall of the building to which it is attached

(ii) Shall not project above the top of the wall to which it is attached

(b) Illuminated flush wall signs shall not be less than 2.6 metres above the ground

Pole or pylon signs

(a) Shall not project more than 1.2 metres over any road alignment

(b) Where a sign would projects over any road alignment, it shall be not less than 2.6 metres above ground level below

Projecting wall signs (horizontal)

(a) Height should be less than width of the proposed sign

(b) Signs should be attached at right-angles to a building wall

(c) Signs should be at least 2.6 metres above ground level

(d) Signs should not project more than 600mm beyond the vertical projection of a street kerb below.

Projecting wall signs (vertical)

(a) Height should be more than width of the proposed sign

(b) Signs should not project above the top of the building wall to which they would be attached

(c) Signs should be at least 2.6 metres above ground level

(d) Unless the Council approves otherwise, signs should not project more than point 600mm beyond the vertical projection of a street kerb below

Roof signs: not permitted

Signs above awning height: not permitted

Top hamper signs

(a) Shall not extend more than 200mm beyond any building alignment

(b) Shall not extend below the level of the head of the doorway or window above which it is attached

Under awning signs

(a) Where an advertisement is displayed under an awning, the awning sign to which the advertisement is attached:

  (a) Shall be erected approximately horizontal to the ground level and at no point less than 2.6 metres from ground level

  (b) Unless the Council approves otherwise, shall be erected at right-angles to the building to which the awning is attached

  (c) Shall be securely fixed to the awning by means of suitable metal supports not exceeding 50mm in width or diameter

(d) Shall not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building

(e) Unless the council approves otherwise, shall have its centre at least 3 metres from the centre of any other awning sign to which this item applies.

5.5.8 SAFETY & MAINTENANCE

Development proposals should comply with criteria which are specified below.

(a) Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.

(b) Council will give due attention to all applications with respect to possible distraction of motorists due to illumination, position, colours, design and proximity to traffic lights.

(c) Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to other relevant authorities such as Transport for NSW for comment.

(d) Signs must be kept in good and substantial repair, and in a clean and tidy condition at all times.

(e) Council will not favour signs which are prone to deterioration in appearance and condition, and may order removal of objectionable or unsightly advertisements.

5.6 STORMWATER MANAGEMENT

5.6.1 Objectives

This chapter applies to all developments that are permitted by the Hunters Hill Local Environmental Plan 2012 (LEP 2012).

Specific objectives in relation to stormwater management are outlined within the Hunters Hill Council Consolidated Stormwater Management Policy.

5.6.2 Controls

All development proposals must comply with the relevant provisions of the Hunters Hill Council Consolidated Stormwater Management Policy.

5.6.3 Covenants & Certification

In order to satisfy performance standards, development proposals may need to provide the following measures prior to the release of any occupancy certificate:

(a) A draft covenant prepared under Section 88B of the *Conveyancing Act:*

(i) Specifying the land owner's responsibility to construct and properly maintain all stormwater management systems that are elements of the proposed development (but if applicable, as modified by conditions of a development consent).

(ii) Confirming that terms of the covenant may not be varied without the prior agreement of Hunter's Hill Council.

(b) Written confirmation by a qualified hydraulic engineer that all stormwater management systems have been constructed according to the development consent and approved construction certificate, and in conformity with all applicable national standards or codes.

5.7 WASTE MINIMISATION AND MANAGEMENT

5.7.1 INTRODUCTION

This chapter applies to all development within the Municipality of Hunters Hill.

This chapter provides controls and guidelines for waste avoidance and resource recovery during the construction and occupancy of developments which have been approved under the *Hunters Hill Local Environmental Plan 2012 (LEP 2012)*.

The controls in this chapter aim to implement NSW strategies in relation to waste management.

Notes. Current waste management strategies in NSW respond to the *Waste Avoidance and Resource Recovery Act 2001.*

Local government can contribute to waste management strategies by the effective management of development which requires consideration of includes demolition and construction phases, followed by occupancy of the completed building works.

Ecological sustainability is a key objective for both the *Waste Avoidance and Resource Recovery Act 2001* and the *Environmental Planning and Assessment Act 1979.* Consequently, details of waste generation and resource recovery must be considered as part of every development application.

5.7.2 OBJECTIVES OF THIS CHAPTER

General objectives in relation to waste management are:

(a) Contribute to Federal and State Government waste minimisation targets by compliance with regional waste plans.

(b) Minimise impacts of waste and implement principles of ecologically sustainable development (ESD).

(c) Encourage building designs and construction techniques that minimise waste generation and maximise resource recovery, including reducing the use of non-renewable resources;

(d) Require on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and the private sector;

(e) Specify design standards for storage and sorting of waste which are consistent with waste collection services that are offered by Hunter's Hill Council or private contractors.

(f) Ensuring waste from developments can be collected and disposed in a manner that is safe, efficient, and minimises disruption to

amenity.

5.7.3 WASTE MINIMISATION AND MANAGEMENT

Waste and sustainable resource management is a priority for all levels of government within Australia. This is particularly the case as the environmental and economic costs of waste generation and disposal rise, and landfill sites become scarce.

The waste hierarchy as outlined below provides the priorities for the efficient use of resources.

- **Avoid and Reduce** the amount of waste generated
- **Reuse and Recycle** to ensure the most efficient use of resources
- **Resource Recovery** through reprocessing for remanufacture or energy generation
- **Treatment and Disposal** in the most environmentally responsible manner.

The implementation of effective waste minimisation and management strategies has the potential to significantly reduce the volume of wastes generated and its economic, environmental and social impacts.

5.7.4 DEVELOPMENT APPLICATION REQUIREMENTS

All development applications, including demolition, construction and change of use of a site/premise, must be accompanied by a Waste Management Plan (WMP).

In addition to submission of a WMP, the waste management facilities proposed as part of the development, must be clearly illustrated on the plans of the proposed development, accompanying the development application.

Note: persons carrying out complying or exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity, and to deal with any waste generated in accordance with the above objectives.

5.7.5 WASTE MANAGEMENT PLANS

A Waste Management Plan (WMP) outlines measures to minimise and manage waste generated during demolition, construction, and ongoing use of the site/premises.

In doing so, the WMP nominates:

- The types and volumes of waste and recyclables likely to be generated,
- Arrangements for the storage and treatment of waste and recyclables on site,
- Arrangements for the collection and disposal of residual waste and recyclables from the site,
- The operational procedures for ongoing waste management of the development,
- Any waste management service provider; and
- Potential reuse/recycling opportunities of excess construction materials.

Appendix A provides a template for the compilation of a WMP. In the absence of project specific calculations, Appendix B provides indicative generation rates for waste and recycling as well as Council's current services

for residential properties which can be used to inform the compilation of a WMP.

5.7.6 CONTROLS FOR DEMOLITION AND CONSTRUCTION

Objectives

The objectives of this section are to:

(a) Minimise waste generation.

(b) Maximise the reuse and recycling of materials.

(c) Ensure appropriate storage and collection of wastes.

(d) Minimise the environmental impacts associated with waste.

Provisions

(a) A detailed Waste Management Plan (WMP) identifying all waste likely to result from demolition and construction must be submitted as part of the development application and must include details of the reuse of materials, and recycling / disposal arrangements.

(b) Materials that have an existing reuse or recycling market should not be disposed of in a landfill.

(c) Documentation (such as receipts) for the transport and disposal of waste and recyclables from the site must be retained. This documentation must be made available on request to monitor compliance with the approved Waste Management Plan.

(d) An area must be allocated onsite for the storage of materials for reuse, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements). Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.

(e) Bins and waste storage areas must be clearly signposted to ensure the correct source separation of wastes and recyclables.

(f) Measures must be implemented to prevent odour, health risks, and windborne litter.

(g) Site disturbance and unnecessary excavation must be minimised.

Note: When implementing the WMP the applicant must ensure that any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

5.7.7 Development Specific Controls

Objectives

The objectives of this section are to ensure that waste:

(a) Storage and management facilities are designed to maximise source separation and recovery of recyclables.

(b) Storage and collection facilities are designed and constructed to facilitate the safe and efficient management of wastes.

(c) Management systems are of minimal environmental impact, intuitive and accessible.

Single Dwellings and Dual Occupancies

Provisions

(a) Plans submitted with the development application must show:

i. The location of an indoor waste/recycling cupboard for each dwelling that is large enough to accommodate two day's waste and provides for the separation of garbage, food organics, and recycling.

ii. The location of an onsite bin storage area that is of sufficient size to accommodate Council's waste and recycling bins (see Appendix C for indicative bin sizes), which is sited so as to avoid vandalism, nuisance and adverse visual impacts, and is easily accessible with unobstructed access to Council's usual collection point.

iii. An identified onsite location for a compost container which does not impact on adjoining properties.

iv. An identified kerbside collection point for the collection and emptying of Council's allocated waste and recycling bins, that ensures adequate traffic and pedestrian safety is maintained

Townhouses and Villas

Provisions

(a) Plans submitted with a development application must show:

i. The location of an indoor waste/recycling cupboard for each dwelling that is large enough to accommodate two day's waste and provides for the separation of garbage, food organics, and recycling.

ii. The location of waste/recycling storage areas able to accommodate Council's required allocation of waste and recycling bins.

iii. The location of any waste compaction equipment.

iv. An identified location for individual or communal compost containers, the siting of which will have regard to potential amenity impacts.

v. The identified collection point for the collection and emptying of Council's allocated waste and recycling bins, ensuring that traffic and pedestrian safety is maintained.

vi. The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).

vii. The on-site path of travel for collection vehicles, with consideration of accessibility, width, height and grade.

(b) Townhouse and villa developments must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with Appendix E Waste/Recycling Storage Rooms in Multi-Unit Dwellings.

(c) Where dwellings are provided with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.

(d) For developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste collection point.

(e) Where site characteristics allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite close to the property entrance. Where bins are to be collected onsite, a Deed of indemnity will be required.

(f) Where collection is to occur on-site, the development must be designed to allow for on-site access by garbage collection vehicles (see Appendix F Garbage Truck Dimensions for Residential Waste Collection) and must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site.

(g) Access driveways and internal roads to be used by collection vehicles must be designed in accordance with the relevant Australian Standards and must be of sufficient strength to support such vehicles.

(h) Responsibility for the management of waste and recyclable materials generated upon the site and arrangements for the management, maintenance and cleaning of all waste/recycling facilities must be detailed in the Waste Management Plan.

Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface and indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of individual owners or agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.

Residential Flat Buildings

Provisions

(a) Plans submitted with a development application must show:

i. The location of an indoor waste/recycling cupboard for each dwelling that is large enough to accommodate two days' waste and provides for the separation of garbage, food organics, and recycling.

ii. The location of garbage chute(s) and interim storage facilities for recyclable materials.

iii. The location of waste/recycling storage areas able to accommodate Council's required allocation of waste and recycling bins.

iv. The location of any waste compaction equipment.

v. The location of bulky waste storage room(s).

vi. The location for individual or communal compost containers, the siting of which will have regard to potential amenity impacts.

vii. The nominated collection point for the collection and emptying of Council's allocated waste and recycling bins, ensuring that traffic and pedestrian safety is maintained.

viii. The path of travel for moving bins from the storage area to the identified collection point.

ix. The nominated collection point for bulky waste presentation including the path of travel from the storage area to the collection point.

x. The path of travel for collection vehicles, taking into account accessibility, width, height and grade, and ensuring that safety is maintained.

(b) Residential Flat Buildings containing four or more storeys must be provided with a chute system for the transportation of general waste from each storey to the main waste storage/collection room(s). Chute openings must be located in a dedicated service room on each floor, with the service room sized to accommodate bins for the source separation of comingled containers, paper and cardboard, and food organics.

(c) Garbage chutes must be designed in accordance with Appendix D: Garbage Chutes and the Building Code of Australia.

(d) Residential flat buildings must include waste/recycling storage room/s designed in accordance with Appendix E Waste Recycling/Storage Rooms in Multi-Unit Dwellings.

(e) For residential flat buildings that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

(f) Bulky waste storage rooms must be designed to the following minimum sizes:

1-10 units - 10m^2
11-20 units - 20m^2
>21 units - 30m^2

(g) Doors to bulky waste storage rooms must have a minimum opening width of 1700mm.

(h) All bins must be collected onsite. The designated collection point must be located inside the property boundary and close to the property vehicular entrance (<10m).

(i) Where security gates are provided to the development, gates must be accessible by Council's waste collection contractor by way of a master key or lock box.

(j) If bins need to be moved from normal storage areas to the collection point, arrangements for the movement of bins must be detailed on the Waste Management Plan. Bins are to be moved to the collection point no earlier than the evening before collection day and returned to their storage areas no later than the evening of collection day.

(k) For on-site bulky waste collection, unobstructed access of 4.3m must be provided, with the collection point located <10m from the vehicular entrance.

(l) The development must be designed to allow for on-site access by garbage collection vehicles (see Appendix F Garbage Truck Dimensions for Residential Waste Collection) and must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site.

(m) Access driveways and internal roads to be used by collection vehicles must be designed in accordance with the relevant Australian Standards and must be of sufficient strength to support such vehicles.

(n) Responsibility for the management of waste and recyclable materials generated upon the site and arrangements for the management, maintenance and cleaning of all waste/recycling facility/es must be referenced in the Waste Management Plan.

Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface and indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

Commercial Developments and Change of Use

Provisions

(a) Plans submitted with the development application must show:

i. The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of two day's worth of waste.

ii. The location of the designated waste and recycling storage rooms or areas, sized to meet the waste and recycling needs of all tenants.

iii. The identified collection point for the collection and emptying of waste and recycling bins.

iv. The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).

v. The on-site path of travel for collection vehicles (if collection is to occur on-site).

(b) A waste/recycling cupboard must be provided for every kitchen area within the development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a single day's waste and to hold separate containers for general waste, food organics, and recyclable materials.

(c) Waste/recycling storage areas or room(s) must be provided for the storage of bins for all wastes and recyclables, sized to accommodate the quantity of wastes described in Appendix 3 Waste/Recycling Generation Rates, and designed in accordance with Appendix 8 Commercial/Industrial Waste and Recycling Storage Areas.

(d) There must be convenient access from each tenancy to the waste/recycling storage rooms/areas.

(e) There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).

(f) Premises which generate more than 50 litres per day of meat, seafood or poultry waste must provide a dedicated refrigerated waste storage area or arrange for daily collections.

(g) The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.

(h) Arrangements for the movement of recyclable materials and general waste to the main waste/recycling storage room/area and for the cleaning of waste management facilities must be detailed on the Waste Management Plan.

(i) Waste collection points must be located so as to allow for safe and efficient collection of bins and minimise impacts on traffic and local amenity.

(j) Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer.

Mixed Use Developments

Provisions

(a) The controls listed above under the heading 'Residential Flat Buildings' apply to the residential component of mixed-use development.

(b) The controls listed above under the heading 'Commercial Developments' apply to the non-residential component of mixed-use development.

(c) Mixed Use developments must incorporate separate and self-contained waste management facilities for the residential and non-residential components of the development. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

(d) The residential and the non-residential waste management facilities must be designed so that they can efficiently operate without conflict.

Controls for Residential Developments that provide Individual Storage

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) Each dwelling should be provided with an area sufficient to accommodate the current requirements of Hunter's Hill Council in relation to standard garbage and recycling containers, and composting.

(b) Waste storage areas must have unobstructed access to Council's usual collection point, and preferably should be located within rear yards to avoid visual clutter that would compromise streetscape.

(c) If rear yard storage is impractical and/or inaccessible from the usual collection point, waste containers may be stored next to the street frontage behind a suitably screened enclosure, or within a garage or carport. Composting facilities should be in a separate location that will not impact on adjoining premises.

Note. Current requirements for garbage and recycling containers, and composting may be obtained from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill.

Controls for Shared facilities in Multi-unit Developments

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) A shared on-site waste storage and recycling area, or a garbage and recycling room, must be provided in the following circumstances:

(i) Multi dwelling housing with two or more storeys, and residential flat buildings.

(ii) Multi dwelling housing with a single storey if the number of bins required would not fit comfortably along the street frontage of the usual collection point, or where individual storage would be likely to affect residential amenity.

(iii) Where status of the roadway and heavy traffic require on-site collection.

(iv) Where site characteristics such as steep slopes make access to the street difficult.

(v) Provided that shared facilities may be serviced by collection services.

(b) General requirements for shared waste storage and recycling area include:

(i) Dimensions which are adequate to accommodate current requirements of Hunter's Hill Council in relation to standard garbage and recycling containers.

(ii) Sufficient space to accommodate bulky waste such as clean-up materials awaiting removal or recycling.

(iii) On difficult or steep sites, or sites with particular natural features (such as watercourses), or sites with two street frontages, a number of waste

storage and recycling areas may be appropriate to minimise distances, prevent site pollution and facilitate collection.

(iv) Large scale development proposals may provide a number of garbage and recycling rooms that are located adjacent to usual collection points.

(vi) The managing body must ensure on-street placement of bins for collection, or provide suitable design and legal access agreements where on-site collection is necessary.

(vii) The managing body must ensure that shared waste facilities are kept tidy, that bins are not filled beyond their capacity, and that recyclable materials may easily be placed into the correct storage bin.

(c) Detailed requirements for shared waste storage and recycling area include:

(i) Storage areas must be within 1.8 metres of the street alignment or must be located immediately next to a driveway.

(ii) Storage areas must be level, with no steps or obstructions between the street or driveway and doors of the storage area.

(iii) Storage areas should be enclosed by a masonry screen wall which has a height not more than 1.5 metres.

(iv) Within the storage area, there should be a minimum clearance of 300mm between bins, aisle widths should be not less than 1.7 metres, and doorways should be at least 1.7 metres wide.

Controls for Communal Composting Areas

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) An on-site area should be provided for communal composting.

(b) Detailed requirements for composting areas include:

(i) Location should consider proximity to dwellings (including adjoining properties) in relation to potential odour and site drainage.

(ii) Facilities should be purpose built or proprietary designs. A variety of composting techniques are available, and advice regarding techniques or public health considerations can be obtained from the Development & Regulatory Control Unit at Hunter's Hill Council.

(iii) The facility should be signposted, and maintained by the managing body (owners' corporation or managing agent).

Notes. Although operation of such facilities depends upon attitudes of occupants and the management body, there should be potential to establish a composting facility.

An area suitable for composting should be incorporated in site landscaping, and described by plans for the proposed development.

Controls in Relation to Special Waste

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) If special waste materials would be generated (such as medical wastes and household hazardous waste), arrangements for collection and disposal should be made in consultation with Council and the relevant NSW Government department.

5.7.8 COMMERCIAL PREMISES & NON-RESIDENTIAL DEVELOPMENTS

Note. Requirements in this section apply to a wide range of premises which are defined by the *Hunters Hill LEP 2012.* They include:

- Business, office and retail premises (which collectively are defined as commercial premises);
- Entertainment facilities, function centres, hotel or motel accommodation;
- Medical centres;
- Recreation facilities, registered clubs and restaurants or cafes.

Objectives

Objectives for waste management in relation to non-residential developments are:

(a) Ensure that waste management is compatible with available collection services.

(b) Provide appropriately designed and suitably located storage areas for waste and recycling on-site.

(c) Promote well designed facilities that complement streetscape without impacting the amenity of adjoining premises or dwellings.

(d) Facilitate on-site source separation.

Controls

Controls for Non-residential Developments in General

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) Every development should have a waste storage and recycling area that is designed and constructed according to standards for shared waste facilities that were specified by Section 3.5.4 of this chapter, but should incorporate flexibility to accommodate future changes of use.

(b) Size of required storage areas should be calculated according to estimated waste generation rates and proposed bin sizes.

Note. Waste generation rates for various categories of land use or types of development are provided by the *Better Practice Guide for Waste*

Management in Multi-unit Dwellings which has been published by the NSW Department of Environment & Heritage.

(c) Space should be adequate to allow source separation of wastes.

(d) Waste generation rates and area requirements should consider the operation of any staff kitchen facility that is proposed.

(e) Ideally, access for collection should be via the rear of the site.

(f) In all cases, access to normal collection points should not be impeded.

(g) Large developments should provide an on-site collection area.

Controls for Shared or Communal Facilities

Communal or shared facilities may be appropriate for multiple occupancy developments such as shopping centres or office complexes:

(a) If design makes it difficult for all units to have ready access to a collection point.

(b) Where site characteristics restrict the entry of collection vehicles.

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) Areas for waste storage and recycling shall be designed to provide a designated space for each separately tenanted or separately occupied area within the building or complex.

(b) Areas for storage and recycling should accommodate sufficient commercially sized containers to accommodate the quantity of waste and recyclable that would be generated.

(c) Details of ongoing management for storage and recycling areas should be provided.

Controls in Relation to Paper & Cardboard

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) For offices and commercial premises, particular attention should be paid to paper and cardboard recycling with source separation at the waste storage and recycling area or garbage and recycling room.

(b) Education of staff together with regular collection services also significant considerations which should be addressed by the WMP.

Controls for Food Shops, Restaurants or Cafes

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) Special attention is necessary if a proposed development or activity would generate food scraps.

(b) Provide specialised containment and a frequent collection service to ensure that no

adverse impacts result from the proposed development or activity.

(c) Refrigerated garbage rooms should be provided if large volumes or perishables such as seafood would need to be accommodated, or if infrequent collections are proposed.

Grease Arrestors

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) For development proposals that would generate liquid wastes, early consultation with Sydney Water is necessary to identify trade waste requirements, including the need for on-site grease arrestors.

Controls for Special Waste

Development proposals and the *Waste Management Plan* should conform with the following controls:

(a) If special waste materials would be generated (such as chemicals or products beyond the expiry date), arrangements for collection and disposal should be made in consultation with Council and the relevant NSW Government department.

5.7.9 DURING CONSTRUCTION

Objectives

The following detailed objectives apply to construction works:

(a) Minimise generation of wastes that must be disposed via landfill.

(b) Maximise reuse and recycling of materials.

(c) Ensure that design and effective construction management minimise generation of wastes which must be disposed via landfill.

Controls

The *Waste Management Plan* together with management during construction should conform with the following controls:

(a) Order the correct quantities of materials;

(b) Prefabricate components;

(c) Reuse formwork;

(d) Employ modular construction and basic designs to minimise off-cuts;

(e) Minimise site disturbance, including avoiding unnecessary excavation;

(f) Separate off-cuts to facilitate reuse, resale or efficient recycling;

(g) Evaluate opportunities to dismantle components for reuse or recycling;

(h) Design landscaping to reduce green waste.

(i) Coordinate and sequence trades during construction.

5.7.10 DEMOLITION WORKS

Objectives

The following detailed objectives apply to demolition works:

(a) Minimise generation of wastes that must be disposed via landfill.

(b) Maximise reuse and recycling of materials.

(c) Ensure that design and effective construction management minimise generation of wastes which must be disposed via landfill.

Controls

Development proposals, together with the *Waste Management Plan* and management during construction, should conform with the following controls:

(a) Avoid waste generation.

(b) Maximise reuse and recycling of materials

(c) Minimise waste disposal

(d) Provide documented evidence that approved arrangements have been implemented.

5.7.11 ORDERS UNDER SECTION 121B

When determining whether to make an Order under Section 121B of the *Environmental Planning and Assessment Act* which might require cessation of demolition or building works, the Council will consider the following criteria:

(a) Objectives of this chapter.

(b) Content of any *Waste Management Plan* which has been approved for the subject premises.

(c) Any special conditions of a development consent which relate to minimisation and appropriate management of waste.

(d) Waste management intent and objectives that are specified for the applicable type of development or land use.

5.7.12 TEMPORARY WASTE STORAGE IN PUBLIC PLACES

Waste skips or bins may not be placed temporarily on public road reserves unless an application has been submitted to the Council together with the appropriate fee.

Notes: Application forms are available from the Hunter's Hill Council Administration Centre in Alexandra Street Hunters Hill, or may be downloaded from the Council website.

Council officers will inspect the site and will advise the applicant whether the proposal is acceptable. Please note that 24 hours advance notice is

required to undertake inspection and provide advice before an approval may be granted.

5.8 SUSTAINABILITY

5.8.1 INTRODUCTION

Objectives

The objectives of this Part are that all new buildings work towards:

- Achieving net-zero by 2035.
- Incorporating measures to improve resilience and general health of its occupants.
- Positively contributing to the surrounding environment through an integrated urban management approach.

Land to which this Part applies

This Part applies to all new development within the Hunters Hill Municipality that has a proposed cost of works more than $250,000.

How to use this Part

In addition to the objectives and provisions of the relevant controls, there are also Development Application submission requirements.

These are documents that must be lodged with each development application in order to demonstrate compliance.

Relationship with other documents

This Part of the DCP must be read in conjunction with all other parts of the DCP. Where there is a conflict, the clauses in this section of this DCP prevail over clauses elsewhere in the DCP, unless stated otherwise.

5.8.2 Achieving Net-Zero

All electric buildings

Objectives

The objectives for all-electric buildings are to:

- Minimise the installation of plant and equipment in new buildings to reduce indoor and outdoor air pollutants associated with the combustion of gas or wood and improve human health.
- Reduce the cost to occupants by avoiding ongoing gas connection standing charges.
- Reduce the contribution of gas combustion to the anthropogenic heat contribution flux in the urban area.

Provisions

(a) All new developments are to use only electricity for all energy requirements associated

with normal operations. Where outdoor barbeques require gas then only bottled gas may be used.

(b) Where it is demonstrated that the intended use of the building requires a process or equipment that is not able to be served by electricity, fossil fuels (such as wood and gas) may be provided to serve that service only. Evidence shall be provided with the application of market testing and equipment supplier advice to confirm that an electrically powered alternative is not technically possible.

Development application submission requirements

- A statement of compliance is required at the Development Application stage, which is to confirm that no natural gas service is provided and that the application is designed as an all-electric building.
- BASIX certificates and Section J reports should be reviewed to confirm that no gas is proposed to achieve compliance.

5.8.3 On-site solar

Objectives

The objectives for on-site solar is to:

- Maximise the on-site collection of renewable energy.
- Reduce the cost to households and businesses to meet operational energy needs.

Provisions

(a) Non-residential development will include the installation of a solar PV system of no less capacity than:

(i) A coverage area of solar panels of not less than 60% of the roof area not occupied by cooling towers or communal open space; or

(ii) Sized to provide no less than 45 w/m2 of total site area in year one AC maximum peak power delivery, after allowances for inverters and system losses.

(b) Residential development of four storeys and above will include the installation of a solar PV system of no less capacity than:

(iii) A coverage area of solar panels of not less than 60% of the roof area not occupied by cooling towers or communal open space; or

(iv) Sized to provide no less than 45 w/m2 of total site area in year one AC maximum peak power delivery, after allowances for inverters and system losses.

(c) Residential development of three storeys or less will include the installation of a solar PV system of no less capacity than:

(i) A coverage area of solar panels of not less than 25% of the roof area not occupied by cooling towers or communal open space; or

(ii) Sized to provide no less than 25 w/m2 of total site area in year one maximum AC peak power delivery, after allowances for inverters and system losses.

(d) Strata residential buildings of three storeys or less are to connect solar panels to the meters of individual units.

(e) Strata residential buildings of four or more storeys are to connect solar panels to the common areas services.

(f) the integration of rooftop solar and green roofs and/or community open space is encouraged to maximise the utility of the roof.

(g) Where a building is a heritage item, the extent of solar panels is to be considered to ensure no reduction in the heritage value of the building. Where solar panels are proposed on heritage items, Council will consider whether heritage studies are needed if it is demonstrated that the installation is consistent with the provisions in the State Environmental Planning Policy (Transport and Infrastructure) 2021.

(h) Consider the provision of a battery to maximise the utilisation of renewable energy sources.

(i) Where a roof or part of a roof is overshadowed by existing tree canopy to the extent that the annual efficiency generation of solar is reduced by more than 50%, then a) to e) do not apply to that extent of roof. Tree removal is not allowed under this control.

(j) The view impacts of solar panels on the urban form should be minimised by avoiding excessive framing in visible locations.

Development application submission requirements

- Plan showing the area(s) allocated to PVs and necessary access requirements for cleaning and routine maintenance.

5.8.4 Refrigerants

Objectives

The objectives for refrigerants are to:

- Minimise the installation of equipment that relies on Hydrofluorocarbons (HFCs) and to avoid the inbuilt obsolescence from using gases subject to the HFC phase-down provisions of the Kigali Amendment to the Montreal Protocol.

- Reduce operating costs for owners and tenants.

Provisions

(a) Natural or Hydrofluoroolefin (HFO) refrigerants with a GWP (Global warming potential) of less than 10 should be used in all air conditioning, refrigeration and heat pump equipment:

(i) If the equipment can be supplied on similar terms to conventional systems, and
(ii) At a cost of not more than 10% higher than the market rate for conventional systems.

- Confirmation of commitment or details of market testing for each component of the development using refrigerants.

5.8.5 Resilience and Health

Natural Ventilation

Objectives

The objectives for natural ventilation are to:

- Maintain habitability in the event of short or long terms interruptions to the power supply or building services.
- Improve amenity and liveability of residents and reduce reliance on cooling and associated operation costs.
- Increase the lifespan of the building and reduce the need for maintenance, repairs and upgrades.
- Provide the ability to rapidly purge the build-up of heat and indoor air pollutants from within residential dwellings.

Provisions

(a) For all residential accommodation not affected by SEPP (Housing):

  (i) The natural ventilation requirements of the NCC are to be met with the area of openings to be calculated following the Apartment Design Guide Glossary definition of Effective Open Area (EOA), including necessary allowance for insect screens.

  (ii) Windows are to be located on multiple aspects to promote natural cross ventilation.

(b) All residential accommodation affected by SEPP (Housing) must meet the objectives and design guidance for Natural Ventilation in Part 4B of the Apartment Design Guide. The following interpretations are to be applied to remove uncertainty.

  (i) Unobstructed window openings are to be calculated following the ADG Glossary definition of Effective Open Area, including necessary allowance for insect screens.

  (ii) Apartments with natural cross ventilation are to have unobstructed window areas of no less than 5% of the apartment floor area with no less than 2% of the sum of the floor area of the apartment's habitable rooms in any individual façade providing dual aspects.

  (iii) Aspects counted as dual aspects for natural cross ventilation are to be unsheltered from wind for at least 50% of the facade. Notches, slots and façade indentations are generally unsuitable for natural cross-ventilation.

  (iv) Aspects contributing to dual aspects are to have a facade directly exposed to the outside and not rely on air passing through any common circulation

or communal area other than gallery access.

(v) Using plenums that bridge other spaces to connect to the outside is not allowable.

(vi) Natural ventilation is not to be provided through any balcony that can be fully enclosed.

Note: Notwithstanding the above, compliance with the safety requirements of the NCC is required.

(c) Where protected balconies or wintergardens are needed to temper noise and harsh conditions, they must be designed to not limit natural ventilation or natural cross ventilation within the apartment. A permanent opening is to be provided at the top of the wintergarden or protected balcony no smaller than:

(i) 25% of the external face of the balcony on its longest aspect or;

(ii) Twice the EOA that is required for the openings from the apartment onto the wintergarden to support natural ventilation or natural cross-ventilation.

Where more stringent controls are required, fully enclosed wintergardens and balconies are permissible where other measures can provide natural cross-ventilation.

Development application submission requirements

- Marked plans should be provided to demonstrate natural cross ventilation and supported by a windows schedule, confirming adequate opening sizes.

5.8.6 Glazing

Objectives

The objectives for glazing are to:

- Maintain habitability in the event of interruptions to the power supply or building services.
- Avoid excessive heat and glare within habitable spaces.
- Reduce the amount of solar heat reflected into private open spaces or the public domain, and limit its contribution to the urban heat island.
- Balance thermal comfort of the inhabitants against reflectivity.

Provisions

(a) Window-to-wall ratios of each major aspect are to be limited to a maximum of:

(i) For residential buildings, 30% when measured externally or 50% when measured on the internal façade, whichever is lower. Windows and walls facing onto private open spaces are excluded from the window-to-wall ratio calculation.

(ii) For non-residential buildings, 50% when measured externally or 70% when measured on the internal façade, whichever is lower.

(b) External solar shading should be provided to glazing on the north, east and western

facades where it is not significantly over-shadowed by neighbouring buildings or by the inclusion of balconies. The solar shading should be designed to maximise the protection of the glazing from the summer sun and maximise solar transmission in the winter sun.

(c) Green walls and other living infrastructure can be considered as shading where arrangements for long-term maintenance is able to be confirmed.

(d) Glazing is to be selected with external solar heat and visible light reflectivity no greater than 20% measured at normal incidence.

Development application submission requirements

- Solar shading should be detailed for each facade. A shadow diagram for each elevation in winter and summer will confirm the extent of shading.
- The facade window-to-wall ratio is to be demonstrated for each elevation.
- All developments should confirm indicative glass sections, and BASIX developments should additionally confirm that the indicative glass selection also meets BASIX performance requirements.

5.8.7 Urban Heat and Shade

Objectives

The objectives for urban heat and shade are to:

- Limit the retention of heat within the urban environment.
- Improve the passive resilience of dwellings.
- Provide sufficient shading for pedestrians and users of open space.

Provisions

(a) For low density residential, at least 75% of the site area must comprise one or a combination of the following when assessed in plan view:

(i) Vegetation.

(ii) Green roofs.

(iii) Roofing materials, including shade structures, with a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees.

(iv) Hardscaping elements shaded by overhanging vegetation or roof structures.

(v) Water bodies and/or watercourses.

Note: The area of Photovoltaic panels included on the site can be deducted from the site area for provision a) above. For example, if 200m^2 of solar panels are being provided on a site of 1,000m^2, at least 75% of 800m^2 must comprise a combination of i. to iv.

(b) For medium and high density development (FSR>1), where surfaces on rooftops or

podiums are used for communal open space or other active purposes, the development must demonstrate that at least 50% of the accessible roof area complies with one or a combination of the following:

(i) Be shaded by a shade structure,

(ii) Be shaded by solar panels,

(iii) Be covered by vegetation,

(iv) Provide shading through canopy tree planting, to be measured on the extent of the canopy cover 5-10 years after planting.

(c) For all other development where surfaces on rooftops or podiums are not used for communal open space, solar panels or heat rejection plants, the development must demonstrate the following:

(i) Materials used have a minimum solar reflectivity index (SRI) of 82 if a horizontal surface or a minimum SRI of 39 for sloped surfaces greater than 15 degrees; or

(ii) 75% of the total roof or podium surface is covered by vegetation, or

(iii) A combination of i. and ii. of the total roof surface.

(d) At least 75% of the ground plane must comprise one or a combination of the following when assessed in plan view:

(iv) Vegetation;

(v) Hardscaping elements shaded by overhanging vegetation or roof structures, including solar hot water panels and photovoltaic panels;

(vi) Water bodies and/or watercourses; or

(vii) Areas shaded by the proposed development for at least 50% of all daylight hours in summer.

(e) Roof surfaces visible from the public domain or overlooked by neighbours are to limit visible reflectivity and avoid bright surfaces, so they may not be able to meet SRI requirements of (a) iii. and (c) i.

(f) Consideration must be given to the shading of accessible links and path of travel.

<u>Development application submission requirements</u>

- A site plan indicating the proportion of the site covered by scheduled provisions.
- Design of any Green Roofs must be submitted in landscape plans.

5.8.8 Sustainable Materials

Objectives

The objectives for sustainable materials are to:

- Avoid the impact of the development of native habitat loss.
- Reduce toxic emissions resulting from the manufacture of building materials.
- Reduce the health risks to building occupants.
- Limit the exposure of construction industry workers to environmental hazards.

Provisions

(a) All newly sourced timber used in construction is to be Forest Stewardship Council certified.

(b) Alternatives products are to be preferenced to replace materials that cause environmental harm or health risks in manufacture, including materials containing formaldehyde, chlorinated polymers, hydrochlorofluorocarbons and Halogenated flame retardants.

(c) Silica-based engineered stone products must not be used.

Development application submission requirements

- The Statement of Environmental Effects should identify any area where the guidance cannot be met due to the unavailability of alternative products.

5.8.9 Design and Construction impacts

Objectives

The objectives for design and construction are to:

- Minimise the use of non-renewable resources in construction.
- Minimise the embodied carbon of materials and construction.
- Maximise the reuse of materials.
- Design and construct to minimise the generation of waste.
- Maximise durability and adaptability to avoid the future impacts of replacement and redevelopment.

Provisions

(a) Design to minimise demolition of existing structures where possible.

(b) Design structures to allow reduced Portland cement in concrete mixes and steel profiles with high recycled content and reduced embodied carbon where appropriate.

(c) Design for prefabricated elements where suitable.

(d) Standardise details to avoid cutting materials on site.

(e) Avoid finishes and materials with warranties of less than 20 years.

Development application submission requirements

A Life Cycle Assessment (prepared by a suitably qualified person) should be provided for all development over 1,000m^2 gross floor area detailing how design and construction impacts have been minimised.

5.8.10 Integrated Urban Water Management

Water Efficiency

Objectives

The objectives for water efficiency are to maximise the efficient use of water.

Provisions

(a) All development must demonstrate the prioritisation of water conservation measures to minimise water consumption.

(b) All non-residential development must exceed the relevant requirements of the Sustainable Buildings SEPP by 1 star.

Development application submission requirements

- Non-residential development should provide a water efficiency report detailing all relevant matters.

5.8.11 Stormwater Management

Objectives

The objectives for stormwater management are to:

- Reduce the load onto stormwater infrastructure.
- Protect aquatic ecology by minimising the transport of pollutants from the site.
- Provide water in the soil to promote the growth of trees and landscape.
- Reduce potential flooding and prevent stream erosion.

Provisions

(a) Peak stormwater flows are to be reduced with a stormwater detention system. Other measures can include green roofs, stormwater harvesting, rain gardens, bio-retention basins and passive filtration measures.

(b) The use of porous surfaces is to be maximised.

(c) Where required, Gross Pollutant Traps and filtration are to meet Sydney Water Best

Practice guidelines for reducing stormwater pollutants.

(d) Any other relevant provisions required by Section 5.6 of this DCP may still apply.

DA submission requirements

- Hydraulics engineers report confirming onsite retention volume, soil and ground recharge strategy and stormwater filtration.
- Plans showing the landscape treatments for water management, passive onsite retention and extent of porous surfaces.

PART SIX ASSESSMENT PROCEDURES

6.1 NOTIFICATION POLICY

6.1.1 INTRODUCTION

This chapter applies to the following applications in the Municipality of Hunters Hill:

1. Development applications for consent under the *Environmental Planning and Assessment Act.*

2. Amendments to development applications that are submitted before the original application has been determined.

3. Modification of a development consent according to section 96 of the *Environmental Planning and Assessment Act.*

4. Requests for the review of a determination according to section 82A of the *Environmental Planning and Assessment Act.*

6.1.2 OBJECTIVES OF THIS CHAPTER

The objectives of this chapter are to:

(a) Provide for public involvement in the consideration of development applications, which might affect the enjoyment of properties or the public interest.

(b) Allow reasonable time for submissions in relation to development applications which recognises the Council's obligations to determine applications within prescribed and reasonable periods.

(c) Encourage public appreciation and understanding of the development application process.

(d) In relation to development proposals, to provide for submissions by affected owners who might wish to express concerns to the Council, to Councillors and the Council's officers.

(e) Identify the rights of adjoining, neighbouring and interested owners and residents in relation to making submissions regarding development applications which shall be considered by the Council when determining development applications.

(f) Specify matters which the Council shall consider when deciding whether enjoyment of neighbouring land might be detrimentally affected by a proposed development or by the occupancy of a proposed building.

(g) Define requirements for advertising and notifying persons of development applications.

(h) To clarify the circumstances when notice regarding development applications is not required.

6.1.3 DEVELOPMENT PROPOSALS THAT DO NOT REQUIRE NOTIFICATION

Notification is not required for proposals that involve the following types of development in the Hunters Hill Municipality:

(a) Proposed developments which are defined as *exempt development* or *complying development* according to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and/or the *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

(b) Proposed works that the Council considers to be of a minor nature, or that are considered likely to have no detrimental effect upon *adjoining land* or *neighbouring land.*

(c) Proposed changes of use that do not involve building works provided that the proposed use is permissible within the land use zone which applies to the development site.

(d) Proposed strata subdivision of a commercial development or multi-unit residential development, whether existing, approved or constructed.

(e) For development applications and applications under s82A or s96 of the *Environmental Planning and Assessment Act* where amended plans are submitted prior to granting of consent, and where the responsible officer considers that impacts of the original proposal would not be increased in relation to *adjoining land* or *neighbouring land.*

6.1.4 APPLICATIONS THAT REQUIRE NOTIFICATION

In relation to development applications that involve *state significant development, designated development* or *integrated development,* notification requirements are specified by the *Environmental Planning and Assessment Act.*

Note. The *Environmental Planning and Assessment Act* defines *State significant development, designated development* and *integrated development.*

For the following types of development within the Hunters Hill Municipality, a notification period of 30 days applies:

(a) Demolition, relocation or alterations to:

(i) a *heritage item;* or

(ii) a building, work, relic or tree within a *heritage conservation area*.

unless partial demolition is proposed, and if the Council considers that the proposed partial demolition would not adversely affect heritage significance of the *heritage item* or the *heritage conservation area*.

b) Development within a residential zone for any of the following purposes:

(i) car park;

(ii) child care centre;
(iii) community facility;

(iv) *educational establishment;*

(v) *hospital;*

(vi) *place of public worship;*

(vii) *residential flat building.*

(c) In relation to types of development which were listed under (a) and (b) above, an application under section 96 or section 82A of the *Environmental Planning and Assessment Act.*

(d) A notification period of 14 days applies to all other types of development within the Hunters Hill Municipality, or in relation to such developments, to an application under section 96 or section 82A of the *Environmental Planning and Assessment Act.*

Note. The minimum notification periods may be extended at the discretion of Council's Manager Development & Regulatory Control in order to accommodate special circumstances of a particular site or development proposal.

6.1.5 NOTIFICATION REQUIREMENTS

For applications that require notification, the following shall be provided by the Council or the consent authority:

(a) In relation to development proposals, written notice shall be provided to the following:

(i) Owners or occupants of *adjoining land* which is located next to the site of the proposed development; and

(ii) Owners or occupants of *neighbouring land* where, in the opinion of the *responsible officer*, the existing use or current enjoyment is likely to be affected detrimentally if the proposed development were to be carried out; and

(iii) Any other persons that are required to be notified according to the *Environmental Planning and Assessment Regulations*.

Note. Generally, within 10 days after the receipt of a development application which is considered to be satisfactory, the *responsible officer* will form an opinion as to which persons (if any) should be notified.

(b) When determining whether a development proposal is likely to have detrimental effects upon adjoining or neighbouring lands, the *responsible officer* will consider:

(i) Views to and from neighbouring lands;

(ii) Overshadowing of neighbouring lands;

(iii) Privacy of neighbouring lands;

(iv) Potential noise impacts upon neighbouring lands.

(c) In relation to applications to modify a development consent, or for the review of a development consent:

(i) Proposals to modify an approved development under section 96 of the *Environmental Planning and Assessment Act* which are considered significant by the *responsible officer* and/or the Council will be notified to all owners and occupants who were notified in relation to the original development application.

(ii) Requests for review of a development consent according to section 82A of the *Environmental Planning and Assessment Act* will be notified to owners or occupants who made submissions in relation to the original development application.

(d) The following details apply in relation to the provision of written notice:

(i) Where the adjoining or neighbouring lands are owned or occupied by more than one person, notification requirements will be satisfied by written notice to one owner or occupier.

(ii) Non-resident owners of adjoining or neighbouring lands will be notified of the proposed development via their postal address which is shown on the Council's records.

(iii) Where the adjoining or neighbouring lands are strata titled, notice of the proposed development will be sent to the Secretary of the Owner's Corporation.

(iv) Where the adjoining or neighbouring lands have a community title, or are a precinct or neighbourhood parcel within the meaning of the *Community Land Development Act*, notice of the proposed development will be sent to the Secretary of the association for that community, precinct or neighbourhood parcel.

(e) The following persons will not be notified:

(i) Owners or occupants of a property that, in the opinion of the *responsible officer*, is not likely to be substantially affected by the proposed development.

(ii) Owners or occupants of *adjoining* or *neighbouring lands* who have submitted a letter which confirms that they have no objection to the proposed development.

(f) A notice of the application shall be exhibited on the land to which the development application relates, and that notice shall be in accordance with the *Environmental Planning and Assessment Regulations:*

(i) The required notice shall be provided in the form of a sign which is placed on the site in a position immediately next to the street frontage.
(ii) Notification signs shall remain in place until the required notification period has expired.

(g) A notice of the application shall be published in a newspaper which circulates within the locality of the proposed development, and that notice shall be in accordance with *Environmental Planning and Assessment Regulations*.

6.1.6 CONTENT OF ADVERTISEMENTS & WRITTEN NOTICES

Advertisements and notifications will contain information which is specified by the *Environmental Planning and Assessment Regulations*.

In addition, written notifications will include A4-sized notification plans that describe:

(a) Configuration of the proposed building or works in relation to the development site.

(b) Elevations which illustrate heights and the configuration of proposed facades in relation to existing ground levels.

6.1.7 SUBMISSIONS BY OWNERS, OCCUPANTS OR MEMBERS OF THE COMMUNITY

Submissions regarding development applications must be forwarded to the Council within the period that was specified by notification:

(a) Submissions should be made in writing to the General Manager, Hunter's Hill Council.

(b) Submissions preferably should be typed, or should at least be clearly handwritten.

(c) Names and addresses of persons who make submissions, and a summary of each submission, will be included in the Council's business paper or report.

6.1.8 DETERMINATION OF APPLICATIONS & FURTHER NOTIFICATIONS

The following procedures apply to the determination of applications which were specified by Section 6.1.4 of this chapter:

(a) The Council will not determine any application that has been notified before the specified notification period has elapsed (unless letters of non-objection have been received from all properties that were notified or that were to be notified by Council).

(b) Notice of the Council's determination of an application will be forwarded to all persons who made a written submission regarding that application.

(c) In relation to applications for complying development, the *principal certifying authority* will forward notices of the consent and any associated documents which might be specified by the *Environmental Planning and Assessment Regulations*.

APPENDIX 1 - DICTIONARY

This Plan adopts all words and expressions that are defined by the following statutes and planning instruments:

(a) The *Environmental Planning and Assessment Act*.

(b) Any *State Environmental Planning Policy* which is relevant to the proposed development.

(c) The *Hunters Hill Local Environmental Plan 2012 (LEP 2012).*

This Plan also adopts the following definitions:

Adjoining land means land which abuts a development site, or land which is separated from a development site by a pathway, driveway or similar thoroughfare.

Affected persons means the owners of**:**

(a) *adjoining land;* or

(b) *neighbouring land*.

Bedroom means any room, which, in the opinion of the council, is designed, built or easily adaptable for use as a bedroom;

Building envelope means a diagram which defines the limits for the siting, setbacks and wall heights of any buildings.

Building footprint means the area on a development site which would be covered by buildings (whether existing or proposed) which includes basements, terraces or patios that are associated with those buildings but that extend beyond the enclosing walls.

Built upon area means the area of site containing any built structure (whether covered or uncovered), any building, carport, terrace, pergola, swimming pool, tennis court, driveway, parking area or any like structure, but excluding minor landscape features.

Bushfire hazard area means land adjacent to bushland that could be exposed to a fire in vegetation. A bushfire hazard area is assessed assuming the worst case scenario that can eventuate over the life time of any proposed development which could be subject to that hazard.

Bushland means that part of the land (private or public) on which there is vegetation which is either a remainder of the natural vegetation of the land or if altered is still representative of the structure and floristics of the natural vegetation.

Bushland remnants means individual trees or plants on a site or property that are the remnants of bushland which has been altered to such an extent that natural structure or floristics are no longer evident.

Clear vegetation means to:

(a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
(b) lop or otherwise remove a substantial part of the vegetation.

Collection point means the usual (or agreed) point on the footpath, roadway or on-site where garbage and recyclables are loaded onto vehicles.

Collection area means the location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

Compostable material means vegetative material capable of being converted to humus by a biological decay process.

Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

Contributory elements means features and qualities of a building which have a positive impact upon streetscape quality which, in relation to heritage items, include original elements such as the roof line, building form, roofing materials and exterior finishes, windows and doors, proportions and design features.

Contributory item means a building which contributes to the character of heritage conservation areas, being a building which dates from the 1830s to the mid-late 20th century which represents important aspects of the history and character of the area and its development over time.

Deep soil means areas of natural ground not built over or under, and capable of supporting tree growth. It does not include any part of the site occupied by a building or structure, swimming pool, hard paving, artificial turf, driveway, or any surface that prevents plant growth.

Environmental weeds are plant species that are considered pest species.

Garbage means refuse or waste material other than trade waste, effluent, compostable material, green waste or recyclable material.

Garbage and recycling room means a room where garbage and recycling receptacles are stored awaiting reuse or removal from the premises.

Garbage chute means a duct in which deposited material descends from one level to another within the building due to gravity.

Green waste means vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

Habitable room means a room that is designed, constructed or adapted for activities that are normally associated with dwellings and long-term occupancy:

(a) Includes a bedroom, dining room, kitchen, living room, lounge room,

music room, playroom, rumpus room, television room, sewing room, study, sunroom and the like.

(b) Excludes a bathroom, corridor or hallway, food storage pantry, laundry or clothes drying room, lobby, toilet or water closet, walk-in wardrobe, and other specialised spaces which are occupied infrequently or for short periods.

Hazardous waste means any waste that because of its physically, biologically or chemically damaging properties is capable of causing a danger to the life or health of any living thing if it is released into the environment.

Local indigenous plants are native species which occur naturally within the Municipality of Hunters Hill.

Neighbouring land means any land, other than adjoining land, which might be detrimentally affected by the use of a development site or a proposed building after its erection (and which might include properties that are located in a neighbouring Local Government Area).
Rear boundary means the boundary furthest from and generally parallel to the street boundary.

Recyclable means capable of being reprocessed into usable material or reused.

Regeneration means the re-establishment of the local indigenous plant community on site by active management of naturally occurring species.

Responsible officer means the Council officer responsible for a development application in terms of processing, assessment and recommendation for determination.

Revegetation means the planting of seedlings of the local indigenous plant species. Wherever possible, revegetation techniques shall include seed collection and propagation of the original indigenous plants on the site.

Special waste means a waste that posed or is likely to pose an immediate or long term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

Streetscape means the qualities of an area that are reflected in the building's form (height, setback, scale, orientation and mass), design and appearance, architectural integrity, landscaping and setting. Streetscape is also reflected in fences, street trees, street structures, road widths and alignments, footpaths and street materials e.g. sandstone kerbing.

Trade waste means refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, special waste, contaminated waste, green waste or recyclable waste.

Vegetation means a tree or other vegetation, whether or not it is native vegetation.

Waste means:

(a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or

(b) any discarded, rejected, unwanted, surplus or abandoned substance, or

(c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or

(d) any substance prescribed by the regulation to be waste for the purpose of the *Waste Minimisation and Management Act*.

Waste cupboard means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single day's waste into garbage, recyclables and compostable material.

Waste Management Plan means a checklist showing the volume and type of waste to be generated, stored and treated on site and how the residual is to be disposed of.

Waste storage and recycling area means a designated area, or a combination of designated areas, upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building occupants.

APPENDIX 2 – WASTE MANAGEMENT PLAN TEMPLATE

Waste Management Plan

This plan must be submitted before the development assessment can be completed.

Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
This development achieves the waste objectives set out in Section 5.7 of the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, NSW EPA, or WorkCover NSW.	
Name	
Signature	
Date	

Demolition (All types of Developments)

Refer to Section 5.7.6 of this DCP for objectives regarding demolition waste.

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m^3) or Weight (t)	Estimate Volume (m^3) or Weight (t)	Estimate Volume (m^3) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metals (specify)				
Glass				
Fixtures and fittings				
Floor coverings				
Garden organics				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				
Other (specify)				

Construction (All types of Developments)

Refer to Section 5.7.6 of this DCP for objectives regarding construction.

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m^3) or Weight (t)	Estimate Volume (m^3) or Weight (t)	Estimate Volume (m^3) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metals (specify)				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				
Other (specify)				

Construction Design (All types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 5.7 of the DCP):
Design
Material Selection
Procurement

Ongoing Operation (Residential, Commercial and Mixed Use)

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostable	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m^2)					
Floor area required for maneuverability (m^2)					
Height required for maneuverability (m)					

* Current “non-recyclables” waste generation rates typically include food waste that might be further separated for composting.

Plans and Drawings (All Developments)

The following checklists are designed to help ensure development applications are accompanied by sufficient information to allow assessment against the requirements of 5.7. Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during demolition, construction, and ongoing operation.

Demolition and Construction

Refer to 5.7.6 of the DCP for related requirements. Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Ongoing Operation

Refer to 5.7.7 of the DCP for related requirements. Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage areas including: • Main garbage and recycling storage rooms • Garbage and recycling interim storage rooms and chute access points on each floor • Individual waste & recycling cupboards in each dwelling • Bulky waste storage room	
Any additional facilities such as compactors / balers	
Access route(s) to deposit waste in storage room/area	
Bin carting route from storage area to collection point (including grade)	
Location of final collection point including the path of travel	
Clearance, design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

APPENDIX 3 – WASTE/RECYCLING GENERATION RATES

Premises Type	Waste Generation	Recyclable Generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises:		
Butcher Delicatessen	80L/100m2 floor area/day	Variable
Fish Shop	80L/100m2 floor area/day	Variable
Geengrocer	80L/100m2 floor area/day	Variable
Restaurant, Café	240L/100m2 floor area/day	120L/100m2 floor area/day
Supermarket	10L/1.5m2 floor area/day	2L/1.5m2 floor area/day
Takeaway food shop	240L/100m2 floor area/day	240L/100m2 floor area/day
	80L/100m2 floor area/day	Variable
Hairdresser, Beauty Salon	60L/100m2 floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m2 bar area/day 10L/1.5m2 dining area/day	1L/bed space/day 50L/100m2 bar area/day 50L/100m2 dining area/day
Offices	10L/100m2 floor area/day	10L/100m2 floor area/day
Shop less than 100m2 floor area	50L/100m2 floor area/day	25L/100m2 floor area/day
Shop greater than 100m2 floor area	50L/100m2 floor area/day	50L/100m2 floor area/day
Showroom	40L/100m2 floor area/day	10L/100m2 floor area/day
Multi-Unit Dwellings1	80L/unit/week	40L/unit/week

APPENDIX 4 – COUNCILS STANDARD BIN SIZES

Single Dwellings

Council provides single dwellings with:

1 x 80 litre garbage bin (collected weekly)
1 x 120 litre paper recycling bin (collected fortnightly)
1 x 120 litre mixed containers recycling bin (collected fortnightly)
1 x 240 litre garden organics bin (collected fortnightly)

Multi-Unit Dwellings

Council provides multi-unit dwellings with:

1 x 240 litre garbage bin per three units (collected weekly)
1 x 240 litre paper recycling bin per five units (collected weekly)
1 x 240 litre mixed containers per five units (collected weekly)
1 x 240 litre garden organics bin* (collected fortnightly)

*Garden Organics bins are not provided to multi-unit dwellings as standard but are available on request

Bin type	Height	Depth	Width
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
240 Litre Bin	1080mm	735mm	580mm

These dimensions are provided as a guide and differ slightly according to the manufacturer.

APPENDIX 5 – GARBAGE CHUTES

Garbage Chute Design

a) Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

b) Garbage chutes must be located and insulated in a manner that reduces noise impacts.

c) Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.

d) Chutes, service openings and charging devices must be capable of being easily cleaned.

e) Chutes must be cylindrical and should have a diameter of at least 500mm.

f) There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.

g) Internal overlaps in the chute must follow the direction of waste flow.

h) Branches connecting service openings to the main chute are to be no more than 1m long.

i) Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.

j) A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.

k) The upper end of a chute should extend above the roofline of the building.

l) The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

Chute/Service Room Design

a) The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.

b) The charging device for each service opening must be self-closing and must not project into the main chute.

c) Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage outlining the materials that can be recycled through these bins must be displayed near the recycling bins.

d) Each service room must be located for convenient access by users and must be well ventilated and well lit.

e) The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.

f) Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.

Management

a) Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.

b) Arrangements must be in place for the regular transferal of any materials from service rooms to the main waste/recycling storage room.

APPENDIX 6 – WASTE/RECYCLING STORAGE ROOMS IN RESIDENTIAL FLAT BUILDINGS

Location and Appearance

a) Waste/recycling storage rooms must be integrated into the design of the overall development. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.

b) Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:

   i. The proximity of the room to any dwellings.
   ii. Accessibility to collection point.
   iii. The visibility of the room.
   iv. Noise generated by any equipment located within the room.
   v. Noise generated by the movement of bins into and out of the room.
   vi. Noise generated by collection vehicles accessing the site.
   vii. Odours emanating from the room.

Size

a) Waste / recycling storage rooms must be of adequate size to comfortably accommodate and manouvre all waste and recycling bins associated with the development, and should also comply with the following:

   i. Minimum clearance between bins 300mm.
   ii. Minimum opening (door) 1700mm.
   iii. If bins are to be located on either side of the room, the distance between the rows of bins must be 1700mm.

Access

a) The waste and recycling room must have unimpeded access for both occupants and collection service operators.

b) The maximum grade of any access road leading to a waste and recycling room must be not more that 1:5 (20%). The turning area at the base of any ramp must be sufficient to allow for the manoeuvre of a 6.8m rigid vehicle to exit the building in a forward direction.

c) The waste and recycling collection point must be located on a level surface away from

gradients and vehicle ramps, with the path of travel being free from any floor obstructions such as steps to allow for the transfer of wheelie bins to and from the storage room to the collection vehicle.

d) The vehicle access road leading to and from the collection point must have a minimum finished floor to ceiling height of 2.60m for residential waste rooms and 4.5m for commercial waste rooms for the entire length of travel within the building (includes being free from conduits, ducting or other obstructions fitted to ceilings).

Design and Layout

a) The gradient of waste/recycling storage room floors and any associated access ramps must be sufficiently level to allow for the safe carting of bins.

b) Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

c) The floor of any waste and recycling room must be constructed of either:

   i. Concrete which is at least 75mm thick; or

   ii. Other equivalent material; and

   iii. Graded and drained to a floor waste which is connected to the sewer.

d) All floors are to be finished to a smooth even surface, coved at the intersection of walls and floor.

e) The walls of any waste room, recycling room and waste service compartment are to be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.

f) All waste and recycling rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. This does not include waste and recycling service compartments located on residential floors of residential flat buildings.

g) All waste and recycling rooms must be constructed in a manner as to prevent the entry of vermin.

h) A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste and recycling rooms.

i) In the event that Council permits the installation of a roller shutter door (under special circumstances only), a sign must be erected in a conspicuous position drawing attention to the fact the door must be kept closed at all times when not in use.

j) All waste and recycling rooms must be ventilated by either:

   i. Mechanical ventilation system exhausted at a rate of 5L/s per m2 of floor area, with a minimum rate of 100L/s; or

   ii. Permanent, unobstructed natural ventilation openings direct to the external air, not less than one-twenthieth (1/20th) of the floor area.

k) All waste and recycling rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.

l) All communal waste storage and collection areas are to be appropriately signposted,

with clearly printed signage specifying which materials are acceptable in the different waste containers and specific site arrangements.

m) Clearly printed No Standing signs must be affixed to the external face of each waste and recycling room.

n) Compaction of garbage is only permitted up to a maximum ratio of 2:1. Compaction is not permitted for recycling or green waste.

APPENDIX 7 – GARBAGE TRUCK DIMENSIONS FOR RESIDENTIAL WASTE COLLECTION

Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

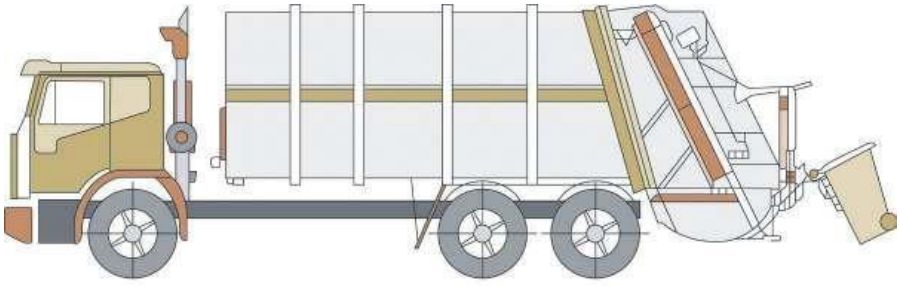
Please note that Council will require indemnification against claims for loss or damage to the pavement or other driving surface, liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in the relevant Australian Standards.

It is recommended that applicants speak with Council in regards to the design of developments that involve garbage trucks entering the site. On–site services will not be provided where there are undue risks.

Typical Garbage Truck used for Domestic Waste Collection – Rear Load

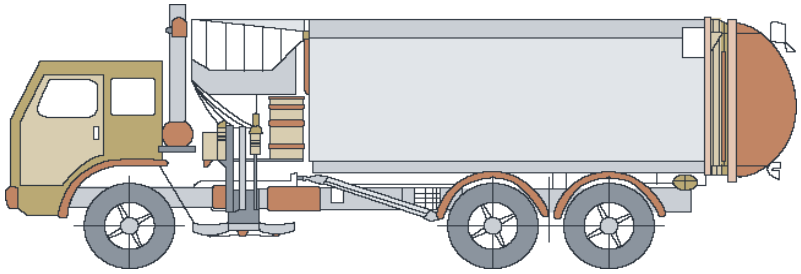
• Length overall	8.0 metres
• Width overall	2.5 metres
• Operational height	4.3 metres
• Travel height	4.3 metres
• Weight (vehicle and load)	22.5 tonnes
• Weight (vehicle only)	13 tonnes
• Turning Circle	25.0 metres



rearloader garbage truck

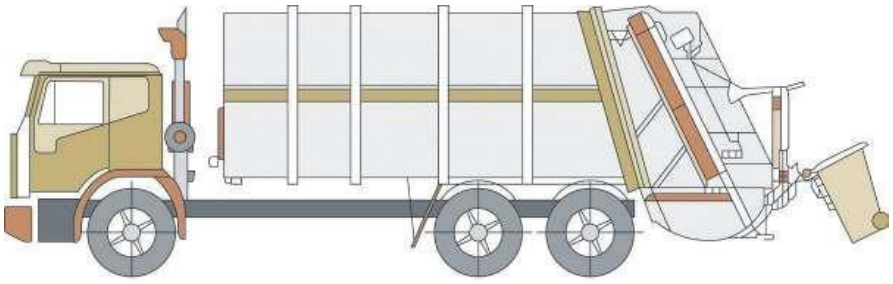
Typical Garbage Truck used for Domestic Waste Collection – Side Load

• Length overall	9.64 metres
• Width overall	1.51 metres
• Operational height	5.2 metres
• Travel height	2.93 metres
• Weight (vehicle and load)	22.5 tonnes
• Weight (vehicle only)	13 tonnes
• Turning Circle kerb to kerb	17.86 metres
• Turning Circle wall to wall	20.56 metres



Small Garbage Truck used for Domestic Waste Collection – Rear Load

• Length overall	6.64 metres
• Width overall	2.37 metres
• Operational height	2.40 metres
• Travel height	2.60 metres
• Weight (vehicle and load)	7.50 tonnes
• Weight (vehicle only)	5.48 tonnes
• Turning Circle	10.70 metres



rearloader garbage truck

APPENDIX 9 – COMMERCIAL WASTE AND RECYCLING STORAGE AREAS

Location and Appearance

a) Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.

b) Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:

   i. The proximity of the area to dwellings.
   ii. Accessibility to collection point.
   iii. The visibility of the area.
   iv. Noise generated by any equipment located within the area.
   v. Noise generated by the movement of bins into and out of the area.
   vi. Noise generated by collection vehicles accessing the site.
   vii. Odours emanating from the area.

Size

a) Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins to contain the quantity of waste generated from the development (at the rate described in Appendix 3) between collections.

Access

a) Each tenancy must have convenient access to the waste/recycling storage area(s).

b) The waste/recycling storage area must not be accessible to the general public.

c) There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).

d) The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction, and so collection vehicles do not impede general access to, from and within the site.

e) Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

f) Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.

Design and Layout

a) The gradient of waste/recycling storage area floors and any associated access ramps must be sufficiently level to allow for the safe carting of bins.

b) Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

c) Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within. The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site.

d) Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.

e) All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

f) There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use.

g) Vermin must be prevented from entering the waste/recycling storage area.

Signage

a) Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into waste and recycling bins.

ITEM NO	:	4.2
SUBJECT	:	APPOINTMENT OF A COMMUNITY ADVISORY GROUP FOR THE UPDATE TO THE CLARKE'S POINT RESERVE AND MORTS RESERVE PLAN OF MANAGEMENT
STRATEGIC OUTCOME	:	NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PRESERVED AND ENHANCED
ACTION	:	UPDATE THE CLARKE'S POINT RESERVE PLAN OF MANAGEMENT (POM)
REPORTING OFFICER	:	ANNIE GOODMAN

Ref:788814

PURPOSE

To seek Council's endorsement of nominees for the formation of a Community Advisory Group to assist with the preparation of the updated Plan of Management for Clarke's Point Reserve and Morts Reserve Plan of Management.

RECOMMENDATION

1. That the report be received and noted.
2. That representatives to the Community Advisory Group for the updated Plan of Management for Clarke's Point Reserve and Morts Reserve Plan of Management consist of:
    - One (1) Councillor as nominated.
    - Two (2) community members to be selected from the *Confidential Attachment*.
    - One (1) representative from the Hunters Hill Sailing Club as nominated in the *Confidential Attachment*.
    - Two (2) Council Officers being the Acting General Manager and Director, Community & Customer Service.
    - Two (2) commercial representatives being a representative from the Deckhouse and a representative from the Balmoral Australia (Woolwich Dock).
    - One (1) representative from the Sydney Harbour Trust.
3. That the first meeting of the Community Advisory Group happens as soon as practicable following its formation.

BACKGROUND

Hunter's Hill Council is progressing with the update to the Clarke's Point Reserve and Morts Reserve Plan of Management, which was last updated in 2004. This work is in collaboration with the Sydney Harbour Federation Trust (Harbour Trust) who are simultaneously updating their *Management Plan – Hunters Hill No.1 – Woolwich Dock and Parklands*.

At the Council Meeting held on 25 August 2025 Council resolved to seek representation from the following:

- One (1) Councillor representative.

- Community representatives (2)

- Commercial representatives (2)

- Hunters Hill Sailing Club (1)
- Council Officers (2)
- Harbour Trust Officer (1)

REPORT
Council advertised for expressions of interest for two community members and two commercial members to join the PoM Advisory Group that will help to develop the updated Plan. Nominations closed on Sunday 14 September 2025 and 6 nominations for a *Community Representative* were received (as detailed in the ***Confidential Attachment***).

Nominations for the commercial, Hunters Hill Sailing Club, Hunter's Hill Council and the Sydney Harbour Trust representatives are also contained within the ***Confidential Attachment***.

The remit of the Advisory Group is to:

- Provide input into the Engagement Strategy to facilitate effective communication and engagement for the delivery of the amended Plan of Management.
- Collaborate in supporting the review of the Plan of Management.
- Provide feedback into the consultation process and strategies associated with the process for preparing the amended Plan of Management.

CONCLUSION
The combined study areas for both Council and the Harbour Trust sites requires comprehensive community engagement.

The PoM Advisory Group will meet as soon as possible and throughout the duration of plan to facilitate valuable input into these important open space areas.

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

ENVIRONMENTAL IMPACT ASSESSMENT
The importance of community input into the update to the PoM cannot be underestimated. The group's insights will help Council and the Harbour Trust make informed decisions that balance recreation with long-term environmental stewardship.

SOCIAL IMPACT ASSESSMENT
Community feedback via the formation of the Advisory Group will play a vital role in identifying the recreational needs of residents, resolving any potential conflicts between different users, and ensuring the site is managed in a way that reflects community priorities.

RISK ASSESSMENT

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

ATTACHMENTS

1. Community Advisory Group (attached under separate cover) - Confidential

ITEM NO	:	4.3
SUBJECT	:	REVISED CODE OF MEETING PRACTICE - FOR PUBLIC EXHIBITION
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	PROVIDE UP-TO-DATE AND TRANSPARENT INFORMATION TO THE COMMUNITY
REPORTING OFFICER	:	NICK TOBIN

Ref:787764

PURPOSE

The purpose of this report is to amend the current Code of Meeting Practice and to provide Council with an updated draft document for endorsement, in preparation for public exhibition.

RECOMMENDATION

That Council:

1. Endorse the DRAFT Code of Meeting Practice attached to this report (see **Attachment 3**).
2. Place the endorsed Code of Meeting Practice on exhibition for a period of not less than 42 days, inviting submissions from the public.
3. Receive a further report on the Code of Meeting Practice that includes consideration of any submissions made within the time allowed, prior to formal adoption.

BACKGROUND

The relevant provisions of the *Local Government Act 1993* are set out as follows:

360 Conduct of meetings of councils and committees

(1) The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.

(2) The model code may contain both mandatory and non-mandatory provisions.

(3) A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.

(4) A code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.
(5) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

361 Preparation, public notice and exhibition of draft code

(1) Before adopting a code of meeting practice, a council must prepare a draft code.

(2) The council must give public notice of the draft code after it is prepared.

(3) The period of public exhibition must not be less than 28 days.

(4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.

(5) The council must publicly exhibit the draft code in accordance with its notice.

362 Adoption of draft code

(1) After considering all submissions received by it concerning the draft code, the council may decide—

(a) to amend those provisions of its draft mandatory code that are non-mandatory provisions, or

(b) to adopt the draft code as its code of meeting practice.

(2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

363 Amendment of the code

A council may amend a code adopted under this Part by means only of a code so adopted.

REPORT

This report brings attention to Council the addition of 'Public Forums' to the Code of Meeting Practice together with other minor changes.

The clauses are as follows;

PUBLIC FORUMS

4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the

public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.

4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held between 6-6.30pm prior to council meetings and for the first 15 minutes of any committee meeting. This may be extended if required subject to a Council resolution at the meeting.

4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

4.4 Participants who want to speak at the public forum of council will need to notify the general manager with a formal request no later than 12 noon on the nominated day of the meeting.

Note: Any person seeking to address a meeting under this clause shall complete and lodge the appropriate form "Request to Address Public Forum of Council" (see Appendix 1)

4.5 Public attendance at Public Forum via online audio-visual link

A member of the public may be permitted to address Council via audio visual link provided that the member of the public:

- *has available the necessary technology to join the meeting;*
- *does not allow others to log onto the audio visual link;*
- *ensures there will be minimal background noise or interruption.*

4.6 This provision is subject to limit of three minutes for any speaker – this time can be extended by a resolution of Council.

A revised form to 'Request to Address Council Meeting Forum' has been included in the draft Code of Meeting Practice (**Attachment 3**) as APPENDIX 1.

The other recommended change is associated with the section **Expulsion from meetings**. The options are

15.15 All chairpersons of meetings of the council and committees of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purpose of section 10(2)(b) of the Act.

And;

15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councilor, from a council or committee meeting, for the purposes of section (2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Council may use either clause 15.15 or clause 15.16. It is proposed that Council use clause 15.15.
The Code of Meeting Practice reflecting all of additions and subtractions from the updated Model Code of Meeting Practice by OLG together with Hunter's Hill Council specific inclusions is attached to this report (**Attachment 2**).

CONCLUSION

Adoption of a Code of Meeting Practice that incorporates both the mandatory and non-mandatory provisions of the Office of Local Government Model Code of Practice is likely to improve overall meeting procedures and associated outcomes.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

The Code of Meeting Practice should allow for participation by members of the public.

RISK ASSESSMENT

If Council fails to adopt a new Code of Meeting Practice within the timeframe stipulated under the *Local Government Act 1993*, this may impede the efficient functioning of future meetings.

ATTACHMENTS

1. Council Circular 25-20 2025 Model Meeting Code from Office of Local Government ⇩
2. Code of Meeting Practice - Hunter's Hill Council - amendments reflected ⇩
3. Draft Hunter's Hill Council Code of Meeting Practice - clean version ⇩

Department of Planning, Housing and Infrastructure
Office of Local Government

Circular to Councils

Subject/title	2025 Model Meeting Code
Circular Details	Circular No 25-20 / 29 August 2025 / A975455
Previous Circular	*Council Circular 24-23 Consultation on reforms to council meeting practices*
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- Following extensive consultation, the new 2025 Model Code of Meeting Practice for Local Councils in NSW (2025 Model Meeting Code) has been finalised.
- The new 2025 Model Meeting Code has been published in the Government Gazette and is expected to be prescribed under the Local Government (General) Regulation 2021 (the Regulation) shortly.
- The new 2025 Model Meeting Code is available on the Model Code of Meeting Practice for Local Councils in NSW webpage on the Office of Local Government's (OLG) website at www.olg.nsw.gov.au.
- Among other changes, the mandatory provisions of the 2025 Model Meeting Code will prohibit pre-meeting briefings.
- Councils must also livestream meetings of the council and committees comprising wholly of councillors from 1 January 2026 using an audio-visual recording. Recordings of meetings must be published on the council's website for the balance of the council term or for 12 months, whichever is the later date.
- More detailed information about the changes to council meeting practices made by the 2025 Model Meeting Code is provided in the FAQ attached to this circular and available

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www.olg.nsw.gov.au

on the Model Code of Meeting Practice for Local Councils in NSW webpage on OLG's website.

What will this mean for council?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.
- Transitional provisions in the Regulation will provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.
- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Key points

- The 2025 Model Meeting Code has two elements:
    - mandatory provisions (indicated in black font), and
    - non-mandatory provisions (indicated in red font) covering areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Where to go for further information

- The 2025 Model Meeting Code is available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website at www.olg.nsw.gov.au.
- More information about the 2025 Model Meeting Code and guidance on its adoption is provided in the FAQ attached to this circular and available on the Model Code of Meeting Practice for Local Councils in NSW webpage of OLG's website.
- A webinar will be held in October to support councils in adopting the new Model Code of Meeting Practice. Notice will be provided to enable councils to register.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Brett Whitworth
Deputy Secretary
Office of Local Government

Department of Planning, Housing and Infrastructure

2025 Model Meeting Code - FAQ

Implementation of the 2025 Model Meeting Code

When must the 2025 Model Meeting Code be adopted?

- Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025.

What happens if the 2025 Model Meeting Code is not adopted by 31 December 2025?

- Transitional provisions in the Local Government (General) Regulation 2021 (the Regulation) provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, then from 1 January 2026, any provision of the council's code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

Are councils required to adopt the non-mandatory provisions of the 2025 Model Meeting Code?

- No. The non-mandatory provisions of the 2025 Model Meeting Code cover areas of meeting practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as best practice for the relevant area of practice.
- Councils are free to omit the non-mandatory provisions or to adapt them to meet their needs.

Can councils include supplementary provisions in their adopted code of meeting practice?

- Yes. There is nothing to prevent councils from including supplementary provisions in their adopted code of meeting practice to meet their needs, provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2025 Model Meeting Code.

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Are joint organisations and county councils required to adopt the 2025 Model Meeting Code?

- Yes. The 2025 Model Meeting Code also applies to meetings of the boards of joint organisations and county councils.
- The provisions of the 2025 Model Meeting Code that are specific to meetings of boards of joint organisations are indicated in blue font.
- In adopting the 2025 Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
- In adopting the 2025 Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

What consultation must councils do before adopting a code of meeting practice?

- Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.
- This requirement does not apply to joint organisations.

What are the key changes?

A key focus of the changes made to the 2025 Model Meeting Code is to ensure meetings are conducted in a dignified and orderly way befitting to a chamber of democracy and to promote community confidence in councils and their decisions.

The following is a summary of the key changes. It is not an exhaustive list of all the changes that have been made.

Extraordinary meetings

- The mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.

Dealing with urgent business at meetings

- The process for dealing with urgent business at both ordinary and extraordinary meetings has been simplified.
- Business may be considered at a meeting at which all councillors are present, even though due notice has not been given of the business, if the council resolves

to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. The resolution must state the reasons for the urgency.

- If all councillors are not present at the meeting, the chairperson must also rule that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

Prohibition on pre-meeting briefing sessions

- The 2025 Model Meeting Code prohibits briefing sessions being held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- The prohibition on briefing sessions does not prevent a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. The information must be provided in a way that does not involve any discussion of the information.

Public forums

- The public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums before council and committee meetings.
- Councils are also free to determine the rules under which public forums are to be conducted and when they are to be held. OLG will be issuing model best practice public forum rules that councils can use if they choose to.
- Public forums must be livestreamed.

Councillors' attendance at meetings by audio-visual link

- The provisions governing attendance by councillors at meetings by audio-visual link have been made mandatory and the option to attend meetings by audio-visual link has been restricted to where councillors are prevented from attending a meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

Absences from council meetings

- Changes have been made to the provisions governing absences from meetings.
- Where councillors are unable to attend one or more meetings of the council or committees of the council, the new provisions encourage them to:
    - submit an apology for the meetings they are unable to attend,
    - state the reasons for their absence from the meetings, and

- request that the council grant them a leave of absence from the relevant meetings.

- Where a councillor makes an apology, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting. Councils are required to act reasonably when deciding whether to grant a leave of absence to a councillor. To ensure accountability, if the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

Livestreaming meetings

- As of 1 January 2026, councils are required to livestream their meetings using an audio-visual recording.
- Recordings of meetings must be published on the council's website for the balance of the council's term or for 12 months, whichever is the later date.
- OLG will be issuing updated guidance on the livestreaming of meetings.

New rules of etiquette at meetings

- Councils may determine standards of dress for councillors when attending meetings.
- Where physically able to, councillors and staff are encouraged to stand when the mayor enters the chamber and when addressing the meeting.
- The 2025 Model Meeting Code prescribes modes of address.

Mayoral minutes

- The restrictions on mayoral minutes under the previous code have been removed. A mayoral minute may be put to a meeting without notice on any matter or topic that the mayor determines should be considered at the meeting.

Rules of debate

- The rules of debate have been simplified and the rules governing the foreshadowing of motions and amendments have been removed. It remains open to councillors to foreshadow that they intend to move an amendment during the debate, but there are no longer formal rules governing this.
- An amendment has been made to clarify that there is nothing to prevent a further motion from being moved at a meeting on the same item of business where the original motion is lost, provided the motion is not substantially the same as the one that was lost.

- Councils will no longer have the option of reducing the duration of speeches to less than 5 minutes. However, councils continue to have other options to expedite business at meetings such as moving that a motion be put where the necessary conditions have been satisfied and to resolve to deal with items by exception.

Voting on planning decisions

- Consistent with the Independent Commission Against Corruption's (ICAC) recommendations, a council or a council committee must not make a final planning decision at a meeting without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

Representations by the public on the closure of meetings

- In the interests of simplifying the code, the rules governing representations by the public on the closure of meetings have been removed. However, there is nothing to prevent councils from adopting their own rules on this. OLG will be issuing model best practice rules for public representations that councils can use if they choose to.

Making information considered at closed meetings public

- Consistent with ICAC's recommendation, the general manager must publish business papers for items of business considered during meetings that have been closed to public on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- Before publishing this information, the general manager must consult with the council and any other affected persons and provide reasons for why the information has ceased to be confidential.

Dealing with disorder

- Councils will be required to determine on the adoption of the new code and at the commencement of each council term, whether to authorise the person presiding at a meeting to exercise a power of expulsion.
- The definition of acts of disorder by councillors have changed. The following constitute acts of disorder under the Regulation and the 2025 Model Meeting Code:

- contravening the Act, the Regulation, or the council's code of meeting practice,
- assaulting, or threatening to assault, another councillor or person present at the meeting,
- moving or attempting to move a motion or an amendment that has an unlawful purpose, or deals with a matter that is outside the jurisdiction of the council or committee or addressing or attempting to address the council or committee on or such a motion, amendment or matter,
- using offensive or disorderly words,
- making gestures or otherwise behaving in a way that is sexist, racist, homophobic or otherwise discriminatory, or if the behaviour occurred in the Legislative Assembly, would be considered disorderly,
- imputing improper motives, or unfavourably personally reflecting, on another council official or a person present at the meeting, or
- saying or doing anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

- Where a councillor fails to remedy an act of disorder at the meeting at which it occurs, they can be required to do so at each subsequent meeting until they remedy the act of disorder. On each occasion the councillor fails to comply with a direction by the chairperson to remedy an act of disorder, they can be expelled from the meeting and each subsequent meeting until they comply.
- Members of the public can be expelled from meetings for engaging in disorderly conduct. Disorderly conduct includes:
  - speaking at meetings without being invited to,
  - bringing flags, signs or protest symbols to meetings,
  - disrupting meetings,
  - making unauthorised recordings of meetings.
- The 2025 Model Meeting Code notes that failure by a councillor or members of the public to leave a meeting when expelled is an offence under section 660 of the Act. Section 660 provides that a person who wilfully obstructs a council, councillor, employee of a council or a duly authorised person in the exercise of any function under the Act, or Regulation is guilty of an offence. An offence under section 660 carries a maximum fine of $2,100.

Committees

- Meetings of committees of a council whose membership comprises only of councillors must be conducted in accordance with the council's adopted meeting code. Such committees will no longer have the option of determining that rules under the council's meeting code do not apply to them.

HUNTER'S HILL COUNCIL

POLICY

POLICY NO.	CPMCS2
POLICY TITLE	Code of Meeting Practice
STATUS	Council
SERVICE	Management and Council Support
DOCUMENT ID	615175

1. PURPOSE

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code. A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

SCOPE

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

DEFINITIONS

the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	~~has the same meaning it has in the Model Code of Conduct for Local Councils in NSW~~ includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
~~foreshadowed amendment~~	~~means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment~~
~~foreshadowed motion~~	~~means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion~~

open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the *Local Government (General) Regulation 2021*
~~webcast~~	~~a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time~~
year	means the period beginning 1 July and ending the following 30 June

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2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the fourth Monday of each month in the Council Chamber at the Town Hall, Hunters Hill, commencing at 6.00pm except where a meeting falls within school holidays or another significant calendar event, including but not limited to a national day of mourning.

When a Public Holiday or another significant calendar event falls on the Monday set down for a meeting, such meeting is to be held on the succeeding Tuesday, unless the Council decides otherwise by resolution.

3.2 Ordinary meeting times and venues may be varied by specific resolution of Council or by direction of the Mayor. Wherever practicable, public notice of the variation shall be given.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: *Clause 3.3 reflects section 366 of the Act.*

addition The Mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of council meetings

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: *Clause 3.4 reflects section 9(1) of the Act.*

3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: *Clause 3.7 reflects section 367(1) of the Act.*

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: *Clause 3.8 reflects section 367(3) of the Act.*

Notice to councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: *Clause 3.9 reflects section 367(2) of the Act.*

Giving notice of business to be considered at council meetings

3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~seven (7) business days before the meeting is to be held~~ within such reasonable time before the meeting is to be held as determined by the Council (Underlined). Council's current requirement is seven (7) business days.

3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

~~3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.~~

~~3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~

~~(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.~~

Questions with notice

3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that ~~comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council~~ would constitute an act of disorder.

3.16 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~~.

Agenda and business papers for ordinary meetings

3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

(b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and

(d) any business of which due notice has been given under clause 3.10.

3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

~~**Statement of ethical obligations**~~

~~3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.~~

Availability of the agenda and business papers to the public

3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.28 The ~~general manager~~ council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

addition Nothing in clause 3.28 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.

3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council~~, even though due notice of the business has not been given, if:~~

~~(a) a motion is passed to have the business considered at the meeting, and~~

~~(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.

3.30 A motion moved under clause 3.29~~(a)~~ can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.29, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

3.31 ~~Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.~~ If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.29 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29~~(b)~~ on whether a matter is of great urgency.

Prohibition of pre-meeting briefing sessions

addition Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.33 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and

public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

addition Nothing in clause 3.33 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

~~3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~

~~3.34 Pre-meeting briefing sessions are to be held in the absence of the public.~~

~~3.35 Pre-meeting briefing sessions may be held by audio-visual link.~~

~~3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~

~~3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.~~

~~3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.~~

~~3.39 An annotated agenda of pre-meeting briefing sessions is to be reported to Council in a later business paper.~~

4. PUBLIC ~~PARTICIPATION~~ FORUMS

addition The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.

addition The council may determine the rules under which public forums are to be conducted and when they are to be held between 6-6.30pm prior to council meetings and for the first 15 minutes of any committee meeting. This may be extended if required subject to a Council resolution at the meeting.

addition The provisions of this code requiring the livestreaming of meetings also apply to public forums.

addition Participants who want to speak at the public forum of council will need to notify the general manager with a formal request no later than 12 noon on the nominated day of the meeting.

Note: Any person seeking to address a meeting under this clause shall complete and lodge the appropriate form "Request to Address Public Forum of Council" (see Appendix 1)

4.1 A member of the public may be granted leave to address a meeting of the Council or a Committee where the General Manager receives a request no later than 12 noon on the nominated day of the meeting.

Any person seeking to address a meeting under this clause shall complete and lodge the appropriate form "*Request to Address Council or Committee Meeting*" (see Appendix 1).

The *Request to Address Council or Committee Meeting form* clearly establishes the conditions and qualifications under which permission is granted to address a meeting, and requires a person to accept those requirements.

This provision is subject to:

(a) A limit of six speakers for any one item, with three speakers in support of the recommendation to the Council and three speakers in opposition. If more speakers apply to speak 'for' or 'against' any item of business, the Mayor or, in the Mayor's absence, the Deputy Mayor or meeting Chairperson, may increase the number of speakers permitted to speak on an item of business.

(b) A limit of three minutes for any one speaker – this time can be extended by a resolution of Council.

4.2 All requests by persons to address the Council or a Committee Meetings are to be referred to the Mayor or, in the Mayor's absence, the Deputy Mayor or meeting Chairperson for determination and the applicants advised accordingly prior to the meeting, with reasons given in writing if the request is refused.

4.3 Public attendance via online audio-visual link

A member of the public may be permitted to address Council via audio video link provided that the member of the public:

- has available the necessary technology to join the meeting;
- does not allow others to log onto the audio visual link;
- ensures there will be minimal background noise or interruption.

4.4 Address may be read aloud at meetings

Upon the Mayor's agreement to hear a member of the public's address, the address may be read aloud at meetings by Council staff. The three minutes limit for any one speaker will continue to apply.

The following details of the address will be shared with Councillors during the meeting:

- The name and address of the person addressing the meeting;
- Related agenda item;
- Capacity of the person addressing the meeting;
  - Applicant;
  - Owner;
  - Objector;
  - Supporter;
  - Other

- ~~Subject of address;~~
- ~~Detail of address to be read during the meeting.~~

~~4.5 Legal representatives acting on behalf of persons other than Council are not to be permitted to address Council or Committee Meetings.~~

~~4.6 Approved speakers are to register with the Council any written, visual or audio material to be presented in support of their address to the Council and to identify any equipment needs by 3pm on the business day preceding the meeting. The general manager or their delegate may refuse to allow such materials to be presented.~~

~~4.7 The Mayor or, in the Mayor's absence, the Deputy Mayor or meeting Chairperson is to determine the order of speakers.~~

~~4.8 A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address. Questions put to a speaker must be direct, succinct and without argument or discussion.~~

~~4.9 Speakers are under no obligation to answer a question put under clause 4.8.~~

~~4.10 Persons addressing the meeting cannot ask questions of the Council, Councillors or Council staff.~~

5. COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act

addition The council may determine standards of dress for councillors when attending meetings.

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

~~5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.~~

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

addition Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purpose of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

~~5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.~~

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) by the chairperson, or

(b) in the chairperson's absence, by the majority of the councillors present, or

(c) failing that, by the general manager.

5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and

members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and

(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

addition Clause 5.18 does not apply to meetings at which a mayoral election is to be held..

5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the

request must specify the meetings the request relates to in addition to the information required under clause 5.19.

5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and

(b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. ~~However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.~~

5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

5.30 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.30 reflects section 10(1) of the Act.

5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or

(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32 reflects section 10(2) of the Act.

Note: Clauses 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

addition On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

~~Webcasting~~ Livestreaming of meetings

5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and

(b) persons attending the meeting should refrain from making any defamatory statements.

~~5.35 The recording of a meeting is to be made publicly available on the council's website:~~

~~(a) at the same time as the meeting is taking place, or~~

~~(b) as soon as practicable after the meeting.~~

5.36 The recording of a meeting is to be made publicly available on the Council's website at the same time as the meeting is taking place. ~~for at least four years after the meeting and as far as possible, be available on application beyond that time.~~

addition The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.

5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.

5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Supplementary Provisions – Live Streaming

~~5.39 Council has resolved 100/18 to undertake the Live Streaming/Webcasting of Council Meetings. For the purpose of this section, "recording", "recorded", or similar, refers to an audio-visual recording made by Council.~~

~~(1) The proceedings of all Council Meetings in open session, including all debate and addresses by the public are recorded and live streamed online for the purpose of facilitating community access to meetings by reducing the physical and geographic barriers that may prevent the public from attending meetings.~~

~~(2) A recording of the proceedings is kept to assist in the transcription/compilation of the minutes. GIPA Act Legislation applies to the recordings and applications may be made to release such recordings.~~

~~(3) Confidential Sessions of Council meetings which are closed to the public in accordance with section 10A of the *Local Government Act 1993* will not be broadcast nor recorded.~~

~~(4) Archived recordings of the Live Stream/webcast are stored and are available to Councillors and the public via Council's online presence for a period as required by clauses 5.36-5.38 (inclusive).~~

~~(5) Written transcripts or Closed Captions of the proceedings are not available. In addition to this, some Social Media platforms use artificial intelligence and voice recognition to generate transcripts and these are not guaranteed to reflect the actual words spoken.~~

~~(6) Recording of proceedings are not the official record of the meeting nor do they convey the official Minutes of a Council Meeting or the position of Council. Recordings are not to be used except in accordance with this Code. Recordings will be retained after the written Minutes are officially adopted by the Council or as otherwise required under clauses 5.36-5.38 (inclusive) and the *State Records Act 1998*.~~

~~(7) Members of the Public attending a Council Meeting may have their image, voice and personal information (Name and address) recorded, publicly broadcast and archived. By attending a Council Meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.~~

~~(8) Speakers addressing the council do not have absolute privilege in respect of opinions expressed or comments made or material presented. Council accepts no responsibility for any defamatory or offensive comments in this regard.~~

~~(9) Notice in relation to sub-clause (7) and (8) must be given by the Mayor/Chairperson at the commencement of a meeting and is provided on Council's website, Council's Business Paper, on Request to Speak forms and through signage clearly visible in the Council Chamber. Notice is to use the following wording:~~

~~*"This meeting is being recorded and will be broadcast live online. Members of the public are advised that their voice and image will form part of the live streaming of the Council meeting and the webcast archived and publicly available online. By attending a Council meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information."*~~

~~(10) A fault in the technology or an inability to livestream/webcast a meeting will not invalidate decisions from that meeting.~~

~~(11) Copyright - An Attribution-NonCommercial-NonDerivative Creative Commons Australia 3.0 licence (CC-BY-NC-ND) applies to the material. Any use of the material outside the parameters of the Creative Commons Licence may not be made without prior written consent of Hunter's Hill Council. Opinions expressed or statements made by individual persons during the course of this transmission are the opinions or statements of those individual persons and are not opinions or statements of Hunter's Hill Council. This transmission is not, and shall not, be taken to be an official record of Hunter's Hill Council or of any meeting or discussion depicted therein.~~

Attendance of the general manager and other staff at meetings

5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.40 reflects section 376(1) of the Act.

5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.42 reflects section 376(3) of the Act.

5.43 The attendance of other council staff at a meeting (other than as members of the public) shall be determined by the general manager in consultation with the mayor. ~~The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.~~

~~5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by~~

~~audio-visual link (other than as members of the public) shall be with the approval of the general manager.~~

6. THE CHAIRPERSON

The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or

(b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

addition Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.

7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor' or Mayor.

addition If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.

7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A councillor is to be addressed as 'Councillor [surname]'.

7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

*01 Acknowledgement of country**

*02 Ordinary Meetings are to commence with a Prayer***

03 Attendance, Apologies, Applications for Leave of Absence, Declarations of Interest

04 Confirmation of minutes

05 Mayoral Minutes & Reports

06 Tabling of Petitions

07 Addresses from the Public

08 Notices of Motion (including rescission motions)

09 Council Reports (Including Committee and Delegates Reports)

~~*10 General Business*~~

10 Questions With or Without Notice

11 Confidential Matters

Note 1*: *Acknowledgement of Country

An *Acknowledgment of Country* is a way that non-Aboriginal people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land.

The Mayor or Chair of the meeting begins the meeting by acknowledging that the meeting or event is taking place on the country of the traditional custodians.

The following are examples of appropriate wording for the "Acknowledgement of Country":

- *I would like to show my respect and acknowledge the traditional custodians of the land, of elders past, present and emerging, on which this meeting takes place:*

Or

- *I acknowledge the Traditional Custodians of country throughout Australia and recognise their continuing connection to land, waters and culture. I pay my respects to their Elders past, present and emerging.*

Or

- *I would like to acknowledge that we are here today on the land of the Wallumedegal people. The Wallumedegal people are the Traditional Custodians of this land and form part of the wider Aboriginal nation known as the Eora Nation. I would also like to acknowledge the present Aboriginal and Torres Strait Islander peoples who now reside within this area.*

Note 2 **Prayer:

The late Rev. W. Gumbley wrote the following prayer, when Chaplain to the Council, in consultation with the clergy of all local churches, and adopted by the Council.

"We thank you Lord, for the honour of being called by our fellow citizens to this office of honour and trust. Give us grace, diligently and honourably, free from private interest or prejudice, to discharge the duties entrusted to us, to the common good and as in your sight. Through Jesus Christ, our Lord. Amen."

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: *Part 13 allows council to deal with items of business by exception.*

8.3 Despite any other provision of this code ~~clauses 10.20–10.30,~~ only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9. ~~BUSINESS THAT CAN BE DEALT WITH AT A COUNCIL MEETING~~ CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

9.1 The council must not consider business at a meeting of the council:

(a) unless a councillor has given notice of the business, as required by clause 3.10, and

(b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the council, or

(b) is the election of a chairperson to preside at the meeting, or

(c) ~~subject to clause 9.9~~, is a matter or topic put to the meeting by way of a mayoral minute, or

(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency. ~~even though due notice of the business has not been given to the councillors if:~~

~~(a) a motion is passed to have the business considered at the meeting, and~~

~~(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite any other provision of this code ~~clauses 10.20–10.30~~, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

addition If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause above.

Mayoral minutes

addition The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.

addition A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.

9.6 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council. ~~Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting~~

~~without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.~~

~~9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.~~

~~9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.~~

~~9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

~~9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.~~

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14, unless the council determines otherwise in accordance with this code.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. ~~Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.~~ The general manager may request another council employee to answer the question.

9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is

put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it ~~after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.~~ , they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.

10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or

(b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

~~10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.~~

~~**Motions requiring the expenditure of funds**~~

~~10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.~~

Amendments to motions

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

~~**Foreshadowed motions**~~

~~10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.~~

~~10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.~~

~~10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.~~

Limitations on the number and duration of speeches

10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

~~10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.~~

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

(b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

addition Clause 10.30 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: *Clause 11.1 reflects section 370(1) of the Act.*

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: *Clause 11.2 reflects section 370(2) of the Act.*

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

~~11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.~~

~~11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

addition If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

addition The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

addition When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

addition When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

addition Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

addition All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.15 may be omitted.

Voting on planning decisions

~~11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.~~

~~11.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.~~

~~11.9 Clauses 11.7–11.8 apply also to meetings that are closed to the public.~~

~~*Note: Clauses 11.7–11.9 reflect section 375A of the Act.*~~

~~*Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.*~~

addition *The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.*

addition *Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.*

addition *The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.*

addition *For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.*

addition *Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.*

addition *Clauses 11.14–11.16 apply also to meetings that are closed to the public.*
Note: Clauses 11.14–11.17 reflect section 375A of the Act.

Note: The requirements of clause 11.14 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: *Clause 12.1 reflects section 373 of the Act.*

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: *Clauses 10.20–10.30 limit the number and duration of speeches.*

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

~~13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.~~

~~13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.~~

~~13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.~~

~~13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.~~

~~13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.~~

~~13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.~~

~~13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.~~

addition The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.

addition Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

addition The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

addition Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.

addition A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

addition Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

addition Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than councillors),

(b) the personal hardship of any resident or ratepayer,

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret,

(e) information that would, if disclosed, prejudice the maintenance of law,

(f) matters affecting the security of the council, councillors, council staff or council property,

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Note: *Clause 14.1 reflects section 10A(1) and (2) of the Act.*

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: *Clause 14.2 reflects section 10A(3) of the Act.*

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: *Clause 14.3 reflects section 10B(1) of the Act.*

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the council or committee is involved, and

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

(d) are subject to legal professional privilege

Note: *Clause 14.4 reflects section 10B(2) of the Act.*

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any

consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

(i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or

(ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

addition Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form (see Appendices). Applications must be received by 12 noon on the day of the meeting at which the matter is to be considered.

~~14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.~~

~~14.13 No more than four speakers are to be permitted to make representations under clause 14.9.~~

~~14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.~~

~~14.15 The general manager (or their delegate) is to determine the order of speakers.~~

~~14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four speakers to make representations in such order as determined by the chairperson.~~

~~14.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~

Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,

(b) the matter that is to be discussed during the closed part of the meeting,

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

addition The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

addition The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

~~15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.~~

15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(a) contravenes the Act, the Regulation or this code, or

(b) assaults or threatens to assault another councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

(d) ~~insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or~~

~~(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.~~

uses offensive or disorderly words, or

(e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or

(f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or

(g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: *Clause 15.11 reflects section 182 of the Regulation.*

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), (d) (e) or (g ~~e~~), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d), (e), (f) and (g ~~e~~).

Note: *Clause 15.12 reflects section 233 of the Regulation.*

addition A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

addition Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to

be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purpose of section 10(2)(b) of the Act

15.14-1 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either of clause 15.14 or clause 15.14-1.

15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

~~15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.~~

addition A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

addition Members of the public attending a meeting of the council:

(a) must remain silent during the meeting unless invited by the chairperson to speak,
(b) must not bring flags, signs or protest symbols to the meeting, and
(c) must not disrupt the meeting.

addition Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

~~15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.~~ Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.

15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or

discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of council

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 ~~A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.~~ A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with ~~clause 3.10~~ this code.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than four (4) business days after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and

(b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. ~~a motion to have the motion considered at the meeting is passed, and~~

~~(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite ~~clauses 10.20–10.30~~ any other provision of this code, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency ~~A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c)~~.

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite ~~clauses 10.20–10.30~~ any other provision of this code, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude no later than 9:30pm.

18.2 If the business of the meeting is unfinished at 9:30pm, the council or the committee may, by resolution, extend the time of the meeting by 30 minutes.

18.3 If the business of the meeting is unfinished at 9:30pm, and the council does not resolve to extend the meeting, the chairperson must either:

(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or

(b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and

(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

(a) such number of members as the council decides, or

(b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

(a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

~~**Attendance at committee meetings**~~

~~20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:~~

~~(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or~~

~~(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.~~

~~20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.~~

Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or

(b) to move or second a motion at the meeting, or

(c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

(a) the mayor, or

(b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or

(c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Mayoral minutes

addition The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

addition The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

addition The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted

for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or

(b) a failure to give notice of the meeting to any councillor or committee member, or

(c) any defect in the election or appointment of a councillor or committee member, or

(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

RELATED POLICIES/PROCEDURES

Local Government Act 1993
Local Government (General) Regulation 2021
Model Meeting Code of Practice for Local Councils 2021
Model Code of Conduct
Procedures for the Administration of the Model Code of Conduct

POLICY AUTHORITY

Council
General Manager

GETTING HELP

Please contact the General Manager for further guidance or assistance.

REVIEW

This policy to be reviewed at least once per term of Council. A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.

The document will be reviewed following the next Local Council elections in September 2028 or on receipt of advice from Office of Local Government regarding changes to the Act or Regulations relating to Meeting Practice.

Next review date is: May 2029

ADOPTED BY COUNCIL/EXECUTIVE:

DATE:
RESOLUTION NO:

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES
1/09/1999	1.0	Regulation Commenced	Adoption of LG (Meetings) Regulation
25/09/2006	1.1	418/06	Amendments from LG Act and Regulations consolidation
15/06/2010	1.2	163/10	DLG Practice Note 16 Update amendments
14/11/2011	1.3	395/11	2011 amendments to Local Government Act
28/10/2013	1.4	337/13	2013 Review and incorporation of amendments to Local Government Act
9/03/15	1.5	58/15	Minor Amendments S19.6 Procedures in Workshops
11/05/15	1.6	144/15	Incorporation of Acknowledgement of Country and other minor changes to S2.1 Order of Business
9/04/18	1.7	100/18	Incorporation of changes to permit live streaming of Council Meetings

27/05/19	1.8	100/19	2019 Review and incorporation of Model Code of Meeting Practice
23/09/19	1.9	188/19	Minor amendment to s4.2 Public Participation
October 2022	2.0	278/22	Addition of provisions relating to public participation and audio-visual technologies.
July 2025		139/25	Deletion of 8.1 *10 General Business*
Sept 2025	3.0		Incorporation of updated Model Code of Meeting Practice

APPENDIX 1 REQUEST TO ADDRESS COUNCIL

Hunter's Hill Council

Request to Address Council Meeting Public Forum

(A limit of 3 minutes per speaker applies)

Details of Applicant

Name ..... Signature .....

Address .....

Mobile ..... Telephone .....

Email ..... Date .....

Details of Proposed Address

Date of meeting you wish to address .....

Item listed on the agenda for this meeting that you wish to address

Agenda Item number *(e.g. 2.1)* .....

Are you speaking as an **Applicant** ☐ **Owner** ☐ **Supporter** ☐ **Objector** ☐ **Other** ☐ *(specify)*

Subject of address .....

Please provide a brief outline of your planned address:

Important Notes:

1. Permission to speak may be withdrawn at any time, should inappropriate comments be made and potentially offensive or defamatory remarks will render a speaker open to legal action.
2. Electronic recordings of Council meetings will be made publicly available on Council's webpage.
3. **For Ordinary Council Meetings this form must be submitted to Council no later than 12:00 noon on the day of the nominated meeting. Applications received after this time will not be accepted.**
4. You will be advised by email if your request has been approved for the relevant Ordinary Council meeting after 12:00 noon on the day of the Council Meeting.

Council is an agency as defined by the NSW Privacy and Personal Information Protection Act 1998 and has adopted a Privacy Management Plan that covers retention and security of personal information, access to personal information held by Council, limits on use of personal information, and limits on disclosure of personal information. The form may be submitted through the website forms.

APPENDIX 2 GUIDELINES – REQUEST TO ADDRESS COUNCIL

Applications to Address Council or Committee Meeting Public Forum
A member of the public may, be granted permission to address Council or a Committee where such a request is received by the General Manager no later than 12 noon on the day of the nominated meeting.

This provision is subject to the following conditions and qualifications: -

- Each speaker being permitted to address a meeting for up to three minutes. Council may resolve to extend the address by one further three minutes if considered appropriate.

Conduct of Speakers
Speakers should conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, i.e. not disrupt the conduct of the meeting and to treat all people with respect, courtesy, compassion, and sensitivity and not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the Council, Councillors, staff or other members of the public. In the event that a speaker does not conduct themselves accordingly, the Chairperson may request the speaker to apologise, desist from the inappropriate behavior, return to the public gallery and/ or otherwise enact provisions of Council's Code of Meeting Practice

Council accepts no responsibility for any defamatory comments made by the speaker in respect of anything said or any material presented to the Meeting.

Addressing Council – Application Process
All requests are to be made to the General Manager no later than 12 noon on the day of the nominated meeting.

Applicants shall state:
- Their name, address and contact telephone number;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper (if applicable)

HUNTER'S HILL COUNCIL

POLICY

POLICY NO.	CPMCS2
POLICY TITLE	Code of Meeting Practice
STATUS	Council
SERVICE	Management and Council Support
DOCUMENT ID	615175

1. PURPOSE

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code. A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

SCOPE

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

DEFINITIONS

the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act

performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the *Local Government (General) Regulation 2021*
year	means the period beginning 1 July and ending the following 30 June

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2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the fourth Monday of each month in the Council Chamber at the Town Hall, Hunters Hill, commencing at 6.00pm except where a meeting falls within school holidays or another significant calendar event, including but not limited to a national day of mourning.

~~When a Public Holiday or another significant calendar event falls on the Monday set down for a meeting, such meeting is to be held on the succeeding Tuesday, unless the Council decides otherwise by resolution.~~

3.2 Ordinary meeting times and venues may be varied by specific resolution of Council or by direction of the Mayor. Wherever practicable, public notice of the variation shall be given.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

3.4 The Mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of council meetings

3.5 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.5 reflects section 9(1) of the Act.

3.6 For the purposes of clause 3.5, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.7 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.8 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.8 reflects section 367(1) of the Act.

3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.9 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.10 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.11 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the Council. Council's current requirement is seven (7) business days.

3.12 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

3.13 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.

3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that would constitute an act of disorder.

3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

(b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and

(d) any business of which due notice has been given under clause 3.11.

3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.7.

3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details

must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.22 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.22 reflects section 9(2) and (4) of the Act.

3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.23 reflects section 9(2A)(b) of the Act.

3.24 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.24 reflects section 9(3) of the Act.

3.25 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.25 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.26 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.27 Nothing in clause 3.26 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.

3.28 Despite clause 3.26, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.

3.29 A motion moved under clause 3.28 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.28, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

3.30 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution

is adopted in accordance with clause 3.28 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.30 on whether a matter is of great urgency.

Prohibition of pre-meeting briefing sessions

3.32 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.32 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

3.33 Nothing in clause 3.32 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4. PUBLIC FORUMS

4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.

4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held between 6-6.30pm prior to council meetings and for the first 15 minutes of any committee meeting. This may be extended if required subject to a Council resolution at the meeting.

4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

4.4 Participants who want to speak at the public forum of council will need to notify the general manager with a formal request no later than 12 noon on the nominated day of the meeting.

Note: Any person seeking to address a meeting under this clause shall complete and lodge the appropriate form "Request to Address Public Forum of Council" (see Appendix 1)

4.5 Public attendance at Public Forum via online audio-visual link

A member of the public may be permitted to address Council via audio visual link provided that the member of the public:

- has available the necessary technology to join the meeting;
- does not allow others to log onto the audio visual link;
- ensures there will be minimal background noise or interruption.

4.6 This provision is subject to limit of three minutes for any speaker – this time can be extended by a resolution of Council.

5. COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 The council may determine standards of dress for councillors when attending meetings.

5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purpose of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.

5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) by the chairperson, or

(b) in the chairperson's absence, by the majority of the councillors present, or

(c) failing that, by the general manager.

5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and

(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

(c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities

5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.

5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and

(b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.

5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or

(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: Clauses 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

5.34 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If

adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Livestreaming of meetings

5.35 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.36 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and

(b) persons attending the meeting should refrain from making any defamatory statements.

5.37 The recording of a meeting is to be made publicly available on the Council's website at the same time as the meeting is taking place.

5.38 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.

5.39 Clauses 5.35 and 5.38 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.35 – 5.39 reflect section 236 of the Regulation.

5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

5.41 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.41 reflects section 376(1) of the Act.

5.42 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.42 reflects section 376(2) of the Act.

5.43 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.43 reflects section 376(3) of the Act.

5.44 The attendance of other council staff at a meeting (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

6. THE CHAIRPERSON

The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or

(b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and

(b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.

7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor' or Mayor.

7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.

7.4 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.5 A councillor is to be addressed as 'Councillor [surname]'.

7.6 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

*01 Acknowledgement of country**

*02 Ordinary Meetings are to commence with a Prayer***

03 Attendance, Apologies, Applications for Leave of Absence, Declarations of Interest

04 Confirmation of minutes

05 Mayoral Minutes & Reports

06 Tabling of Petitions

07 Addresses from the Public

08 Notices of Motion (including rescission motions)

09 Council Reports (Including Committee and Delegates Reports)

10 Questions With or Without Notice

11 Confidential Matters

Note 1*: *Acknowledgement of Country

An *Acknowledgment of Country* is a way that non-Aboriginal people can show respect for Aboriginal and Torres Strait Islander heritage and the ongoing relationship of traditional owners with the land.

The Mayor or Chair of the meeting begins the meeting by acknowledging that the meeting or event is taking place on the country of the traditional custodians.

The following are examples of appropriate wording for the "Acknowledgement of Country":

- *I would like to show my respect and acknowledge the traditional custodians of the land, of elders past, present and emerging, on which this meeting takes place:*

Or

- *I acknowledge the Traditional Custodians of country throughout Australia and recognise their continuing connection to land, waters and culture. I pay my respects to their Elders past, present and emerging.*

Or

- *I would like to acknowledge that we are here today on the land of the Wallumedegal people. The Wallumedegal people are the Traditional Custodians of this land and form part of the wider Aboriginal nation known as the Eora Nation. I would also like to acknowledge the present Aboriginal and Torres Strait Islander peoples who now reside within this area.*

Note 2 **Prayer:

The late Rev. W. Gumbley wrote the following prayer, when Chaplain to the Council, in consultation with the clergy of all local churches, and adopted by the Council.

"We thank you Lord, for the honour of being called by our fellow citizens to this office of honour and trust. Give us grace, diligently and honourably, free from private interest or prejudice, to discharge the duties entrusted to us, to the common good and as in your sight. Through Jesus Christ, our Lord. Amen."

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 13 allows council to deal with items of business by exception.

8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

9.1 The council must not consider business at a meeting of the council:

(a) unless a councillor has given notice of the business, as required by clause 3.11, and

(b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the council, or

(b) is the election of a chairperson to preside at the meeting, or

(c) is a matter or topic put to the meeting by way of a mayoral minute, or

(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.

9.4 A motion moved under clause 9.3 (can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 can speak to the motion before it is put.

9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

9.7 They Mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.

9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.

9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

Staff reports

9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.13, unless the council determines otherwise in accordance with this code

9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. The general manager may request another council employee to answer the question.

9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.17 Councillors must put questions directly, succinctly, respectfully and without argument.

9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

10.2 A councillor who has submitted a notice of motion under clause 3.11 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a councillor who has submitted a notice of motion under clause 3.11 wishes to withdraw it , they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.

10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or

(b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

10.8 An amendment to a motion must be moved and seconded before it can be debated.

10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

(b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.

10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.

10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

Note: If clause 11.10 is adopted, clauses 11.5 – 11.8 and clause 11.14 may be omitted.

Voting on planning decisions

11.11 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

11.12 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

11.13 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.14 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.15 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.16 Clauses 11.13–11.15 apply also to meetings that are closed to the public.

Note: Clauses 11.13–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.13 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.15–10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than councillors),

(b) the personal hardship of any resident or ratepayer,

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it, or

(ii) confer a commercial advantage on a competitor of the council, or

(iii) reveal a trade secret,

(e) information that would, if disclosed, prejudice the maintenance of law,

(f) matters affecting the security of the council, councillors, council staff or council property,

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

Note: *Clause 14.1 reflects section 10A(1) and (2) of the Act.*

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: *Clause 14.2 reflects section 10A(3) of the Act.*

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: *Clause 14.3 reflects section 10B(1) of the Act.*

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the council or committee is involved, and

(b) are clearly identified in the advice, and

(c) are fully discussed in that advice.

(d) are subject to legal professional privilege

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or

(b) the discussion of the matter may:

(i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or

(ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1

14.12 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form (see Appendices). Applications must be received by 12 noon on the day of the meeting at which the matter is to be considered.

Expulsion of non-councillors from meetings closed to the public

14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,

(b) the matter that is to be discussed during the closed part of the meeting,

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is webcast.

14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(a) contravenes the Act, the Regulation or this code, or

(b) assaults or threatens to assault another councillor or person present at the meeting, or

(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

(d) uses offensive or disorderly words, or

(e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or

(f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or

(g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d) (e) or (g), or

(b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d) (e), (f) and (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.14 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.15 All chairpersons of meetings of the council and committees of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purpose of section 10(2)(b) of the Act

15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council

Note: Councils may use either of clause 15.15 or clause 15.16. Hunter's Hill Council is using 15.15.

15.17 Clause 15.15, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.18 reflects section 233(2) of the Regulation.

15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.20 Members of the public attending a meeting of the council:

(a) must remain silent during the meeting unless invited by the chairperson to speak,
(b) must not bring flags, signs or protest symbols to the meeting, and
(c) must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.24 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.

15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of council

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than four (4) business days after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and

(b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude no later than 9:30pm.

18.2 If the business of the meeting is unfinished at 9:30pm, the council or the committee may, by resolution, extend the time of the meeting by 30 minutes.

18.3 If the business of the meeting is unfinished at 9:30pm, and the council does not resolve to extend the meeting, the chairperson must either:

(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or

(b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:

(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and

(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a council meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

(a) such number of members as the council decides, or

(b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

(a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

20.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or

(b) to move or second a motion at the meeting, or

(c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.9 The chairperson of each committee of the council must be:

(a) the mayor, or

(b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or

(c) if the council does not elect such a member, a member of the committee elected by the committee.

20.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.13.

20.15 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Mayoral minutes

20.16 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

20.17 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.18 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.19 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.18 during a part of the meeting that is webcast.

20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.21 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.20 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,

(b) details of each motion moved at a meeting and of any amendments moved to it,

(c) the names of the mover and seconder of the motion or amendment,

(d) whether the motion or amendment was passed or lost, and

(e) such other matters specifically required under this code.

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or

(b) a failure to give notice of the meeting to any councillor or committee member, or

(c) any defect in the election or appointment of a councillor or committee member, or

(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

RELATED POLICIES/PROCEDURES

Local Government Act 1993
Local Government (General) Regulation 2021
Model Meeting Code of Practice for Local Councils 2021
Model Code of Conduct
Procedures for the Administration of the Model Code of Conduct

POLICY AUTHORITY

Council
General Manager

GETTING HELP

Please contact the General Manager for further guidance or assistance.

REVIEW

This policy to be reviewed at least once per term of Council. A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.

The document will be reviewed following the next Local Council elections in September 2028 or on receipt of advice from Office of Local Government regarding changes to the Act or Regulations relating to Meeting Practice.

Next review date is: May 2029

ADOPTED BY COUNCIL/EXECUTIVE:

DATE:
RESOLUTION NO:

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES
1/09/1999	1.0	Regulation Commenced	Adoption of LG (Meetings) Regulation
25/09/2006	1.1	418/06	Amendments from LG Act and Regulations consolidation
15/06/2010	1.2	163/10	DLG Practice Note 16 Update amendments
14/11/2011	1.3	395/11	2011 amendments to Local Government Act
28/10/2013	1.4	337/13	2013 Review and incorporation of amendments to Local Government Act
9/03/15	1.5	58/15	Minor Amendments S19.6 Procedures in Workshops
11/05/15	1.6	144/15	Incorporation of Acknowledgement of Country and other minor changes to S2.1 Order of Business
9/04/18	1.7	100/18	Incorporation of changes to permit live streaming of Council Meetings

27/05/19	1.8	100/19	2019 Review and incorporation of Model Code of Meeting Practice
23/09/19	1.9	188/19	Minor amendment to s4.2 Public Participation
Oct 2022	2.0	278/22	Addition of provisions relating to public participation and audio-visual technologies.
July 2025		139/25	Deletion of 8.1 *10 General Business*
Sept 2025	3.0		Incorporation of updated Model Code of Meeting Practice

APPENDIX 1 REQUEST TO ADDRESS COUNCIL

Hunter's Hill Council

Request to Address Council Meeting Public Forum

(A limit of 3 minutes per speaker applies)

Details of Applicant

Name ..... Signature .....

Address .....

Mobile ..... Telephone .....

Email..... Date .....

Details of Proposed Address

Date of meeting you wish to address .....

Item listed on the agenda for this meeting that you wish to address

Agenda Item number *(e.g. 2.1)* .....

Are you speaking as an **Applicant** ☐ **Owner** ☐ **Supporter** ☐ **Objector** ☐ **Other** ☐ *(specify)*

Subject of address .....

Please provide a brief outline of your planned address:

Important Notes:

1. Permission to speak may be withdrawn at any time, should inappropriate comments be made and potentially offensive or defamatory remarks will render a speaker open to legal action.
2. Electronic recordings of Council meetings will be made publicly available on Council's webpage.
3. **For Ordinary Council Meetings this form must be submitted to Council no later than 12:00 noon on the day of the nominated meeting. Applications received after this time will not be accepted.**
4. You will be advised by email if your request has been approved for the relevant Ordinary Council meeting after 12:00 noon on the day of the Council Meeting.

Council is an agency as defined by the NSW Privacy and Personal Information Protection Act 1998 and has adopted a Privacy Management Plan that covers retention and security of personal information, access to personal information held by Council, limits on use of personal information, and limits on disclosure of personal information. The form may be submitted through the website forms.

APPENDIX 2 GUIDELINES – REQUEST TO ADDRESS COUNCIL

Applications to Address Council or Committee Meeting Public Forum
A member of the public may, be granted permission to address Council or a Committee where such a request is received by the General Manager no later than 12 noon on the day of the nominated meeting.

This provision is subject to the following conditions and qualifications: -

- Each speaker being permitted to address a meeting for up to three minutes. Council may resolve to extend the address by one further three minutes if considered appropriate.

Conduct of Speakers
Speakers should conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, i.e. not disrupt the conduct of the meeting and to treat all people with respect, courtesy, compassion, and sensitivity and not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the Council, Councillors, staff or other members of the public. In the event that a speaker does not conduct themselves accordingly, the Chairperson may request the speaker to apologise, desist from the inappropriate behavior, return to the public gallery and/ or otherwise enact provisions of Council's Code of Meeting Practice

Council accepts no responsibility for any defamatory comments made by the speaker in respect of anything said or any material presented to the Meeting.

Addressing Council – Application Process
All requests are to be made to the General Manager no later than 12 noon on the day of the nominated meeting.

Applicants shall state:
- Their name, address and contact telephone number;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper (if applicable)

ITEM NO	:	4.4
SUBJECT	:	MANAGING UNREASONABLE COMPLAINANT CONDUCT POLICY
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	REPORT TO COUNCIL AND THE COMMUNITY ON MATTERS OF PUBLIC INTEREST VIA MAYORAL MINUTES AND STAFF REPORTS
REPORTING OFFICER	:	ANNIE GOODMAN

Ref:788498

PURPOSE
To update Council's 'Managing Unreasonable Conduct by Complainants Policy' in line with the NSW Ombudsman's guidance.

RECOMMENDATION

1. That the report be received and noted.
2. That the amendments to the draft Managing Unreasonable Conduct by Complainants Policy be adopted.

BACKGROUND
The Hunter's Hill Council Managing Unreasonable Conduct by Complainants Policy was last updated in 2023. This policy has been reviewed and compared against the NSW Ombudsman Managing Unreasonable Conduct by a Complainant Guidelines.

REPORT
The following recommended updates have been marked and included in the attached policy:

Section	**Update/Change/Inclusion as Ombudsman (Recommended)**
Purpose	Inclusion about the policy providing robust, standardised and consistent procedures and a mechanism to ensure transparency.
Scope	Inclusion of the policy relating to staff and their actions in addition to the behaviour of customers.
4.1 & 4.3 Roles & Responsibilities	Consideration by the General Manager for the restriction of the complainant's access to Council's services. The addition of the responsibility of the Senior Managers.
5.4	Updated email address.

When – limiting when and how a complainant can contact us	
5.5 When – limiting when and how a complainant can contact us	Change to 'limiting face-to-face interviews to secure areas'.
11 Managing Staff Stress	Change to 'Staff Support & Safety'.
11.4 Environmental Design for Safety	Added section and inclusive of an action list.
Review	Change review date to be in line with legislative updates as advised by the NSW Ombudsman.

CONCLUSION

Minor updates to the Managing Unreasonable Complainant Conduct Policy have been made to ensure adherence to the NSW Ombudsman Managing Unreasonable Conduct by a Complainant Guidelines.

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. Draft Managing Unreasonable Conduct by Complainants (UCC) Policy ⇩

HUNTER'S HILL COUNCIL

POLICY

POLICY NO.	
POLICY TITLE	Managing Unreasonable Conduct by Complainants (UCC) Policy
STATUS	Council
SERVICE	Management and Council Support
DOCUMENT ID	

PURPOSE

The purpose of this policy is to provide a robust, standardised and consistent model policy and procedure that Hunter's Hill Council can use for fair and consistent and Ombudsman compliant processes in relation to managing unreasonable conduct by complainants (UCC).

This policy provides a mechanism to ensure transparency, accountability, fairness and consistency in the management of UCC incidents. It also provides guidance for Council staff to understand their roles and responsibilities.

Whilst it is important for Council to ensure that customers receive respectful treatment by Council staff at the same time it is equally important to ensure the well-being of staff by some members of the public who behave inappropriately.

Some people who complain to Council are justifiably disappointed and angry. This can be because they have been treated unfairly through no fault of their own. Despite this, they are able to manage their frustration and anger. They are also able to productively engage with the systems, processes and people that they interact with.

However, this is not true for everyone. For some people, their frustration or anger can lead to escalated behaviour, including aggressive and abusive conduct towards the organisations and staff handling their complaints. This could be about the subject matter of their complaint, how it was handled or its outcome. We call this unreasonable conduct.

Unreasonable conduct is any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process. These people can be:

- the organisation responsible for handling a complaint
- the case officer(s) dealing with a complaint
- any subjects of complaint
- the person who made the complaint (potentially including members of their families and friends)
- other people who make a complaint
- and other service users.

Unreasonable conduct can happen anywhere. It is not limited to telephone communications or face-to-face interactions. It can also take place online or in written correspondence. The purpose of this policy is to recognise and address the management of this behaviour.

SCOPE

The scope of this policy relates to Council staff; however, this policy can be read by the public to understand their rights and responsibilities.

This policy is designed to assist Council staff in identifying and dealing with unreasonable complainant conduct and provides an overview of the following principles:

- Clear guidance on the authority vested in frontline staff and senior management to respond to and manage UCC incidents, including restricting a complainant's access to services.
- An explanation of the circumstances where it may be appropriate to change or restrict a complainant's access to services, and the procedures to follow when doing so.
- A range of possible service restrictions (not just 'write only' restrictions) that staff can use to manage UCC incidents.
- Guidance about factors (including cultural factors) that should be considered when deciding to change or restrict a complainant's access to services.
- Procedures for communicating with complainants about decisions to change or restrict their access, including the use of template letters.
- A centralised system for recording and reporting details of complainants who have service restrictions, to assist with ongoing management and review of these cases.
- A standardised process for reviewing decisions to change or restrict access – including fixed time periods and criteria for review, and a presumption that any restriction will be lifted unless there is a clear need for it to continue.

Council staff will apply this policy cautiously and sparingly and will not use this framework as a quick solution for dealing with complainants who are angry or frustrated or who are regarded as being annoying or a nuisance.

This policy will always take the complainant's personal circumstances into account and should never be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct. The aim is not to punish the complainant, but to manage the impacts of their conduct.

Council acknowledges that there may be instances where staff can get it wrong or trigger or exacerbate instances of UCC. Mistakes can happen, complaints can be mishandled, delays can occur, and processes and procedures are sometimes over complex. However, Council is committed to always treating complainants with dignity and respect, regardless of what the complainant may say or do. This can help to ensure the complaint process is as smooth as possible, as well as helping to maintain an ongoing relationship between the organisation and the complainant.

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1. INTRODUCTION

1.1 Statement of support

Hunter's Hill Council is committed to being accessible and responsive to all complainants who approach our office regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors. At the same time, the success of our office depends on:

- Our ability to do our work in the most effective and efficient ways possible.
- The health, safety, and security of our staff.
- Our ability to allocate our resources fairly across all the complaints we receive.

When complainants behave unreasonably, their conduct can significantly affect the successful conduct of our work. Hunter's Hill Council will act proactively and decisively to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

2. OBJECTIVES

2.1 Policy aims

This policy was developed to assist all staff members to better manage unreasonable conduct by complainants (UCC). It aims to help staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly, and appropriately when responding to UCC.
- Understand their roles and responsibilities in relation to the management of UCC, and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
  - The strategies provided in the 'Managing unreasonable conduct by a complainant manual' (3rd edition) including the strategies to change or restrict a complainant's access to our services.
  - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
  - Legal instruments such as trespass laws or other legislation to prevent a complainant from coming onto our premises, and orders to protect specific staff members from any actual or apprehended personal violence, intimidation, or stalking.
- Understand the criteria we will consider before we decide to change or restrict a complainant's access to our services.
- Be aware of the processes that will be followed to record and report UCC incidents, and the procedures for consulting and notifying complainants about any proposed action or decision to change or restrict their access to our services.
- Understand the procedures for reviewing decisions made under this policy, including specific timeframes for review.

3. DEFINING UNREASONABLE COMPLAINT CONDUCT

3.1 What is Unreasonable Conduct by a Complainant (UCC)?

Most complainants act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However, despite our best efforts to help them, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable. They can be aggressive and verbally abusive towards our staff, threaten harm and violence, or bombard our offices with unnecessary and excessive phone calls and emails. They may make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be 'unreasonable'.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviours.

3.2 What is Unreasonable Persistence?

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

3.3 What are Unreasonable Demands?

Unreasonable demands are any demands expressly made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.

- Insisting on talking to the General Manager or a senior manager personally when the reasons that this is not appropriate or warranted have been carefully explained to the complainant.
- Emotional blackmail and manipulation resulting in intimidation, harassment, shaming, seduction or portraying themselves as being victimised, when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances, e.g., asking for someone to be fired or prosecuted, or for an apology and/or compensation when no reasonable basis for this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

3.4 What is Unreasonable Lack of Cooperation?

Unreasonable lack of cooperation is when a complainant is unwilling or unable to cooperate with Council, our staff, or our complaints process, resulting in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of complex and/or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their complaint (where the complainant is clearly capable of doing this).
- Providing little or no detail around their complaint or presenting information in 'dribs and drabs'.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour, such as withholding information, acting dishonestly, misquoting others.

3.5 What are Unreasonable Arguments?

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- Fail to follow a logical sequence that the complainant is able to explain to staff.
- Are not supported by any evidence and/or are based on conspiracy theories.
- Lead a complainant to reject all other valid and contrary arguments.
- Are trivial when compared to the amount of time, resources and attention that the complainant demands.
- Are false, inflammatory or defamatory.

3.6 What is Unreasonable Behaviour?

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- Harassment, intimidation or physical violence.

- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.

Council has a zero-tolerance policy towards any harm, abuse or threats directed towards its staff. Any conduct of this kind will be dealt with under this policy, and other relevant Council policies, and in accordance with our duty of care and occupational health and safety responsibilities.

4. ROLES AND RESPONSIBILITIES

4.1 All Staff

All staff will be required to familiarise themselves with this policy as well as the individual rights and mutual responsibilities of the parties to a complaint, which are listed in **Appendix A**. Staff are also encouraged to explain the contents of this document to all complainants, particularly those who engage in UCC or exhibit the early warning signs of UCC.

Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the Public Officer (Director, Community & Customer Service) within 24 hours of the incident occurring, using the UCC incident form in **Appendix B**. A file note of the incident should also be copied into Council's Records Management System.

Any strategies that change or restrict a complainant's access to our services must be considered by the General Manager as provided in this policy and outlined in 4.2 (below).

4.2 The General Manager (or their delegate)

The General Manager (or their delegate), in consultation with relevant staff, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will consider the criteria in section 7.2 (adapted into a checklist in Appendix C) and will aim to impose any service changes or restrictions in the least restrictive ways possible. Their aim when taking such actions will not be to punish the complainant, but rather to manage the impacts of their conduct.

When applying this policy, the General Manager (or their delegate) will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety, and security of our staff or third parties. The Public Officer is also responsible for recording, monitoring, and reviewing all cases where this policy is applied to ensure consistency, transparency, and accountability for the application of this policy. They will manage and keep a file record of all cases where this policy is applied.

4.3 Senior Managers

All senior managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the manual. Senior managers are also responsible for ensuring compliance with the procedures outlined in this policy, and that all staff members are trained to deal with UCC – including on induction.

After a stressful interaction with a complainant, senior managers should provide affected staff members with the opportunity to debrief their concerns either formally or informally. Senior managers will also ensure

that staff are provided with proper support and assistance including medical or police assistance, and if necessary, support through programs like the Employee Assistance Program.

Senior managers may also be responsible for arranging other forms of support for staff, such as appropriate communication or intercultural training.

5. RESPONDING TO AND MANAGING UCC

5.1 Changing or restricting a complainant's access to our services

Unreasonable Complainant Conduct incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants by restricting:

- **Who they have contact with** – limiting a complainant to a sole contact person/staff member in our organisation.
- **What they can raise with us** – restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- **How they can make contact** – limiting or modifying the forms of contact that the complainant can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances, level of competency, literacy skills, and cultural background. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

5.2 Who – limiting the complainant to a sole contact point

Where a complainant tries to forum-shop internally within our organisation, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with our office. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.

To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance as needed. Also, the Public Officer will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.

Complainants who are restricted to a sole contact person will, however, be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – e.g., they go on leave or are otherwise unavailable for an extended period of time.

5.3 What – restricting the subject matter of communications that we will consider

Where complainants repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by our office, we may restrict the issues/subject matter the complainant can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further - in which case, we may do so on our 'own motion'.
- Restrict the complainant to one complaint/issue per month. Any attempts to circumvent this restriction (e.g., by raising multiple complaints/issues in the one complaint letter) may result in modifications or further restrictions being placed on their access.
- Return correspondence to the complainant and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to help identify repeat UCC incidents.

5.4 When – limiting when and how a complainant can contact us

If a complainant's contact with our organisation places an unreasonable demand on our time or resources, or affects the health, safety, and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when or how the complainant can interact with us. This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews, e.g:
  - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
  - Lengthy written communications may be restricted to a maximum of 15 typed or written pages, single sided, font size 11 or it will be sent back to the complainant to be organised and summarised. This option is only appropriate in cases where the complainant is capable of summarising the information and refuses to do so.
  - Limiting face-to-face interviews to a maximum of 45 minutes.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the nature of the service provided we may limit:
  - Telephone calls to 1 every month.
  - Written communications to 1 every month.
  - Face-to-face interviews to 1 every month.

For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint.
- Restrict the frequency with which complainants can send emails or other written communications to our office.
- Restrict a complainant to sending emails to a particular email account (e.g., info~~customer~~@huntershill.nsw.gov.au) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

'Writing' only restrictions

When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only.
- Email only to a specific staff email or our general office email account.
- Some other relevant form of written contact, where applicable.

If a complainant's contact is restricted to 'writing only', the Public Officer will clearly identify the specific means that the complainant can use to contact our office (e.g., Australia Post only). If it is not appropriate for a complainant to enter our premises to hand deliver their written communication, this must be communicated to them as well.

Any communisations that are received by our office in a manner that contravenes a 'writing only' restriction will either be returned to the complainant or read and filed without acknowledgement.

5.5 When – limiting ~~when and how a complainant can contact us~~ face-to-face interviews to secure areas

If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of the office such as the reception area or a secured room or facility.
- Restricting their ability to attend our premises to specified times of the day and/or days of the week only, e.g., when additional security is available or to times/days that are less busy.
- Allowing them to attend our office on an 'appointment only' basis and only with specified staff (for these meetings, staff should always seek support and assistance of a colleague for added safety and security).
- Banning the complainant from attending our premises altogether and allowing some other form of contact, e.g., 'writing only' or 'telephone only' contact.

Contact through a representative only

In cases where we cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the Public Officer.

When assessing a representative or support person's suitability, the Public Officer should consider factors such as their level of competency and literacy skills, demeanour and behaviour, and relationship with the complainant. If the Public Officer determines that the representative or support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person, or we may assist them in this regard.

5.6 Completely terminating a complainant's access to our services

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit, e.g., entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases, the complainant will be sent a letter notifying them that their access has been restricted as outlined in Section 7.4.

A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms like trespass laws and other legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

6. ALTERNATIVE DISPUTE RESOLUTION

6.1 Using alternative dispute resolution strategies to manage conflicts with complainants

If the Public Officer and the General Manager determine that we cannot terminate our services to a complainant in a particular case or that we or our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies (ADRs) such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy, particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

7. PROCEDURE TO BE FOLLOWED WHEN CHANGING OR RESTRICTING A COMPLAINANT'S ACCESS TO OUR SERVICES

7.1 Consulting with relevant staff

When the Public Officer receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC incident, including the complainant's situation, personal and cultural background, and perspective
- The impact of the complainant's conduct on our organisation, relevant staff, our time, resources, etc.
- The complainant's response to the staff member's warnings or requests to stop the unreasonable behaviour.
- What the staff member has done to manage the complainant's conduct (if applicable).

- Any suggestions made by relevant staff on ways that the situation could be managed.

7.2 Criteria to be considered

Following a consultation with relevant staff the Public Officer will search the relevant Council's records systems, for information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood or dependents, etc.
- Whether the complainant's personal circumstances have contributed to the behaviour - e.g., the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
  - homelessness
  - physical disability
  - illiteracy or other language or communication barrier
  - mental or other illness
  - personal crises
  - substance or alcohol abuse.
- Whether the complainant's response or conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate in the circumstances.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact with, or access to our services.

Once the Public Officer has considered these criteria they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct which may include one or more of the strategies provided in the practice manual and this policy.

See **Appendix C** – checklist for the Public Officer to consider when deciding to modify or restrict a complainant's access.

7.3 Providing a warning letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the General Manager will provide them with a written warning about their conduct in the first instance.

If the complainant is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

The warning letter will:

- Specify the date, time and location of the UCC incident.

- Explain why the complainant's conduct/UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- Provide clear and full reasons for the warning being given.
- Include an attachment of the organisation's ground rules and/or briefly state the standard of behaviour that is expected of the complainant. See **Appendix A** – Individual rights and mutual responsibilities of parties to a complaint
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the General Manager.

See **Appendix D** – warning letter.

7.4 Providing a notification letter

If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the General Manager has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning). If the complainant is unable to read the letter (due to literacy issues, non-English speaking, etc.) the letter will be followed or accompanied by a telephone call, using an interpreter if necessary.

This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the complainant's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the complainant.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period for review.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the General Manager.

See **Appendix E** – letter notifying complainants of a decision to change or restrict their access to our services.

7.5 Notifying relevant staff about access changes/restrictions

The Public Officer will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular Customer Service staff in cases where a complainant is prohibited from entering our premises.

7.6 Continued monitoring/oversight responsibilities

Once a complainant has been issued with a warning letter or notification letter the Public Officer will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions/the arrangement is working.

If the Public Officer determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate, they may decide to either modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

8. APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

8.1 Right of appeal

People who have their access changed or restricted are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments and personal circumstances, including cultural background, along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter, which must be signed off by the General Manager. The staff member will

then refer any materials or records relating to the appeal to the Public Officer to be kept in the appropriate file.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

9. NON-COMPLIANECE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

9.1 Recording and reporting incidents of non-compliance

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in the records management system and a copy forwarded to the Public Officer who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

10. PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED

10.1 Period for review

All cases where this policy is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or upheld.

10.2 Notifying the complainant of an upcoming review

The Public Officer will invite all complainants to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (i.e. further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions.

See **Appendix F** – letter notifying a complainant of an upcoming review.

10.3 Criteria to be considered during a review

When conducting a review, the Public Officer will consider:

- Whether the complainant has had any contact with the organisation during the restriction period.
- The complainant's conduct during the restriction period.
- Any information or arguments put forward by the complainant for review.
- Any other information that may be relevant in the circumstances.

The Public Officer may also consult any staff members who have had contact with the complainant during the restriction period.

Sometimes a complainant may not have a reason to contact our office during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

See **Appendix G** – checklist for reviewing an access change or restriction.

10.4 Criteria to be considered during a review

The Public Officer will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction the review letter will also:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the Public Officer who the complainant can contact to discuss the letter.
- Be signed by the General Manager.

See **Appendix H** – letter advising the complainant of the outcome of a review.

10.5 Recording the outcome of a review and notifying relevant staff

The Public Officer is responsible for keeping a record of the outcome of the review, updating appropriate records and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

See sections 4.2 and 7.5.

11. ~~MANAGING STAFF STRESS~~ STAFF SUPPORT & SAFETY

11.1 Staff reactions to stressful situations

Dealing with demanding, abusive, aggressive, or violent complainants can be extremely stressful, distressing and even frightening for our staff. It is perfectly normal to get upset or stressed when dealing with difficult situations.

As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need the help of all Hunter's Hill Council staff to identify stressful incidents and situations. All staff have a responsibility to tell relevant supervisors and senior managers about UCC incidents, and any other stressful incidents that they believe require management to be involved.

11.2 Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of dealing with stress. Many staff do this naturally with colleagues after a difficult telephone call, but staff can also debrief with a supervisor or senior manager (or as a team) following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary. Staff may also access an external professional service if required, such as Council's EAP Program.

11.3 Training and awareness

Hunter's Hill Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis and, in particular, on induction. This should include training to support culturally appropriate communication.

11.4 Environmental Design for Safety

Risks posed to front line staff have been minimised via the environmental design/layout of the Town Hall foyer. The concept of Crime Prevention Through Environmental Design (CPTED) suggests that certain building design features can discourage anti-social behaviour. It is based on the idea that if you enhance certain design features within an office space you can discourage violence – particularly by considering space, layout and psychology concepts such as the behaviour of people in relation to colour, lighting, temperature and queuing. Some examples of CPTED strategies that might discourage unreasonable conduct include:

- Separating the access points to the building, different floors of the building or lifts for staff and the public.
- Controlling public access to non-public office areas via a security swipe card.
- Requiring visitors to identify themselves and sign in and out of the workplace.
- Having closed circuit television – this has been proven to have a deterrent effect, particularly when there are obvious monitors so people can see themselves being recorded.
- Prominently posting signs setting out expected behaviours of visitors.
- Having a designated safety protocol for any times when staff are feeling threatened by a customer.
- Having minimal furniture in public areas and furniture that is large enough that it cannot easily be picked up and thrown.
- Minimising the number of entrances to the workplace, while maintaining fire code regulations.
- Making sure any waiting area is comfortable and free of as much noise as possible.
- Making sure that ventilation and temperature controls are in place.

12. POLICY REVIEW

12.1 Policy review period

All staff are responsible for forwarding any suggestions they have in relation to this policy to the Public Officer, who along with relevant senior managers will review as per legislative updates and guidelines.

RELATED POLICIES/PROCEDURES

- Work Health and Safety Policy
- Complaints Handling Policy and Procedures
- Managing unreasonable conduct by a complainant manual (3rd edition)
- Unauthorised entry onto agency premises – applying the provisions of the Enclosed Lands Protection Act 1901 (NSW)
- Orders to address violence, threats, intimidation or stalking by complainants

POLICY AUTHORITY

General Manager

REVIEW

~~All staff are responsible for forwarding any suggestions they have in relation to this policy to the Public Officer, who along with relevant senior managers will review it biennially (every 2 years).~~

Next review date is: ~~September 2025~~ September 2028 or sooner as per legislative updates as advised by the NSW Ombudsman.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE:
RESOLUTION NO:

VERSION CONTROL TABLE

Date	Version	Res. No.	Key Changes	Author
11 Nov 2019	1.0	251/19	Adoption of Policy	Director, Finance & Corporate Services
18 September 2023	2.0	188/23	Inclusions: • Policy title change • Roles and responsibilities • Recording and reporting incidents of non-compliance	Director, Community & Customer Service

			• Managing staff stress • Appendix additions • General updates as per 2021 Ombudsman recommendations	
22 September 2025	3.0		Updates to the: • Purpose • Scope • Roles & Responsibilities • Contact details • Staff safety & support • Environmental design for safety	Director, Community & Customer Service

APPENDIX A INDIVIDUAL RIGHTS AND MUTUAL RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT

In order for Hunter's Hill Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

Individual rights[1]

Complainants have the right:

- to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristics[2]
- to a reasonable explanation in a wide range of languages of the organisation's complaints procedure, including details of the confidentiality, secrecy or privacy rights or obligations that may apply to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case[3]
- to a fair hearing[4]
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint[5]
- to have decisions that affect them explained to them
- to at least one (1) review of the decision on the complaint[6]
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.[7]

Staff have the right:

- to determine whether, and if so how, a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances[8]
- to expect honesty, cooperation, and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment[9]
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.[10]

[1] The word 'rights' is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.
[2] Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.
[3] While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.
[4] The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.
[5] Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.
[6] Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.
[7] Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.
[8] Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also footnote 25].
[9] See for example WH&S laws and the common law duty of care on employers.
[10] Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.

Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by Council staff.
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated[11]
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made [12]
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably.

Mutual responsibilities

Complainants are responsible for:

- treating Council staff with dignity and respect
- clearly identifying to the best of their ability the issues of complaint, or asking for help from Council staff to assist them in doing so
- providing Council, to the best of their ability, with all the relevant information available to them at the time of making the complaint
- being honest in all communications with Council.
- informing Council of any other action they have taken in relation to their complaint[13]
- cooperating to the best of their ability with the staff who are assigned to assess, investigate, resolve, determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Hunter's Hill Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant.[14] Any conduct of a criminal nature will be reported to police, and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance, including cultural and linguistic assistance, to complainants who need help to make a complaint and, where appropriate, during the complaint process
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly, and impartially
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made[15]

[11] Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonable create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.
[12] Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.
[13] For example, whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings on foot.
[14] Other than in circumstances where the organisation is obliged to have an ongoing relationship with the complainant.
[15] See footnote 11.

- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them[16] and the substance of any proposed adverse comment or decision that they may need to answer or address [17]
- keeping complainants informed of the actions taken and the outcome of their complaints[18]
- giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them
- treating complainants (and people who are the subject of complaints) with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants[19] are not subjected to any detrimental action in reprisal for making their complaint [20]
- giving adequate warning of the consequences of unacceptable behaviour.

If Council or its staff fail to comply with these responsibilities, complainants may complain to the Ombudsman.

Subjects of a complaint are responsible for:

- cooperating with the Council staff of who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction[21]
- providing all relevant information in their possession to [name of organisation] or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with [name of organisation] and its staff
- treating the staff of the [name of organisation] with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the complainant[22] in reprisal for them making the complaint.[23]

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws or codes of conduct.

Hunter's Hill Council is responsible for:

- maintaining an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording, and reviewing complaints
- making decisions about how all complaints will be dealt with
- ensuring that all complaints are dealt with professionally, fairly, and impartially[24]
- ensuring that staff treat all parties to a complaint with courtesy and respect
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances[25]

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[16] Other than where an allegation is so lacking in merit that it can be dismissed at the outset.
[17] See footnote 11.
[18] See footnote 5.
[19] 'Complainants' include whistle-blowers/people who make internal disclosures.
[20] 'Complaints' includes disclosures made by whistle-blowers/people who make internal disclosures.
[21] This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.
[22] See footnote 19.
[23] See footnote 20.
[23] See footnote 3.
[25] Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.

- implementing reasonable and appropriate policies, procedures, and practices to ensure that complainants[26] are not subjected to any detrimental action in reprisal for making a complaint[27], including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- adequately considering any confidentiality, secrecy or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If Council fails to comply with these responsibilities, complainants may complain to the Ombudsman.

[26] See footnote 19.
[27] See footnote 20.

APPENDIX B INCIDENT FORM

This form should only be filled out if you encounter unreasonable conduct by a complainant and consider that steps may need to be taken to change or restrict a complainant's access to services.

Complete this form and send it electronically or by hand to the Public Officer within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the complainant's conduct.

Date: _____ Case officer's name:_____

Name of complainant: _____ Complainant's case file number:_____

Details of the complainant's conduct/incident including whether emergency services were contacted:

_____
_____
_____
_____

Why do you consider this conduct to be unreasonable?

For example – has it occurred before/repeatedly, caused significant disruptions to our organisation, has or could it raise significant health and safety issues for our staff or other persons.

_____
_____
_____
_____

What action, if any, have you taken to manage the complainant's conduct? For example – warning the complainant 'verbally' about their conduct, previous attempts to manage the behaviour, etc.

_____
_____
_____
_____

What do you think should be done to effectively manage the complainant's conduct? Note – the final decision on the appropriate course of action will be made by the General Manager.

_____
_____
_____
_____

Is there any other information that might be relevant to this case? Please include information on any personal or cultural background issues that may have affected the complainant's conduct. If necessary, attach any supporting documentation.

_____
_____
_____
_____

APPENDIX C CHECKLIST – MODIFY OR RESTRICT A COMPLAINANT'S ACCESS

- ☐ I have received a signed and completed incident form from the case officer(s) involved (attach copy).
- ☐ I have spoken with relevant case officer(s) to obtain further information, as needed.
- ☐ I have reviewed the complainant's record and all the relevant information in it.
- ☐ I have referred to and considered section **7.2 criteria** to be considered which includes an assessment of the following:

  - ☐ The merits of the complainants case
    _____
    _____
    _____
  - ☐ The complainant's circumstances
    _____
    _____
    _____
    _____
  - ☐ Jurisdictional issues
    _____
    _____
    _____
    _____
  - ☐ Proportionality
    _____
    _____
    _____
    _____
  - ☐ Organisational or case officer responsibility
    _____
    _____
    _____
    _____
  - ☐ Responsiveness, including previous conduct
    _____
    _____
    _____
    _____
  - ☐ Case officer's personal boundaries
    _____
    _____
    _____
    _____

- ☐ Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

  _____
  _____
  _____
  _____

- ☐ Along with the case officer concerned and [any other nominated senior officers], I have considered all reasonable options for managing the complainant's conduct, including those that do not involve restricting their access to our services.

  _____
  _____
  _____
  _____

- ☐ The complainant has been warned about their conduct in writing, and the letter has been signed by the General Manager, if applicable.
- ☐ The complainant has been advised in writing, and by other culturally, linguistically, or personally appropriate means, of our decision to restrict their access to our organisation, and the letter has been signed by the General Manager, if applicable.
- ☐ I have made a record of my assessment and decision about the complainant's conduct and all relevant staff members have been notified of my decision.
- ☐ An electronic alert has been created in the Records Management System that notifies any staff dealing with this complainant of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the complainant (including who they should direct any communications from the complainant to).

Date: _____ Signature: _____

APPENDIX D WARNING LETTER

HUNTER'S HILL COUNCIL
ABN 75 570 316 011
22 ALEXANDRA STREET, HUNTERS HILL 2110
PO BOX 21, HUNTERS HILL 2110
(02) 9879 9400
info@huntershill.nsw.gov.au
www.huntershill.nsw.gov.au

Ref number: <reference number> <Date letter created>

[Name of complainant]
[Address of complainant]

Dear [name of complainant]

Your contact with Hunter's Hill Council

You recently had [state the form of contact – e.g., telephone, written or face-to-face] with staff at my office on [date]. [During/In that telephone call/appointment/letter], I understand that you [explain the nature of the conduct that has caused the organisation to be concerned].

We consider this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that my staff consider to be unreasonable, we will impose restrictions on your contact with our office. This may involve restricting your contact to [apply the relevant option(s)]:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post [if online or other written communications are preferred then explain].
- 'Telephone contact only' – this means that you will only be able to contact us by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of our staff.

Or any other restriction that we consider to be appropriate in the circumstances.

I have attached a copy of a document called [Individual rights and mutual responsibilities of the parties to a complaint] for your reference. We expect everyone who complains to this office to act in the ways described in this document.

If you have any questions about this letter, you can contact [provide name and phone number of the Public Officer].

Yours sincerely

<Council officer signature>

<Council Officer First Name> <Council Officer Surname>
<Council Officer position>

APPENDIX E LETTER NOTIFYING A COMPLAINANT OF A DECISION TO CHANGE OR RESTRICT THEIR ACCESS TO OUR SERVICES

HUNTER'S HILL COUNCIL
ABN 75 570 316 011
22 ALEXANDRA STREET, HUNTERS HILL 2110
PO BOX 21, HUNTERS HILL 2110
(02) 9879 9400
info@huntershill.nsw.gov.au
www.huntershill.nsw.gov.au

Ref number: <reference number> <Date letter created>

[Name of complainant]
[Address of complainant]

Dear [name of complainant]

Decision to restrict your contact with Hunter's Hill Council

It has come to my attention that you [describe the nature of the unreasonable conduct and its impact – e.g., if the complainant has been sending emails to several members of my staff on a daily basis…]

I understand that my staff have previously told you that we consider this conduct to be unreasonable and unwarranted.

I also wrote to you on [date] and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with my organisation. At the time I also attached a copy of our [Individual rights and mutual responsibilities of the parties to a complaint] which outlines your responsibilities as a complainant.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with my organisation. I therefore give you notice that from [date], and with the exception(s) detailed below, my organisation will only accept communication from you [identify permissible form of contact, if any].

What this means

This means that you are only to contact our organisation using [describe the restriction in further details]. Any communications that do not comply with this restriction will be [describe what will happen – e.g., phone calls will be terminated immediately, or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc].

[Note: the complainant should be clearly informed how they can contact the organisation and how the organisation will contact them].

Your existing complaint (if applicable)

This organisation currently has [one] file open in your name. This relates to [state the subject of complaint and describe complaint]. This file is being handled by [name of officer and position title]. While you are able to contact [name of officer] [state nature of contact – e.g., by email] about this specific matter, all other contact with my organisation, including any future complaints, must be [state restriction – e.g., in writing through Australia Post] [provide contact details – e.g., address of organisation where post can be sent].

Review of this decision

My decision to restrict your contact with this organisation is effective immediately and will last for [3 months/6 months/12 months]. At that time, we will review your restriction and decide if it should be maintained, amended, or withdrawn.

I take these steps with the greatest reluctance, but [state reason for restriction – e.g., the equity and safety of other complainants and my staff], leaves me no alternative.

If you have any questions about this letter, you can contact [provide name and phone number of the Public Officer].

Yours sincerely

<Council officer signature>

<Council Officer First Name> <Council Officer Surname>
<Council Officer position>

APPENDIX F LETTER NOTIFYING A COMPLAINANT OF AN UPCOMING REVIEW

HUNTER'S HILL COUNCIL
ABN 75 570 316 011
22 ALEXANDRA STREET, HUNTERS HILL 2110
PO BOX 21, HUNTERS HILL 2110
(02) 9879 9400
info@huntershill.nsw.gov.au
www.huntershill.nsw.gov.au

Ref number: <reference number> <Date letter created>

[Name of complainant]
[Address of complainant]

Dear [name of complainant]

Upcoming review of the decision to restrict your contact with Hunter's Hill Council

It has now been [3 months/6 months/12 months] since restrictions were [imposed/upheld] on your contact with our office. As advised in our letter dated [date], we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended, or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to [apply the relevant option(s)]:

- make submissions in writing through Australia Post [include contact person's name and address]
- schedule a face-to-face interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g., calling though the reception line on xxx-xxx-xxxx]
- schedule a telephone interview with [include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g., calling though the reception line on xxx-xxx-xxxx]

In your letter, you should include information that would be relevant to our review. This includes information about [....]/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by [time and date]/you should confirm your interview with [name of case officer] by [time and date]. If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact [provide name and phone number of the Public Officer].

Yours sincerely

<Council officer signature>

<Council Officer First Name> <Council Officer Surname>
<Council Officer position>

APPENDIX G CHECKLIST FOR REVIEWING A DECISION REGARDING AN ACCESS CHANGE/RESTRICTION

☐ The complainant has been sent a letter, or if necessary has been contacted by a more culturally and linguistically appropriate means, notifying them of the review.

☐ The complainant will/will not participate in the review.
- ☐ the complainant has/has not scheduled a face-to-face interview
- ☐ the complainant has/has not made written submissions
- ☐ the complainant has/has not scheduled a telephone interview

☐ I have reviewed all the information in the [case management system] from the last 12 months [or relevant period of the restriction] about the complainant's:

- ☐ contact with the office (explain form of contact)

  _____
  _____
  _____

- ☐ conduct during that contact (explain if conduct reasonable or unreasonable)

  _____
  _____
  _____

☐ I have spoken with the case officers who have had contact with the complainant during the last 12 months about the complainant's conduct during that period.

☐ I have considered the arguments/statements made by the complainant, including the impact of the restrictions on them (explain complainant's position, including if their circumstances have changed etc.) Note: if the complainant is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.

_____
_____
_____

☐ I have considered whether there are other more reasonable/suitable options for managing the complainant's conduct, including those that do not involve restricting their access to our services (list all that apply).

_____
_____
_____

☐ I consider that the restriction should be (explain):

- ☐ maintained –e.g., because the conduct has continued or is likely to continue, is disproportionate, etc.
- ☐ removed – e.g., because the complainant has complied with the restrictions etc.
- ☐ amended – e.g., because the complainant's circumstances have changed, and the current restriction is no longer appropriate.

  _____
  _____
  _____

☐ I have discussed my decision with [other nominated senior officers]

- ☐ The complainant has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the General Manager.
- ☐ The Records Management System has been updated to reflect my decision.

Date: _____ Signature: _____

APPENDIX H LETTER ADVISING THE COMPLAINANT OF THE OUTCOME OF A REVIEW

HUNTER'S HILL COUNCIL
ABN 75 570 316 011
22 ALEXANDRA STREET, HUNTERS HILL 2110
PO BOX 21, HUNTERS HILL 2110
(02) 9879 9400
info@huntershill.nsw.gov.au
www.huntershill.nsw.gov.au

Ref number: <reference number> <Date letter created>

[Name of complainant]
[Address of complainant]

Dear [name of complainant]

Review of your contact with Hunter's Hill Council

I am writing about a review that was undertaken by my organisation on [date] concerning your contact with this office. I understand that you [participated/did not participate] in that review.

Process of review

During the review you were given an opportunity to [explain in general terms how the review was undertaken].

Considerations

After your [interview/reading your submissions], we considered the concerns and suggestions raised in your [interview/letter, etc.], particularly your concerns about [include information that would be relevant – e.g., the complainant said their circumstances had changed]. We also reviewed our records of your conduct and contact with our office over the last 12 months. Our records showed that [provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to 4 times a day, throughout the period of your restriction].

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with our office to [state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with our organisation.

Decision

[apply if relevant]: Due to [explain reasoning for the decision – e.g., the number of emails that you have sent to our organisation in the last 12 months and ....] I consider it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to [explain reasoning for the decision I consider it necessary to amend the restrictions on your access to better suit your personal circumstances [explain, including providing clear

instructions on how the complainant is to contact us and how we will contact them]. The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may [explain how the complainant can notify of the change].

[apply if relevant]: Due to [explain reasoning for the decision] I consider it appropriate to remove the restrictions that have been placed on your access with our organisation, effective immediately. You may contact our organisation using any of our normal servicing options.

If you have any questions about this letter, you can contact [provide name and phone number of the Public Officer].

Yours sincerely

<Council officer signature>

<Council Officer First Name> <Council Officer Surname>
<Council Officer position>

ITEM NO	:	4.5
SUBJECT	:	REFERRAL OF DRAFT FINANCIAL STATEMENTS FOR AUDIT
STRATEGIC OUTCOME	:	RESOURCES ARE MANAGED EFFICIENTLY TO ENSURE THAT PROGRAMS, SERVICES AND COLLABORATIVE PROJECTS HAVE THE NECESSARY SUPPORT AND FUNDING TO SUCCEED
ACTION	:	PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG-TERM FINANCIAL PLAN
REPORTING OFFICER	:	CHRISTIAN MENDAY

Ref:789885

PURPOSE

The purpose of this report is to present the draft Financial Statements for the year ended 30 June 2025 (the Statements) and seek Council's approval.

Once approved, the Statements will be submitted to the Audit Office of NSW for the final Independent Auditor's Report on the General Purpose Financial Statements and the Report on the Conduct of the Audit for the year ended 30 June 2025.

RECOMMENDATION

1. That Council endorses the Draft Annual Financial Statements for the year ended 30 June 2025, that have been prepared in accordance with the Local Government Act 1993, the Regulations, the Australian Accounting Standards, and the Local Government Code of Accounting Practice.
2. That Council declares there are no business activities requiring the preparation of Special Purpose Financial Statements.
3. That the Statement by Councillors and Management be signed by the Mayor, Deputy Mayor, Acting General Manager and the Responsible Accounting Officer (Chief Financial Officer).
4. Council notes and approves the internally restricted assets contained in this report.
5. The Draft Annual Financial Statements be formally referred for audit in accordance with section 413 of the Local Government Act 1993.

BACKGROUND

The Draft Annual Financial Statements for the year ending 30 June 2025 (**Attachment 1**) have been prepared for presentation to Council.

The statutory process that must be followed is:

1. The Financial Statements must include a statement made by resolution of the Council and signed by the Mayor and at least one other Councillor, the General Manager and the Responsible Accounting Officer.
2. The Statements must then be referred to Council's auditors and, once audited, included in Council's Annual Report.
3. A copy of the audited financial statements must be forwarded to the Office of Local Government by 31 October 2025.
4. As soon as practicable after Council receives a copy of the auditor's report, the Statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present the audited financial statements, together with the auditor's report.
5. The date fixed for the meeting must be at least seven days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are provided to Council.

The Draft Financial Statements were reviewed by the Audit, Risk, and Improvement Committee (ARIC) at its Meeting of 17 September 2025. The Audited Statements and Report on the Conduct of the Audit will be reviewed by ARIC on 22 October 2025.

The Audited Statements will then come back to Council at its 27 October 2025 meeting for final approval.

REPORT

Net operating result .

The net operating result is $1.43 million deficit. This compares to the original budget of $1.94 million surplus and $0.13 million deficit forecast at the March Quarter Review.

The net operating result before capital income is $3.00 million deficit. This compares to the original budget of $0.05 million deficit and $2.81 million deficit forecast at the March Quarter Review.

The results are summarized in the following table:

Net Operating Result $'000			
	Original Budget	March Qtr Forecast	Draft Result
Income	24,958	23,202	22,074
Expenditure	23,019	23,329	23,499
Net Result	1,939	-127	-1,425
Net Result before Capital Grants	-50	-2,809	-3,000

The following table provides an overview of variance for each line item compared to Original Budget:

Variance Compared to Original Budget ($'000)			
	Original Budget	Final Result	Variance Favourable /(Unfavourable)
Income			
Rates and annual charges	15,837	15,605	-232
User charges and fees	1,439	1,713	274
Other revenues	3,722	1,133	-2,589
Other income	0	280	280
Grants and contributions - operating	1,030	848	-182
Grants and contributions - capital	1,989	1,575	-414
Interest and investment revenue	891	920	29
Net gain from disposal of assets	50		-50
	24,958	22,074	-2,884
Expenses			
Employee benefits and on-costs	7,520	6,907	613
Materials and services	9,794	10,574	-780
Depreciation and amortisation	4,063	4,498	-435
Other expenses	1,345	1,003	342
Net Loss from disposal of assets	297	517	-220
	23,019	23,499	-480
Net Operating Result	1,939	-1,425	-3,364
Net Operating Result before Capital	-50	-3,000	-2,950

The March Quarterly Budget Review Statement (Item 4.2 of Council Meeting 26 May 2025) forecast result was a material deterioration from the Original Budget. The main factors were the following unfavorable variances:

The deferral of planned sale of remnant land to FY 2026 (March review)	-2,500,000
Additional Planning legal expenses (September review)	-253,000
Reduce Mini Skips fees, lower than expected activity (March review)	-70,000

Attachment 2 is the income statement section of the March Quarterly Review. It reconciles the original budget to the March forecast and details all revisions adopted to 31 March.

Council's policy regarding the sale of assets is to "repurpose" them. That is, any funds realised will be restricted and used to acquire new assets identified in the Community Strategic Plan. It is intended that the funds for the sale of remnant land, while correctly classified as operating income, will not be available to fund day-to-day operations. Instead, they will be internally allocated to the Asset Repurposing Cash Reserve. The funds from sale of remnant land are therefore not available to fund day to day expenditure.

This final draft net result is a further deterioration. An analysis, compared to the March forecast, follows.

Variance by Income Statement line item is as follows:

Variance Compared to March Quarter Review Forecast ($'000)			
	Forecast March Qtr	Final Result	Variance Favourable /(Unfavourable)
Income			
Rates and annual charges	15,837	15,605	-232
User charges and fees	1,419	1,713	294
Other revenues	1,221	1,133	-88
Other income	0	280	280
Grants and contributions - operating	1,101	848	-253
Grants and contributions - capital	2,682	1,575	-1,107
Interest and investment revenue	891	920	29
Net gain from disposal of assets	50		-50
	23,201	22,074	-1,127
Expenses			
Employee benefits and on-costs	7,521	6,907	614
Materials and services	9,896	10,574	-678
Depreciation and amortisation	4,063	4,498	-435
Other expenses	1,552	1,003	549
Net Loss from disposal of assets	297	517	-220
	23,329	23,499	-170
Net Operating Result	-128	-1,425	-1,297
Net Operating Result before Capital	-2,810	-3,000	-190

Rates and Annual Charges is an **apparent underperformance** by $0.23 million. This is due to the classification of Non-Domestic Waste Services. The budget was included in *Rates and annual charges,* the actual is included in *User charges and fees.* This is also a reason for the apparent magnitude of the overperformance in User Charges and Fees.

User fees and charges overperformed compared to the March review by $0.29 million. In addition to the business waste charge classification, the following material **overperformances** compared to the March Quarter forecast are noted. Increased activity with these items can be attributed to improved weather and filling of vacancies in enforcement roles:

User Fees $'000	Revised Budget (March 25)	Actuals	Variance	Reason
DA Fees	300	374	74	Due to increased activity
Building Control	92	136	44	Due to increased activity
Community Buildings	95	142	47	Due to increased activity
Parking Fees	174	208	34	Due to increased activity
Road Access Fees	109	165	56	Due to increased activity

These were offset by the following **underperformance:**

User Fees $'000	Revised Budget	Actuals	Variance	Reason
Road Restoration	239	65	-173	Due lack of large projects in the LGA, partially offest by savings in Road Restoration Contractors

Other revenue underperformed compared to the March review by $0.09 million. The following material underperformances compared to the March Quarter forecast are noted:

Other Revenue $'000	Revised Budget	Actuals	Variance	Reason
Enforcement - Including Parking	465	379	-87	Ongoing vacancies in the Ranger team, which have subseqeuntly been addressed
Events Sponsorhips and contributions	120	105	-15	Reduced activity
Lease of property	274	242	-32	License for Boronia Park Sport & Comminuty facility not executed
Bus shelter advertising	269	224	-45	Lower advetising bookings

These were offset by the following **overperformances**:

Other Revenue $'000	Revised Budget	Actuals	Variance	Reason
Enforcement - Footpath Occupation	26	124	98	Footpath license fee negotiated - 5 years historical
DA legal fees recovery	0	28	28	Unbugeted legal recovery for DA matter

Operating Grants underperformed compared to the March review by $0.25 million. The main reason for this variance is:

Operating Grants $'000	Revised Budget	Actuals	Variance	Reason
Financial Assistance Grant	610	409	-201	Timing of advanced payments, will be received FY 2026

Capital Grants underperformed compared to the March review by $1.12 million. The main reason for this variance is:

Capital Grants $'000	Revised Budget	Actuals	Variance	Reason
Gladesville Reserve Multi-Sport Community Facility	1,000	273	-727	Delays in contrucation flow on to delays in reccognising income. Have received $1.1M with $870k recognised as grant liabilities)

In addition, receipt or recognition for other smaller grants were delayed due to milestone timings. Generally, income for capital grants is recongnised as projects progress, whether the funds have been receipted or not.

Interest on Investments and **Other Income** both relate to returns on Council's investment portfolio. The other income item is a capital appreciation of Council's holdings in TCorp Managed Funds. Total income for the year therefore exceeds the March forecast by $0.31 million. This result has been driven by the performance of TCorp Managed Fund.

Employee Benefits and On-Costs is **underspent** by $0.61 million compared to the March Quarter Review and for the year. This is due to vacancies and is offset entirely by additional expenditure on contract staff.

Materials and Services overspent by $0.68 million compared to March Quarter Review.

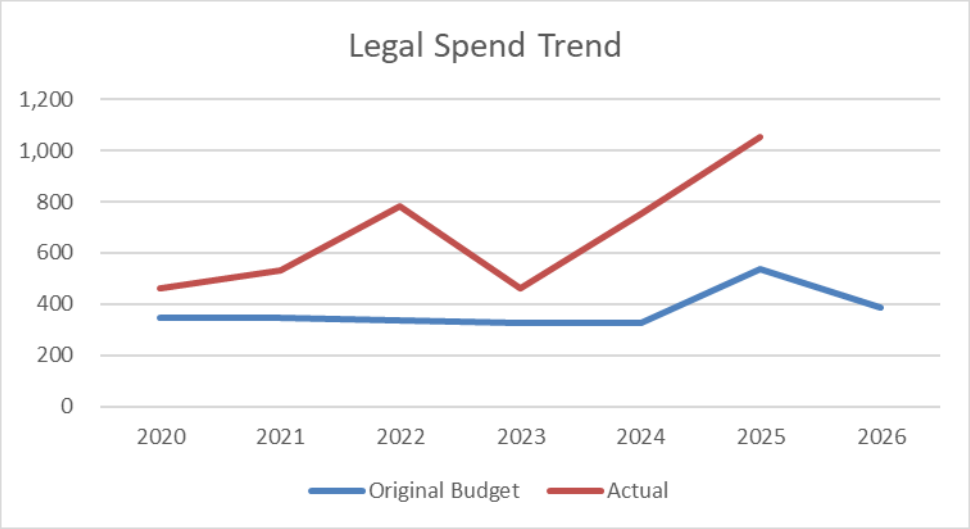
This mostly relates to the staff vacancies mentioned above. Contract staff were engaged to complete key activities and projects offsetting the apparent savings in Employee Costs.

There were significant cost overruns for various development related legal matters including the Marina expansion matter. Legal fees were revised upwards by $0.25 million at the September review. This was insufficient as $0.39 million legal expenses were incurred in the June quarter, as the Marina and other matters developed.

Legal Fees $'000	Original Budget	Revised Budget	Actuals	Variance (to March Forecast)
Fees	429	682	1054	-372

The following table and graph track the trend of legal spend over recent years. Figures are inflation adjusted and expressed in 2025 dollars. Legal expenses have increased from 2.27% of Council's operating expenses in FY 2020 to 4.59% in FY 2025.

Legal Spend trend (inflation adjusted to FY 2025 $'000)							
	2020	2021	2022	2023	2024	2025	2026
Original Budget	344	348	338	324	326	539	385
Actual	463	531	783	464	751	1,054	
Overspend	-119	-183	-445	-140	-425	-515	



Election expenses of $0.17 million are correctly classified in this balance, but the budget figure of $0.21 million is included at Other Expenses, partially explaining the apparent underspend at that item. This mismatch has occurred with numerous other State government contracts including infringement processing and water quality monitoring.

Offsetting these overspends and apparent overspends are these **underspends:**

Materials & Services $'000	Revised Budget	Actuals	Variance	Reason
Domestic Waste Contractors	3,109	2,786	323	Revised contracts and service levels resulted in additional budget that was not used. Will be monitored in FY 2026
Street Sweeping Contractors	487	437	50	Revised contracts and service levels resulted in additional budget that was not used. Will be monitored in FY 2026

Depreciation was **overspent** by $0.41 million compared to the March Quarter Review. Final depreciation is calculated at year-end, when the review of the capital works program is complete. Management is working on more sophisticated Asset Management Plans. These will improve the accuracy of depreciation forecasts.

The reason for this overspend is increasing Gross Replacement Costs and the addition of new assets.

The fair value review of infrastructure assets carrying value resulted in an $11 million or 5% increment to Gross Carrying Values. This resulted in an additional $0.13 million depreciation expense. New assets contributed an additional $0.14 million.

Other Expenditure is **underspent** by $0.55 million compared to the March Quarter Review.

As discussed above at Materials & Services this apparent saving is because the actual expenditure on government contracts is correctly classified as Material & Services, while the budget was classified Other Expenditure.

Disposals is **overspent** by $0.22 million compared to the March Quarter Review. The value of disposals are calculated as part of the final review of the annual capital works program.

Capital Expenditure

A total of $5.10 million was spent on capital projects during the year. Of this, $3.10 million was allocated to renewing existing infrastructure, property, plant, and equipment. An additional $2.10 million was invested in acquiring new infrastructure, property, plant, and equipment.

To fund the completion of projects the following amounts have been carried over to FY 2026.

Source	$ Revotes (Works not commenced)	$ Carry-forward (Works commenced)	$ Total
Grants	0	1,527,826	1,527,826
Section 7.12	180,000	502,827	682,827
Internal funding sources	298,958	772,502	1,071,460
Total Funding	**478,958**	**2,803,155**	**3,282,113**

This was subject to a detailed Council Report Item 4.4 to the Ordinary Council meeting of 25 August 2025. The report contains a detailed review of capital works budgets and can be viewed in the agenda for Council Meeting of 25 August 2025 in our website.

Cash Position

As of 30 June 2025, cash and investments totalled $19.4 million, a decrease of $0.57 million from the previous year. Of the cash and investments balance, $7.5 million is externally restricted and $10.8 million is internally allocated. The remaining $1.0 million is unrestricted.

Attachment 3 is the External Restriction and Internal Allocation workpaper for FY 2025. It details the transfer to and from each reserve for the year.

The following table provides a breakdown of the draft 30 June 2025 External restrictions and internal allocations. External restrictions are determined by legislative or contractual obligation. Internal allocations are funds that Council may resolve to set aside for a particular purpose

	Actual as at 30 June 2025 ($'000)
Developer contributions - S7.12	$2,782
Other developer contribution	$138
Specific purpose unexpended grants	$1,885
Domestic waste management	$1,619
Other special levies	$1,074
Total External Restrictions	**$7,498**
Internal Restrictions	
Plant and vehicle replacement	$333
Employee leave entitlements	$720
Deposits, retentions and bonds	$3,792
Construction of building	$169
Office equipment & furniture	$205
Elections	$105
Insurance reserve	$138
Sustainability Reserve	$226
Asset Re-purposing	$4,864
Safety & welfare expenses OH&S Incentive	$41
Community Initiatives & Minor Capital Works	$20
Stormwater & marine maintenance reserve	$50
Community building maintenance reserve	$50
Gladesville Masterplan	$82
Contributions for Hillman Orchard Restoration Project	$15
Total Internal Allocation	**$10,810**
Total Restrictions and Allocations	**$18,308**
Unrestricted and Unallocated	$1,091
Total Cash, Cash Equivalents and Investments	**$19,399**

Asset Revaluations

No comprehensive revaluations were performed during the year. A review of fair values was performed and values for Infrastructure assets were indexed by $7.0 million Written Down Value ($10 million Gross Replacement Cost).

The draft Asset Management KPIs in the Special Schedules are:

$ '000	Amounts 2025
Buildings and infrastructure renewals ratio	
Asset renewals [1]	4,976
Depreciation, amortisation and impairment	3,803
Infrastructure backlog ratio	
Estimated cost to bring assets to a satisfactory standard	6,024
Net carrying amount of infrastructure assets	163,283
Asset maintenance ratio	
Actual asset maintenance	3,907
Required asset maintenance	3,111
Cost to bring assets to agreed service level	
Estimated cost to bring assets to an agreed service level set by Council	8,640
Gross replacement cost	251,475

FINANCIAL IMPACT ASSESSMENT

As of 30 June 2025, Council's financial position is going concern. Repeated net operating deficits will, however, present challenges. Management will strategically address these over the course of FY 2026.

Council has adequate unrestricted current assets and budgeted income to operate into the medium term. In the longer term large operating deficits are not sustainable. A financially sustainable Council is one that can:

- maintain agreed service levels,
- renew infrastructure as needed,
- absorb shocks such as natural disaster, unforeseen infrastructure asset failure & financial shocks, and
- build a strong foundation for future generations.

To address these challenges. The following strategic documents will be brought to Council for consideration during FY 2025:

- Draft reviewed Long Term Financial Plan (including models for delivery of library and funding options) – Oct/Nov 2025,
- Refined Asset Management Plans (to reliably forecast maintenance and renewal schedule) – draft Dec 2025,
- Expenditure reviews.

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. The inherent financial risks of Net Operating Deficits will be strategically addressed by management during Financial Year 2026.

ATTACHMENTS

1. Financial Statement for the Year Ended 30 June 2025 ⇩
2. March Quarter Budget Review - Income Statement ⇩
3. Restrictions and Allocations Workpaper FY2025 ⇩

The Council of the Municipality of Hunter's Hill

ANNUAL FINANCIAL STATEMENTS

for the year ended 30 June 2025

DRAFT

The Council of the Municipality of Hunter's Hill

GENERAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2025

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2025

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DRAFT

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2025

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993*

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards issued by the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 27 October 2025.

DRAFT

Zac Miles
Mayor
27 October 2025

Julia Prieston
Deputy Mayor
27 October 2025

Nick Tobin
Acting General Manager
27 October 2025

Christian Menday
Responsible Accounting Officer
27 October 2025

The Council of the Municipality of Hunter's Hill

Income Statement

for the year ended 30 June 2025

Original unaudited budget 2025	$ '000	Notes	Actual 2025	Actual 2024
	Income from continuing operations			
15,837	Rates and annual charges	B2-1	**15,605**	14,722
1,439	User charges and fees	B2-2	**1,713**	1,522
3,722	Other revenues	B2-3	**1,133**	1,469
1,030	Grants and contributions provided for operating purposes	B2-4	**848**	1,418
1,989	Grants and contributions provided for capital purposes	B2-4	**1,575**	7,878
891	Interest and investment income		**920**	1,110
50	Other income		**280**	151
24,958	**Total income from continuing operations**		**22,074**	28,270
	Expenses from continuing operations			
7,520	Employee benefits and on-costs	B3-1	**6,907**	6,409
9,794	Materials and services	B3-2	**10,574**	9,971
1,345	Other expenses		**1,003**	1,087
297	Net loss from the disposal of assets		**517**	501
18,956	**Total expenses from continuing operations excluding depreciation, amortisation and impairment of non-financial assets**		**19,001**	17,968
6,002	**Operating result from continuing operations excluding depreciation, amortisation and impairment of non-financial assets**		**3,073**	10,302
4,063	Depreciation, amortisation and impairment of non-financial assets	B3-3	**4,498**	3,867
1,939	Net operating result for the year attributable to Council		**(1,425)**	6,435
(50)	**Net operating result for the year before grants and contributions provided for capital purposes**		**(3,000)**	(1,443)

The above Income Statement should be read in conjunction with the accompanying notes.

DRAFT

The Council of the Municipality of Hunter's Hill

Statement of Comprehensive Income

for the year ended 30 June 2025

$ '000	Notes	2025	2024
Net operating result for the year – from Income Statement		**(1,425)**	6,435
Other comprehensive income:			
Amounts which will not be reclassified subsequent to operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-5	**6,972**	35,523
Total other comprehensive income for the year		**6,972**	35,523

DRAFT

The Council of the Municipality of Hunter's Hill

Statement of Financial Position

as at 30 June 2025

$ '000	Notes	2025	2024
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	**4,095**	4,271
Investments	C1-2	**11,855**	12,527
Receivables	C1-4	**3,666**	3,477
Inventories		**–**	3
Other		**123**	37
Total current assets		**19,739**	20,315
Non-current assets			
Investments	C1-2	**3,448**	3,168
Infrastructure, property, plant and equipment (IPPE)	C1-5	**307,791**	300,793
Total non-current assets		**311,239**	303,961
Total assets		**330,978**	324,276
LIABILITIES			
Current liabilities			
Payables	C2-1	**5,661**	5,910
Contract liabilities	C2-2	**2,058**	899
Employee benefit provisions	C2-3	**1,287**	1,139
Total current liabilities		**9,006**	7,948
Non-current liabilities			
Employee benefit provisions	C2-3	**111**	14
Total non-current liabilities		**111**	14
Total liabilities		**9,117**	7,962
Net assets		**321,861**	316,314
EQUITY			
Accumulated surplus		**115,958**	117,383
IPPE revaluation surplus		**205,903**	198,931
Council equity interest		**321,861**	316,314
Total equity		**321,861**	316,314

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

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The Council of the Municipality of Hunter's Hill

Statement of Changes in Equity

for the year ended 30 June 2025

$ '000	Notes	2025 Accumulated surplus	2025 IPPE revaluation surplus	2025 Total equity	2024 Accumulated surplus	2024 IPPE revaluation surplus	2024 Total equity
Opening balance at 1 July		**117,383**	**198,931**	**316,314**	110,948	163,408	274,356
Opening balance		**117,383**	**198,931**	**316,314**	110,948	163,408	274,356
Net operating result for the year		**(1,425)**	**–**	**(1,425)**	6,435	–	6,435
Net operating result for the period		**(1,425)**	**–**	**(1,425)**	6,435	–	6,435
Other comprehensive income							
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-5	**–**	**6,972**	**6,972**	–	35,523	35,523
Other comprehensive income		**–**	**6,972**	**6,972**	–	35,523	35,523
Total comprehensive income		**(1,425)**	**6,972**	**5,547**	6,435	35,523	41,958
Closing balance at 30 June		**115,958**	**205,903**	**321,861**	117,383	198,931	316,314

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

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The Council of the Municipality of Hunter's Hill

Statement of Cash Flows

for the year ended 30 June 2025

Original unaudited budget 2025	$ '000	Notes	Actual 2025	Actual 2024
	Cash flows from operating activities			
	Receipts:			
15,837	Rates and annual charges		**15,545**	14,556
1,439	User charges and fees		**1,300**	337
891	Interest received		**1,328**	994
3,020	Grants and contributions		**3,557**	4,698
–	Bonds, deposits and retentions received		**91**	206
3,771	Other		**2,667**	1,571
	Payments:			
(7,521)	Payments to employees		**(6,638)**	(6,525)
(12,395)	Payments for materials and services		**(12,764)**	(10,808)
(1,345)	Other		**(914)**	(595)
3,697	**Net cash flows from operating activities**	F1-1	**4,172**	4,434
	Cash flows from investing activities			
	Receipts:			
–	Redemption of term deposits		**25,527**	8,867
50	Proceeds from sale of IPPE		**24**	77
	Payments:			
–	Acquisition of term deposits		**(24,855)**	(8,527)
(5,863)	Payments for IPPE		**(5,044)**	(13,253)
(5,813)	**Net cash flows from investing activities**		**(4,348)**	(12,836)
(2,116)	**Net change in cash and cash equivalents**		**(176)**	(8,402)
21,490	Cash and cash equivalents at beginning of year		**4,271**	12,673
19,374	Cash and cash equivalents at end of year	C1-1	**4,095**	4,271
–	plus: Investments on hand at end of year	C1-2	**15,303**	15,695
19,374	Total cash, cash equivalents and investments		**19,398**	19,966

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

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The Council of the Municipality of Hunter's Hill

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 27 October 2025. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The material accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993* (Act) and *Local Government (General) Regulation 2021* (Regulation), and the Local Government Code of Accounting Practice and Financial Reporting. Council is a not for-profit entity. The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain infrastructure, property, plant and equipment and investment property.

Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies. Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

i. estimated fair values of infrastructure, property, plant and equipment – refer Note C1-5.
ii. employee benefit provisions – refer Note C2-3.

Monies and other assets received by Council

The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

The Consolidated Fund has been included in the Council's financial statements.

The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

Volunteer services

Council does not have material dependence on volunteer services. Volunteers are utilised in Cultural Events & Bushland. These services are not recognised as most would not proceed if volunteers did undertake the roles and their non-material value.

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A1-1 Basis of preparation (continued)

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the 30 June 2025 reporting period. Council has elected not to apply any of these pronouncements before their operative dates in the annual reporting period beginning 1 July 2024.

Council's assessment of the impact of the new standards, and interpretations relevant to them, are set out below:

Pronouncement

AASB 18 Presentation and Disclosure in Financial Statements.

Nature of change in accounting policy

This standard replaces AASB 101 Presentation of Financial Statements and sets out the requirements for the structure of the financial statements, including the application of fundamental concepts such as materiality. AASB 18 introduces additional subtotals into the Statement of Profit or Loss as well as restructuring the statement into operating, investing and financing elements. Management performance measures are also required to be disclosed.

Effective date

Annual reporting periods beginning on or after 1 January 2028, i.e., councils' financial statements for the year ended 30 June 2029.

Expected impact on council financial statements

The presentation of Council's primary statements will be changed along with some additional disclosures, however there will be no effect on Council's reported position or performance.

Pronouncement

AASB 2024-2 Amendments to Australian Accounting Standards - Classification and Measurement of Financial Instruments [AASB 7 and AASB 9].

Nature of change in accounting policy

This Standard amends AASB 7 and AASB 9 in response to feedback from the 2022 Post Implementation Review of the classification and measurement requirements in AASB 9 and related requirements in AASB 7 and the subsequent 2023 Exposure Draft.

This Standard amends requirements related to:

(a) settling financial liabilities using an electronic payment system; and
(b) assessing contractual cash flow characteristics of financial assets with environmental, social and corporate governance (ESG) and similar features.

This Standard also amends disclosure requirements relating to investments in equity instruments designated at fair value through other comprehensive income and adds disclosure requirements for financial instruments with contingent features that do not relate directly to basic 60 lending risks and costs.

Effective date

Annual reporting periods beginning on or after 1 January 2026, i.e. council financial statements for the year ended 30 June 2027.

Expected impact on council financial statements

Likely impact of this standard is:

• potentially earlier derecognition of liabilities settled by electronic means which meet the updated criteria in AASB 9.
• reclassification of financial assets with ESG features based on the revised guidance in relation to whether amortised costs can be used – not likely to be significant for Council.
• additional disclosures for equity instruments classified as fair value through other comprehensive income – these instruments are not used by Council.

Pronouncement

continued on next page ...

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A1-1 Basis of preparation (continued)

AASB 2024-3 Amendments to Australian Accounting Standards – Annual Improvements Volume 11 [AASB 1, AASB 7, AASB 9, AASB 10 and AASB 107].

Nature of change in accounting policy

This Standard amends:

a. AASB 1 to improve consistency between paragraphs B5–B6 of AASB 1 and the requirements for hedge accounting in AASB 9 and improve the understandability of AASB 1;
b. AASB 7 to:
   (i) replace a cross-reference in paragraph B38 of AASB 7 to a deleted AASB 7 paragraph with a reference to AASB 13 Fair Value Measurement; and
   (ii) improve consistency in the language used in AASB 7 with the language used in AASB 13;
c. AASB 9 to:
   (i) clarify how a lessee accounts for the derecognition of a lease liability when it is extinguished; and
   (ii) address an inconsistency between paragraph 5.1.3 of AASB 9 and the requirements in AASB 15 Revenue from Contracts with Customers in relation to the term 'transaction price';
d. AASB 10 to amend paragraph B74 in relation to determining de facto agents of an entity; and
e. AASB 107 to replace the term 'cost method' with 'at cost' as the term is no longer defined in Australian Accounting Standards.

Effective date

Annual reporting periods beginning on or after 1 January 2026, i.e. council financial statements for the year ended 30 June 2027.

Expected impact on council financial statements

There is unlikely to be any significant impact to Council on adoption of this standard.

Pronouncement

AASB2014-10 Sale or Contribution of Assets between an Investor and its Associate or Joint Venture.

AASB2015-10 Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128.

AASB 2017-5 Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections.

Effective for annual reporting periods beginning on or after 1 January 2028; i.e., councils' financial statements for the year ended 30 June 2029.

The amendments impact councils with associates or joint ventures where there has been a sale of contribution of assets between the entity and its investor. Council does not currently have an associate or joint venture, and does not anticipate entering into a transaction that will result in it having an associate or joint venture. Therefore, there is unlikely to be any impact to Council on adoption of this standard.

Pronouncement

AASB 17 Insurance Contracts and associated amendments.

Effective for annual reporting periods beginning on or after 1 January 2026 for public sector entities.

Will result in changes to accounting for insurance contracts.

Pronouncement

AASB 2023-5 Amendments to Australian Accounting Standards – Lack of Exchangeability.

Effective for annual reporting periods beginning on or after 1 January 2025.

Will result in consistency in determining whether a currency is exchangeable into another currency and the spot exchange rate to use when it is not exchangeable.

Pronouncement

AASB 2025-1 Amendments to Australian Accounting Standards – Contracts Referencing Nature-dependent Electricity.

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A1-1 Basis of preparation (continued)

Effective for annual reporting periods beginning on or after 1 January 2026.

Will clarify the application of the 'own-use' criteria to nature-dependent electricity contracts, permit hedge accounting in certain conditions and adds new disclosure requirements by amending AASB7 and AASB

New accounting standards adopted during the year

The following new standard is effective for the first time at 30 June 2025:

- **AASB 2022-10** ***Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.***

There is not expected to be significant impact on the Councils' reported financial position.

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B Financial Performance

B1 Functions or activities

B1-1 Functions or activities – income, expenses and assets

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
$ '000	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024
Functions or activities										
Governance, participation & partnerships	**13,540**	13,108	**6,158**	5,657	**7,382**	7,451	**335**	395	**1,929**	5,442
Connected & inclusive infrastructure	**1,636**	2,286	**5,881**	6,676	**(4,245)**	(4,390)	**707**	973	**110,268**	131,424
Environment, sustainability & open space	**3,974**	3,162	**3,660**	3,030	**314**	132	**124**	42	**300**	9,157
Community & belonging	**213**	200	**1,038**	1,024	**(825)**	(824)	**107**	112	**671**	107
Character, heritage & places	**2,711**	9,570	**6,762**	5,504	**(4,051)**	4,066	**1,150**	7,774	**217,810**	178,146
Total functions and activities	**22,074**	28,326	**23,499**	21,891	**(1,425)**	6,435	**2,423**	9,296	**330,978**	324,276

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B1-2 Components of functions or activities

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

Hunter's Hill Council mission is to protect and enhance the integrity, character, liveability and residential amenity of Hunters Hill as Australia's oldest garden suburb – through leadership, partnership, community involvement and the pursuit of excellence.

This is implemented through the themes of its Community Strategic Plan, with budgets and actual expenditure monitored and reported to Councils and functions listed below:

Connected & Accessible Infrastructure

Maintain our local infrastructure so people can use, walk, drive, cycle and catch public transport safely and easily.

Environment, Sustainability & Open Space

Protect and sustain our environment so people can enjoy our outdoor spaces and places.

Community & Belonging

Connect people to information and accessible experiences to help them feel included and safe in the community.

Character, Heritage & Places

Create a liveable place where everyone can enjoy our heritage, neighbourhoods, thriving village centres, parks, playgrounds and recreational areas.

Governance, Participation & Partnerships

Bring people and local business together to share ideas and engage in collaborative projects.

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B2 Sources of income

B2-1 Rates and annual charges

$ '000	2025	2024
Ordinary rates		
Residential	**11,075**	10,522
Less: pensioner rebates (mandatory)	**(50)**	(50)
Business	**321**	304
Rates levied to ratepayers	**11,346**	10,776
Pensioner rate subsidies received	**28**	28
Total ordinary rates	**11,374**	10,804
Special rates		
Community facilities	**481**	459
Rates levied to ratepayers	**481**	459
Total special rates	**481**	459
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	**3,581**	3,404
Stormwater management services	**111**	–
Section 611 charges	**68**	65
Less: pensioner rebates (mandatory)	**(22)**	(23)
Annual charges levied	**3,738**	3,446
Pensioner annual charges subsidies received:		
– Domestic waste management	**12**	13
Total annual charges	**3,750**	3,459
Total rates and annual charges	**15,605**	14,722

Council has used 2022 year valuations provided by the NSW Valuer General in calculating its rates.

Material accounting policy information

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

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B2-2 User charges and fees

$ '000	Timing	2025	2024
Specific user charges (per s502 - specific 'actual use' charges)			
Waste management services (non-domestic)	2	**239**	224
Total specific user charges		**239**	224
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s608)			
Inspection services	2	**134**	119
Planning and building regulation	2	**447**	572
Section 10.7 certificates (EP&A Act)	2	**54**	47
Section 603 certificates	2	**28**	23
Other	2	**12**	–
Total fees and charges – statutory/regulatory		**675**	761
(ii) Fees and charges – other (incl. general user charges (per s608))			
Community centres	2	**143**	107
Lease rentals	2	**124**	24
Leaseback fees – Council vehicles	2	**–**	7
Reserves and Sporting Fields	2	**117**	68
Parking fees	2	**137**	124
Restoration charges	2	**115**	67
Stand Plant Applications	2	**163**	140
Total fees and charges – other		**799**	537
Total other user charges and fees		**1,474**	1,298
Total user charges and fees		**1,713**	1,522
Timing of revenue recognition for user charges and fees			
User charges and fees recognised over time (1)		**–**	–
User charges and fees recognised at a point in time (2)		**1,713**	1,522
Total user charges and fees		**1,713**	1,522

Material accounting policy information

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival or a deposit in advance. There is no material obligation for Council in relation to refunds or returns.

Where an upfront fee is charged such as joining fees for the leisure centre the fee is recognised on a straight-line basis over the expected life of the membership.

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than over the term of the licence.

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B2-3 Other revenues

$ '000	Timing	2025	2024
Rental income – other council properties	1	**256**	261
Bus shelter contract - License fee	1	**224**	228
Fines -other	2	**14**	93
Fines – parking	2	**375**	656
Commissions and agency fees	2	**8**	8
Sundry rents and charges	2	**217**	179
Other	2	**39**	44
Total other revenue		**1,133**	1,469
Timing of revenue recognition for other revenue			
Other revenue recognised over time (1)		**480**	489
Other revenue recognised at a point in time (2)		**653**	980
Total other revenue		**1,133**	1,469

Material accounting policy information for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

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B2-4 Grants and contributions

$ '000	Timing	Operating 2025	Operating 2024	Capital 2025	Capital 2024
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	**70**	22	**–**	–
Financial assistance – local roads component	2	**24**	2	**–**	–
Payment in advance - future year allocation					
Financial assistance – general component	2	**232**	373	**–**	–
Financial assistance – local roads component	2	**83**	133	**–**	–
Other					
Other grants		**–**	–	**5**	–
Amount recognised as income during current year		**409**	530	**5**	–
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Heritage and cultural	2	**–**	13	**–**	–
Library – per capita	2	**–**	96	**–**	–
Recreation and culture	2	**–**	42	**–**	7,187
Traffic route subsidy	2	**–**	118	**–**	–
Transport (roads to recovery)	2	**–**	–	**–**	15
Transport (other roads and bridges funding)	2	**–**	595	**–**	–
Other specific grants	2	**439**	–	**–**	1
Recreation and culture	2	**–**	–	**983**	–
Tourism	2	**–**	3	**–**	–
Other contributions	2	**–**	21	**–**	–
Total special purpose grants and non-developer contributions – cash		**439**	888	**983**	7,203
Non-cash contributions					
Other		**–**	–	**21**	–
Total other contributions – non-cash		**–**	–	**21**	–
Total special purpose grants and non-developer contributions (tied)		**439**	888	**1,004**	7,203
Total grants and non-developer contributions		**848**	1,418	**1,009**	7,203

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B2-4 Grants and contributions (continued)

$ '000	Timing	Operating 2025	Operating 2024	Capital 2025	Capital 2024
Comprising:					
– Commonwealth funding		**–**	530	**–**	15
– State funding		**–**	867	**–**	4,206
– Other funding		**848**	21	**1,009**	2,982
		848	1,418	**1,009**	7,203

Developer contributions

$ '000	Notes	Timing	Operating 2025	Operating 2024	Capital 2025	Capital 2024
Developer contributions: (s7.4 & s7.11 - EP&A Act, s64 of the LGA):	F4					
Cash contributions						
S 7.11 – contributions towards amenities/services		2	**–**	–	**6**	27
S 7.12 – fixed development consent levies		2	**–**	–	**560**	648
Total developer contributions – cash			**–**	–	**566**	675
Total developer contributions			**–**	–	**566**	675
Total contributions			**–**	–	**566**	675
Total grants and contributions			**848**	1,418	**1,575**	7,878
Timing of revenue recognition						
Grants and contributions recognised over time (1)			**–**	–	**–**	–
Grants and contributions recognised at a point in time (2)			**848**	1,418	**1,575**	7,878
Total grants and contributions			**848**	1,418	**1,575**	7,878

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B2-4 Grants and contributions (continued)

Unspent grants and contributions

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

$ '000	Operating 2025	Operating 2024	Capital 2025	Capital 2024
Unspent grants and contributions				
Unspent funds at 1 July	**26**	656	**668**	6,928
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	**142**	55	**1,999**	2,589
Less: Funds recognised as revenue in previous years that have been spent during the reporting year	**(65)**	(685)	**(886)**	(8,849)
Unspent funds at 30 June	**103**	26	**1,781**	668
Contributions				
Unspent funds at 1 July	**–**	–	**2,211**	1,966
Add: contributions received and not recognised as revenue in the current year	**–**	–	**684**	617
Less: contributions recognised as revenue in previous years that have been spent during the reporting year	**–**	–	**(113)**	(372)
Unspent contributions at 30 June	**–**	–	**2,782**	2,211

Unspent contributions refer to Section 7.11 contributions received but not yet spent.

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Material accounting policy information

Grants and contributions – enforceable agreement with sufficiently specific performance obligations

Grant and contribution revenue from an agreement which is enforceable and contains sufficiently specific performance obligations is recognised as or when control of each performance obligations is transferred.

The performance obligations vary according to the agreement but include the completion of specific works or projects. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Performance obligations may be satisfied either at a point in time or over time and this is reflected in the revenue recognition pattern. Point in time recognition occurs when the beneficiary obtains control of the goods / services at a single time (e.g. completion of the project when a report / outcome is provided), whereas over time recognition is where the control of the services is ongoing throughout the project (e.g. provision of community health services through the year).

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Capital grants

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council's control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Developer contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

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B2-4 Grants and contributions (continued)

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but Council may apply contributions according to the priorities established in work schedules for the contribution plan.

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

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B3 Costs of providing services

B3-1 Employee benefits and on-costs

$ '000	2025	2024
Salaries and wages	**5,206**	4,821
Employee leave entitlements (ELE)	**924**	705
Superannuation	**639**	622
Workers' compensation insurance	**78**	165
Fringe benefit tax (FBT)	**6**	12
Other Employee benefits		
Travel expenses	**13**	8
Training costs (other than salaries and wages)	**34**	65
Other - Employee assistance program	**7**	11
Total employee costs expensed	**6,907**	6,409

Material accounting policy information

Employee benefit expenses are recorded when the service has been provided by the employee.

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note D3-1 for more information.

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B3-2 Materials and services

$ '000	Notes	2025	2024
Consultancy costs		**604**	634
Advertising		**23**	52
Raw materials and consumables		**1,414**	1,467
Contractor costs		**5,758**	5,307
Audit Fees	E2-1	**170**	135
Bank charges		**45**	46
Electricity and heating		**127**	116
Insurance		**308**	325
Printing and stationery		**61**	69
Street lighting		**96**	141
Subscriptions and publications		**663**	629
Telephone and communications		**52**	44
Valuation fees		**–**	14
Councillor and Mayoral fees and associated expenses	E1-2	**199**	209
Legal expenses:			
– Legal expenses: planning and development		**983**	669
– Legal expenses: other		**52**	65
Other		**19**	49
Total materials and services		**10,574**	9,971
Total materials and services		**10,574**	9,971

Material accounting policy information
Expenses are recorded on an accruals basis as the Council receives the goods or services.

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B3-3 Depreciation, amortisation and impairment of non-financial assets

$ '000	Notes	2025	2024
Depreciation and amortisation			
Plant and equipment		**178**	167
Office equipment		**203**	163
Furniture and fittings		**32**	27
Infrastructure:	C1-5		
– Buildings		**819**	621
– Other structures		**1,124**	943
– Roads		**1,299**	1,190
– Footpaths		**231**	211
– Kerb and guttering		**282**	256
– Other road assets		**117**	106
– Stormwater drainage		**213**	183
Total gross depreciation and amortisation costs		**4,498**	3,867
Total depreciation and amortisation costs		**4,498**	3,867
Total depreciation, amortisation and impairment for non-financial assets		**4,498**	3,867

Material accounting policy information

Depreciation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-8 for IPPE assets.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are not tested for impairment since these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Intangible assets not yet available for use, are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other non-financial assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units).

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

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B4 Performance against budget

B4-1 Material budget variations

Council's original budget was adopted by the Council on 24 June 2024 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

$ '000	2025 Budget	2025 Actual	2025 Variance		
Revenues					
User charges and fees	1,439	1,713	274	19%	F
Other revenues	3,722	1,133	(2,589)	(70)%	U
Capital grants and contributions	1,989	1,575	(414)	(21)%	U
Expenses					
Other expenses	1,345	1,003	342	25%	F
Net losses from disposal of assets	297	517	(220)	(74)%	U

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B4-1 Material budget variations (continued)

$ '000	2025 Budget	2025 Actual	2025 -------- Variance --------		
Statement of cash flows					
Cash flows from operating activities	3,697	4,172	475	13%	F
Cash flows from investing activities	(5,813)	(4,348)	1,465	(25)%	F

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C Financial position

C1 Assets we manage

C1-1 Cash and cash equivalents

$ '000	2025	2024
Cash assets		
Cash on hand and at bank	**2,019**	2,267
Cash equivalent assets		
– Short-term deposits	**2,076**	2,004
Total cash and cash equivalents	**4,095**	4,271

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C1-2 Financial investments

$ '000	2025 Current	2025 Non-current	2024 Current	2024 Non-current
Financial assets at fair value through the profit and loss				
Managed funds	**–**	**2,288**	–	2,116
NCD's, FRN's (with maturities > 3 months)	**–**	**506**	–	507
Total	**–**	**2,794**	–	2,623
Debt securities at amortised cost				
Long term deposits	**11,855**	**–**	12,527	–
Equity securities at fair value through other comprehensive income				
CivicRisk	**–**	**654**	–	545
Total	**–**	**654**	–	545
Total cash assets, cash equivalents and investments	**15,950**	**3,448**	16,798	3,168

Material accounting policy information
Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets
All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification
On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Fair value through other comprehensive income – equity instruments
Council has a number of strategic investments in entities over which they do not have significant influence nor control. Council has made an irrevocable election to classify these equity investments as fair value through other comprehensive income as they are not held for trading purposes.

These investments are carried at fair value with changes in fair value recognised in other comprehensive income (financial asset reserve). On disposal any balance in the financial asset reserve is transferred to accumulated surplus and is not reclassified to profit or loss.

Other net gains and losses excluding dividends are recognised in the Other Comprehensive Income Statement.

Financial assets through profit or loss
All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

Council's financial assets measured at FVTPL comprise investments in NSW TCorp Medium Term Growth Fund and Commonwealth Bank of Australia Senior Fixed Rate Note (Jan28) BBSW +1.15%.

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C1-3 Restricted and allocated cash, cash equivalents and investments

$ '000	2025	2024
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	**19,398**	19,966
Less: Externally restricted cash, cash equivalents and investments	**(7,497)**	(5,413)
Cash, cash equivalents and investments not subject to external restrictions	**11,901**	14,553
External restrictions		
External restrictions – included in liabilities		
External restrictions included in cash, cash equivalents and investments above comprise:		
Specific purpose unexpended grants – general fund	**(1)**	–
External restrictions – included in liabilities	**(1)**	–
External restrictions – other		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	**2,782**	2,211
Other developer contributions	**138**	138
Specific purpose unexpended grants (recognised as revenue) – general fund	**1,885**	694
Domestic waste management	**1,619**	1,023
Other special levies	**1,074**	1,347
External restrictions – other	**7,498**	5,413
Total external restrictions	**7,497**	5,413

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

$ '000	2025	2024
(b) Internal allocations		
Cash, cash equivalents and investments not subject to external restrictions	**11,901**	14,553
Less: Internally restricted cash, cash equivalents and investments	**(10,810)**	(12,611)
Unrestricted and unallocated cash, cash equivalents and investments	**1,091**	1,942
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	**333**	426
Employees leave entitlement	**720**	801
Deposits, retentions and bonds	**3,792**	3,674
Construction of buildings	**169**	195
Office equipment	**205**	229
Road reconstruction	**–**	224
Elections	**105**	279
Insurance reserve	**138**	138
Property strategy	**–**	–
Sustainability Reserve	**226**	197
Council work depot - LC	**–**	–
Asset Re-purposing	**4,864**	5,479
Traffic and transport	**–**	71

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C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

$ '000	2025	2024
Boronia Park - disposal soil	–	87
Safety and welfare expenses - OH&S incentive	41	34
Community initiatives and minor capital works	20	20
Stormwater and marine maintenance reserve	50	15
Community Building Maintenance Reserve	50	11
Depot Operations Strategy	–	459
Gladesville Masterplan	82	260
Contributions for Hillman orchard restoration project	15	12
Total internal allocations	**10,810**	12,611

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

$ '000	2025	2024
(c) Unrestricted and unallocated		
Unrestricted and unallocated cash, cash equivalents and investments	**1,091**	1,942

C1-4 Receivables

$ '000	2025 Current	2025 Non-current	2024 Current	2024 Non-current
Rates and annual charges	1,001	–	910	–
Interest and extra charges	81	–	55	–
User charges and fees	1,610	–	1,096	–
Accrued revenues				
– Interest on investments	154	–	533	–
– Other income accruals	590	–	638	–
Other debtors	237	–	174	–
Payroll Debtor	(7)	–	71	–
Total	**3,666**	**–**	3,477	–
Total net receivables	**3,666**	**–**	3,477	–

Material accounting policy information
Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

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C1-5 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2024			Asset movements during the reporting period							At 30 June 2025		
$ '000	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals [1]	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
Capital work in progress	9,380	–	9,380	593	284	–	–	(9,334)	(40)	–	883	–	883
Plant and equipment	1,301	(716)	585	259	–	(41)	(178)	–	–	–	1,416	(791)	625
Office equipment	2,353	(2,114)	239	168	55	–	(203)	–	–	–	2,575	(2,316)	259
Furniture and fittings	514	(346)	168	–	45	–	(32)	–	–	–	558	(377)	181
Land:													
– Operational land	40,611	–	40,611	–	–	–	–	–	–	–	40,611	–	40,611
– Community land	102,832	–	102,832	–	–	–	–	–	–	–	102,832	–	102,832
Infrastructure:													
– Buildings – non-specialised	14,761	(6,765)	7,996	180	732	(169)	(309)	6,582	–	270	22,579	(7,423)	15,156
– Buildings – specialised	17,979	(8,653)	9,326	704	–	(37)	(510)	25	–	316	19,308	(9,358)	9,950
– Other structures	54,217	(22,554)	31,663	67	466	(53)	(1,124)	2,680	(1,080)	1,804	59,524	(25,101)	34,423
– Roads	68,288	(18,672)	49,616	982	437	(219)	(1,299)	16	–	3,352	73,970	(21,085)	52,885
– Footpaths	16,028	(5,167)	10,861	–	–	–	(231)	–	492	533	17,322	(5,667)	11,655
– Kerb and guttering	22,442	(6,844)	15,598	124	–	(37)	(282)	–	79	466	23,272	(7,324)	15,948
– Other road assets (including bulk earthworks)	3,710	(1,075)	2,635	–	–	(10)	(117)	31	–	108	3,888	(1,241)	2,647
– Stormwater drainage	30,886	(11,603)	19,283	48	–	(14)	(213)	–	509	123	31,616	(11,880)	19,736
Total infrastructure, property, plant and equipment	385,302	(84,509)	300,793	**3,125**	**2,019**	**(580)**	**(4,498)**	**–**	**(40)**	**6,972**	**400,354**	**(92,563)**	**307,791**

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-5 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2023			Asset movements during the reporting period							At 30 June 2024		
$ '000	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals [1]	Additions new assets	Carrying value of disposals	Depreciation expense	Adjustments and transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
Capital work in progress	2,073	–	2,073	–	7,307	–	–	–	–	–	9,380	–	9,380
Plant and equipment	1,266	(670)	596	203	–	(47)	(167)	–	–	–	1,301	(716)	585
Office equipment	2,149	(1,951)	198	204	–	–	(163)	–	–	–	2,353	(2,114)	239
Furniture and fittings	495	(319)	176	19	–	–	(27)	–	–	–	514	(346)	168
Land:													
– Operational land	40,611	–	40,611	–	–	–	–	–	–	–	40,611	–	40,611
– Community land	96,391	–	96,391	–	–	–	–	–	–	6,441	102,832	–	102,832
Infrastructure:													
– Buildings – non-specialised	11,300	(4,970)	6,330	92	–	(12)	–	(133)	–	1,719	14,761	(6,765)	7,996
– Buildings – specialised	21,026	(10,862)	10,164	88	25	(6)	(621)	133	(458)	–	17,979	(8,653)	9,326
– Other structures	20,914	(11,201)	9,713	155	3,111	–	(943)	–	–	19,627	54,217	(22,554)	31,663
– Roads	62,459	(16,581)	45,878	1,327	66	(278)	(1,190)	–	–	3,815	68,288	(18,672)	49,616
– Footpaths	15,029	(4,741)	10,288	260	–	(141)	(211)	–	–	665	16,028	(5,167)	10,861
– Other road assets (including bulk earthworks)	3,402	(895)	2,507	23	31	–	(106)	–	–	179	3,710	(1,075)	2,635
– Stormwater drainage	27,284	(10,117)	17,167	49	100	(35)	(183)	–	–	2,185	30,886	(11,603)	19,283
– Kerb and guttering	20,412	(6,042)	14,370	189	–	(56)	(256)	–	–	1,350	22,442	(6,844)	15,598
Total infrastructure, property, plant and equipment	324,811	(68,349)	256,462	2,609	10,640	(575)	(3,867)	–	(458)	35,981	385,302	(84,509)	300,793

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-5 Infrastructure, property, plant and equipment (continued)

Material accounting policy information

Infrastructure, property, plant and equipment are held at fair value. Independent comprehensive valuations are performed at least every five years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

Land is not depreciated. The property, plant and equipment acquired under finance leases is depreciated over the asset's useful life or over the shorter of the asset's useful life and the lease term if there is no reasonable certainty that the Council will obtain ownership at the end of the lease term. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

	Years		Years
Plant and equipment		Other equipment	
Office equipment	5 to 10	Playground equipment	5 to 20
Office furniture	10 to 20	Benches, seats etc.	5 to 10
Vehicles	5 to 8		
Other plant and equipment	5 to 15	**Buildings**	
		Buildings: masonry	50 to 100
		Buildings: other	50 to 100
Transportation assets		**Stormwater assets**	
Sealed roads: surface	10 to 25	Drains	60 to 150
Sealed roads: structure	60 to 100		
Kerb, gutter and footpaths	20 to 80		
Other Infrastructure	10 to 70		

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008. Land under roads acquired after 1 July 2008 is recognised in accordance with the IPPE accounting policy.

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C1-5 Infrastructure, property, plant and equipment (continued)

Crown reserves
Crown reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

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C2 Liabilities of Council

C2-1 Payables

$ '000	2025 Current	2025 Non-current	2024 Current	2024 Non-current
Goods and services – operating expenditure	**433**	**–**	1,079	–
Accrued expenses:				
– Salaries and wages	**87**	**–**	55	–
– Other expenditure accruals	**1,141**	**–**	866	–
Security bonds, deposits and retentions	**3,765**	**–**	3,674	–
Government departments and agencies	**22**	**–**	54	–
Prepaid rates	**213**	**–**	182	–
Total payables	**5,661**	**–**	5,910	–

Material accounting policy information

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method. Payables represent liabilities for goods and services provided to Council prior to the end of the financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

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C2-2 Contract Liabilities

$ '000	Notes	2025 Current	2025 Non-current	2024 Current	2024 Non-current
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	**1,782**	**–**	668	–
Total grants received in advance		**1,782**	**–**	668	–
User fees and charges received in advance:					
Other		**276**	**–**	231	–
Total user fees and charges received in advance		**276**	**–**	231	–
Total contract liabilities		**2,058**	**–**	899	–

Notes

(i) Council has received funding to construct assets including sporting facilities and playspace. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

Significant changes in contract liabilities

The decrease in a contract liability is primarily due to grants in the scope of AASB 15 and capital grants received by Council to acquire or construct assets which will be under Council's control.

Material accounting policy information

Contract liabilities are recorded when consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

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C2-3 Employee benefit provisions

$ '000	2025 Current	2025 Non-current	2024 Current	2024 Non-current
Annual leave	**429**	**–**	389	–
Long service leave	**755**	**111**	648	14
Other leave	**103**	**–**	102	–
Total employee benefit provisions	**1,287**	**111**	1,139	14

Current employee benefit provisions not anticipated to be settled within the next twelve months

$ '000	2025	2024
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	**813**	583
	813	583

Employee benefit provisions are presented as current liabilities in the Statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

Material accounting policy information

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

C3 Reserves

C3-1 Nature and purpose of reserves

IPPE Revaluation Surplus

The infrastructure, property, plant and equipment (IPPE) revaluation surplus is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

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D Risks and accounting uncertainties

D1-1 Risks relating to financial instruments held

Council's activities expose it to a variety of financial risks including **(1)** price risk, **(2)** credit risk, **(3)** liquidity risk and **(4)** interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

$ '000	**Carrying value 2025**	Carrying value 2024	**Fair value 2025**	Fair value 2024
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	**4,095**	4,271	**4,095**	16,798
Receivables	**3,666**	3,477	**3,666**	3,477
Investments				
– Debt securities at amortised cost	**11,855**	12,527	**11,855**	–
Fair value through other comprehensive income				
Investments				
– Equity securities at fair value through other comprehensive income	**654**	545	**654**	533
Fair value through profit and loss				
Investments				
– Amortised cost	**2,794**	2,623	**2,794**	2,623
Total financial assets	**23,064**	23,443	**23,064**	23,431
Financial liabilities				
Payables	**5,661**	5,910	**5,661**	5,910
Total financial liabilities	**5,661**	5,910	**5,661**	5,910

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Fair value is determined as follows:

- **Cash** and **cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- Financial assets classified (i) **'at fair value through profit and loss'** or (ii) **'available-for-sale'** – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and it's staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.

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D1-1 Risks relating to financial instruments held (continued)

- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

(a) Market risk – interest rate and price risk

$ '000	2025	2024
The impact on the result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	**162**	173
Impact of a 10% movement in price of investments		
– Equity / Income Statement	**220**	50

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

The balances of receivables that remain within initial trade terms (as detailed in the table) are considered to be of high credit quality. The maximum exposure to credit risk are reporting date is the carrying amoutn of each class of receivable in the financial statements.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile

Receivables – rates and annual charges

Credit risk on rates and annual charges is minimised by the ability of Council to recover these debts as a secured charge over the land; that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages payment.

$ '000	Not yet overdue	overdue rates and annual charges < 5 years	overdue rates and annual charges ≥ 5 years	Total
2025				
Gross carrying amount	**–**	**983**	**18**	**1,001**
2024				
Gross carrying amount	–	887	23	910

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D1-1 Risks relating to financial instruments held (continued)

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors and contract assets to provide for expected credit losses, which permits the use of the lifetime expected loss provision at inception. To measure the expected credit losses, non-rates and annual charges debtors and contract assets have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision is determined as follows. The expected credit losses incorporate forward-looking information.

		Overdue debts				
$ '000	Not yet overdue	0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	Total
2025						
Gross carrying amount	**644**	**700**	**120**	**150**	**1,051**	**2,665**
Expected loss rate (%)	**0.00%**	**0.00%**	**0.00%**	**0.00%**	**0.00%**	**0.00%**
ECL provision	**–**	**–**	**–**	**–**	**–**	**–**
2024						
Gross carrying amount	1,071	230	110	115	1,041	2,567
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ECL provision	–	–	–	–	–	–

(c) Liquidity risk

Payables are subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

			payable in:				
$ '000	Weighted average interest rate	Subject to no maturity	≤ 1 Year	1 - 5 Years	> 5 Years	Total cash outflows	Actual carrying values
2025							
Payables	**0.00%**	**3,765**	**3,765**	**–**	**–**	**7,530**	**5,661**
Total financial liabilities		**3,765**	**3,765**	**–**	**–**	**7,530**	**5,661**
2024							
Payables	0.00%	3,674	2,236	–	–	5,910	5,910
Total financial liabilities		3,674	2,236	–	–	5,910	5,910

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D2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

– Infrastructure, property, plant and equipment

All assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability

		Fair value measurement hierarchy					
		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
$ '000	Notes	2025	2024	2025	2024	2025	2024
Recurring fair value measurements							
Infrastructure, property, plant and equipment	C1-5						
Plant & Equipment		**–**	–	**625**	585	**625**	585
Office Equipment		**–**	–	**259**	239	**259**	239
Furniture & Fittings		**–**	–	**181**	168	**181**	168
Operational Land		**40,611**	40,611	**–**	–	**40,611**	40,611
Community Land		**–**	–	**102,832**	102,832	**102,832**	102,832
Building – Non Specialised		**–**	–	**15,282**	7,996	**15,282**	7,996
Building – Specialised		**–**	–	**9,942**	9,326	**9,942**	9,326
Other Structures		**–**	–	**34,423**	31,663	**34,423**	31,663
Roads		**–**	–	**52,886**	49,616	**52,886**	49,616
Footpaths		**–**	–	**11,655**	10,861	**11,655**	10,861
Kerb & Guttering		**–**	–	**15,948**	15,598	**15,948**	15,598
Other road assets		**–**	–	**2,647**	2,635	**2,647**	2,635
Stormwater Drainage		**–**	–	**19,736**	19,283	**19,736**	19,283
Total infrastructure, property, plant and equipment		**40,611**	40,611	**266,416**	250,802	**307,027**	291,413

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Transfers between level 1 and level 2 fair value hierarchies

During the year, there were no transfers between level 1 and level 2 fair value hierarchies for recurring fair value measurements.

Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Infrastructure, property, plant and equipment (IPPE)

The market approach using Level 2 inputs was used to value operational land and Council's minor holdings of residential properties. The level 2 inputs used were quoted prices for similar assets in active markets and comparison of rates per square metre of floor area.

The following table summarises the quantitative information relating to significant unobservable inputs used in deriving the various Level 3 asset class fair values.

Fair value measurements using significant unobservable inputs (level 3)

continued on next page ...

D2-1 Fair value measurement (continued)

The valuation process for level 3 fair value measurements
The council engaged external, independent and qualified valuers to determine the fair value of the infrastructure assets on a regular basis. An annual assessment is undertaken to determine whether the carrying amount of the assets is materially different from the fair value. If any variation is considered material a revaluation is undertaken either by comprehensive revaluation or by applying an interim revaluation using appropriate indices.

Changes in level 3 fair values are analysed at the end of each reporting period and discussed between the valuation team and Council.

Community Land was valued based on the Land Value provided by the Valuer-General. Where the Valuer-General did not provide Land Value an average unit rate based on the Land Value for similar community land was used.

As at 30 June 2023 a comprehensive valuation was undertaken for Operational Land was performed by Assetic.

As 30 June 2024 a Buildings revaluation was performed by Brightly Australia and Non-Specialised Buildings have been valued at market value from the sales evidence of similar or reference assets. Specialised Buildings have been valued using depreciated replacement cost. The method is based on determine the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors.

Valuation of Roads was undertaken at 30 June 2023 by Brightly Australia. This asset class comprises the Road Carriageway, Suburb Markers and Traffic facilities. The road carriageway is defined as the trafficable portion of a road, between but not including the Kerb and gutter. The Cost Approach using Level 3 inputs was used to value the road and other road infrastructure. Valuation for the road carriagewage, comprising surface, pavement and formation were based on calculations undertaken by the external valuation process.

Footpaths and Kerb & Gutter were segmented to match the adjacent road segment where possible and no further componentisation was undertaken. Footpaths and Kerb & Gutter were originally mapped and the condition assessed based on a physical inspection. Condition information is updated as changes in the network are observed through regular inspections. Valuation of the Footpaths and Kerb & Gutter was undertaken at 30 June 2023.

Stormwater Drainage comprise pits, pipes, open channels, headwalls and various types of water quality devices. The Cost Approach estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. While the unit rates based on linear metres of certain diameter pipes and prices per pit or similar could be supported through extensive professional judgement and market evidence. Valuation of the stormwater drainage was undertaken at 30 June 2023 by Assetic.

Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Valuation technique/s	Unobservable inputs
Infrastructure, property, plant and equipment		
Community Land	Land values obtained from the NSW Valuer General	Land value and land area
Plant & Equipment	Cost approach	Gross Replacement Cost, remaining useful life
Office Equipment	Cost approach	Gross Replacement Cost, remaining useful life
Furniture & Fittings	Cost approach	Gross Replacement Cost, remaining useful life
Buildings	Cost approach	Current replacement cost of modern equivalent asset using componentisation, asset condition, remaining lives, residual value
Other Structures	Cost approach	Current replacement cost of modern equivalent asset, asset condition, remaining lives, residual value
Roads	Cost approach	Asset condition, remaining lives using componentisation. Unit rates per m2 or length
Footpaths	Cost approach	Asset condition, remaining lives using componentisation. Unit rates per m2 or length

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D2-1 Fair value measurement (continued)

	Valuation technique/s	Unobservable inputs
Kerb & Gutter	Cost approach	Asset condition, remaining lives using componentisation. Unit rates per m2 or length
Other Road Assets	Cost approach	Asset condition and remaining lives using componentisation
Stormwater Drainage	Cost approach	Asset condition, remaining lives Unit rates per m2 or length

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy by class of assets is provided below:

	Total	
$ '000	**2025**	2024
Opening balance 1 July	**242,806**	195,028
Total gains or losses for the period		
Recognised in other comprehensive income – revaluation surplus	**6,656**	46,358
Other movements		
Transfers from/(to) another asset class	**9,309**	–
Purchases (GBV)	**3,847**	5,850
Disposals (WDV)	**(543)**	(563)
Depreciation and impairment	**(3,987)**	(3,867)
Closing balance 30 June	**258,088**	242,806

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

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D3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Defined benefit superannuation contribution plans
Council is party to an Industry Defined Benefit Plan under Active Super - Pool B (The Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB 119 *Employee Benefits* for the following reasons:

– Assets are not segregated within the sub-group according to the employees of each sponsoring employer.

– The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.

– Benefits for employees of all sponsoring employers are determined according to the same formula and without regard to the sponsoring employer.

– The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

Description of the funding arrangements.

Pooled Employers are required to pay future service employer contributions and past service employer contributions to the Fund.

The future service employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current future service employer contribution rates are:

Division B	1.9 times member contributions for non-180 Point Members; Nil for 180 Point Members*
Division C	2.5% of salary
Division D	1.64 times member contributions

* For 180 Point Members, Employers are required to contribute 9.5% from 1 July 2025 of salaries to these members' accumulation accounts in line with current level of SG contributions, which are paid in addition to members' defined benefits.

The past service contribution for each Pooled Employer is a share of the total past service contributions of $20.0 million per annum for 1 January 2022 to 31 December 2024, apportioned according to each employer's share of the accrued liabilities as at 30 June. Given the funding position of the Fund as at 30 June 2024, it was recommended to cease these past service contributions effective 1 January 2025.

The adequacy of contributions is assessed at each actuarial investigation which will be conducted annually, the next of which is due effective 30 June 2025.

Description of the extent to which Council can be liable to the plan for other Council's obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund's trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding additional contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Council.

There are no specific provisions under the Fund's trust deed dealing with deficits or surplus on wind-up.

There is no provision for allocation of any surplus which may be present at the date of withdrawal of an employer.

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D3-1 Contingencies (continued)

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2025 was $ 36,709.93. The last valuation of the Scheme was performed by fund actuary, Richard Boyfield, FIAA as at 30 June 2024.

The amount of additional contributions included in the total employer contribution advised above is $xx. Council's expected contribution to the plan for the next annual reporting period is $2,682.69.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2025 is:

Employer reserves only *	$millions	Asset Coverage
Assets	2,197.6	
Past Service Liabilities	2,092.0	105.0%
Vested Benefits	2,130.4	103.2%

* excluding other accumulation accounts and reserves in both assets and liabilities.

The share of this deficit that is broadly attributed to the Council is estimated to be 0.10% as at 30 June 2025.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return	6.0% per annum
Salary inflation	3.5% per annum
Increase in CPI	2.5% per annum

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

Please note that the estimated employer reserves financial position above is a preliminary calculation, and once all the relevant information has been received by the Funds Actuary, the final end of year review will be completed by December 2025.

(ii) Mutual Management Services Ltd

Mutual Management Services Ltd (MMS) is a company limited by guarantee and was created to provide administration services to the three CivicRisk self-insurance pools CivicRisk West (previously West Pool), CivicRisk Metro (previously Metro Pool) and CivicRisk Mutual (previously United Independent Pools).

MMS operates as a mutual for the benefit of the members who are the sixteen Councils which make up our combined CivicRisk membership being Blacktown, Blue Mountains, Burwood, Bayside, Cumberland, Camden, Hawkesbury, Fairfield, Hunters Hill, Kiama, Lane Cove, Liverpool, Penrith, Parramatta, Shellharbour and Wollongong.

The CivicRisk Self-insurance pools have been operating since the late 1980's when Councils could not purchase insurance in the market and the Councils decided to work together to share the risks and self-fund their claims
costs.

MMS was created to move the administration staff and responsibilities from West Pool (now CivicRisk West) to a separate entity that provides the services to all three pools. The creation of obligations rather than a change in the underlying operations.

(iii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

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D3-1 Contingencies (continued)

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

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E People and relationships

E1 Related party disclosures

E1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

$ '000	2025	2024
Compensation:		
Short-term benefits	**1,636**	1,606
Post-employment benefits	**144**	104
Other long-term benefits	**348**	293
Total	**2,128**	2,003

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E1-2 Councillor and Mayoral fees and associated expenses

$ '000	2025	2024
The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:		
Mayoral fee	**46**	47
Councillors' fees	**146**	153
Other Councillors' expenses (including Mayor)	**7**	9
Total	**199**	209

E2 Other relationships

E2-1 Audit fees

$ '000	2025	2024
During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms		
Auditors of the Council - NSW Auditor-General:		
(i) Audit and other assurance services		
Audit and review of financial statements	**79**	52
Remuneration for audit and other assurance services	**79**	52
Total Auditor-General remuneration	**79**	52
Non NSW Auditor-General audit firms		
(i) Audit and other assurance services		
Internal auditors	**91**	83
Remuneration for audit and other assurance services	**91**	83
Total remuneration of non NSW Auditor-General audit firms	**91**	83
Total audit fees	**170**	135

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F Other matters

F1-1 Statement of Cash Flows information

Reconciliation of net operating result to cash provided from operating activities

$ '000	2025	2024
Net operating result from Income Statement	**(1,425)**	6,435
Add / (less) non-cash items:		
Depreciation and amortisation	**4,498**	3,867
(Gain) / loss on disposal of assets	**517**	501
Non-cash capital grants and contributions	**(21)**	–
Losses/(gains) recognised on fair value re-measurements through the P&L:		
– Investments classified as 'at fair value' or 'held for trading'	**(280)**	(151)
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	**(189)**	(624)
(Increase) / decrease of inventories	**3**	–
(Increase) / decrease of other current assets	**(86)**	2
Increase / (decrease) in payables	**(646)**	(781)
Increase / (decrease) in other accrued expenses payable	**307**	296
Increase / (decrease) in other liabilities	**90**	251
Increase / (decrease) in contract liabilities	**1,159**	(5,387)
Increase / (decrease) in employee benefit provision	**245**	25
Net cash flows from operating activities	**4,172**	4,434

F2-1 Commitments

Capital commitments (exclusive of GST)

$ '000	2025
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:	
Property, plant and equipment	
Information Systems	105
Buildings	726
Parks & Sports fields	230
Traffic & Transport	749
Footpaths	334
Kerb & Gutter	210
Stormwater Drainage	452
Total commitments	2,806
These expenditures are payable as follows:	
Within the next year	3,258
Total payable	3,258

Details of capital commitments
Council had commenced works or contracted works at 30 June 2025 that required funding to be carried-forward. These amounts are detailed in Table 2 of Report "4.4 Capital Program as at 30 June 2025 - Works in progress and funding required to be revoted" in the agenda of Ordinary Council Meeting

F3-1 Events occurring after the reporting date

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F3-1 Events occurring after the reporting date (continued)

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

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F4 Statement of developer contributions

F4-1 Summary of developer contributions

$ '000	Opening balance at 1 July 2024	Contributions received during the year: Cash	Non-cash Land	Non-cash Other	Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2025	Cumulative balance of internal borrowings (to)/from
Other	2,211	560	–	–	124	(113)	–	2,782	–
S7.11 contributions – under a plan	2,211	560	–	–	124	(113)	–	2,782	–
Total S7.11 and S7.12 revenue under plans	2,211	560	–	–	124	(113)	–	2,782	–
Total contributions	2,211	560	–	–	124	(113)	–	2,782	–

Under the *Environmental Planning and Assessment Act 1979*, local infrastructure contributions, also known as developer contributions, are charged by councils when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management. It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

F4-2 Developer contributions by plan

$ '000	Opening balance at 1 July 2024	Contributions received during the year: Cash	Non-cash Land	Non-cash Other	Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2025	Cumulative balance of internal borrowings (to)/from
S7.11 contributions – under a plan									
CONTRIBUTION PLAN NUMBER 27 NOVEMBER 2013									
Other	2,211	560	–	–	124	(113)	–	2,782	–
Total	2,211	560	–	–	124	(113)	–	2,782	–

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End of the audited financial statements

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The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements
for the year ended 30 June 2025

Independent Auditor's Reports:

On the Financial Statements (Sect 417 [2])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (opinion) for inclusion in the GPFS report (via the Home screen).

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The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements
for the year ended 30 June 2025

Independent Auditor's Reports: (continued)

On the Financial Statements (Sect 417 [3])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (commentary) for inclusion in the GPFS report (via the Home screen).

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The Council of the Municipality of Hunter's Hill

SPECIAL SCHEDULES
for the year ended 30 June 2025

The Council of the Municipality of Hunter's Hill

Special Schedules

for the year ended 30 June 2025

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The Council of the Municipality of Hunter's Hill

Permissible income for general rates

$ '000	Notes	Calculation 2024/25	Calculation 2025/26
Notional general income calculation [1]			
Last year notional general income yield	a	11,342	**11,951**
Plus or minus adjustments [2]	b	2	**–**
Notional general income	c = a + b	**11,344**	**11,951**
Permissible income calculation			
Percentage increase	d	5.00%	**4.40%**
Plus percentage increase amount [3]	f = d x (c + e)	567	**526**
Sub-total	g = (c + e + f)	**11,911**	**12,477**
Plus (or minus) last year's carry forward total	h	44	**4**
Sub-total	j = (h + i)	**44**	**4**
Total permissible income	k = g + j	11,955	**12,481**
Less notional general income yield	l	11,951	**12,471**
Catch-up or (excess) result	m = k – l	4	**10**
Carry forward to next year [6]	p = m + n + o	4	**10**

Notes

(1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.

(2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916 (NSW).*

(3) The 'percentage increase' is inclusive of the rate-peg percentage, and/or special variation and/or Crown land adjustment (where applicable).

(6) Carry-forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the Act. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.

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Permissible income for general rates

Permissible income for general rates: PLUS PDF inserted here

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The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2025

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2024/25 Required maintenance [a]	2024/25 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		$ '000	$ '000	$ '000	$ '000	$ '000	$ '000	1	2	3	4	5
Buildings	Council Offices/ Administration Centres	–	–	96	188	6,009	11,185	0.0%	64.0%	36.0%	0.0%	0.0%
	Council Works Depot	–	–	19	39	1,204	2,031	31.0%	24.0%	45.0%	0.0%	0.0%
	Council Public Halls	1,665	1,592	251	423	4,228	10,816	0.0%	25.0%	44.0%	31.0%	0.0%
	Other Buildings	44	–	110	217	13,661	17,850	55.0%	35.0%	10.0%	0.0%	0.0%
	Sub-total	**1,709**	**1,592**	**476**	**867**	**25,106**	**41,882**	**24.9%**	**39.6%**	**27.4%**	**8.0%**	**0.0%**
Other structures	Other structures	1,903	3,012	854	994	34,423	59,524	12.0%	21.0%	61.0%	5.0%	1.0%
	Sub-total	**1,903**	**3,012**	**854**	**994**	**34,423**	**59,524**	**12.0%**	**21.0%**	**61.0%**	**5.0%**	**1.0%**
Roads	Sealed roads	1,663	3,762	634	1,355	43,865	64,518	12.0%	59.0%	24.0%	5.0%	0.0%
	Bridges	–	–	8	–	414	634	12.0%	30.0%	58.0%	0.0%	0.0%
	Footpaths	255	33	152	209	11,654	17,322	15.0%	27.0%	56.0%	2.0%	0.0%
	Other road assets	57	–	49	185	2,647	3,888	57.0%	28.0%	12.0%	2.0%	1.0%
	Bulk earthworks	–	–	36	–	7,156	7,156	100.0%	0.0%	0.0%	0.0%	0.0%
	Car Parks	–	–	2	58	1,451	1,663	81.0%	17.0%	2.0%	0.0%	0.0%
	Sub-total	**1,975**	**3,795**	**881**	**1,807**	**67,187**	**95,181**	**22.2%**	**46.5%**	**27.4%**	**3.8%**	**0.0%**
Stormwater drainage	Stormwater drainage	40	60	496	232	19,736	31,616	22.0%	1.0%	77.0%	0.0%	0.0%
	Sub-total	**40**	**60**	**496**	**232**	**19,736**	**31,616**	**22.0%**	**1.0%**	**77.0%**	**0.0%**	**0.0%**
Kerb and Gutter	Kerb and Gutter	397	181	404	7	15,948	23,272	5.0%	14.0%	77.0%	4.0%	0.0%
	Sub-total	**397**	**181**	**404**	**7**	**15,948**	**23,272**	**5.0%**	**14.0%**	**77.0%**	**4.0%**	**0.0%**
	Total – all assets	**6,024**	**8,640**	**3,111**	**3,907**	**162,400**	**251,475**	**18.6%**	**30.6%**	**46.2%**	**4.3%**	**0.3%**

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required

continued on next page ...

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The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2025 (continued)

5	**Very poor**	Urgent renewal/upgrading required

DRAFT

The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2025

Infrastructure asset performance indicators (consolidated) *

$ '000	Amounts 2025	Indicator 2025	Indicators 2024	Indicators 2023	Benchmark
Buildings and infrastructure renewals ratio					
Asset renewals [1]	4,976	130.84%	62.17%	55.30%	> 100.00%
Depreciation, amortisation and impairment	3,803				
Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	6,024	3.69%	4.47%	11.90%	< 2.00%
Net carrying amount of infrastructure assets	163,283				
Asset maintenance ratio					
Actual asset maintenance	3,907	125.59%	108.72%	134.61%	> 100.00%
Required asset maintenance	3,111				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	8,640	3.44%	2.25%	2.07%	
Gross replacement cost	251,475				

(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

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Hunter's Hill Council

Quarterly Budget Review Statement
for the period 01/01/25 to 31/03/25

Income & expenses budget review statement

Budget review for the quarter ended 31 March 2025
Income & expenses - Council Consolidated

($'s)	Original budget 2024/25	Approved Changes Sep QBRS	Approved Changes Dec QBRS	Revised budget 2024/25	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures
Income								
Rates and annual charges	15,837,350			15,837,350		1	15,837,350	15,890,649
User charges and fees	1,439,006		50,000	1,489,006	(70,000)	2	1,419,006	1,484,297
Other revenues	1,221,142			1,221,142		3	1,221,142	928,398
Other income	2,500,000			2,500,000	(2,500,000)	4	-	-
Grants and contributions - operating	1,030,359	26,400	33,000	1,089,759	11,200	5	1,100,959	411,604
Grants and contributions - capital	1,989,215	92,935	600,000	2,682,150		6	2,682,150	417,934
Interest and investment revenue	891,286			891,286		7	891,286	721,794
Net gain from disposal of assets	50,000			50,000		8	50,000	15,963
Total income from continuing operations	**24,958,358**	**119,335**	**683,000**	**25,760,693**	**(2,558,800)**		**23,201,893**	**19,870,638**
Expenses								
Employee benefits and on-costs	7,520,729			7,520,729		9	7,520,729	4,924,289
Materials and services	9,586,297	279,400	19,500	9,885,197	11,200	10	9,896,397	6,961,225
Depreciation and amortisation	4,062,614			4,062,614		11	4,062,614	3,036,106
Other expenses	1,552,027			1,552,027		12	1,552,027	1,008,991
Net Loss from disposal of assets	297,300			297,300		13	297,300	-
Total expenses from continuing operations	**23,018,967**	**279,400**	**19,500**	**23,317,867**	**11,200**		**23,329,067**	**15,930,611**
Net operating result from continuing operations	**1,939,391**	**(160,065)**	**663,500**	**2,442,826**	**(2,570,000)**		**(127,174)**	**3,940,027**
Net Operating Result before Capital Items	**(49,824)**	**(253,000)**	**63,500**	**(239,324)**	**(2,570,000)**		**(2,809,324)**	**3,522,093**

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/25 and should be read in conjunction with the total QBRS report

Hunter's Hill Council

Quarterly Budget Review Statement
for the period 01/01/25 to 31/03/25

Income & expenses budget review statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	
Proposed March Variations		
1	**Rates and annual charges**	
	No Change	0
2	**User charges and fees**	
	Reduce Mini Skips fees, lower than expected activity	-70,000
		-70,000
3	**Other Revenue**	
	No change	0
4	**Other Income**	
	Budgeted sale of property deferred to FY 2026, has been included in FY 2026 Budget	-2,500,000
		-2,500,000
5	**Grants and contributions - operating**	
	Local Small Commitments Allocation (LSCA) Program- Valentia Street Reserve upgrade	11,200
		11,200
6	**Grants and contributions - capital**	
	No change	0
7	**Interest and investment revenue**	
	No change	0
8	**Net gain from disposal of assets**	
	No Change	0
9	**Employee benefits and on-costs**	
	No change	0
10	**Materials and services**	
	Valentia Street Reserve upgrade to match LSCA grant	11,200
		11,200
11	**Depreciation and amortisation**	
	No change	0
12	**Other expenses**	
	No change	0
13	**Net Loss from disposal of assets**	
	No change	0

Adopted December Variations		
2	**User charges and fees**	
	Stand Plant Applications	50,000
4	**Grants and contributions - operating**	
	NSW Emergency Services Funding Reform - land classification	33,000
6	**Grants and contributions - capital**	
	Towards Zero Safer Roads Program - Boronia Park	
	Local Area Traffic Management (LATM)	100,000
	Road Safety Program - Alexandra St	500,000
		600,000
10	**Materials and Services**	
	Consultant - Henley Precinct Masterplan	19,500
	Labour hire & temporary employment	-10,000
	Consultant - Library Strategy	10,000
		19,500
Adopted September Variations		
4	**Grants and contributions - operating**	
	Local Small Commitments Allocation - Playground	6,400
	Weed control at Gladesville Reserve	10,000
	Weed control along Lane Cove & Parramatta River	10,000
		26,400
6	**Grants and contributions - capital**	
	Local Roads and Community Infrastructure Program Phase 4	92,935
10	**Materials and services**	
	Local Small Commitments Allocation - Playground	6,400
	Weed control at Gladesville Reserve	10,000
	Weed control along Lane Cove & Parramatta River	10,000
	Planning legal expenses	253,000
		279,400

External Restrictions & Internal Allocations Workpaper as at 30 June 2025				
	Opening			**Closing**
	1/07/2024	Transfers to	Transfers from	30/06/2025
Internal Allocations				
Plant & Vehicle Reserve	**426,420.68**	**120,320.00**	**213,832.58**	**332,908.10**
Comment: Acquisition of Tipper and Tractor in FY 2025. An amount equivalent to annual depreciation for Plant is transferred to reserves to fund future renewal				
Employees leave entitlement	**800,672.87**	**135,569.04**	**215,756.00**	**720,485.91**
Comment: Probability that leave entitlements would be paid on termination was revised downward, leading to a reduction in this internal allocation				
Deposits, retentions and bonds	**3,687,301.59**	**181,494.00**	**76,591.41**	**3,792,204.18**
Comment: Liability for various damage, retentions and booking deposits. 100% funded.				
Construction of Buildings				
Town Hall - Reserve	169,130.00	-	-	169,130.00
Town Hall - reception area	25,992.00	-	25,992.00	-
Boronia Park Sporting & Community Facility	-	615,000.00	615,000.00	-
Sub Total	**195,122.00**	**615,000.00**	**640,992.00**	**169,130.00**
Comment: Additional funds for Boronia transferred from Asset Repurposing Reserve. Balance remaining is for emergency works on Town Hall facility				
Office equipment				
Office Equip - Reserve	89,790.43	-	-	89,790.43
Projects software	30,000.00	-	-	30,000.00
Upgrade finance and payroll system	43,075.00	-	43,075.00	-
IT Office Equipment	42,351.69	-	42,351.69	-
Software Systems Program	23,322.65	20,000.00	43,322.65	-
Upgrade Microsoft licence	-	24,849.00	-	24,849.00
GIS Upgrade	-	10,000.00		10,000.00
Meeting Management system		50,000.00		50,000.00
	228,539.77	**104,849.00**	**128,749.34**	**204,639.43**
Comment: Transfers to are from FY 2024 carried forward.				
Road reconstruction				
Ryde Road to End of Road	177,920.00	-	177,920.00	-
Batemans Road to End of Road	45,840.00	-	45,840.00	-
	223,760.00	**-**	**223,760.00**	**-**
Comment: Returned to General Fund as no activities on these works in recent years				
Elections - Reserve	**278,582.73**	**-**	**173,705.00**	**104,877.73**
Comment: 2024 Election paid. Will be replenished year to year as the next elections approach				
Insurance reserve	**137,859.78**	**-**	**-**	**137,859.78**
Comment: To cover excess payments as they arise				

Sustainability Reserve	**196,500.48**	**30,345.66**	**-**	**226,846.14**
Comment: Replenished from electricity savings to be applied to further sustainability projects				
Asset Re-purposing	**5,478,841.74**	**-**	**615,000.00**	**4,863,841.74**
Comment: $615k allocated to complete Boronia Sport & Community Facility				
Traffic				
Crown Street Traffic Calming Devices	**71,160.00**	**-**	**71,160.00**	**-**
Comment: Funds allocated to completed projects.				
Boronia Park - disposal soil	**86,657.08**	**-**	**86,657.08**	**-**
Comment: Funds allocated to completed projects.				
Safety and welfare expenses - WHS incentive	**34,472.64**	**18,480.00**	**12,418.31**	**40,534.33**
Comment: Incentive payment received from insurer is applied WHS initiative, training and improvements				
Community initiatives & minor capital works	**20,000.00**	**-**	**-**	**20,000.00**
Comment: $20k is maintained for minor works and community initiatives not identified in the Operational Plan				
Stormwater and marine maintenance reserve	**15,000.00**	**35,000.00**	**-**	**50,000.00**
Comment: $50k is maintained as a buffer against emergency works.				
Community Building Maintenance Reserve	**11,300.00**	**38,700.00**	**-**	**50,000.00**
Comment: $50k is maintained as a buffer against emergency works.				
Depot Operations strategy	**459,031.16**	**15,453.84**	**474,485.00**	**-**
Comment: Funds allocated to completed Depot Project				
Gladesville Masterplan	**260,000.00**	**-**	**177,790.00**	**82,210.00**
Comment: Funds held for Stage 2. Transfer from to fund Stage 1 work				
Contributions for Hillman Orchard Restoration Project	**11,951.84**	**6,000.30**	**3,170.00**	**14,782.14**
Comment: $6k donation from Hunters Hill Rotary Club				
Total Internal Allocations	**12,623,174.36**	**1,301,211.84**	**3,114,066.72**	**10,810,319.48**
External Restrictions				
Developer contributions – general	2,211,095.01	683,848.92	113,498.70	2,781,445.23
Comment: Unspent 7.12 Developer Contribution. To fund delivery of Plan in future years				

Other developer contribution	138,000.61	-	-	138,000.61
Comment: Unspent VPA contributions: $84.7k 107 Pittwater Road $53.3 1-3 Ryde Road				
Specific purpose unexpended grants (recognised as revenue)	693,977.14	2,141,179.00	949,591.34	1,885,564.80
Comment: Grants received but not yet spent				
Domestic Waste Management	1,023,411.40	3,913,016.50	3,317,782.57	1,618,645.33
Comment: Net increase of $595k. $1.6m available for FO implementation				
Special Enviro Levy	229,921.52	-	105,195.50	124,726.02
Comment: Special rate for drainage and bushland. Transferred from reserve as relevant works are complete.				
Special Community Facilities	1,117,351.10	481,485.60	649,620.64	949,216.06
Comment: Special rate for relevant buildings. Transferred from reserve as relevant works are complete.				
Total External Restrictions	**5,413,756.77**	**7,219,530.02**	**5,135,688.75**	**7,497,598.04**
Total Restrictions	**18,036,931.13**	**8,520,741.86**	**8,249,755.47**	**18,307,917.52**

ITEM NO	:	4.6
SUBJECT	:	INVESTMENTS REPORT AS AT 31 JULY 2025
STRATEGIC OUTCOME	:	RESOURCES ARE MANAGED EFFICIENTLY TO ENSURE THAT PROGRAMS, SERVICES AND COLLABORATIVE PROJECTS HAVE THE NECESSARY SUPPORT AND FUNDING TO SUCCEED
ACTION	:	PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG-TERM FINANCIAL PLAN
REPORTING OFFICER	:	CHRISTIAN MENDAY

Ref:788219

PURPOSE

The purpose of this report is to detail Council's investment holdings and performance for the month ending 31 August 2025.

RECOMMENDATION

1. That the report on Investments held at 31 August 2025, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, be received and noted.

BACKGROUND

Clause 212 of the Local Government (General) Regulation 2021, states that the Responsible Accounting Officer must provide Council with a monthly report detailing all funds invested under Section 625 of the Local Government Act 1993. This report must include certification that the investments have been made in accordance with the Act and the Regulations made thereunder, also the revised Investment Order issued by the Minister for Local Government and Council's Financial Investment Policy.

REPORT

Total Cash and Investment Balances

Total cash and investment balances are $21,465,464. Most of this balance is held in reserves to be spent on nominated projects and activities.

Reserves fall into one of two categories:

- external restrictions (Council is obliged by legislation, or contract, to spend the funds on certain projects and activities); and
- internal allocations (Council has resolved to spend the funds on certain projects and activities).

The following table details the reserves held. Council had an unrestricted cash balance of $2.9 million. The unrestricted balance is high due to the receipt of the first rates instalment and efforts to review and lodge final grant acquittal for projects.

Table 6 – EXTERNAL RESTRICITIONS & INTERNAL ALLOCATIONS

	Actual as at 31 July 2025	Actual as at 31 August 2025
Developer contributions - S7.12	$2,846,345.23	$2,945,249.14
Other developer contribution	$138,000.61	$138,000.61
Specific purpose unexpended grants	$1,889,035.62	$1,461,004.84
Domestic waste management	$1,618,645.33	$1,618,645.33
Other special levies	$1,576,272.69	$1,576,272.69
Total External Restrictions	**$8,068,299.47**	**$7,739,172.60**
Internal Restrictions		
Plant and vehicle replacement	$332,908.10	$332,908.10
Employee leave entitlements	$720,485.91	$720,485.91
Deposits, retentions and bonds	$3,797,262.73	$3,797,262.73
Construction of building	$169,130.00	$169,130.00
Office equipment & furniture	$247,714.43	$247,714.43
Elections	$104,877.73	$104,877.73
Insurance reserve	$137,859.78	$137,859.78
Sustainability Reserve	$226,846.14	$226,846.14
Asset Re-purposing	$4,863,841.74	$4,863,841.74
Safety & welfare expenses OH&S Incentive	$40,534.33	$38,583.77
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
Gladesville Masterplan	$82,210.00	$82,210.00
Contributions for Hillman Orchard Restoration Project	$14,782.14	$14,782.14
Total Internal Restrictions	**$10,858,453.03**	**$10,856,502.47**
Total Restrictions	**$18,926,752.50**	**$18,595,675.07**
Unrestricted Cash	$464,270.50	$2,869,788.93
Total Cash and Investments	**$19,391,023.00**	**$21,465,464.00**

Investment Portfolio

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.

Council's investment portfolio posted a marked-to-market return of 5.14%pa (0.43% actual) versus the bank bill index benchmark return of 3.84%pa (0.32% actual). For the past 12 months, Council's investment portfolio has returned 5.01% versus the benchmark's 4.25%.

Table 1 Summary of Investment Performance

Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2025	5.14%	3.84%	1.30%
Last 3 months	5.03%	3.79%	1.24%
Last 6 months	4.73%	4.00%	0.73%
Financial Year to Date	4.73%	3.72%	1.01%
Last 12 months	5.01%	4.25%	0.76%

Table 2 compares income to budget for the cash and investment portfolio. Income from the portfolio comes in two forms, interest on deposits and fair value movements on the TCorp managed fund portfolio. Fair value adjustments are non-cash. Cash is realised when the funds are sold.

Table 2 Interest on Investment Income Compared to Budget

Year	Original Annual Budget ($)	Revised Annual Budget (4)	YTD Budget ($)	YTD Interest ($)	YTD FV ($)	YTD Earning Variance
2025/26	891,594	891,594	148,599	112,933	38,601	-2,935
2024/25	853,200	853,200		826,996	171,812	145,608
2023/24	705,000	705,000		1,060,306	151,494	506,800

Term deposits are made across several financial institutions to spread risk, with the majority currently having terms over 180 days so as to benefit from higher returning interest yields. Floating Rate Notes are also permissible within defined portfolio institution and credit rating thresholds.

Attachment 1 – Council continues to seek independent advice for investments from Prudential Investment Services Corp. Prudential's Investment Summary Report for August 2025 is attached. The portfolio is actively managed on this advice to ensure that returns are maximised, considering diversification, cash flow requirements and risk. The attachment contains a complete analysis of the performance. The attachment also provides details of the value of accrued interest earnings for each investment holding.

The advisor makes recommendations regarding the ideal terms to maximise returns. Council's scope to act on this advice is limited by the cash flow requirements of it capital works program. Council will generally seek longer terms once it has satisfied the short to medium term requirements of it capital works program.

Table 3 - Summary of Council's Investments as at 31 August 2025

Institution	Reference	Rating	Principal	Lodged	Matures	Rate	Interest earnt at maturity
Floating Rate Notes							
CBA	Floating Rate Note	AA-	$ 500,000	13/01/2023	13/01/2028	4.87%	
Managed Funds							
TCorp	Medium Term	NR	$ 1,747,112	2/06/2021			
TCorp	Medium Term	NR	$ 579,141	9/08/2021			
Term Deposits							
NAB	Term Deposit	AA-	$ 1,000,000	11/03/2025	10/03/2026	4.65%	$ 46,372.60
NAB	Term Deposit	AA-	$ 1,000,000	18/03/2025	17/03/2026	4.63%	$ 46,173.15
Suncorp	Term Deposit	AA-	$ 1,000,000	29/04/2025	25/11/2025	4.06%	$ 18,876.71
BOQ	Term Deposit	A-	$ 1,000,000	2/06/2025	1/12/2025	4.30%	$ 21,441.10
AMP	Term Deposit	BBB+	$ 600,000	27/05/2025	29/09/2025	4.40%	$ 9,041.10
AMP	Term Deposit	BBB+	$ 1,000,000	27/05/2025	3/11/2025	4.50%	$ 19,726.03
AMP	Term Deposit	BBB+	$ 1,000,000	11/06/2025	15/12/2025	4.45%	$ 22,798.63
NAB	Term Deposit	AA-	$ 1,200,000	27/05/2025	9/03/2026	4.22%	$ 33,066.30
NAB	Term Deposit	AA-	$ 1,000,000	28/05/2025	23/09/2025	4.27%	$ 13,804.38
BOQ	Term Deposit	A-	$ 1,000,000	28/05/2025	27/10/2025	4.25%	$ 17,698.63
AMP	Term Deposit	BBB+	$ 500,000	11/06/2025	20/03/2026	4.15%	$ 16,031.51
AMP	Term Deposit	BBB+	$ 1,000,000	6/08/2025	12/01/2026	4.30%	$ 18,731.51
AMP	Term Deposit	BBB+	$ 555,008	12/08/2025	10/02/2026	4.25%	$ 21,191.78
Westpac	Term Deposit	AA-	$ 500,000	28/08/2025	23/02/206	4.15%	$ 10,176.03
Westpac	Term Deposit	AA-	$ 1,000,000	28/08/2025	6/04/2026	4.13%	$ 25,006.30
Westpac	Term Deposit	AA-	$ 1,000,000	28/08/2025	10/06/2026	4.11%	$ 32,204.38
Westpac	Term Deposit	AA-	$ 500,000	29/08/2025	29/06/2026	4.12%	$ 17,157.26
Westpac	Term Deposit	AA-	$ 1,000,000	29/08/2025	2/07/2026	4.12%	$ 34,653.15
Deposits at Call							
Macquarie	Call	A+	$ 1,082,994			3.90%	
CBA	Business online saver	AA-	$ 1,104,701			3.60%	
Transaction Account							
CBA	Transaction Account	AA-	$ 596,508				
Total							

Investment Policy

I certify that the investments detailed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2021 and in accordance with Council's Investments Policy. The following tables detail compliance with the various parameters set out in the Investment Policy.

Table 4 Portfolio Total by Credit Exposure

Credit Rating Group	Face Value ($)		Policy Max	
AA	11,401,209	53%	100%	✓
A	3,082,994	14%	60%	✓
BBB	4,655,008	22%	30%	✓
TC	2,326,253	11%	15%	✓
	21,465,464			

Table 5 Portfolio Total by Investment Holdings

	Face Value ($)	Current Value ($)
Cash	2,784,203	2,784,203
Floating Rate Note	500,000	506,560
Managed Funds	2,326,253	2,326,253
Term Deposit	15,855,008	15,855,008
	21,465,464	21,472,024

FINANCIAL IMPACT ASSESSMENT

Year-to-date returns on the portfolio are in line with 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. The portfolio is within the risk management parameters specified by the Investment Policy.

ATTACHMENTS

1. Investment Summary Report for August 2025 ⇩

Investment Summary Report
August 2025

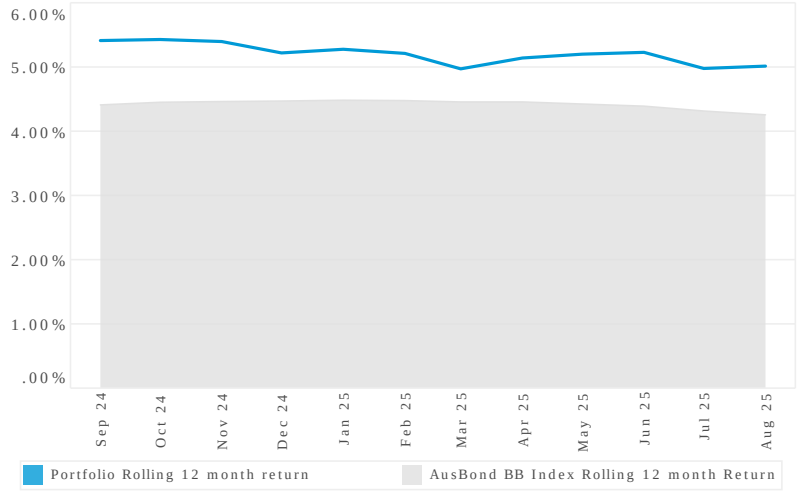
PRUDENTIAL
INVESTMENT SERVICES CORP

Hunters Hill Council
Executive Summary - August 2025

Investment Holdings

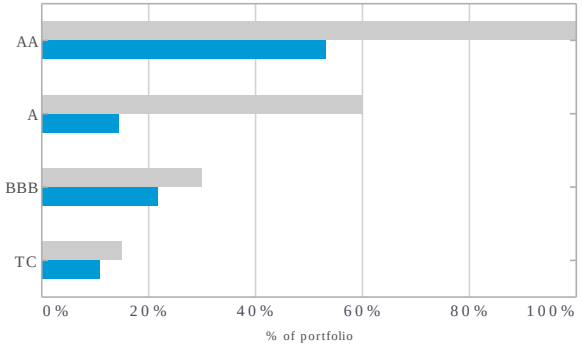
	Face Value ($)	Current Value ($)
Cash	2,784,203	2,784,203
Floating Rate Note	500,000	506,560
Managed Funds	2,326,253	2,326,253
Term Deposit	15,855,008	15,855,008
	21,465,464	21,472,024

Investment Performance

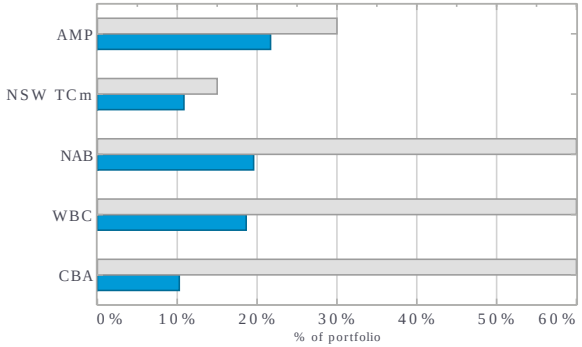


Investment Policy Compliance

Total Credit Exposure



Individual Institutional Exposures



Term to Maturities

	Face Value ($)		Policy Max	
Between 0 and 1 years	20,965,464	98%	100%	a
Between 1 and 3 years	500,000	2%	60%	a
	21,465,464			

PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Investment Holdings Report - August 2025

Cash Accounts

Face Value ($)	Current Rate (%)	Institution	Credit Rating	Current Value ($)	Deal No.	Reference
596,507.45	0.00%	Commonwealth Bank of Australia	AA-	596,507.45	538227	General
1,082,994.42	3.90%	Macquarie Bank	A+	1,082,994.42	540871	Accelerator
1,104,701.26	3.60%	Commonwealth Bank of Australia	AA-	1,104,701.26	545055	BOS
2,784,203.13	2.95%			2,784,203.13		

Managed Funds

Face Value ($)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value ($)	Deal No.	Reference
2,326,252.63	1.0683%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	2,326,252.63	541469	
2,326,252.63	1.0683%				2,326,252.63		

Term Deposits

Maturity Date	Face Value ($)	Current Rate (%)	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Interest Date	Reference
23-Sep-25	1,000,000.00	4.27%	National Australia Bank	AA-	1,000,000.00	28-May-25	1,011,230.68	546092	11,230.68	At Maturity	
29-Sep-25	600,000.00	4.40%	AMP Bank	BBB+	600,000.00	27-May-25	607,015.89	546089	7,015.89	At Maturity	
27-Oct-25	1,000,000.00	4.25%	Bank of Queensland	A-	1,000,000.00	28-May-25	1,011,178.08	546091	11,178.08	At Maturity	
3-Nov-25	1,000,000.00	4.50%	AMP Bank	BBB+	1,000,000.00	27-May-25	1,011,958.90	546088	11,958.90	At Maturity	
25-Nov-25	1,000,000.00	4.60%	Suncorp Bank	AA-	1,000,000.00	29-Apr-25	1,015,753.42	546008	15,753.42	At Maturity	
1-Dec-25	1,000,000.00	4.30%	Bank of Queensland	A-	1,000,000.00	2-Jun-25	1,010,720.55	546105	10,720.55	At Maturity	
15-Dec-25	1,000,000.00	4.45%	AMP Bank	BBB+	1,000,000.00	11-Jun-25	1,009,997.26	546155	9,997.26	At Maturity	
12-Jan-26	1,000,000.00	4.30%	AMP Bank	BBB+	1,000,000.00	6-Aug-25	1,003,063.01	546309	3,063.01	At Maturity	
10-Feb-26	555,008.31	4.25%	AMP Bank	BBB+	555,008.31	12-Aug-25	556,300.80	546329	1,292.49	At Maturity	
23-Feb-26	500,000.00	4.15%	Westpac Group	AA-	500,000.00	28-Aug-25	500,227.40	546385	227.40	At Maturity	
9-Mar-26	1,200,000.00	4.22%	National Australia Bank	AA-	1,200,000.00	27-May-25	1,213,457.75	546087	13,457.75	At Maturity	
10-Mar-26	1,000,000.00	4.65%	National Australia Bank	AA-	1,000,000.00	11-Mar-25	1,022,167.12	545897	22,167.12	At Maturity	
17-Mar-26	1,000,000.00	4.63%	National Australia Bank	AA-	1,000,000.00	18-Mar-25	1,021,183.84	545938	21,183.84	At Maturity	
20-Mar-26	500,000.00	4.15%	AMP Bank	BBB+	500,000.00	11-Jun-25	504,661.64	546154	4,661.64	At Maturity	

PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Investment Holdings Report - August 2025

Maturity Date	Face Value ($)	Current Rate (%)	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Interest Date	Reference
6-Apr-26	1,000,000.00	4.13%	Westpac Group	AA-	1,000,000.00	28-Aug-25	1,000,452.60	546386	452.60	At Maturity	
10-Jun-26	1,000,000.00	4.11%	Westpac Group	AA-	1,000,000.00	28-Aug-25	1,000,450.41	546387	450.41	At Maturity	
29-Jun-26	500,000.00	4.12%	Westpac Group	AA-	500,000.00	29-Aug-25	500,169.32	546393	169.32	At Maturity	
2-Jul-26	1,000,000.00	4.12%	Westpac Group	AA-	1,000,000.00	29-Aug-25	1,000,338.63	546392	338.63	At Maturity	
	15,855,008.31	4.33%			15,855,008.31		16,000,327.30		145,318.99		

Floating Rate Notes

Maturity Date	Face Value ($)	Current Rate (%)	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Coupon Date	Reference
13-Jan-28	500,000.00	4.8668%	CBA Snr FRN (Jan28) BBSW+1.15%	AA-	500,000.00	13-Jan-23	509,826.76	543689	3,266.76	13-Oct-25	
	500,000.00	4.8668%			500,000.00		509,826.76		3,266.76		

PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Accrued Interest Report - August 2025

Investment	Deal No.	Comments	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days	Interest Accrued ($)	Yield (% pa)
Cash									
Commonwealth Bank of Australia	538227					8.09	0	2.92	0.00%
Commonwealth Bank of Australia	545055					2,507.04	0	8,008.73	3.60%
Macquarie Bank	540871					3,448.61	0	3,448.61	3.90%
						5,963.74		11,460.26	3.09%
Floating Rate Note									
CBA Snr FRN (Jan28) BBSW+1.15%	543689		500,000.00	13-Jan-23	13-Jan-28	0.00	31	2,066.73	4.87%
						0.00		2,066.73	4.87%
Term Deposits									
National Australia Bank	546023		1,000,000.00	6-May-25	6-Aug-25	11,342.47	5	616.44	4.50%
AMP Bank	545347		555,008.31	12-Aug-24	12-Aug-25	28,027.92	11	844.68	5.05%
National Australia Bank	546092		1,000,000.00	28-May-25	23-Sep-25	0.00	31	3,626.57	4.27%
AMP Bank	546089		600,000.00	27-May-25	29-Sep-25	0.00	31	2,242.19	4.40%
Bank of Queensland	546091		1,000,000.00	28-May-25	27-Oct-25	0.00	31	3,609.59	4.25%
AMP Bank	546088		1,000,000.00	27-May-25	3-Nov-25	0.00	31	3,821.91	4.50%
Suncorp Bank	546008		1,000,000.00	29-Apr-25	25-Nov-25	0.00	31	3,906.84	4.60%
Bank of Queensland	546105		1,000,000.00	2-Jun-25	1-Dec-25	0.00	31	3,652.06	4.30%
AMP Bank	546155		1,000,000.00	11-Jun-25	15-Dec-25	0.00	31	3,779.45	4.45%
AMP Bank	546309		1,000,000.00	6-Aug-25	12-Jan-26	0.00	26	3,063.01	4.30%
AMP Bank	546329		555,008.31	12-Aug-25	10-Feb-26	0.00	20	1,292.49	4.25%
Westpac Group	546385		500,000.00	28-Aug-25	23-Feb-26	0.00	4	227.40	4.15%
National Australia Bank	546087		1,200,000.00	27-May-25	9-Mar-26	0.00	31	4,300.93	4.22%
National Australia Bank	545897		1,000,000.00	11-Mar-25	10-Mar-26	0.00	31	3,949.31	4.65%
National Australia Bank	545938		1,000,000.00	18-Mar-25	17-Mar-26	0.00	31	3,932.33	4.63%
AMP Bank	546154		500,000.00	11-Jun-25	20-Mar-26	0.00	31	1,762.32	4.15%
Westpac Group	546386		1,000,000.00	28-Aug-25	6-Apr-26	0.00	4	452.60	4.13%
Westpac Group	546387		1,000,000.00	28-Aug-25	10-Jun-26	0.00	4	450.41	4.11%

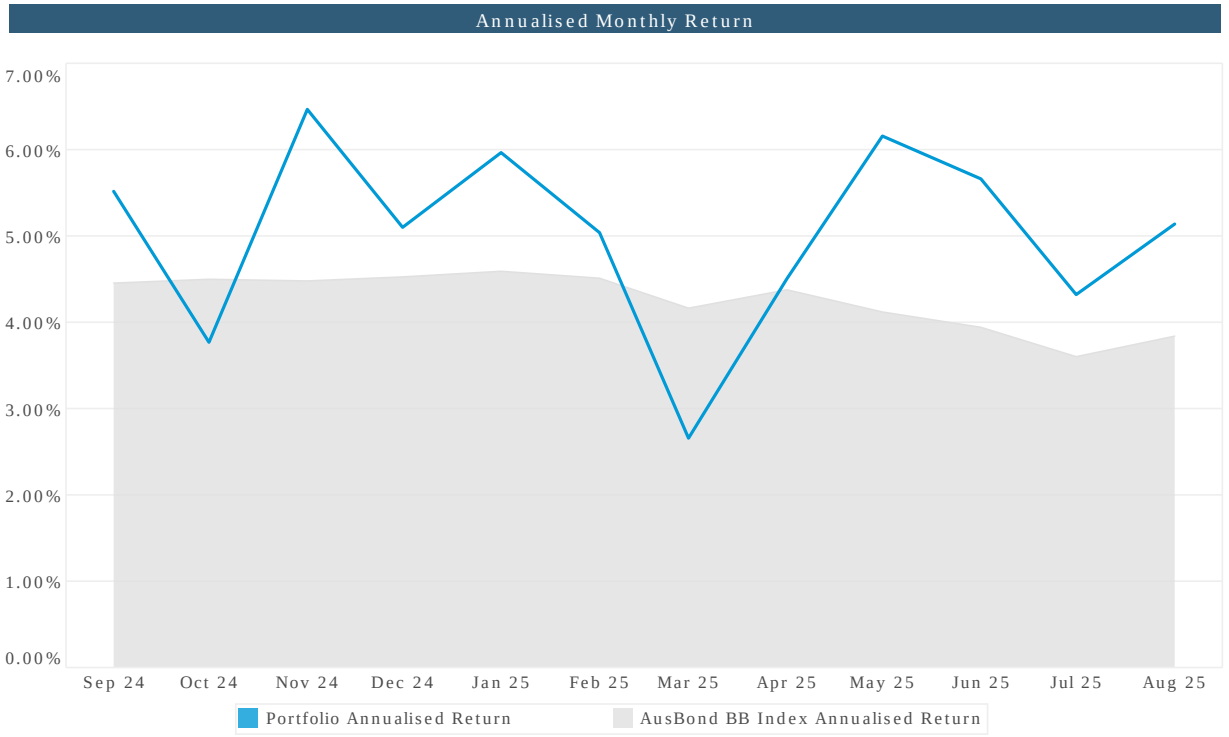
PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Accrued Interest Report - August 2025

Investment	Deal No.	Comments	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days	Interest Accrued ($)	Yield (% pa)
Westpac Group	546393		500,000.00	29-Aug-25	29-Jun-26	0.00	3	169.32	4.12%
Westpac Group	546392		1,000,000.00	29-Aug-25	2-Jul-26	0.00	3	338.63	4.12%
						39,370.39		46,038.48	4.40%
Grand Totals						45,334.13		59,565.47	4.08%

PRUDENTIAL INVESTMENT SERVICES CORP

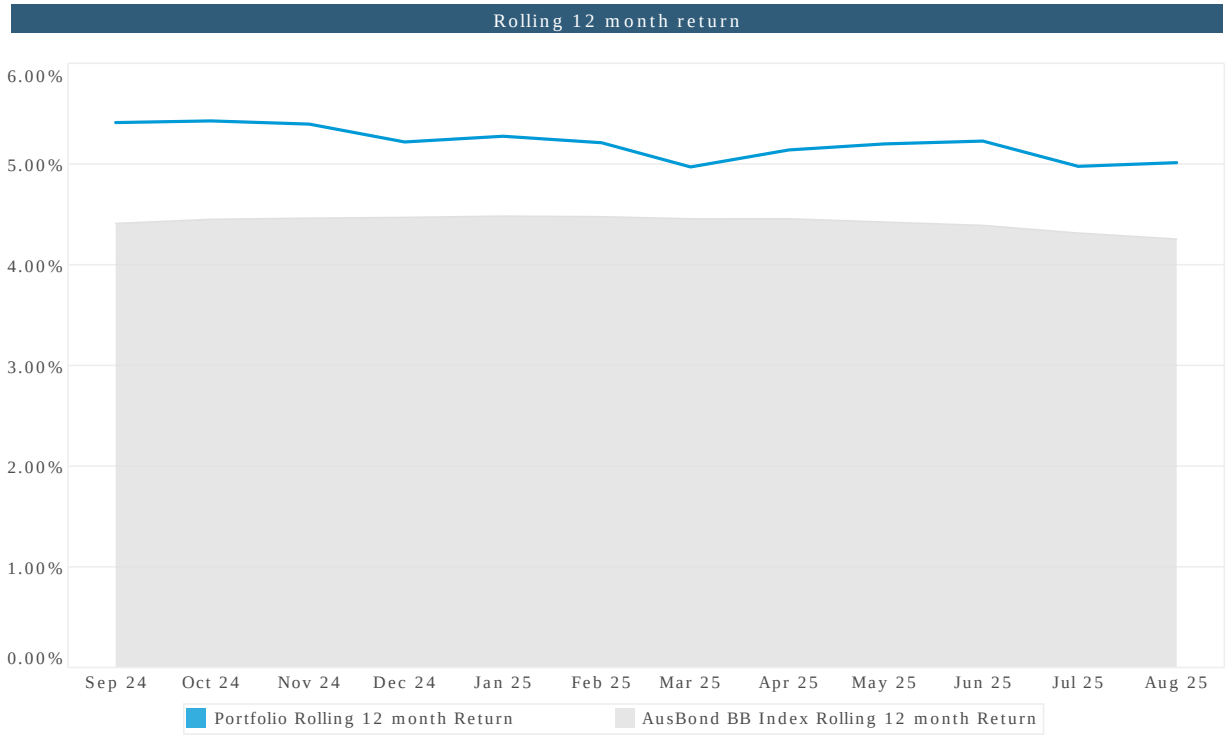
Hunters Hill Council
Investment Performance Report - August 2025



Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2025	5.14%	3.84%	1.30%
Last 3 months	5.03%	3.79%	1.24%
Last 6 months	4.73%	4.00%	0.73%
Financial Year to Date	4.73%	3.72%	1.01%
Last 12 months	5.01%	4.25%	0.76%

PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Investment Performance Report - August 2025

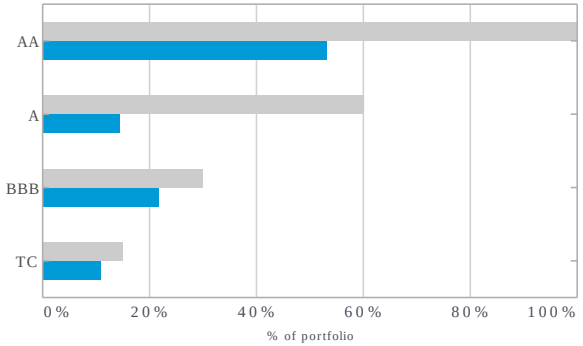


Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2025	0.43%	0.32%	0.11%
Last 3 months	1.25%	0.94%	0.31%
Last 6 months	2.36%	2.00%	0.36%
Financial Year to Date	0.79%	0.62%	0.17%
Last 12 months	5.01%	4.25%	0.76%

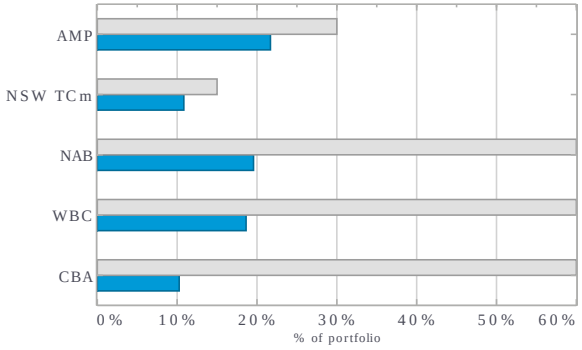
PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Investment Policy Compliance Report - August 2025

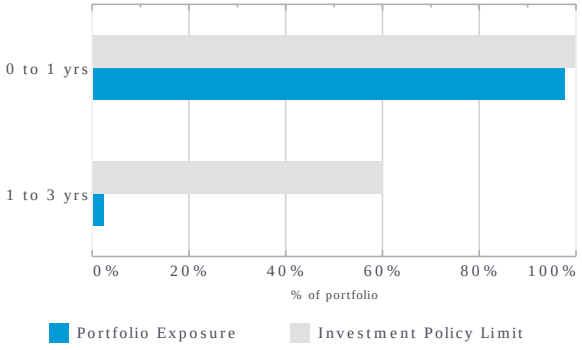
Total Credit Exposure



Individual Institutional Exposures



Term to Maturities



Credit Rating Group	Face Value ($)		Policy Max	
AA	11,401,209	53%	100%	a
A	3,082,994	14%	60%	a
BBB	4,655,008	22%	30%	a
TC	2,326,253	11%	15%	a
	21,465,464			

Institution	% of portfolio	Investment Policy Limit	
AMP Bank (BBB+)	22%	30%	a
NSW T-Corp (TCm)	11%	15%	a
National Australia Bank (AA-)	20%	60%	a
Westpac Group (AA-)	19%	60%	a
Commonwealth Bank of Australia (AA-)	10%	60%	a
Bank of Queensland (A-)	9%	60%	a
Macquarie Bank (A+)	5%	60%	a
Suncorp Bank (AA-)	5%	60%	a

	Face Value ($)		Policy Max	
Between 0 and 1 years	20,965,464	98%	100%	a
Between 1 and 3 years	500,000	2%	60%	a
	21,465,464			

a = compliant
r = non-compliant

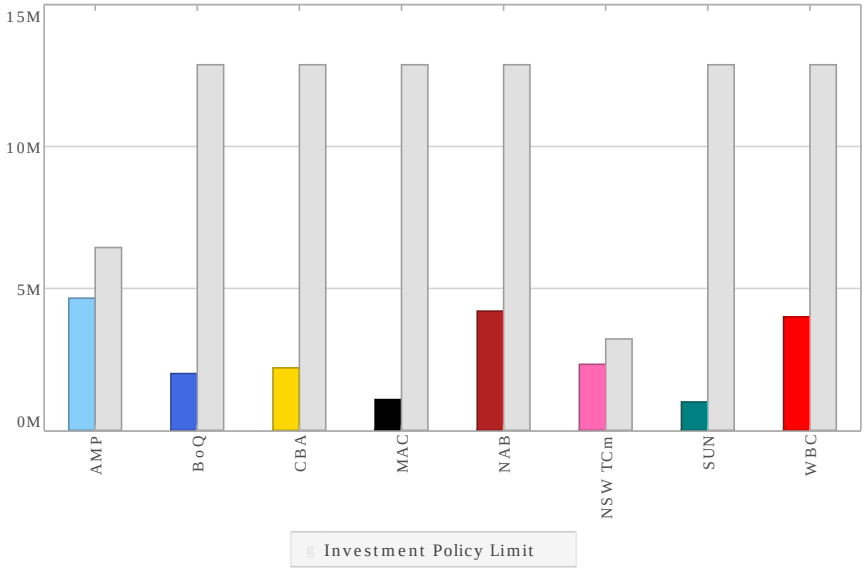
PRUDENTIAL INVESTMENT SERVICES CORP

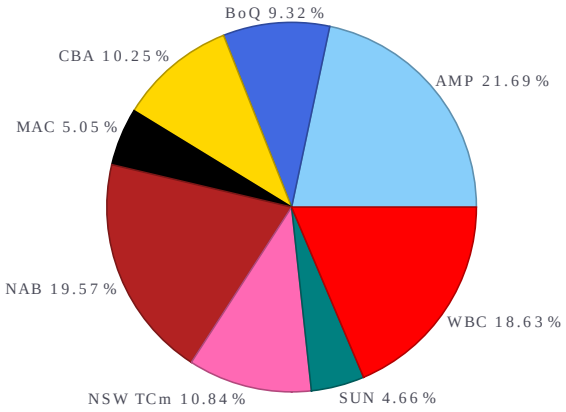
Hunters Hill Council
Individual Institutional Exposures Report - August 2025

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB+)	4,655,008	22%	6,439,639	30%	1,784,631
Bank of Queensland (A-)	2,000,000	9%	12,879,278	60%	10,879,278
Commonwealth Bank of Australia (AA-)	2,201,209	10%	12,879,278	60%	10,678,069
Macquarie Bank (A+)	1,082,994	5%	12,879,278	60%	11,796,284
National Australia Bank (AA-)	4,200,000	20%	12,879,278	60%	8,679,278
NSW T-Corp (TCm)	2,326,253	11%	3,219,820	15%	893,567
Suncorp Bank (AA-)	1,000,000	5%	12,879,278	60%	11,879,278
Westpac Group (AA-)	4,000,000	19%	12,879,278	60%	8,879,278
	21,465,464				

Individual Institutional Exposure Charts





PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Cashflows Report - August 2025

Actual Cashflows for August 2025

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
6-Aug-25	546023	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	11,342.47
				Deal Total	1,011,342.47
6-Aug-25	546309	AMP Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
				Deal Total	-1,000,000.00
				Day Total	11,342.47
12-Aug-25	545347	AMP Bank	Term Deposit	Maturity: Face Value	555,008.31
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	28,027.92
				Deal Total	583,036.23
12-Aug-25	546329	AMP Bank	Term Deposit	Settlement: Face Value	-555,008.31
				Deal Total	-555,008.31
				Day Total	28,027.92
28-Aug-25	546385	Westpac Group	Term Deposit	Settlement: Face Value	-500,000.00
				Deal Total	-500,000.00
28-Aug-25	546386	Westpac Group	Term Deposit	Settlement: Face Value	-1,000,000.00
				Deal Total	-1,000,000.00
28-Aug-25	546387	Westpac Group	Term Deposit	Settlement: Face Value	-1,000,000.00
				Deal Total	-1,000,000.00
				Day Total	-2,500,000.00
29-Aug-25	546392	Westpac Group	Term Deposit	Settlement: Face Value	-1,000,000.00
				Deal Total	-1,000,000.00
29-Aug-25	546393	Westpac Group	Term Deposit	Settlement: Face Value	-500,000.00
				Deal Total	-500,000.00
				Day Total	-1,500,000.00
				Total for Month	-3,960,629.61

PRUDENTIAL INVESTMENT SERVICES CORP

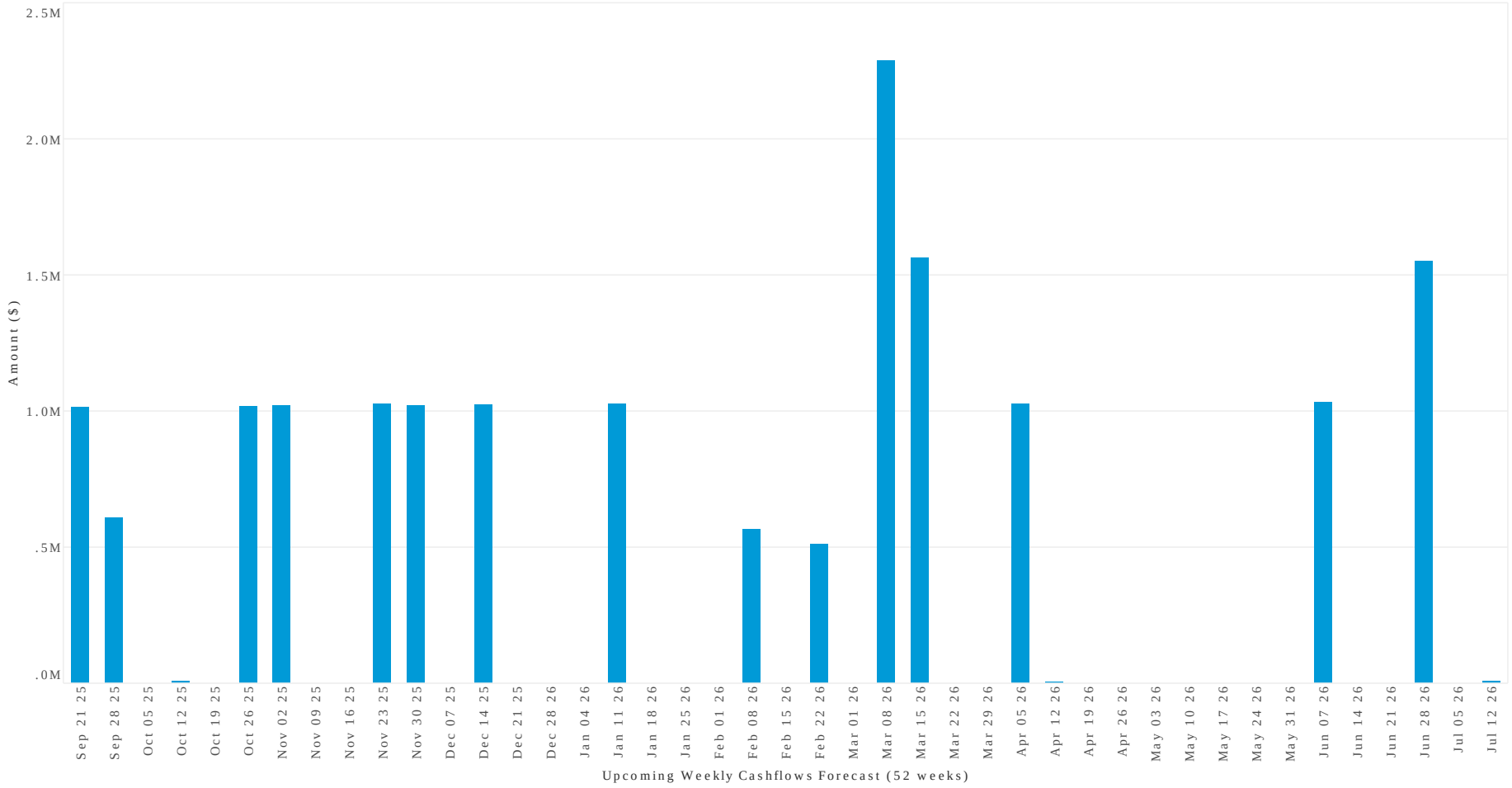
Hunters Hill Council
Cashflows Report - August 2025

Forecast Cashflows for September 2025

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
23-Sep-25	546092	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	13,804.38
				Deal Total	1,013,804.38
				Day Total	1,013,804.38
29-Sep-25	546089	AMP Bank	Term Deposit	Maturity: Face Value	600,000.00
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	9,041.10
				Deal Total	609,041.10
				Day Total	609,041.10
				Total for Month	1,622,845.48

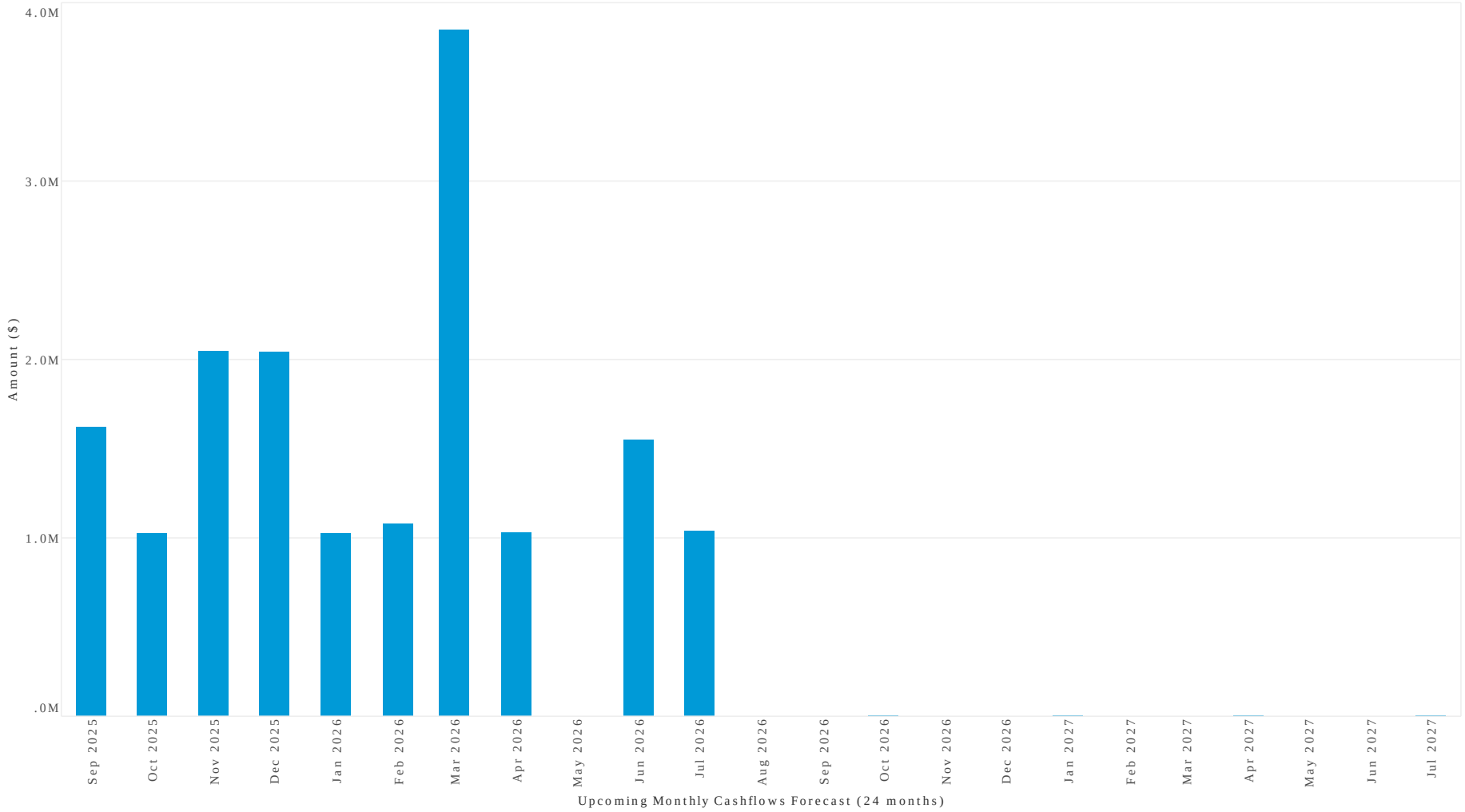
PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Cashflows Report - August 2025



PRUDENTIAL INVESTMENT SERVICES CORP

Hunters Hill Council
Cashflows Report - August 2025



PRUDENTIAL INVESTMENT SERVICES CORP

ITEM NO	:	4.7
SUBJECT	:	PROPOSED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE - HENLEY
STRATEGIC OUTCOME	:	RESILIENCE AGAINST THE IMPACTS OF CLIMATE CHANGE IS SUPPORTED BY ADAPTABLE URBAN FORMS, IMPROVED INFRASTRUCTURE AND TARGETED HEALTH PROGRAMS
ACTION	:	DEVELOP A HUNTERS HILL RESILIENCE STRATEGY
REPORTING OFFICER	:	MARGAUX PARK

Ref:788664

PURPOSE
To present the proposal for electric vehicle charging infrastructure (EVCI), partnering with NRMA, for Council's endorsement.

RECOMMENDATION

1. That Council endorse the installation of 2 x electric vehicle fast chargers with 4 x dedicated charging bays within the carpark of Crown St (cnr Victoria Rd) Henley.
2. That Council endorses the associated changes to carpark configuration to allow for charging according to the Australian Standard 2890.1-1986 Parking Facilities.
3. That Council endorse the General Manager (or delegated representative) to execute the necessary documents associated with the proposal including the Licence Agreement with NRMA.
4. That Council commit the revenue received annually from the Licence Agreement to the Sustainability Reserve to fund future sustainability projects.

BACKGROUND
Council has been liaising with NRMA who have received funds under the NSW Fast Charging Grants Round 3 (facilitated by NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)) to provide publicly accessible charging infrastructure within the Hunter's Hill LGA.

NRMA and Council co-identified the location for suitability.

Under the NSW DCCEEW's grant guidelines, the infrastructure must be installed and operational for the community by June 2026 however NRMA has indicated they would like to have the installation completed by December 2025.

As part of the community consultation process, feedback was also sought on a network of slow, pole-mounted chargers. This is a separate project, with separate grant funding and will take a longer period to work through before progressing to Council for resolution.

At its 21 August 2025 Council meeting, Council resolved to defer this report pending further clarifications on the Licence and a more detailed carpark design.

Council has since finalised the draft Licence with NRMA and has included it as a confidential attachment to the report. Additionally, a detailed carpark design has been completed.

REPORT

The proposal is for 2 x fast charger units that supports 4 x charging parking bays within the carpark footprint. The proposal involves creating 6 new parking spaces to offset the space required for charging infrastructure and will be constructed to comply with AS 2890.1-1986 Parking Facilities.

This carpark has parking restrictions on the north side for all existing spaces of 3P (8am-8pm). The south side of the carpark is currently unrestricted parking.

This proposal will occupy 6 x spaces on the north side of the carpark (2 x spaces to occupy the two charger units and 4 x charging bays). It is proposed these spaces will be dedicated to EVs only while charging which will enable quick turnover of vehicles and frequent availability for charging. There will be no timing restriction for these EV spaces to encourage turnover once charged. Users are only permitted to park whilst actively charging.

To offset the use of spaces required for EV charging, NRMA will plan, perform and fund civil works to create 6 additional parking spaces within this carpark for other vehicles. There is therefore no net loss of parking as a result of this proposal.

The proposal has been assessed against Council's Electric Vehicle Charging Infrastructure (EVCI) Policy and is compliant.

The detailed site design is below. Additional spaces to be created are labelled in black hexagons 1-6. The EV spaces are in red hexagons. The portable toilet will be relocated for ongoing ease of servicing.

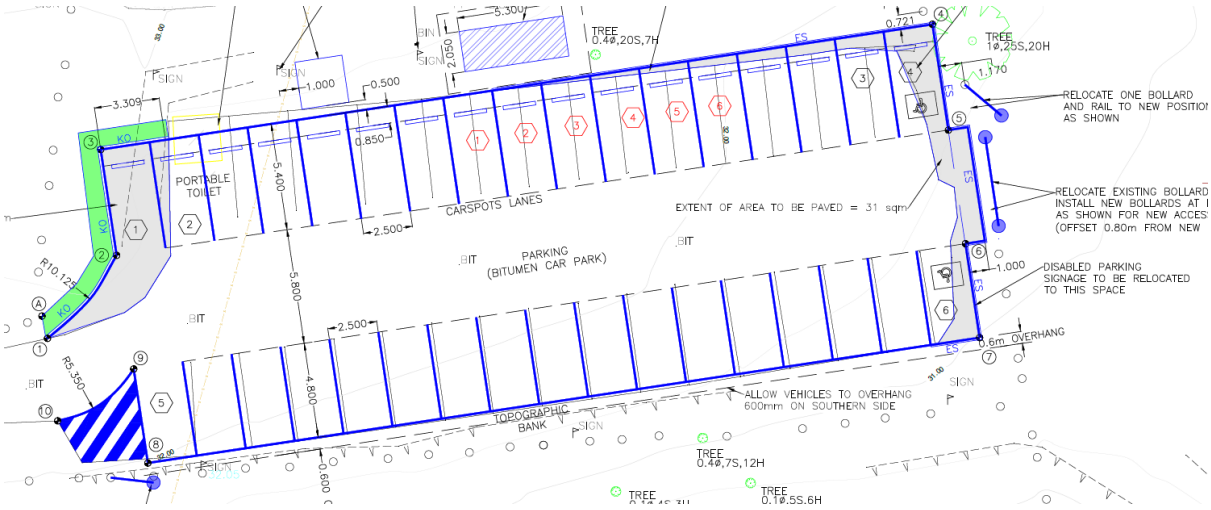


Image 1: Detailed carpark design

Image 2: example of NRMA EVCI

Site considerations

The location was considered and approved by the NSW Government as part of their rigorous funding process. At this stage, the location cannot be changed (or an alternative suggested) unless major safety and accessibility concerns are raised that were not identified during the grant assessment stage.

The proposed site will be available for use 24 hours a day, 7 days a week.

Signage and marking

As per Council's EVCI Policy, the installation and ongoing maintenance of signage and line markings according to the service standard negotiated in the Occupancy Agreement will be the responsibility of NRMA.

All associated charging bays will be for EV use only while charging.

Whilst it is not a condition of the grant funding for the spaces to be designated EV only, the significant cost to install the EVCI deems it a necessity to ensure the EVCI and associated parking bays are available for EV charging at all times.

The chargers are visible on the PlugShare and NRMA apps and real time information is available so users know when the charger is in use. If users regularly arrive to discover the spaces are occupied by non-EV vehicles, they will stop attending the site and negative feedback on the PlugShare app will be left. This defeats the purpose of providing this type of public infrastructure. It will additionally exacerbate range anxiety; arriving to a charger with low charge to find it occupied by a non-EV is frustrating and inconvenient to drivers relying on the EVCI.

This proposal includes installing standard Transport for NSW signage for all spaces (pole and ground) according to the below examples:

Image 3: Examples of standard signage

Benefits to the community

As of July 2025, there are 375 registered EVs in the LGA which places Hunters Hill as the 5th highest rate of ownership in NSW (by population). The Hunter's Hill LGA currently has just 1 EV charger located in Gladesville which has been gratefully received by the community.

Since it's installation in May 2025, usage has been very pleasing with a total of 534 charging sessions in the first 7 weeks of operation.

With 40% of our community living in medium to high density housing (ID Profile based on 2021 Census data), providing access to publicly accessible charging infrastructure is essential in supporting the NSW targets of:

- 52% new car sales are EV by 2030 and work towards 80% by 2036
- Net zero emissions by 2050 (transport accounts for 20% of total emissions and road transport makes up 88% of that)

Council supports the NSW Government in its ambition of being the easiest state to own and drive an EV. This includes supporting their EV Strategy 2021 and the Towards Net Zero Plan: 2020-2030.

This project aligns strongly with working towards achieving Council's Net Zero Implementation Plan in lowering community emissions.

Licence Agreement

As per Council's EVCI Policy, a Licence Agreement will be negotiated for mutual benefit and entered into between Council and NRMA pending the endorsement of the proposal by Council. For the project to continue on track, NRMA has requested this Licence to be signed by October 2025.

Any annual revenue received by Council for the occupancy of the EVCI should be directed to Council's Sustainability Reserve to fund future sustainability initiatives.

After the August 2025 Council meeting, selected terms of the Licence were successfully renegotiated at the request of Council.
This includes:

- Licence Fee increase per year
- Break date at fifth anniversary
- Termination clause, including for rezoning, sale or redevelopment
- Relocation clause
- Compensation for sunken costs (if relocation by Council not possible)

Public Consultation
The proposal was placed on public exhibition for 28 days from 23 June to 20 July 2025 inviting submissions to be made during the same period.

Additionally, the residences within the vicinity of the proposed location were hand-delivered a flyer directing them to Council's Connect page via QR code to make comment.

Council ran social media posts through Facebook and Instagram which resulted in significant interest. Comments were overwhelmingly supportive for this location demonstrating the strong desire of the community to see this type of infrastructure.

	Date	Views	Reach	Reactions	Comments	Shares	Link clicks
Facebook	23.6.25	517	291	6	0	1	19
	30.6.25	298	159	5	1	1	7
	14.7.25	994	575	7	0	4	36
Instagram	23.6.25	905	412	13	1	0	-
	30.6.25	610	296	6	1	0	-
	14.7.25	354	195	6	0	0	-
TOTAL		3,678	1,928	43	3	6	62

There was a total of 532 visits to Council's Connect page during the exhibition period and 36 views for this proposed location during the public exhibition period. All comments were noted and considered for the suitability of the proposal. 6 people made a comment or 'liked' the site showing support.

Responses	Comment summary
6/6 responses supportive (100%)	Great location. Can charge while kids play at nearby skate park. Activating the area. Great location off a main road and close to high density accommodation that may not allow residents to home charging options.
0/2 unsupportive (0%)	

Traffic Committee Consultation
Council's Traffic Committee was additionally consulted via email and given 7 days to consider the proposal.

CONCLUSION
The community has provided support for the proposal. With no direct cost to Council, the proposal represents a benefit for residents who rely on public EVCI to charge vehicles.

FINANCIAL IMPACT ASSESSMENT
Endorsement of the proposal nets a cash-positive outcome to be negotiated through the Licence Agreement.

ENVIRONMENTAL IMPACT ASSESSMENT
Endorsement of the proposal works towards the NSW targets for EV uptake, in turn working towards reducing community carbon emissions.

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. Key Licence Terms - Confidential

ITEM NO	:	4.8
SUBJECT	:	MINUTES OF THE CULTURAL AND EVENTS ADVISORY COMMITTEE HELD ON 30 JULY 2025
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	:	GABRIELLE CLEARY

Ref:788914

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Cultural and Events Advisory Committee held 30 July 2025.

The objective of the Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek advice and assistance from the community and enable community participation in the preservation, development and promotion of events and cultural services in the Local Government Area of Hunters Hill (LGA).

RECOMMENDATION

That the Minutes be received and noted.

Minutes of the Cultural and Events Advisory Committee meeting held 30 July 2025.

IN ATTENDANCE

Cr Julia Prieston	Chair
John Milce	Member
Victor Berger	Member
Chris Schofield	Member
William Imseis	Member (Youth)

ALSO PRESENT

Marisa Zammit	Events Coordinator

APOLOGIES

Simon Frame	Member
Emile Kanaan	Member
Constantinos Efthimiou	Member
Cr Carla Kassab	Deputy Chair

DECLARATION OF INTEREST

The Chairperson called for Declarations of Interest without response

CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Cultural and Events Advisory Committee Meeting held on 12 June 2025 6:30 pm be adopted.

MOVED: Chris Schofield: SECOND: Cr Julia Prieston

REPORTS

2.1 MOOCOOBOOLA FESTIVAL

PROCEEDINGS IN BRIEF

- Good mix of Commercial and community vendors and food stalls committed for this year.
- Handful of volunteers.
- Interest from community groups example Ryde Neighbourhood Watch and Tri Club.
- Tri club arranging a fun run in the morning finishing at the festival.
- 3 sponsors so far including Optus as major sponsor.
- Sponsor for dog show needed.
- No real estate agents currently, Cr Prieston contacted Bresic Whitney.
- Sporting groups contacted include All Saints, Pirates, Gladesville Ravens,
- Hunters Hill Rugby Club, all contacted yet no response from these sporting organisations – creating.
- Food stalls and assessors (need more inspectors so all stalls are checked by 10am).
- A hub creation for sports.

ACTION: Chair to contact Pickleball

2.2 SENIOR CITIZENS GRANT

PROCEEDINGS IN BRIEF

- Time to Shine with local councils was held earlier this year.
- In discussions with Lane Cove and Sydney Community Services to host the event again next year – that aim to submit a joint application for the grant which is up to $10K
- Ideas for senior's week discussed – committee to come up with some ideas including Happy Hens, Mens Shed, Pilates, HHC, Croquet Club and Line Dancing.

MOVED: John Milce SECOND: Victor Berger

2.3 NEED A LIFT PHOTO COMPETITION

PROCEEDINGS IN BRIEF

- Committee members were informed about the competition.

2.4 MULTICULTURAL GRANT

PROCEEDINGS IN BRIEF

- Unsuccessful in street fair Grant for Lunar year, grants range from $5k-$20K
- Committee and Council to think of ideas to deploy the funds and preparing applications for 2026

2.5 SPRING GARDEN

PROCEEDINGS IN BRIEF

- Competition entries close 14 October 2025
- Volunteers Needed – Rotary Hunters Hill
- Tickets available from 1 August

ACTION: Committee members to fill in the form to nominate which times they can volunteer
ACTION: Events Coordinator to email Rotary Committee to see if they support.

GENERAL BUISNESS

- Hunters Hill Music Society next concert is in August.
- L'Art de la Terre En Plein Air – advertised on Council's website

Next meeting: 10 September 6pm at Council Chambers, Hunters Hil Council, 22 Alexandra Street, Hunters Hill.

The meeting closed at 6.53pm

I confirm that these Minutes are a true and accurate record of Cultural and Events Advisory Committee Meeting held on 30 July 2025.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

ITEM NO	:	4.9
SUBJECT	:	MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 20 AUGUST 2025
STRATEGIC OUTCOME	:	DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED, MORE ACCESSIBLE, AND USER FRIENDLY
ACTION	:	DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	:	STEVE KOUREPIS

Ref:789313

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Conservation Advisory Panel held 20 August 2025.

RECOMMENDATION

That the Minutes be received and noted.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

Minutes of the Conservation Advisory Panel held 20 August 2025.

COMMENCEMENT

The meeting opened at 4pm.

PANEL MEMBERS IN ATTENDANCE

Cr Tatyana Virgara	Councillor (Chair)
Lucy Creagh	Representative of National Trust of Australia (NSW)
Robert Moore	Representative of Australian Institute of Architects (NSW Chapter)
Arthur Conigrave	Community Member

ALSO PRESENT

Mr Steve Kourepis	Director, Town Planning
Chery Kemp	Heritage Adviser

APOLOGIES

Mayor Zac Miles	Mayor

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

RESOLUTION

That the Minutes of Conservation Advisory Panel of previous Meeting held on 16/04/2025 be adopted.

Comments on previous minutes: these were not sent out to Committee members for correction. Corrections related to preferred names and who Committee members represented were requested for future minutes. As the April minutes of CAP have already been adopted by Council, no need for the Committee to adopt.

REPORTS

3.1 4.15PM 57 WYBALENA ROAD, HUNTERS HILL

PROCEEDINGS IN BRIEF

Attendees Wally Stanton architect from Stanton Architects and Heritage Architect Andrew Starr

An explanation of the 2 stage process of consideration of demolition and consideration of the replacement building was provided to the applicant. There is no substantive concern with demolition of the existing building. There are concerns around how a new dwelling will fit in with the Heritage Conservation Area context.

Regarding the waterfront perspective of the proposal – concern with horizontality of the proposed dwelling in relation to surrounding dwellings – this can be modified – notice that the house to the right has a modulated stepped waterfront façade which introduces a shadow line.

Principal comment is that the design would benefit from a review of the waterfront façade to modulate to break the scale and bulk of the house to a less expansive presentation to the water.

The detailed drawing package was appreciated. Regarding the proposed new dwelling – the river frontage is the concern here. The new building moves into the 15m foreshore building line, and there is concern about the bulk and scale to the river, the 3 storey appearance to the waterfront, and the overshooting of the height controls. There is a need to massage the form, potentially setting back the upper level from the river.

Retention of the exiting tree to the river side of the proposal is strongly supported. However, the Arborist report does not appear to be complete as other existing trees on the site are not documented. This must be addressed

There is reliance on the 2m side setbacks to contribute to overall landscaped area %, but it seems highly likely that paths and stairs will be constructed in these zones, which are not shown, so there is a need to address the % of soft landscaping and overall landscaped area %.

It is unclear what is proposed as balustrading. Glass balustrades are not preferred, and this is related to reflectivity to the waterfront.

The foreshore building line is in the LEP and needs to be adhered to. Applicant is encouraged to meet with planning staff about these issues.

There are concerns with the 3 storey appearance of the proposed dwelling from the waterfront and the need for modulation.

The proximity of Ferntree Road park is noted and there are questions regarding the relationship/possible overshadowing of the park from the proposed dwelling.

The panel is concerned about the trees on the property, and appreciates the preservation of the red gum tree.

There is a possibility of Aboriginal heritage due to the waterfront location and contact with the Aboriginal Land Council may be appropriate.

RECOMMENDATION

That the Panel advise its comments to the Director, Town Planning for consideration in the assessment of the development application.

3.2 4.45PM 23 LYNDHURST CRESCENT, HUNTERS HILL

PROCEEDINGS IN BRIEF

The proposal does not demonstrate an understanding of how to design a house to fit the Hunters Hill Heritage Conservation Area context. This is not a building which responds to the character and significance of the area. The designer has not taken on board the guidance available to meet the concerns of the community and the Council to design a building which will fit in and gain an approval.

The elevations and fenestration are cluttered. The bay on the front of the house is an element that lacks precedent in Hunters Hill. There is a need to reference all the Council's guidance documents and redesign the proposal accordingly.

The proposal is fundamentally inappropriate in design. There is no adequate survey provided of the existing house. The existing house could be modified. A competent heritage consultant has been engaged and a way forward would be to engage the heritage consultants to provide serious guidance for a redesign.

It would be inappropriate to traverse changes to the detail of the current proposal when the overall proposition is inadequate.

The proposal presents as a 4-storey house and the 2 storey bay window is out of character with the area.

RECOMMENDATION

That the Panel advise its comments to the Director, Town Planning for consideration in the assessment of the development application.

3.3 5.15PM 69A WOOLWICH ROAD, WOOLWICH

PROCEEDINGS IN BRIEF

The principal façade is going to be appreciated by the public. Again, this a building in a very sensitive context.

There is a need to look again at the expectations of the planning controls in this context and the high visibility of the site.

There is no concern with demolition of the existing house, but there is a need for a proposal designed which is cognizant of the character of the context and is designed to be a “good neighbour”.

There is a need for a thoroughness in the heritage impact statement.

This is sensitive area, adjacent to Weil Park. From Woolwich Road you won’t see the house, but it will be visible from Weil Park.

The new building is an improvement over the existing house and is less intrusive than the existing house. It is a battleaxe block, and the existing driveway is retained. Harmonisation of the new building elevation facing the park with the side elevations of adjacent houses is supported.

The heritage report describes the existing house as “Late Twentieth Century Regional architectural style” and having “no notable or distinguishing elements of its style and class” but features of the existing house point to it possibly being a Lend Lease “Safari” project home from its period (which are increasingly being considered for heritage listing), with plan form and concrete blade walls that suggests that it is to the design of Nino Sydney. There is a therefore need for more heritage research on the existing house. The Panel noted there is a positively identified Safari by Nino Sydney in Lloyd Avenue. The decision on whether the current house can be demolished is dependent on this more thorough heritage research.

A different approach to the proposed dwelling is needed. For a house in such a prominent position, the proposal needs to be both responsive and very sensitive to the park-side context. There are no drawings of the proposal in context with nearby house elevations. Adjoining houses (one an important heritage item) have their more muted side elevations to the park. A garage door facing the park is not supported. A proposal that is orientated to the north without a front façade and double garage to the park could be explored. Any revised proposal needs more careful consideration to the architectural form and external materials.

RECOMMENDATION

That the Panel advise its comments to the Director, Town Planning for consideration in the assessment of the development application.

The meeting closed at 5pm.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	:	4.10
SUBJECT	:	MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 21 AUGUST 2025
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	:	MARGAUX PARK

Ref:787728

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Sustainability Advisory Committee held 21 August 2025.

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 Sustainability Advisory Committee held 21 August 2025.

COMMENCEMENT

The meeting opened at 6:03pm.

IN ATTENDANCE

Cr Carol Tannous Sleiman	Chair
Cr Ross Williams	Cr
Samantha Urquhart	Member
Margaux Park	Member
Arthur Conigrave	Member
Carrie Hamilton	Member
Helen Whitkin	Member
Christian Hailazidis	Member
Gabriela Mitsidis	Member
Constantinos Efthimiou	Member

APOLOGIES

Cr Marc Lane	Member
William Imseis	Member

CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of Sustainability Advisory Committee of previous Meeting held on 22/05/2025 be adopted.

Moved by Arthur Conigrave, seconded by Cr Tannous Sleiman.

REPORTS

0.0 UPDATE ON EVCI ENGAGEMENT

PROCEEDINGS IN BRIEF

Members were updated on the community engagement exercise that was open from 23 June to 20 July 2025 on 13 proposed EV charging sites with 28 dedicated charging bays.

- 532 visits to Council Connect page
- 81 respondents

- 6 social posts = 3600 views

Flyer was delivered to geotargeted areas. Corflute signs placed on all proposed poles with QR code to the feedback page.

7 sites had significant opposition and will not proceed.

6 sites will progress to the next stage.

Taking the project through in 2 stages now according to the different grant programs:

Fast charging grants (NRMA)

- going to Council meeting August
- 2 x fast chargers with 4 parking bays
- NRMA adding 6 additional spaces – no net loss of parking
- Anticipated to be completed by December

Kerbside charging (ChargePost)

- A slower, more considered approach
- No urgency for installation
- 7 alternate sites have been scoped and are going through feasibility

Members were invited to make comments on each of the alternate sites. There was strong support for most sites.

Residents impacted by alternate sites will be engaged in due course.

CCTV at sites was raised for security. It was explained that all infrastructure remains the property of the charging companies. Council will work in partnership with the charge point operators and discuss CCTV if required down the track once in operation.

Additionally, Cr Williams raised the further opportunity to provide charging with Council staff parking on D'Aram St HH after hours. This is being discussed with ChargePost and sits outside the scope of the funding they have been awarded for the grant.

0.0 NET ZERO PROGRESS

PROCEEDINGS IN BRIEF

The Net Zero Plan was adopted by Council at its March 2025 meeting.

Since then there have been 2 key projects to address actions in the Plan:

Community Energy Upgrade Fund application was submitted in May 2025

- Council co-contribution commitment of $232,650
- Solar and battery at Boronia Park, Henley Community Centre and Town Hall.
- HVAC and BMS upgrades at Town Hall

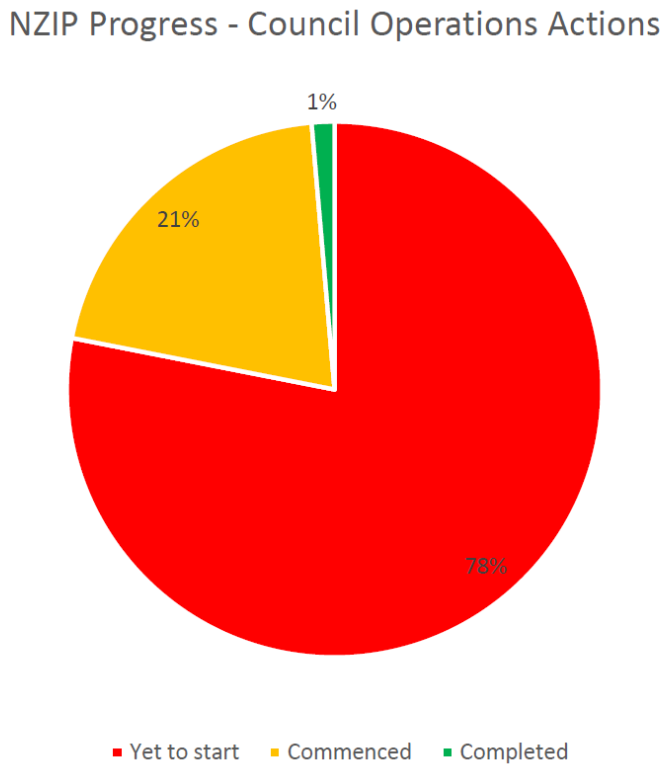
EV charging infrastructure (see above section).

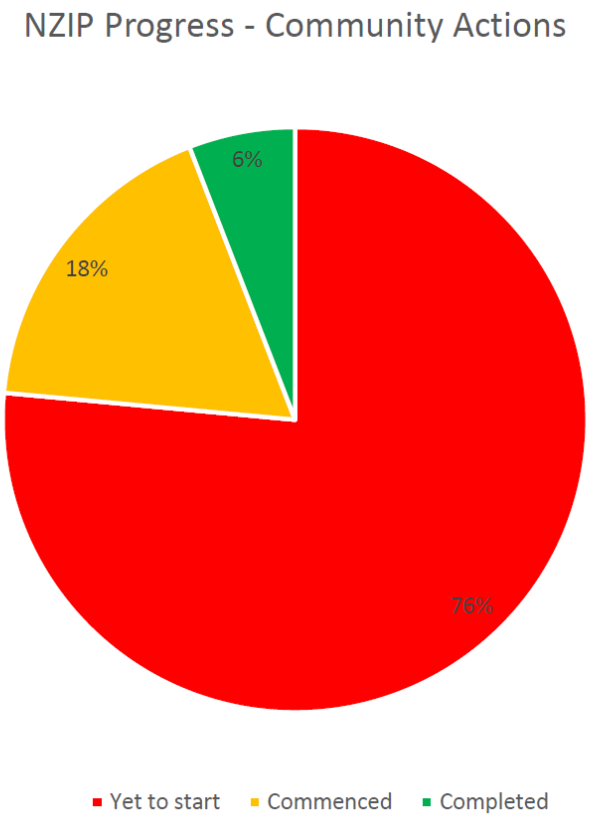
In addition to this, the Member for Bennelong, Jerome Laxale MP, announced a $800,000 commitment for sustainability initiatives within the Boronia Park precinct. Details are yet to follow on the timing of this funding being delivered.

Other actions planned for 25/26 FY include:

- Embedding sustainability more meaningfully into the DCP
- Developing technical specifications for capital upgrades (leading to embedding into the Project Management Framework and procurement processes)
- Developing information on installing PV on heritage homes
- Continuing our partnership with the @HOME program for communication education

A high-level summary of our progress was displayed for members.





Members discussed improved ways to display progress in a more meaningful and reflective way that takes into account the complexity of some actions compared to more simplistic ones and varying timelines from short-term to long-term priorities.

It was suggested we focus more on this for next meeting. Potentially allocating some work to members to assist with and utilise skillsets.

This will be important to how we inform the community on progress.

There are 51 actions within the community plan and 73 actions within the Council operations plan. Members acknowledged that progress is limited by Council s staffing and financial resources however very happy with progress in such a short period since March.

Ideas for improvements to action display:

- Bunching actions by topic
- Adding a progress bar to each action (some complex actions that take time can be displayed better in this way)
- Which actions have more impact on emissions reduction?
- Reassessing the timelines (are there actions the members want to bring forward?)

Actions:

MP to circulate the CEUF application to members.

0.0 DCP AMENDMENTS - SUSTAINABILITY

PROCEEDINGS IN BRIEF

Members were briefed on the matters (pertaining to sustainability and waste) being considered as part of the Draft DCP amendment 2025. It was reinforced this would be a guide to local development that does not meet the requirements of complying development in the area.

Having not been revised since 2012, there are significant improvements Council can make to achieve better ESD that aligns with urban form.

Topics:

- All electric buildings
- On-site solar
- Refrigerants
- Natural ventilation
- Glazing

- Urban heat and shade
- Water efficiency
- Stormwater management

Discussion – feedback to Council's strategic planner:

- Is there any precedent to make heat pump hot water mandatory compared to electric?
- How does the new regulations on window openings (for any window above 2m) impact the requirements for cross-ventilation??
- By using a broad term such as 'passive design' this will automatically include a suite of design features such as roof insulation as standard
- What are the requirements for roof colour in this area given the flight path?
- PV guidelines available for roof design
- Any opportunities for greywater reuse on site for gardening and flushing toilets?
- How can we further embed the Parramatta Catchment Group's work on sediment control for building sites through the process? How is compliance managed?
- Consideration given to the cost of some requirements – comparison to lifecycle costs. Is there opportunity to demonstrate savings from these actions?

0.0 GENERAL BUSINESS

PROCEEDINGS IN BRIEF

Cr Williams enquired into what the progress on food organics is.

Council Officers explained the key issues causing delays in bringing this to Council.

Members expressed general support for a FOGO model, explaining resistance to a 5th bin.

Council has requested critical further information from contractors in early June and is still awaiting that information to be delivered to Council's satisfaction.

The meeting closed at 7:50pm.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	:	4.11
SUBJECT	:	MINUTES OF THE CULTURAL AND EVENTS ADVISORY COMMITTEE HELD ON 10 SEPTEMBER 2025
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	:	GABRIELLE CLEARY

Ref:789607

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Cultural and Events Advisory Committee held 10 September 2025.

The objective of the Committee is to provide a formal mechanism for Council to consult with key stakeholders, seek advice and assistance from the community and enable community participation in the preservation, development and promotion of events and cultural services in the Local Government Area of Hunters Hill (LGA).

RECOMMENDATION

That the Minutes be received and noted.

Minutes of the Cultural and Events Advisory Committee held 10 September 2025.

COMMENCEMENT

The meeting opened at 6.04pm.

IN ATTENDANCE

Cr Julia Prieston	Chair
John Milce	Member
Victor Berger	Member
Simon Frame	Member
Chris Schofield	Member

ALSO PRESENT

Gabrielle Cleary	Secretary / Events and Activations Coordinator
Marisa Zammit	A/- Events Coordinator

Carmen Wong-Shrestha	Events Trainee

APOLOGIES

Costa Efthimiou	Member
William Imseis	Member
Cr Carla Kassab	Deputy Chair
Emile Kanaan	Member

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of Cultural and Events Advisory Committee of previous Meeting held on 30/07/2025 6.00pm be adopted.

MOVED: John Milce SECOND: Victor Berger

REPORTS

3.1 MOOCOOBOOLA WRAP UP

PROCEEDINGS IN BRIEF

Acting Events Coordinator provided part one of a wrap up presentation for Moocooboola 2025 as held on Sunday 7 September 2025.

This included:

- list of main sectors on each oval
- graphic site map
- overview of sponsors and their zones
- new sponsors included BresicWhitney, Swimart and Archway Medical
- overview of stalls and layouts
- overview of performances across stages
- overview of the Dog Show

- overview of collateral

Communications and Events team thanked Victor Berger for his assistance in putting together the event showbags at the Council stall.

Cr Prieston acknowledged and thanked the Communications and Events team for their work running Moocooboola Festival 2025.

Committee raised the following points to explore for 2026:

- move drop-off zone from driveway to Park Road to avoid traffic congestion near the car park and oval entrance
- explore different dates in September
- encourage more participation from local schools and local businesses
- budget

Communications and Event team suggested the following:

- having the Ovals closed and public access blocked during set-up and pack down

ACTION: Cr Prieston to bring a Notice of Motion to the next Council Meeting recommending Council write to each sponsor to thank them for their commitment.

MOVED: Cr Julia Prieston SECOND: John Milce

3.2 SPRING GARDEN COMPETITION UPDATE

PROCEEDINGS IN BRIEF

Applications for the Spring Garden Competition have now opened. Communications and Events team provided copies of the current flyers to each committee member present.

ACTION: Events and Activations Coordinator to send application link to Committee Members for distribution.

4 GENERAL BUSINESS

PROCEEDINGS IN BRIEF

Committee suggested that Sponsors in general be invited to attend the Mayor's Annual Christmas Party or similar event (if this does not already occur).

A brief discussion was held on upcoming events and planning for 2025 including:

- L'Art De Le Terre En Plein Air
- Young in Art
- Carols in the Park
- New Year’s Eve at Clarkes Point

The meeting closed at 7.14pm.

I confirm that these Minutes are a true and accurate record of Cultural and Events Advisory Committee Meeting held on 10 September 2025.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

ITEM NO	:	4.12
SUBJECT	:	DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN AUGUST 2025
STRATEGIC OUTCOME	:	DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED, MORE ACCESSIBLE, AND USER FRIENDLY
ACTION	:	ASSESSMENT OF DEVELOPMENT AND CONSTRUCTION PROCESSES IS REVIEWED AND STREAMLINED
REPORTING OFFICER	:	STEVE KOUREPIS

Ref:789327

PURPOSE

The purpose of this report is to advise of Development Applications determined under delegated authority for the period of August 2025.

DELEGATED AUTHORITY

In accordance with Section 327 of the Local Government Act 1993, authority is hereby delegated to the Director, Town Planning 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.

Further information and documentation regarding approval or refusal of Development Applications can be found on Council's DA Tracker - https://eplanning.huntershill.nsw.gov.au/Public/PlanningRegister.aspx

RECOMMENDATION

1. That the report be received and noted.

REPORT

Development Application No.	DA 2025-0161	Zone	R2
Construction Certificate No.	CC ****/****	Notification	Yes
Applicant	Hock Goh	Value	N/A
Premises	44 The Point Road Woolwich	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	15.07.2025
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	25.07.2025
Proposal	Removal of one (1) tree		
Determination	**Approve** removal of one (1) tree, with the planting of one (1) replacement tree within the property		

Tree 1 – *Platanus* x *acerifolia* (London Plane)

- Late-mature specimen with high landscape significance
- Fair health
- Poor structural condition
- Advanced decay in trunk and root crown
- Fungal brackets (*Fomes species*) on trunk wounds
- Large diameter branch cavity in upper crown
- Epicormic shoots developing throughout crown
- Application proposes removal of Tree 1 due to advanced decay
- Application is **approved**
- Replacement planting is required to maintain the canopy cover in the suburb.

The following trees may be removed:

Tree 1	**Location**	**Comments**
Platanus x *acerifolia* (London Plane)	Front garden	Remove tree due to poor structural condition

The following replacement planting is required:

Location	**Minimum container size at purchase**	**No. of replacement plants required**	**Replacement tree Species**
Within the property	45 litre	1	*Araucaria cunninghamiana* (Hoop Pine) or *Angophora costata* (Sydney Red Gum) or *Quercus pilustris* (Pin Oak)

Note 1: Please contact Council's Tree & Landscape Consultant if you would like to nominate an alternate replacement species

Note 2: The replacement trees should be located at sufficient distance as to minimise conflict with adjacent structures when fully mature.

Development Application No.	DA 2025-0171	Zone	R2
Construction Certificate No.	CC ****/****	Notification	Yes
Applicant	Richard Webb	Value	N/A
Premises	5 St Ives Avenue Hunters Hill	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	23.07.2025
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	29.07.2025
Proposal	Removal of one (1) tree		
Determination	**Approve** removal of one (1) tree, with the planting of one (1) replacement tree within the property		

Tree 1 – *Eucalyptus scoparia* (Wallangarra White Gum)

- Senescent specimen with moderate landscape significance
- Fair health
- Crown dieback associated with declining vigour and senescence
- Small diameter epicormic growth developing on trunk and larger branches
- Species is recognised as being relatively short lived in the Sydney area
- Application proposes removal of Tree 1 due to its dangerous condition
- Arboricultural Report submitted in support of the Application identifies that the tree is in a dangerous condition and represents a hazard. No significant structural defects have been identified in the report that would warrant tree removal under Council's emergency tree removal exemption. However, as the tree is in a state of irreversible decline due to senescence, tree removal is supported
- Application is **approved**
- Replacement planting is required to maintain the canopy cover in the suburb.

The following trees may be removed:

Tree 1	**Location**	**Comments**
Eucalyptus scoparia (Wallangarra White Gum)	Adjacent to eastern boundary	Remove tree due to declining health

The following replacement planting is required:

Location	**Minimum container size at purchase**	**No. of replacement plants required**	**Replacement tree Species**
Within the property	25 litre	1	*Corymbia eximia* (Yellow Bloodwood) or *Melaleuca salicifolia* (Willow Bottlebrush) or *Elaeocarpus eumundi* (Quandong)

Note 1: Please contact Council's Tree & Landscape Consultant if you would like to nominate an alternate replacement species

Note 2: The replacement trees should be located at sufficient distance as to minimise conflict with adjacent structures when fully mature.

Type of Report	Delegated Authority	Inspection Date	31.07.25
Development Application No.	DA2025/0016	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Mengying Li	Value	$1,943,400
Premises	16 John Street, Hunters Hill	Landscaped Area	52.58%
Classification (BCA)	1a, 10a, 10b	Date lodged	12.02.25
Assessing Officer	Shahram Mehdizadgan	Determination Date	04.08.25

Proposal	Demolition of the existing dwelling and construction of a two-storey attached dual occupancy building with attached garages and two swimming pools
Determination	Deferred commencement approval

Type of Report	Delegated Authority	Inspection Date	18.07.25
Development Application No.	DA2024/0130 Review	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Gemma Purnell	Value	$2,755,000
Premises	25B Wybalena Road, Hunters Hill	Landscaped Area	60.17%
Classification (BCA)	1a, 10a, 10b	Date lodged	18.06.25
Assessing Officer	Shahram Mehdizadgan	Determination Date	11.08.25
Proposal	S8.2 Review - Demolition of existing dwelling and construction of a two storey waterfront residence, landscaping and swimming pool		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	14.08.25
Development Application No.	DA2023/0160	Zone	R2
Construction Certificate No.	N/A	Notification	YES
Applicant	Hong Cai	Value	$224,950
Premises	16A Wybalena Road, Hunters Hill	Landscaped Area	<50% Existing
Classification (BCA)	1a	Date Lodged	03.04.25
Assessing Officer	Shahram Mehdizadgan	Determination Date	19.08.25
Proposal	First floor additions and alterations and new roof over balcony		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	21.07.25
Development Application No.	DA2021/1246-3	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Avedis Kalloghlian	Value	$179, 300
Premises	6 Sea Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	01.07.25
Assessing Officer	Shahram Mehdizadgan	Determination Date	26.08.25
Proposal	Alterations and additions to the existing residential dwelling - s4.55 modification - changes to windows, garage skylights removed, balustrade material changed, delete spa, and add solar panels		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	01/04/25
Development Application No.	DA20250036	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Hugh Campbell	Value	$110,000
Premises	15 Moorefield Avenue, Hunters Hill	Landscaped Area	62%
Classification (BCA)	1a	Date lodged	12/02/25
Assessing Officer	Patrick Ogisi	Determination Date	22/08/25
Proposal	Alterations and additions to stairs and accessway to 15 Moorefield Avenue, associated boundary planting and formalisation of easement benefitting 13 & 15 Moorefield Avenue		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	26/06/25
Development Application No.	1. DA20250128	Zone	E1 Local Centre
Construction Certificate No.	N/A	Notification	Yes
Applicant	Steve Querin	Value	$8,000,000
Premises	64-68 Gladesville Road, Hunters Hill	Landscaped Area	Same as existing
Classification (BCA)	2	Date lodged	18/06/25
Assessing Officer	Patrick Ogisi	Determination Date	20/08/25
Proposal	The application seeks approval to undertake remedial works to the existing shop top housing to replace the external combustible cladding and re-waterproofing of the rooftop and balconies.		
Determination	Approval		

Development Application No.	DA 2025-0184	Zone	R2
Construction Certificate No.	CC ****/****	Notification	Yes
Applicant	Shailja Chaturvedi	Value	N/A
Premises	7/12-14 Le Vesinet Drive Hunters Hill	Garden Area	N/A
Classification (BCA)	N/A	Date lodged	05.08.2025
Assessing Officer	Anna Hopwood Martin Peacock	Determination Date	28.08.2025
Proposal	Removal of one (1) tree		
Determination	**Approve** removal of four (4) trees, with the planting of four (4) replacement trees within the property		
Trees 1-4 – *Livistona australis* (Cabbage Palm) • Mature specimens of low landscape value • Good health			

- Growing in 1.2m high x 1.2m wide (approx.) raised planter
- Planter walls extensively damaged and displaced by root pressure
- Rebuilding of planter in original alignment will require excavation and cutting back of root mass within the Root Initiation Zone (RIZ) at the base of the trees. RIZ impacts likely to affect future root development and root plate stability
- Application for tree removal is **approved** due to potential impact of planter reconstruction on tree stability
- Replacement planting is required to maintain the canopy cover in the suburb
- Due to the planter depth, to support new tree growth, when backfilling of the planter a dual horizon soil profile must be installed by the Landscape Contractor (AQF level 3 or above) who installs the replacement trees
- It is strongly recommended that, to minimise the potential for future planter damage from root growth, a root barrier and compressible layer (100mm polystyrene board) is installed around the internal perimeter of the planter before backfilling

The following trees may be removed:

Tree 1	**Location**	**Comments**
Livistona australis (Cabbage Palm)	Raised garden bed on property boundary	Remove trees to allow for rebuilding of raised garden bed

The following replacement planting is required:

Location	**Minimum container size at purchase**	**No. of replacement plants required**	**Replacement tree species**
Within the property	25 litre	4 (mixed species acceptable)	*Syzygium wilsonii* (Powderpuff Lilly Pilly) or *Banksia spinulosa* (Hairpin Banksia) or *Magnolia stellata* (Star Magnolia) or *Howea forsteriana* (Kentia Palm) or *Trachycarpus fortunei* (Chinese Windmill Palm)

Note 1: Please contact Council's Tree & Landscape Consultant if you would like to nominate an alternate replacement species

Note 2: The replacement trees should be located at sufficient distance as to minimise conflict with adjacent structures when fully mature.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	:	4.13
SUBJECT	:	REPORT OF LEGAL MATTERS - AUGUST 2025
STRATEGIC OUTCOME	:	DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED, MORE ACCESSIBLE, AND USER FRIENDLY
ACTION	:	ASSESSMENT OF DEVELOPMENT AND CONSTRUCTION PROCESSES IS REVIEWED AND STREAMLINED
REPORTING OFFICER	:	STEVE KOUREPIS

Ref:789334

PURPOSE

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

RECOMMENDATION

1. That the report be received and noted.

REPORT

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

ATTACHMENTS

1. Marsdens ⇩
2. Hall and Wilcox ⇩
3. HWL Ebsworth ⇩

Hunter's Hill Council
Status Report
August 2025

CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Additional matter type details where relevant**	**Date File Opened**	**Description/Further investigation being conducted/Status/Forecast**	**Fees billed to date excluding GST**
470060	HCC – Hanvey – LEC 2025/00107140 – 66 High Street, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application - Development Application No. DA2024/0107 seeking consent for the construction of a dwelling house, in-ground swimming pool and driveway access on the land at 66 High Street, Hunters Hill ***Issues are:*** ***Character of Hunters Hill under ZR2 Low Density including Planning, Building Height, Bulk and Scale, Floor Space Ratio, Landscaped area, Site Topography, River Front Area, Impacts on Amenity, Visual and Acoustic Privacy, Solar access, Public Interest and precedent***	27/3/25	Appealed the Refusal as set out Notice of Determination 27 November 2024. Applicant commenced appeal in March 2025. Directions hearing on 9 April 2025. Council's Statement of Facts and Contentions filed 24 April 2025. Applicant's Statement of Facts and Contentions in Reply filed 13 May 2025. Short Minutes of order filed 30 April 2025 confirming conciliation conference and hearing **20 & 21 October 2025** commencing 9.30am on site and returning to Land and Environment Court. The Registrar made the following Order with respect to the preparation of expert evidence: • **Gerard Turris** (Respondent's planning expert) and **Dave Moody** (Applicant's planning expert) are to confer in relation to contentions1-8 under UCPR r31.24 and prepare a joint expert report. • Joint reports are to be filed and served by 11 September 2025.	$4,926.00 $5,544.00 (Expert fees)
470233	HCC – Douzaklian – LEC 2025/00133731 – 22A Earl Street, Hunter's Hill	Adam Seton/Alicia Foley	Class 1 Application- Development Application No. 2024/0066 consent for building works on the land at 22A Earl Street, Hunters Hill	03/04/25	These proceedings were discontinued by the Applicant following Council's grant of Development Consent No. DA2025/0047 on 31 July 2025.	$5,674.00 $1386.00 (Experts fees)

Hunter's Hill Council
Status Report
August 2025

CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Additional matter type details where relevant**	**Date File Opened**	**Description/Further investigation being conducted/Status/Forecast**	**Fees billed to date excluding GST**
470233	HCC – Kim & Kim– LEC 2025/00275620 – 38 Barons Crescent, Hunter's Hill	Adam Seton/Alicia Foley	Class 1 Application- Demolition of existing dwelling and construction of new two storey dwelling with basement parking and associated stormwater works on the land at 38 Barons Cres, Hunters Hill ***Issues are:*** ***Character of Hunters Hill under ZR2 Low Density including Planning, Building Height, Site Topography, Excessive Tree removal, Adverse Visual Impact, Public Interest and precedent***	29/7/25	Deemed Refusal. Council issued correspondence to the Applicant identifying several issues with the development application recommending the application be withdrawn. Applicant commenced appeal in Land and Environment Court on 18 July 2025. These proceedings were listed for directions hearing 8 August 2025. Council's Statement of Facts and Contentions filed 19 August 2025. Short Minutes of Order filed 8 August 2025 confirming conciliation conference and hearing **18 and 19 2025** commencing 9.30am on site and returning to Land and Environment Court. The Registrar made the following Order with respect to the preparation of expert evidence: • **Mark Adamson** (Respondent's planning expert) and **Anthony Betros** (Applicant's planning expert) are to confer in relation to **Contentions 1, 2, 3, 5, 6 and 7** under UCPR r 31.24 and prepare a joint expert report. • **Catriona Mackenzie** (Respondent's landscaping/arboricultural expert) and **Gordon Blues** (Applicant's arboricultural expert) and **Scott Jarvis** (Applicant's bushfire safety consultant) are to confer in relation to **Contention 4** under UCPR r 31.24 and prepare a joint expert report. • Joint expert reports are to be filed and served by **11 November 2025**	$3,353.00

Hunters Hill Council
Status Report
August 2025

CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Additional matter type details where relevant**	**Date File Opened**	**Description/Further investigation being conducted/Status/Forecast**	**Fees billed to date including GST**
264583	s34AA - HH Council v Michael Yeh - LEC Proceedings 2025/00095184 - 11 Moorefield Ave, Hunters Hill	Rachel Bonic/Grace Forbes	s34AA - HH Council v Michael Yeh - LEC Proceedings 2025/00095184 - 11 Moorefield Ave, Hunters Hill The respondent's deemed refusal pursuant to s8.7 of the Environmental Planning & Assessment Act 1979 to grant consent to development application no. DA2024/0237 in relation to Lot B in DP349647, being 11 Moorefield Avenue, Hunters Hill NSW 2110. **DA2024/0237:** Erection of a new structure - Dwelling House - Demolition of the existing three level dwelling house and associated structures- Construction of new three level dwelling house, swimming pool and detached green roofed garage. Issues were: • Planning (bulk and scale, privacy); • Heritage; and • Landscaping.	21 March 2025	On 1 April 2025, we appeared before Registrar Froh for the first directions hearing in this matter. We sought a date for the s34AA and extension for Council's SOFAC. Registrar Froh made the following orders: • S34AA conciliation conference and hearing listed for 25 & 26 August 2025; • Council's SOFAC is due 4 April 2025; • Applicant's SOFAC in Reply is due 24 April 2025; and • The matter is listed for an online Court communication on 8 April 2025 and directions hearing on 9 April 2025 should an online communication not be received, for the parties to seek expert evidence orders. • On 10 April 2025, the Court made expert evidence orders for the following experts engaged by Council to conference and prepare joint expert reports by 28 July 2025: o Mark Adamson (Planning); o Catriona Mackenzie (Landscaping); and o Lisa Trueman (Heritage). On 19 May 2025, we advised residents who provided a submission during the notification period of the opportunity to give oral submissions at the s34AA. One resident has registered to provide submissions. We held a strategy meeting on 14 July 2025 with Council and its experts to discuss the matter prior to joint conferencing.	**$40,629.75**

Hunters Hill Council
Status Report
August 2025

CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Additional matter type details where relevant**	**Date File Opened**	**Description/Further investigation being conducted/Status/Forecast**	**Fees billed to date including GST**
					We obtained an extension from the Court such that the joint expert reports for the areas of town planning, landscaping and heritage are due on 18 August 2025. The experts are currently engaged in without prejudice discussions prior to joint conferencing commencing and expect for amended plans to be provided shortly based on those discussions. On 25 August 2025, a conciliation conference was held on site before Commissioner Dickson. The parties heard from two resident objectors and then entered confidential conciliation mode. The parties took the Commissioner through the revised plans, agreement, conditions and jurisdictional note and judgment was reserved. Judgment was handed down on 28 August 2025 and the following Orders were made: 1 The appeal is upheld; and 2 Development Application DA2024/0237 for the demolition of an existing dwelling house and associated structures and the construction of a new dwelling house, swimming pool and detached garage on Lot B in DP 349647, being 11 Moorefield Avenue, Hunters Hill is determined by the grant of consent subject to the conditions in Annexure A. We reported the outcome to Council and provided a copy of the judgment, Notice of orders made, NSW Caselaw link and final court approved plans. We await a high-level list of changes made from Council's town planning expert to include in our correspondence to the resident objectors to inform them of the outcome based on the amended plans.	

Hunters Hill Council
Status Report
August 2025

CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Additional matter type details where relevant**	**Date File Opened**	**Description/Further investigation being conducted/Status/Forecast**	**Fees billed to date including GST**
					We will then issue this correspondence, issue our final invoice and proceed to close the matter.	

Hunters Hill Council
Status Report
August 2025

HWL EBSWORTH
LAWYERS

	CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Details/Description/Issues**	**Date filed**	**Summary of issues/investigate conducted/Status/Forecast**	**Fees billed to date excluding GST**	**Disbs billed to date excluding GST**
1204827	HHC v Zubaida Potres - Potential Class 4 proceedings 8 William Street, Hunters Hill	Philip Brown	Potential class 4 enforcement proceedings in relation to Council order concerning unauthorised pergola, paving and glass balustrade Refused/Deemed Refusal Issues are: privacy and landscaping .	8/11/2023	Warning letter drafted/ sent to owners (21/12/2023) Without prejudice on site meeting occurred on 4 March 2024. Matter resolved via agreement of applicant to in summary carry out works and lodge BIC. However, it appears agreement has not been complied with. Further warning letter sent on 19 March 2025. Awaiting further instructions.	$15,198.20	$16.60
1225621	HHC ats Micheal Fountain Architects Pty Ltd - Class 1 Application LEC2024/130582 - 2C Margaret Street, Woolwich NSW 2110	Philip Brown	Refused Issues are: planning, heritage, visual impact, traffic, contamination, marine ecology, marine archaeology, aboriginal cultural heritage, noise	15/04/2024	SOFAC filed Experts and Counsel have been engaged Objector parties joined as parties pursuant to statutory rights to be joined. S34 conciliation conference occurred on 19 September 2024 S34 conciliation conference has been adjourned to allow the parties to narrow the issue in dispute. Section 34 conference terminated. The matter is listed for a 10 day hearing commencing onsite at **9:30am** on **4 September 2025** and concluding on **17 September 2025.** Leave was granted for the Applicant to rely upon the amended application on 8 May 2025. Additional amended material still forthcoming. Council's and the 2-11th Respondent's Amended SOFAC filed **20 June 2025**	$175,557.00	$370,351.58

DOC 1400791152.1

Hunters Hill Council
Status Report
August 2025

	CURRENT/PENDING MATTERS						
Our Ref	**Matter Name**	**Acting Solicitor**	**Details/Description/Issues**	**Date filed**	**Summary of issues/investigate conducted/Status/Forecast**	**Fees billed to date excluding GST**	**Disbs billed to date excluding GST**
					All evidence/ joint reports filed. Hearing currently underway.		
1290044	HHC ats Jerry Vanhua Lee - BIC Appeal - Class 1 Application LEC2025/163197 - 8 Salter Street, Huntleys Cove NSW 2111	Philip Brown	Refused Issues are: planning, heritage and BCA non compliance, impact upon setting of heritage item	06/05/2025	Matter listed for hearing on 25-26 September 2025. SOFAC in Reply filed. Town planner and heritage consultant briefed.	$17,000.20	$0.00
1290033	HHC ats Jerry Vanhua Lee - DA20240233 Appeal - Class 1 Application LEC2025/163189 - 8 Salter Street, Huntleys Cove NSW 2111	Philip Brown	Refused Issues are: Issues are: planning, heritage and BCA non compliance, impact upon setting of heritage item	06/05/2025	Matter listed for hearing on 25-26 September 2025. SOFAC filed and Objectors notified. Town planner and heritage consultant briefed.	$15,322.40	$2,475.00
1320539	HHC ats Coral Sea Estates Pty Ltd - Class 1 Application - DA2022/0114 - 39 Alexandra Street, Hunters Hill NSW	Philip Brown	Amending the previous Court decision Approval – Proposing to delete the construction of the awning over the footpath Issues are: heritage impacts related to removal of awning	10/09/2025	New matter, experts yet to be briefed, SOFAC not required until 2 October 2025. First directions 7 October 2025.	$0.00	$0.00

ITEM NO	:	4.14
SUBJECT	:	COUNCILLOR BRIEFING AND WORKSHOPS
STRATEGIC OUTCOME	:	COUNCIL, COMMUNITY MEMBERS AND LOCAL BUSINESSES COMMUNICATE CLEARLY AND OPENLY ABOUT POLICIES, DECISIONS AND PROJECTS
ACTION	:	PROVIDE UP-TO-DATE AND TRANSPARENT INFORMATION TO THE COMMUNITY
REPORTING OFFICER	:	NICK TOBIN

Ref:789575

PURPOSE

The purpose of this report is to provide an update about the most recent Councillor Briefing held on 15 September 2025.

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, 15 September 2025:

Topic	Speaker/s	Notes
FOO/FOGO	Sam Urquhart (Director infrastructure and Environmental Sustainability)	The Director presented options for FOO and FOGO together with other possible changes to the household waste collection service. Councillors requested additional information which will be provided a report to Council in August 2026.
Overview: Minutes of previous council meetings.	Executive Leadership Team (ELT)	Councillors were provided a copy of the Minutes from the August meeting of council to be adopted at the Council Meeting on September 22.
Cr Requests	All	The current status of Councillor Requests were circulated to Councillors for comment.

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.

7.1 : CR CAROL TANNOUS-SLEIMAN

COUNCILLOR : CR CAROL TANNOUS-SLEIMAN

Question With Notice was submitted in writing by Cr Carol Tannous-Sleiman to the General Manager on 18 August.

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 provided the response.

QUESTION FROM CR TANNOUS-SLEIMAN:

Question or Service Requested:

1. Does the conduct of Councillor Marc Lane set out below and in the circumstances below, in the professional opinion of the General Manager:

    a) constitute a potential breach of the Code of Conduct for Councillors by reason of it:

        i) being misleading or unfair;

        ii) misrepresenting Council policies or decisions;

        iii) damaging the reputation of Council;

2. Is the General Manager otherwise concerned with the accuracy of each of the Statements of Councillor Lane set out below?

3. Is the General Manager otherwise concerned that the conduct of concern, considered as a whole, constitutes a pattern of Councillor Lane failing to facilitate communication between the community and Council in a fair manner.

Conduct of Concern

First concern

In an email dated 4 August 2025 sent by Councillor Lane to a resident, Councillor Lane wrote:

"I reached out to the Hunters Hill community as I always do as a councillor on issues, my amendments reflected their thoughts and concerns - which I shared with the Mayor and Councillor Tannous-Sleiman well prior to the night [of the Council Meeting], to deafening silence. I find that curious." (the **First Statement**).

The First Statement conveyed the impression that:

A. Councillor Lane contacted the Mayor and Councillor Tannous-Sleiman more than some hours before the Council Meeting. When in truth it was only around 10:03am

on the very day of the Council Meeting that Councillor Lane sent a text to the Mayor and Councillor Tannous-Sleiman.

B. By the words "defeaning slience", the Mayor and Councillor Tannous-Sleiman did not respond to Councillor Lane. When in truth both the Mayor and Councillor Tannous- Sleiman responded to Councillor Lane's text message referred to in A above.

Second concern

On 26 June 2025, Councillor Lane posted a reel on Instagram with the headline:

"Do you want your street sold?" (the **Second Statement**)

In context of the reel, the Second Statement gave the impression that Council and/or a particular Councillor was seeking to sell residential streets, including Lloyd Avenue. When in truth there is no motion or proposal at all for the sale of any street in Municipality, including Lloyd Avenue.

Third concern

On 24 June 2025, Councillor Lane posted another reel in relation to Council's decisions on youth funding, stating:

*"Unfortunately, the motion after much hand wringing was watered down to a general look at youth programs generally and going to many schools because $15,000 is a lot of money as I was told… what you may not have realised is that towards the end of the council session there was another item which was to spend about $15,000 on the flying fox colony which was also unbudgeted. Uh, I'm not saying there's anything wrong with spending money on flying foxes, but I do think it's interesting that there wasn't a whisper of debate about that $15,000 being spent on pruning trees." (the **Third Statement**)*

The Third Statement gives the impression that the majority of Councillors simply did not want to expend funds on the particular youth programs advanced by Councillor Lane and, instead negligently or recklessly agreed to expend funds of tree pruning. When in fact and truth:

A. The amendments passed by the majority of Councillors were concerned to ensure the amount of funding was appropriate and the programs to be funded would have the widest possible benefit to the Municipality. The Third Statement has not been corrected or qualified, despite the concerns of the majority of Councillors being correct. At the 28 July 2025 Council Meeting Councillor Lane was informed by the relevant Council Director that the actual cost of the program was $9,000 (not the $15,000 Councillor Lane sought to be spent).

RESPONSE:

1. a) i) No

ii) Yes

iii) No comment

2. Yes

3. No comment

ATTACHMENTS

There were no attachments to this report.

CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

a) personnel matters concerning particular individuals; or
b) the personal hardship of any resident or ratepayer; or
c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
d) commercial information of a confidential nature that would, if disclosed;
    i. prejudice the commercial position of the person who supplied it, or
    ii. confer a commercial advantage on a competitor of the council, or
    iii. reveal a trade secret, or
e) information that would, if disclosed, prejudice the maintenance of law; or
f) matters affecting the security of the council, councillors, council staff or council property; or
g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
h) an item of Aboriginal significance on community land,

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider the following confidential matters.

RECOMMENDATION

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

4.2 Appointment of a Community Advisory Group for the update to the Clarke's Point Reserve and Morts Reserve Plan of Management
Item 4.2's attachment 1 is confidential in accordance with s10A(2)(a) of the *Local Government Act* because it contains personnel matters concerning particular individuals (other than councillors)

8.1 Review of the Organisational Structure

Item 8.1 is confidential in accordance with s10A(2)(a) of the *Local Government Act* because it contains personnel matters concerning particular individuals (other than councillors).

8.2 Appointment of General Manager

Item 8.2 is confidential in accordance with s10A(2)(a) of the *Local Government Act* because it contains personnel matters concerning particular individuals (other than councillors).

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.

3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.