



Ordinary Meeting
23 October 2023 at 6.00pm



ORDER OF BUSINESS

Prayer by Pastor Alex Grancha

Attendance, Apologies,

Declarations of Interests

- 1 Confirmation of Minutes
- 2 Business Arising
- 3 Reports
- 4 Other Business

Charter of Respectful Behaviour

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

**HUNTER'S HILL COUNCIL
ORDINARY MEETING OF COUNCIL
23 October 2023**

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Nil

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Nil

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COMMENCEMENT

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

IN ATTENDANCE

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

ALSO PRESENT

General Manager, Mitchell Murphy, Director Finance, Procurement and Projects, Maria Kenny, Director Community Engagement & Customer Service, Annie Goodman, Director Infrastructure and Environmental Sustainability, Samantha Urquhart, Director People and Culture, Rosanna Guerra, Director Town Planning, Steve Kourepis, Minute Taker, Sarah Jenkins and Steven Spagnolo (recording).

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Mayor declared a significant non-pecuniary interest in Item 3.1, the interest being in relation to his membership of the North Sydney Planning Panel.

CONFIRMATION OF MINUTES

- 180/23** RESOLVED on the MOTION of Councillor Prieston, seconded Councillor Virgara That the Minutes of Ordinary Meeting No. 4523, 28 August 2023 be confirmed.

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

The MOTION was CARRIED unanimously.

- 181/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Prieston That the Minutes of Extraordinary Meeting No. 4524, 12 September 2023 be confirmed.

RECORD OF VOTING

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

The MOTION was CARRIED unanimously.

TABLING OF PETITIONS

PROCEEDINGS IN BRIEF

Nil

ADDRESSES FROM THE PUBLIC

PROCEEDINGS IN BRIEF

Nil

NOTICES OF MOTION INCLUDING RESCISSION MOTIONS

3.1 WOOLWICH MARINA DEVELOPMENT APPLICATION

PROCEEDINGS IN BRIEF

Mayor Miles recused himself and left the meeting at 06:10 pm. Deputy Mayor Krasso chaired the meeting for this Item.

Mr David Salter addressed the meeting.

Mr David Griffith AM addressed the meeting. An extension of time was granted for Mr Griffith (moved by Clr Williams and seconded by Clr Sanderson and carried unanimously).

Ms Maureen Flowers, speaking as secretary of Kelly's Bush, addressed the meeting.

Mr Tom Atkinson addressed the meeting. An extension of time was granted for Mr Atkinson (moved by Clr Prieston and seconded by Clr Sanderson and carried).

Dr Beverley Bennett addressed the meeting. An extension of time was granted for Dr Bennett (moved by Clr Williams and seconded by Clr Sanderson and carried unanimously). A further extension of time was granted for Dr Bennett (moved by Clr Williams and seconded by Clr Sanderson and carried).

- 182/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson That the Governing Body of Hunter's Hill Council, noting that Council is not the consent authority:

1. Formally opposes development application DA20230094 for alterations and additions to Woolwich Marina for the following reasons:
 - a. The impact, bulk and scale of the development is not in the public interest nor is the devastating impact it would have on the highly significant heritage values of the precinct (Kelly's Bush, Woolwich Docklands and Cockatoo Island);
 - b. It will have profound impact on historic Kelly's Bush by significantly obscuring the views to and from this State listed heritage site;
 - c. It will diminish the local, state and international social significance of the site – Kelly's Bush Battlers fought for 13 years to preserve the integrity and setting of this location against development and was the site of the first "Green Ban" in the world;
 - d. It will expand into a major commercial element adjacent to Kelly's Bush intruding into the curtilage of this historic locality due to lengthy pontoons and very large vessels up to 9 metres high and 35 metres in length;
 - e. It will dramatically impact on the views to and from the World Heritage Listed Cockatoo Island;
 - f. It is not consistent with recent Land and Environment Court decisions regarding Gladesville Bridge Marina and a proposed Floating Dry Dock in Berrys Bay. (Refer to Attachment 1.)
 - g. The Proposed development is adjacent to an extraordinarily valuable part of the Hunters Hill Conservation Area No 1, which includes 17 heritage items. As such is considered to not meet the test of respecting the objectives of built, natural and social values. This is an alien element that will have a dramatic impact on the Conservation Area.
 - h. It is inconceivable that the social heritage of the precinct will be allowed to be destroyed by the proposal. Hunters Hill and the Woolwich communities have waged international recognised campaigns to protect and preserve this area. A marina extension if allowed will be seen by many as a desecration of the legacy left for future generations.
 - i. Safety - The existing marina narrowed this part of the Parramatta River between Woolwich and Cockatoo Island from over 350 metres to about 260 metres. The proposed extension of the marina would see the new south eastern arm of marina narrow the river by a further 53 metres to 207 metres, meaning the proposed extended marina would occupy about 40% of the width of the river, making this narrowest passage of the Parramatta River to the east of the Gladesville Bridge, which could have catastrophic consequences for users of the waterways. If the proposal is approved:
 - i. It will have a significant adverse impact on recreational sailing of the many sailing clubs that enjoy this part of Sydney Harbour;
 - ii. It will create a marine safety hazard for users of the Harbour waterways;
 - iii. It will also impact the path for pleasure craft that use the Parramatta River;
 - iv. It will impact on kayakers, surf skis, windsurfers, rowers and small dinghies and fishing craft, who frequently use this stretch of the Parramatta River. The proposed new arms of the marina will force all craft passing between the marina and Cockatoo Island to use the

- passage that it is proposed be narrowed to 207 metres. This will increase the risk of conflict between different types of craft using the narrowed waterway.
- v. It will substantially reduce the current access, maneuverability, and available racing and boating in this area of the Harbour.
 - vi. By introducing a no wash zone will disrupt efficient ferry operations.
- j. Public Amenity:
- i. Current usage: The marina has created many issues for the local community and has been subject of several inspections by Council and non-compliance notices. Many of these issues are not resolved. Doubling the size of the marina and in particular mooring very large vessels has the potential to compound these problems.
 - ii. Parking: It is proposed to accommodate the additional vehicles on site. However, this does not acknowledge the servicing of extra-large boats. The scale of these vessels provides the need for multiple guests to be parked on site.
 - iii. Amenity: The change in scale of operation will see additional visitation to the site by service personnel, boat owners and guests. This will create safety, noise and inconvenience issues for local neighbours.
- k. Public Interest
- The proposal is to extend the marina so that it occupies about 40% of the width a busy part of the Parramatta River, alienating a further approximately 18,600 square metres of public open space, to allow an additional 36 larger craft to be berthed. The marina will only be accessible to those owning, boarding or working on boats berthed at the marina and it is noted that many of the boats currently berthed at the marina are rarely used. To remove this public open space from many others, including users of active and passive recreation craft, is not equitable use of this Foreshore and Waterway Area.
- The proposed development would see the marina pontoons extend a further 110 metres in front of Kelly's Bush Park, where the foreshore is zoned Zone 8 Scenic Waters—Passive Use, creating a dead-end channel about 170 metres long between foreshore and the northern arm of the marina. This channel, largely within Zone 8, will be only means of access to 11 of the marina berths. The proposal will effectively appropriate over 5,000 square metres of public open space that is zoned Zone 8 Scenic Waters—Passive Use, for the near exclusive use of marina users. This is completely inappropriate, given that marinas are prohibited in Zone 8. Clearly, the proposed development will not promote the equitable use of the Foreshores and Waterways Area.
- Section 6.28(1)(a) of the Biodiversity and Conservation SEPP is clear:
- i. Sydney Harbour is a public resource, owned by the public, to be protected for the public good,
 - ii. the public good has precedence over the private good,
 - iii. the protection of the natural assets of Sydney Harbour has precedence over all other interests ...

The proposed development places private good ahead of public good and in doing so compromises the natural assets of Sydney Harbour.

The proposal is not in the public good so the development application must be refused.

2. Include this motion and its attachment as a submission to those assessing the application and write to the Sydney North Planning Panel to advise them of our objection and reasons.

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

The MOTION was CARRIED unanimously.

Councillor Sanderson left the meeting at 07:25 pm.

Mayor Miles returned to the meeting at 07:26 pm.

COUNCIL REPORTS

4.1 CODE OF CONDUCT - ADVISORY COMMITTEES

PROCEEDINGS IN BRIEF

MOVED on the MOTION of Councillor Williams that:

1. Council not adopt the recommendation as per the report.

There was not a seconder for the MOTION and the MOTION lapsed.

Councillor Sanderson returned to the meeting at 07:27 pm.

183/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston

1. That a minor amendment be made to Council's Code of Conduct to add:
 - a. the words "members of wholly advisory committees" to its scope;
 - b. the following words to its definitions "wholly advisory committee member – a person other than a councillor or member of staff of a council who is a member of a wholly advisory committee".
2. That the following wording be added to all advisory committees', as listed in this report, terms of reference: "Code of Conduct – All members of the committee must acknowledge and abide by their responsibilities under Hunter's Hill Council's Code of Conduct".

3. That all members of advisory committees, as listed in this report, are required to sign a statement of obligation (see Attachment 1) regarding the Code of Conduct.
4. That by 31 December 2023, all members of Council advisory committees, as listed in this report, complete a short Local Government NSW online education module pertaining to managing potential conflicts of interest and other Code of Conduct matters.

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

The MOTION was CARRIED.

4.2 GENERAL PURPOSE FINANCIAL STATEMENTS FOR YEAR ENDING 30 JUNE 2023

PROCEEDINGS IN BRIEF

184/23 RESOLVED on the MOTION of Councillor Quinn, seconded Deputy Mayor Krasso

1. That the report be received and noted.
2. That the 2022-23 draft General Purpose Financial Statements be referred for external audit, and to the Audit Risk and Improvement Committee, for its review of the Statements and the External Auditor's report.

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

The MOTION was CARRIED unanimously.

4.3 AMENDMENT TO HUNTER'S HILL COUNCIL FEES & CHARGES FY2023-24 - CREDIT CARD SURCHARGE

PROCEEDINGS IN BRIEF

- 185/23** RESOLVED on the MOTION of Councillor Williams, seconded Deputy Mayor Krassoï
1. That, the credit card surcharge rate be increased from 0.53% to 0.80% per transaction.
 2. That, in accordance with the requirements of sections 610F of the Local Government Act, Council give 28 Day Public Notice of the proposed amendment to the charge.

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

The MOTION was CARRIED unanimously.

4.4 EXERCISE OF DELEGATION OF AUTHORITY - URGENT WORKS

PROCEEDINGS IN BRIEF

- 186/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Quinn
1. That the report is received and noted.

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

The MOTION was CARRIED unanimously.

4.5 SUMMARY OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2023

PROCEEDINGS IN BRIEF

- 187/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Quinn
1. That the report be received and noted.

RECORD OF VOTING

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

The MOTION was CARRIED unanimously.

4.6 DRAFT MANAGING UNREASONABLE CONDUCT BY COMPLAINANTS POLICY

PROCEEDINGS IN BRIEF

188/23 RESOLVED on the MOTION of Deputy Mayor Krasso, seconded Councillor Quinn

1. That the report be received and noted.
2. That Council adopt the draft Managing Unreasonable Conduct by Complainants Policy.

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

The MOTION was CARRIED.

4.7 ASBESTOS MANAGEMENT POLICY - FOR ADOPTION

PROCEEDINGS IN BRIEF

189/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston

That Council:

1. Adopted the Asbestos Management Policy (copy in Attachment 1), as exhibited.

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

Councillor Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.8 DEVELOPMENT APPLICATIONS DETERMINED BY THE LOCAL PLANNING PANEL IN AUGUST 2023

PROCEEDINGS IN BRIEF

190/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Williams

1. That the report be received and noted.

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

The MOTION was CARRIED unanimously.

4.9 DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN AUGUST 2023

PROCEEDINGS IN BRIEF

191/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Virgara

1. That the report be received and noted.

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

The MOTION was CARRIED unanimously.

4.10 DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN AUGUST 2023

PROCEEDINGS IN BRIEF

- 192/23** RESOLVED on the MOTION of Deputy Mayor Krassoï, seconded Councillor Prieston
1. That the report be received and noted.

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

The MOTION was CARRIED unanimously.

4.11 COUNCILLOR BRIEFINGS AND WORKSHOPS

PROCEEDINGS IN BRIEF

- 193/23** RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston
1. That the report be received and noted.

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

The MOTION was CARRIED unanimously.

4.12 MINUTES OF THE ARTS ADVISORY COMMITTEE HELD ON 30 AUGUST 2023

PROCEEDINGS IN BRIEF

- 194/23** RESOLVED on the MOTION of Councillor Williams, seconded Deputy Mayor Krassoï
- That the Minutes be received and noted.

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

The MOTION was CARRIED unanimously.

4.13 MINUTES OF THE CULTURAL AND EVENTS ADVISORY COMMITTEE HELD ON 29 AUGUST 2023

PROCEEDINGS IN BRIEF

195/23 RESOLVED on the MOTION of Councillor Prieston, seconded Deputy Mayor Krasso That the Minutes be received and noted.

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

The MOTION was CARRIED unanimously.

4.14 MINUTES OF THE MOVEMENT AND TRANSPORT ADVISORY COMMITTEE HELD ON 22 AUGUST 2023

PROCEEDINGS IN BRIEF

196/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Williams That the MINUTES be received and noted.

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

Councillor Richard Quinn	
Councillor Tatyana Virgara	
Councillor Julia Prieston	

The MOTION was CARRIED unanimously.

4.15 MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 16 AUGUST 2023

PROCEEDINGS IN BRIEF

- 197/23** RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson That the MINUTES be received and noted.

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

The MOTION was CARRIED unanimously.

QUESTIONS WITH OR WITHOUT NOTICE

7.1 RESPONSE TO COUNCILLOR QUESTIONS, CR ROSS WILLIAMS

PROCEEDINGS IN BRIEF

QUESTIONS FROM CR WILLIAMS:

1. SUBJECT: ALLEGED REMOVAL OF TREES AND VEGETATION FROM THE EASTERN END OF FERDINAND RESERVE

Question or Service Requested:

On 7th August 2023 following an email from a resident advising of an alleged removal of trees and vegetation from the eastern end of Ferdinand Reserve below Ernest Street Hunters Hill, I emailed the General Manager to seek clarification of the reason for the works.

The General Manager responded that:

“The matter will be investigated operationally.”

I have received no further information on this investigation. I request answers to the following questions:

1. Was the removal of vegetation and trees carried out on Council’s Reserve or private land?

RESPONSE:

On the 7th & 8th August 2023, several invasive weeds and overgrown vegetation were removed from 'Ferdinand Reserve', underneath Ernest Street, Hunters Hill. The works involved included: the removal of a Cheese tree, several morning glory, a Madeira vine and a Privet tree and the clearing of vegetation.

The vegetation removed was on 'Ferdinand Reserve', owned by The State of New South Wales and managed by Hunter's Hill Council.

2. What approval process was followed for these works?

RESPONSE:

No approval process was followed to remove the Cheese tree or invasive weeds. Approval was provided by Council's Coordinator Parks & Landscape to remove the Privet tree.

3. If the works were not conducted under appropriate approval what action has the council taken?

RESPONSE:

A Council, after consideration of the relevant law, is permitted to exercise discretion. This position is based on case law.

In accordance with *Ryde City Council v Echt* (2000) 107 LGERA 317. The Supreme Court of New South Wales Court of Appeal relevantly stated:

The third basis that was put was that the Council was under a duty to act to enforce the law... in relation to permits, approvals, orders and certificates and the like, extending to the powers being exercised by the Council...

...no particular provision of the legislative scheme was pointed to as grounding any such wide ranging duty, nor do I believe there is any such wide ranging duty known to the law... [There are] a number of reasons why statutory bodies and those exercising the prerogatives of the Crown, which have responsibility for the administration of justice and the enforcement of the law, may choose not to enforce the law in particular circumstances or at all.

The regulatory actions taken by Council staff must be proportionate and appropriate to the nature of the works. The regulatory actions range from commencing a prosecution, issuing penalty notice, orders, informal action (e.g. warnings) or taking no action.

Cutting down the Cheese tree and removing the invasive weeds in Ferdinand Street Reserve should not have occurred without prior approval. However, discretion has been exercised in a pragmatic and reasonable manner after considering all of the relevant facts.

A formal written warning has been sent to the owner of 25 Ernest Street in an attempt to educate him about the correct process for requesting works be undertaken in the reserve.

Given the nature of the works, no further action will be taken.

MOVED on the MOTION of Councillor Williams, seconded Councillor Sanderson

A MOTION was moved by Clr Ross Williams seconded by Clr Jim Sanderson that Council:

1. Investigate and report on what actions can be taken to restore the bushland at this location to improve its biodiversity value and prevent sediment erosion;
2. Refer the matter to the Bushland Management Advisory Committee for advice and recommendations as to the most appropriate species and methods for its restoration; and
3. Ask, if appropriate, for the parties that carried out the unauthorised work to contribute in-kind or via other means to assist in the restoration works.

Clr Quinn FORESHADOWED a MOTION that :

The matter be deferred for further consideration of, and a further report by, the relevant council officer.

The MOTION moved by Clr Williams and seconded by Clr Sanderson was put to a vote, as follows:

That Council:

1. Investigate and report on what actions can be taken to restore the bushland at this location to improve its biodiversity value and prevent sediment erosion;
2. Refer the matter to the Bushland Management Advisory Committee for advice and recommendations as to the most appropriate species and methods for its restoration; and
3. Ask, if appropriate, for the parties that carried out the unauthorised work to contribute in-kind or via other means to assist in the restoration works.

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

The MOTION was LOST.

The FORESHADOWED MOTION MOVED by Councillor Quinn became the MOTION. This was seconded by Councillor Prieston.

198/23 RESOLVED on the MOTION of Councillor Quinn, seconded Councillor Prieston that:

The matter be deferred for further consideration of, and a further report by, the relevant council officer.

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

The MOTION was CARRIED.

7.2 RESPONSE TO COUNCILLOR QUESTIONS, CR JIM SANDERSON

PROCEEDINGS IN BRIEF

QUESTIONS FROM CR SANDERSON:

1. SUBJECT: WARRANTS FOR PEDESTRIAN CROSSING AND OTHER TRAFFIC SIGNAGE

Question or Service Requested:

It is understood Councils are now able to install pedestrian crossings without needing to comply with warrants set by Transport for NSW ('TfNSW').

This sensible relaxation of TfNSW warrants, provides an opportunity to improve safety around neighbourhood centres and to improve access to bus stops and places of interest.

Is Council investigating suitable locations for the installation of pedestrian crossings, at locations including but not limited to: Ryde Road; Church Street; Alexandra Street; Ferry Street; Woolwich Road; and Crown Street?

RESPONSE:

Council have identified the following sites for further investigation for crossings/refuge:

- Gladesville Road at St Joseph's gate – approved subject to community consultation;
- Augustine Street near Paul St/St Joseph's gate – further investigation required;
- High Street near lower Pittwater Road- further investigation required;
- Joubert Street/Gladesville Road – matter with TfNSW;
- Reiby Road and Church Street – further investigation required;
- Ferry Street at existing refuge – further investigation required;

- Prince Edward Street & Victoria Road - further investigation required;
- Woolwich Road/Franki Ave- Further investigation required;

Does this relaxation of TfNSW warrants apply to other traffic signage such as 'KEEP CLEAR' road signage?

RESPONSE:

No, the regulations are now tighter in these instances. 'KEEP CLEAR' lines are only intended for emergency vehicles and at fire stations to enable right turn access from a main road into a side road.

It is also noted that other 'KEEP CLEAR' road signs, particularly in Church Street, are very worn and will need repainting in the not too distant future.

Can Council check whether any relaxation of TfNSW warrants would now permit the installation of 'KEEP CLEAR' road signs at the intersection of The Avenue with Mount and Alexandra Streets as part of measures to improve safety at this intersection?

RESPONSE:

As described above, this is still not permitted at this intersection.

2. SUBJECT: TRAFFIC COUNTS FOR CROWN STREET HENLEY

Question or Service Requested:

At meetings of the Movement and Transport Advisory Committee ('Committee') held on 16 May and 22 August 2023, traffic calming measures for Crown Street Henley were considered.

At both these meetings members of the Committee requested that Traffic Counts including speed data be made available to the Committee – at the meeting held on 22 August such a request was made in a Recommendation that the Committee resolved in the affirmative.

A traffic study undertaken by consultants, Headway Traffic and Transport, relied on Traffic Counts taken in Crown Street for one week. In recent months, Council's radar speed monitoring sign has been located in Crown Street collecting data including vehicle speeds.

Can Councillors and members of the Committee be provided the Headway Traffic Study relating to Crown Street Henley; the Traffic Counts including speed data that the Headway Traffic Study relied on; and data collected by Council's radar speed monitoring sign while located in Crown Street?

RESPONSE:

Councillors and Committee members have been sent the traffic counts and the Headway Traffic Study.

3. SUBJECT: WEIL PARK AND OTHER SPORTS FIELD LIGHTING

Question or Service Requested:

I often see Weil Park lit with sports field lighting and no activity on the ground. Neighbouring residents have also raised this with me.

I understand there are technologies available to prevent this waste of electricity. Can Council investigate the installation of switching at Weil Park and other Council grounds where this waste of electricity occurs?

RESPONSE:

The Weil Park lights are programmed to automatically turn on for each night time booking.

If a team has made a booking and decides not to play (and fails to notify Council of the cancellation), the lights will remain on for the duration of the booking. Council staff will work with field users to identify ways to improve the existing excessive lighting issues.

7.3 RESPONSE TO COUNCILLOR QUESTIONS, CR TATYANA VIRGARA

PROCEEDINGS IN BRIEF

QUESTION FROM CR VIRGARA:

Question or Service Requested:

On 28 August 2023, at Council Meeting 4523 a resident addressing Council asserted that Council had acted without transparency and suffered with poor governance because, inter alia, there was a possibility that some Councillors had received documents in relation to the Planning Proposal of Montefiore that other Councillors had not received (the **Allegation**).

Despite being asked, the resident declined to indicate the facts, matters or circumstances on which he relied in making the Allegation.

On 1 September 2023, as a proportional step to address the Allegation given it is unsupported by any fact, matter or circumstance, I wrote to Councillors (**1 September 2023 Email**):

1. indicating that I have not received any document from the General Manager or other Council staff that was not clearly a document provided to all Councillors; and

2. asking each Councillor to indicate whether the Councillor considered that the Councillor had, or may have, received documents from the General Manager or other Council staff that other Councillors had not, or may not have, received.

Each Councillor, save for Councillors Williams and Sanderson, has responded to the 1 September 2023 Email indicating their view that they have not received any document in relation to Montefiore’s Planning Proposal from the General Manager or other Council staff that was clearly a document provided to other Councillors.

Given:

- (a) the serious nature of the Allegation (even though it is without any foundation, basis or supporting circumstances);
- (b) the lack of response to the 1 September 2023 Email from Councillors Williams and Sanderson,

can the General Manager make inquiries and then indicate whether the General Manager or other Council staff have provided documents to Councillor Williams and/or Councillor Sanderson in relation to Montefiore’s Planning Proposal that were not also provided to other Councillors.

RESPONSE:

I made enquires with Council’s IT and records management staff and can confirm that no Councillor individually, including Cr Williams and Cr Sanderson, received any documents from Council staff pertaining to the Montefiore Planning Proposal.

CONCLUSION

The meeting concluded at 8.22pm.

I confirm that these Minutes are a true and accurate record of Ordinary Meeting No. 4525 held on 18 September 2023.

.....
Councillor Zac Miles
MAYOR

.....
Mitchell Murphy
GENERAL MANAGER

ITEM NO	: 2.1
SUBJECT	: HUNTERS HILL SPRING GARDEN COMPETITION 2023
STRATEGIC OUTCOME	: COMMUNITY, CULTURAL EVENTS AND ACTIVITIES ARE COORDINATED AND DELIVERED INCLUSIVELY
ACTION	: COORDINATE AND DELIVER COMMUNITY, CULTURAL EVENTS AND ACTIVITIES
REPORTING OFFICER	: MAYOR ZAC MILES

Ref:665485

PURPOSE

To acknowledge Council's partnership with the Rotary Club of Hunters Hill in the development and staging of the Hunters Hill Spring Garden Competition and Open Garden Day.

RECOMMENDATION

1. That the report be received and noted.

BACKGROUND

The Rotary Club of Hunters Hill and Hunter's Hill Council worked in partnership to re-invigorate the Rotary Streetscape Garden Competition of twenty years ago.

As Australia's oldest garden suburb, we felt this was an opportunity to showcase our beautiful greenspaces and the work of our dedicated local gardeners.

REPORT

Our Council in partnership with the Rotary Club of Hunters Hill hosted the Hunters Hill Spring Garden Competition recently.

The competition provided a platform for Hunters Hill to celebrate its standing as Australia's oldest garden suburb and raise funds for the maintenance and restoration of the historic Hillman Orchard, located beside Vienna Cottage in Alexandra Street, Hunters Hill.

Certificates and prizes were awarded to the Hunters Hill Spring Garden Competition winners and highly commended entrants at the awards evening on Friday, 6 October 2023 at the Hillman Orchard for the following categories:

- Best Balcony/Courtyard Garden. (Margaret Scrivener)
- Best Streetscape Garden. (Karl Romandi)
- Best Overall Garden, With Help. (Mary Goh)
- Best Overall Garden, Self-Managed. (Yoshiro Umemura)
- Best Public Space. (Happy Hens Community Garden)
- Best Native-Inspired/Habitat-Friendly Garden. (Abbey Chambers)

The judges were key in founding the integrity of the competition and included locals and horticultural luminaries:

- Stuart Pittendrigh LD
- Deirdre Mowat
- Anna Ainsworth
- Felicity McCaffrey LD

Also in attendance at the awards evening was guest speaker Sandra Ross with a cameo by Graham Ross to discuss the benefits of gardening for physical, mental and social health.

On Sunday, 9 October, the Rotary Club of Hunters Hill held the Hunters Hill Open Garden Day. Along with Spring Garden Competition winners, historical estates 'Millthorpe', 'Clifton House', and 'Ivy Alley' were also open to visitors as part of the garden showcase.

The event couldn't have happened without the generosity of the garden owners and the event volunteers.

A special thanks to Tracy Dixon from McGrath Estate Agents Hunters Hill for once again getting behind a local community-driven initiative. We would also like to thank other sponsors Bunnings, Eden Gardens, Ivy Alley, Maggie Beer, Cara Barilla and The Village Florist, Sarah for donating the awards, raffles and prizes.

Council also wishes to thank the Rotary Club of Hunters Hill for their initiative, with specific acknowledgement to Pamela Alvarez for inspiring the creation of the event.

CONCLUSION

Congratulations to the winners of the Hunters Hill Spring Garden Competition.

The event was incredibly popular, with hundreds of visitors walking through the amazing gardens located in our municipality.

Rotary report net funds raised of approximately \$12,000 for the maintenance and restoration of the historic Hillman Orchard.

The committee have already debriefed and are committed to making the event an annual highlight on the Hunters Hill event calendar.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 3.1
SUBJECT	: MONTEFIORE PLANNING PROPOSAL
STRATEGIC OUTCOME	: NATURAL SPACES, INCLUDING OUR BUSHLAND, URBAN TREE CANOPY, FORESHORES AND WATERWAYS ARE PROTECTED AND ENHANCED
ACTION	: IMPLEMENT BUSHCARE PROGRAMS WHICH CONSERVE FLORA, FAUNA AND ECOLOGICAL COMMUNITIES
REPORTING OFFICER	: CR ROSS WILLIAMS

Ref:665213

We the undersigned Councillors wish to move the following Notice of Motion at Ordinary Meeting 4526 on 23 October 2023:

Cr Ross Williams
11 October 2023

Cr Jim Sanderson
11 October 2023

RECOMMENDATION

1. That (if not already done so) in relation to Council Resolution 179/23 of 12 September 2023, Council:
 - a. Notify Montefiore that Council does not support the Planning Proposal (PP2023-1109) and the associated site-specific Development Control Plan;
 - b. Provide Montefiore with the reasons as set out in Council Resolution 179/23 for not supporting the Planning Proposal;
 - c. Update Council's website with current information about the Montefiore Planning Proposal;
 - d. Invite Montefiore to resubmit an alternative proposal consistent with a residential site zoning and Council Resolution 179/23;

2. In the event that Montefiore seeks a rezoning review, in accordance with the Department of Planning and Environment (Department,) Local Environmental Plan Making Guideline of August 2023, that Council provides a response within the requisite time to the Department and to the Sydney North Planning Panel with comments and additional information on the planning proposal, including but not limited to:
 - a. The version of the Montefiore Planning Proposal considered by Council on 12 September 2023;
 - b. The submissions made and tabled at the Local Planning Panel meeting on 22 June 2023;
 - c. The Local Planning Panel resolutions and recommendations made on 22 June 2023;
 - d. The correspondence from Ms Armstrong and Mr Willcock dated 4 August 2023 and subsequent legal advice received by Council concerning the proposed rezoning of the Montefiore site SP2 Infrastructure;
 - e. Any and all written submissions received by Council concerning the Montefiore Planning Proposal;

- f. Any and all technical assessments prepared or received by Council concerning the Montefiore Planning Proposal;
- g. The Report by the Director of Town Planning included in the Extraordinary General Meeting of Council paper for the meeting held on 12 September 2023;
- h. The submissions made and tabled at the Council meeting on 12 September 2023; and
- i. Council Resolution 179/23 of 12 September 2023.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 3.2
SUBJECT	: DEFIBRILLATOR LOCATIONS IN THE MUNICIPALITY OF HUNTER'S HILL
STRATEGIC OUTCOME	: PROGRAMS AND COMMUNITY GROUPS WHICH PROMOTE ACTIVE LIVING, HEALTH AND WELL-BEING ARE SUPPORTED AND ENCOURAGED
ACTION	: PROMOTE AND ORGANISE HEALTH AND WELL-BEING CAMPAIGNS AND PROGRAMS FOR SENIORS
REPORTING OFFICER	: CR ROSS WILLIAMS

Ref:665177

We the undersigned Councillors wish to move the following Notice of Motion at Ordinary Meeting 4526 on 23 October 2023:

Cr Ross Williams

Cr Jim Sanderson

RECOMMENDATION

That Council:

Develop a policy on location and access to Automated External Defibrillators (AED) in the Municipality being explicit on timely and inclusive access and distribution of units;

Identify appropriate funding sources and grants for purchase and installation of AEDs;

Promote the private and public installation of these devices;

Provide appropriate street and building location signage to ensure speedy access in emergencies.

Background

Too often these devices are inaccessible out of business hours or facility use times. For the safety of the community they need to be accessible 24/7 and strategically located for quick access.

Information below was published by the Clarence Valley Council relevant to Defibrillators in their council area.

“An Automated External Defibrillator (AED) is a device that uses electricity to shock the heart back into a normal rhythm when a person is suffering a cardiac arrest.

These computerised defibrillators automatically analyse heart rhythms and administer a shock if an abnormal rhythm is detected.

As the process is automated, the person using the defibrillator does not require medical training in order to provide assistance. This can save vital minutes in a medical emergency and help more people to survive a cardiac arrest.

If somebody is unresponsive and not breathing, call an ambulance on triple zero (000), send someone for the nearest defibrillator and start CPR. Use the defibrillator as soon as possible and continue CPR until an ambulance arrives and a paramedic takes over.

AEDs are located in public and private buildings across Australia including the Clarence Valley and are commonly found in:



- Hospitals
- Community centres
- Schools
- Sports clubs and gyms
- Shopping centres

Please note that while we will try and keep the list current, these defibrillators are neither monitored nor owned by CVC.

There are also a number of Apps available that show the locations of AEDs around the country”.

The images below highlight how Nambucca Shire Council addresses access issues.



ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.1
SUBJECT	: GLADESVILLE MASTERPLAN
STRATEGIC OUTCOME	: HEALTHY URBAN ENVIRONMENTS FACILITATE ECONOMIC ACTIVITY AND PLACE MAKING INITIATIVES
ACTION	: COMPLETE THE GLADESVILLE MASTERPLAN
REPORTING OFFICER	: KIERAN METCALFE

Ref:664821

PURPOSE

The purpose of this report is to provide Council with an overview of the progress to date of the Gladesville Masterplan Project and to provide recommendations for the next steps for this project.

The proposed changes enacted by the Gladesville Masterplan Project seek to assist in implementing key priorities and actions of the Hunters Hill Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

RECOMMENDATION

1. That the report be received and noted and that Council Resolve one of the following options:
 - (i) To make necessary budget allocation to progress strategic planning for the Gladesville Masterplan Project; or
 - (ii) That Council consider allocation of resourcing for this project as part of the next Council budget review; or
 - (iii) That Council defer consideration of allocation of resourcing for this project to the next term of Council.

BACKGROUND

The Gladesville Masterplan Project incorporates the Gladesville Shopping Centre (GSV) site and 217, 219 and 223-227 Victoria Road (Block 4), and three core Blocks (1, 2 and 3) to deliver on the vision for the site as set out in Council's adopted LSPS.

Council has previously engaged GM Urban Design & Architecture (GMU) to prepare block plans for the Gladesville town centre to inform the Gladesville Masterplan. In addition to urban design work, economic feasibility analysis was undertaken by Atlas Economics and a traffic study was undertaken by McLaren Traffic Engineering which included a catchment analysis.

The approach undertaken by Council including economic, traffic and urban design measures provided the foundation for driving change and market interest in re-developing and updating the Gladesville Town Centre for the public benefit, rather than development interest alone. This was in response to community sentiment about the poor presentation of the town centre, variable trading performance and delayed renewal of properties, following consultation with land and business owners, as well as interested stakeholders.

The block plans are not fully worked up architectural/urban design plans and adjustments to the block options and further refinement of the building envelopes is still required at later stages of the project.

The built form study for Block 4 (key site) was prepared on the basis of the following brief given to GMU:

- Develop massing options for the key site and selected Victoria Road properties (nos. 217, 219 and 223-227);
- Assume removal and/or relocation of the heritage item at 10 Cowell Street;
- Include generous public domain benefit, linking new public open spaces to the laneway network to the north/south; and,
- Assume an increased supermarket and retail offering.

In response to economic advice, the following was proposed:

- Minimum overall FSR 3:1;
- Minimum residential gross floor area required - 37,028m² (approx. 370 units depending on the mix);
- Non-residential gross floor area – 5,000m² (3,500m² supermarket and 1,500m² associated retail/non-retail; and,
- Underground parking and loading areas.

On 29 April 2021, Council resolved to adopt the LHS which was subsequently approved by the (former) Department of Planning, Infrastructure and Environment (DPIE). The Gladesville Town Centre is the main area nominated for future housing growth in the Hunters Hill Municipality within the LHS.

On 19 July 2021, Council resolved to place the draft Studies for Blocks 1, 2 and 3 and draft Concept Block Plans for Block 4 (Key Site) on public exhibition for a period of 28 days and that a report be prepared for Council with an assessment of any submissions received and recommendations for the finalisation of the Gladesville Masterplan.

It was intended that planning controls for the Gladesville Town Centre be included in the Hunters Hill Local Environmental Plan (LEP) review process but given the recommendations for additional work, and the size and importance of the project, it was further recommended that a separate Planning Proposal be prepared to amend the LEP.

Given the interest by the community in the development of the Gladesville Masterplan it is considered important to consult and involve the community as the project is progressed.

The renewal of the Gladesville Town Centre will provide housing at a more affordable price point, close to services and public transport. The inclusion of a percentage of affordable rental housing could also be investigated. In addition, a renewal will result in a more attractive centre with improved retail offering and open space.

This matter was most recently reported to Council's Ordinary meeting of 18 October 2021 where Council unanimously Resolved:

1. *That the report be received and noted.*
2. *That as a result of feedback received further work, as outlined in the body of the report be undertaken for consideration by Council, in early 2022.*
3. *That lower height options will be investigated as part of this further work.*
4. *That Council thank all submitters for their feedback on the recent consultation and advise of the recommendations of this report.*
5. *That the Consultation Report be placed on Council's website.*
6. *That Council continue to consult and involve the community in the development of the Gladesville Masterplan.*

This report seeks to consider progress made to date on the Gladesville Masterplan Project, and the requirements to deliver the project in accordance with the NSW Government's Local Environmental Plan Making Guideline (September 2022) (LEP Making Guideline).

REPORT

Community Consultation

The draft Block Studies were placed on public exhibition for a period of 37 days between 5 August and 17 September 2021.

A Consultation Report was prepared by Council's Communication team which was provided as an attachment to the report to Council's Ordinary Meeting of 18 October 2021. The consultation process was comprehensive and consisted of:

- Project webpage on Council's website
- Social pin point – interactive map where people could make comments
- Survey
- Digital media
 - Facebook
 - Instagram
 - Email database
 - Webinars
- Traditional media
 - DL flyers
 - Mayor's column
 - Advertisements in local press
 - Footpath decals with QR codes
 - Newsletter (September) to all Hunters Hill households
 - Advertisements travelator – shopping centre

In total, 1800 people participated: 165 made interactive map comments, 242 surveys and 81 written submissions were received. Seven community consultation sessions were held: 5 zoom meetings and 2 webinars which attracted 109 attendees.

For full details of the process, comments received and responses refer to the Gladesville Masterplan Consultation Report included as an attachment to the report to Council's Ordinary Meeting of 18 October 2021.

It was clear from feedback received that respondents are keen to see a revitalised town centre. The results of the survey showed that the following are most important in regards to Gladesville:

- Public space e.g. piazza/meeting places,
- Retail e.g. supermarket,
- Planning controls – height, housing types,
- Hospitality offering e.g. cafes/restaurants/small bars,
- Street appeal/presentation,
- Availability of parking/traffic management,
- Mix of businesses/retail mix,
- Pedestrian access,
- Access to public transport,
- Night-time economy,
- Access to community facilities; and
- Affordable housing.

Council is aware and supportive of the sentiments raised above and the intention with the Gladesville Masterplan is to provide a town centre which is attractive and accessible and offers a wide retail offering, as well as useable open space. The addition of a residential component will not only provide a more affordable housing option in the Hunters Hill Municipality, but also provide a localised community to add to the sustainability of the centre.

It would appear from the main issues raised that while there is a general acceptance that the centre needs renewal, it is the form of the renewal that appears contested by members of the community.

The main issues raised in written submissions which were also raised in the other forms of submissions made such as in the consultation sessions, on the interactive maps and through the survey are provided below:

- Height,
- Overshadowing,
- Floor Space Ratio (FSR),
- Traffic Management, Public Transport and Car Parking,
- Local (community) Infrastructure; and
- Legacy Issues (e.g. the sale of the Council carpark and 10 Cowell Street to GSV).

In light of the feedback received following community consultation it was recommended that further targeted work be undertaken for Block 4. This work was intended to develop a draft development option and include:

- Economic feasibility testing to test redevelopment options and quantum of both retail/commercial and residential space.
- Refining of development option(s) to encourage redevelopment and provide generous, usable open space, as well as reduced height.

- Develop tailored building envelopes and test in greater detail the yield capacity of the envelopes through typical layouts as well as to ensure the capacity to meet Apartment Design Guideline requirements for solar access and overshadowing etc.
- Costing of public benefit including a percentage of affordable rental housing.
- Development of a Traffic Management Plan for the surrounding area of the Gladesville town centre.
- Liaison with Transport for New South Wales, Sydney buses, Department of Education and Department of Planning, Infrastructure and Environment.
- Liaison with landowners of Block 4 to facilitate a good development outcome for the community.

Potential Project Benefits

The delivery of the Gladesville Masterplan is a key action within Council's LHS and LSPS. The project would seek to deliver much needed housing along with additional open space, commercial and retail opportunities. The project would also seek to revitalize the Gladesville town centre and provide improved connectivity and urban form within the precinct.

Forecast Strategic Planning Requirements

Substantial further assessment and planning is required in order to achieve the intended outcomes of the Gladesville Masterplan. This assessment and planning is necessary to meet the requirements for a planning proposal (required to amend planning provisions such as maximum height of buildings) as outlined within the LEP Making Guideline, to ensure the proper and orderly development of the site in consideration of constraints and opportunities and to ensure identification and resource allocation for any required infrastructure upgrades. This assessment and planning is likely to include the preparation of the following:

- **Urban Design Report and Master Planning** – to finalise and confirm the proposed urban form within the Masterplan and to inform ultimate proposed planning controls, potential development mix, location and yield.
- **Transport Impact Assessment** – to quantify the potential impacts of the proposal on the transport network and develop strategies and plans to manage this impact.
- **Services and Utilities Assessment** – to quantify the potential impacts of the proposal on existing services and utilities and identify requirements for new and upgraded infrastructure.
- **Heritage Assessment** – to identify and provide recommendations for the management of historic heritage within the precinct.
- **Community Needs and Social Impact Assessment** – to determine the potential impact of the proposal on existing community characteristics and facilities which support the locality

and to provide recommendations for social infrastructure such as community facilities and open space to support the needs of existing and future residents.

- **Economic Impact Assessment** – to consider and provide any necessary recommendations to manage the potential economic impacts of the proposal.
- **Contamination Assessment** – to identify and provide recommendations for the management of any existing contamination within the precinct.
- **Site Specific Development Control Plan** – to provide development objectives and controls to support the proposed amendments to the LEP and to better align development outcomes with the objectives of the Gladesville Masterplan.
- **High Level Concept Design and Staging for Infrastructure Upgrades** – to provide a basis for valuation and staging of infrastructure upgrades to inform development control and contributions planning.
- **Quantity Survey / Infrastructure Costing** – to identify the value of infrastructure upgrades to inform resource allocation and development contributions planning.
- **Development Contributions Framework** – to establish a contributions plan and/or voluntary planning agreements(s) to ensure appropriate collection and allocation of resources to fund required infrastructure upgrades.

Timeframe

The delivery of the Gladesville Masterplan would likely be considered a ‘complex’ planning proposal for the purposes of the LEP Making Guideline, as it would likely result in a significant increase in demand for supporting infrastructure and would require infrastructure funding.

The maximum benchmark timeframe for the delivery of a ‘complex’ planning proposal as outlined within the LEP Making Guideline is 420 days.

Land Ownership

The land within the Gladesville Masterplan area is substantially privately owned. Whilst the project would likely deliver significant public benefit, investment would substantially occur to facilitate the development of private land for a relatively small number of key stakeholders.

Options for Project Delivery

As outlined within the LEP Making Guideline, a planning proposal can be initiated by either a proponent or the relevant council. In certain circumstances, particularly when it is of State significance, the Minister may initiate an amendment to an Environmental Planning Instrument via a State Environmental Planning Policy.

With regard to the Gladesville Masterplan, Council has progressed strategic planning and associated community consultation to date. Options are available for either the Minister [for Planning and Public Spaces] or a proponent (e.g. landholder(s) or development consortium(s)) to initiate a planning proposal. However, this intention has not yet been indicated by either the Minister or any other stakeholder.

CONCLUSION

In light of the feedback received following community consultation it was recommended in the report to Council’s Ordinary Meeting of 18 October that further targeted work be undertaken for Block 4.

It was intended that planning controls for the Gladesville Town Centre be included in the Hunters Hill LEP review process but given the recommendations for additional work, and the size and importance of the project, it is further recommended that a separate Planning Proposal be prepared to amend the LEP.

Given the interest by the community in the development of the Gladesville Masterplan it is considered important to consult and involve the community as the project is progressed.

The renewal of the Gladesville town centre will provide housing at a more affordable price point, close to services and public transport. The inclusion of a percentage of affordable rental housing could also be investigated. In addition, a renewal will result in a more attractive centre with improved retail offering and open space.

This report has considered requirements to deliver the Project in accordance with the LEP Making Guideline and has identified:

- Substantial further assessment and planning is required in order to achieve the intended outcomes of the Gladesville Masterplan.
- The delivery of the Gladesville Masterplan would likely be considered a 'complex' planning proposal. The maximum benchmark timeframe for the delivery of a 'complex' planning proposal as outlined within the LEP Making Guideline is 420 days.
- The land within the Gladesville Masterplan area is substantially privately owned.
- A planning proposal can be initiated by either a proponent or the relevant council. In certain circumstances, the Minister may initiate an amendment to an Environmental Planning Instrument via a State Environmental Planning Policy.

FINANCIAL IMPACT ASSESSMENT

The delivery of the full strategic planning framework for Gladesville Masterplan as outlined within this report is likely require expenditure well in excess of \$1,000,000.

Council currently has no funds allocated to this project. As such, Council would be required to allocate resources for this purpose and/or seek funding from the NSW Government or other relevant public or private stakeholder(s) should Council wish to proceed with delivering this project. It can be noted that no sufficient NSW Government or other relevant stakeholder funding sources have been identified for this purpose to date.

It can also be noted that resourcing to deliver the Gladesville Masterplan would not require 'one off' investment. Rather, varying levels of investment would be required over the course of the project, being approximately 420 days.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.2
SUBJECT	: REPORT ON THE STATUS OF THE LEP AND DCP REVIEW
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: COMPLETE THE REVIEW OF THE LEP AND DCP
REPORTING OFFICER	: KIERAN METCALFE

Ref:664931

PURPOSE

The purpose of this report is to update Council on the status of the Hunters Hill Local Environmental Plan 2012 (LEP) and Hunters Hill Consolidated Development Control Plan 2013 (DCP) review.

RECOMMENDATION

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 Council refer the attached Scoping Proposal to the Department of Planning and Environment for review.
5. That Council receive a report outlining relevant feedback received from the Department of Planning and Environment prior to preparing a subsequent Planning Proposal.

BACKGROUND

Council is currently undertaking a review of the Hunters Hill Local Environmental Plan 2012 (LEP) and Hunters Hill Consolidated Development Control Plan 2013 (DCP).

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.

The purpose of this consultation was to provide an overview of the objectives of the review process and to seek initial stakeholder feedback. Key items raised through this consultation included:

- Concern regarding the NSW Governments employment zones reform, including concern regarding the translation of B1 zones to E1 zones with regard to certain sites within the Municipality and the consultation process associated with this reform.

- The importance of maintaining the heritage values and character of the Municipality and mechanisms that may improve and strengthen the LEP and DCPs ability to achieve this.
- Examples of successful features within other LEPs and DCPs within Greater Sydney.
- The importance of defining 'who we are' as a community.
- The need for additional Council resourcing to better provide Council services related to heritage conservation.
- Reference to key resources which may assist in the LEP and DCP review.
- The importance of protecting the natural environment of the Municipality.
- Concern regarding the impact of some development on the topography of the Municipality.
- Concern that the Local Strategic Planning Statement (LSPS) aims and goals are that of the Property Strategy and Community Infrastructure Plan, which are embedded in the LSPS and not holistically desired.
- The importance of considering sustainability in the review.
- The importance of considering traffic impacts and parking demand associated with any change in land use, including any change associated with the Gladesville Town Centre.
- Options to provide greater functionality in the administration of the LEP and DCP.
- The importance of providing a clear agenda prior to future community consultation activities.
- The importance of providing fit for purpose information as part of consultation, without the need to go into extensive detail.
- The importance of the landscaped area provisions of the LEP and DCP, and the need to ensure these provisions are clear and functional.
- The need for heritage contributory items to be mapped and for street scapes and special character to be identified.
- The importance of retirement living in Hunters Hill.
- The importance of meaningful heritage safeguards.
- Concern regarding clearing of trees and vegetation.
- The importance of ensuring the bulk and scale of development is appropriate in consideration of surrounding land use features.
- The need to ensure the LEP and DCP are contemporary and consider new and emerging technologies.

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

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

Redacted feedback that has been received as a result of the above consultation are attached to this report, along with a summary of the issues raised and associated responses.

In addition to the above, comments/feedback was also received from the Conservation Advisory Panel on 11 July 2023 which was also considered as part of this process. This feedback is also attached to this report.

DISCUSSION

LEP and DCP Review Update

In relation to the LEP and DCP review, at its Ordinary Meeting of May 2023 Council unanimously Resolved:

1. *That the report be received and noted.*
2. *That Council continue to receive monthly reports including a report in relation to this matter once the associated LEP scoping report and draft DCP have been developed.*
3. *That the closing date for submissions be extended to 8.30am on Monday 29 May 2023.*

Council Staff have focused resourcing for this project on review of the highest order planning controls in this process, being the LEP. The DCP is currently subject to ongoing review and drafting.

Specifically in relation to heritage provisions associated with this review, there is an opportunity to make the following amendments to the LEP:

- Excise Pulpit Point and the Burns Bay Interchange from The Peninsula Heritage Conservation Area.
- Excise the post-war housing areas from The Isler Heritage Conservation Area.
- Remove landscape conservation areas that overlap with The Peninsula and the Isler heritage conservation areas.
- Remove the Department of Housing Subdivision DP 13260 (C435) landscape conservation area.
- Revise sandstone walls heritage listings.
- Inclusion of War Memorial Listings to better reflect the significance of these sites.
- Add “and garden” to the heritage item name in Schedule 5 of the LEP (the heritage schedule).
- Add “and interiors” to the heritage item name in Schedule 5 of the LEP for public/publicly accessible buildings.

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

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

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

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

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

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

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

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

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

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

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

- C450 – Figtree subdivision, DP 988
- C451 – Foss’ Subdivision—part diagram CT 1-32 date 1866
- C422 - Sunnyside Estate Subdivision, DP 808

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

- Some areas have two heritage conservation area listings. This is confusing.

- There is the opportunity to include the significance of the early subdivisions in the description and significance statements for The Peninsula heritage Conservation Area.

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

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

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

Sandstone walls heritage listing

A review of sandstone walls in the Hunters Hill local government area has recommended a number of changes to the existing heritage listings:

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

These proposed changes aim to facilitate the protection and conservation of sandstone walls, an important feature of the Hunters Hill local government area.

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

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

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

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

It is proposed that the listings be amended as follows:

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

In relation to the process for review of the LEP, early due diligence should be undertaken to scope a proposal and before preparation of any planning proposal 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 planning proposals, the council should submit the scoping proposal to the Department of Planning and Environment’s relevant Place or Regional team and request a meeting, if deemed necessary. The Department is responsible for managing and coordinating this process with council.

An LEP scoping proposal has been developed following consideration of community feedback as outlined above. This scoping proposal is attached to this report.

The next step in the planning proposal process is referral of the attached scoping proposal to the Department of Planning and Environment for review and prior to the development of a formal Planning Proposal. This report recommends that this referral now be undertaken.

Timeframes

Indicative timeframes for the delivery of the subject review of the LEP are provided below.

- **March – May 2023:** Completed – Initial consultation with Council staff, community, Council legal representatives and key stakeholders.
- **June 2023:** Completed – Final collation, review and summary of feedback.
- **July – September 2023:** Completed – finalisation of draft scoping proposal.
- **October 2023:** Report to Council seeking endorsement and referral of the scoping proposal to the Department of Planning and Environment (DPE) for review.
- **November 2023 - January 2024:** Preparation of Planning Proposal.

- **February 2024:** Report of Planning Proposal to Council seeking referral to DPE for Gateway Determination.
- **March 2024:** Consideration of Gateway Determination and preparation for public exhibition.
- **April – May 2024:** Public exhibition and assessment stage, which includes review of feedback.
- **June – July 2024:** Planning Proposal finalisation and report to Council seeking consideration of feedback and finalisation of Planning Proposal.

Preparation of amendments to the DCP are intended to be undertaken concurrently with the LEP review timeframes as outlined above. The updated DCP will be reported to Council for consideration once prepared, which is likely to be in early 2024. It is intended that public exhibition of any subsequent amendments to the DCP would be undertaken concurrently with the public exhibition of the above planning proposal in April – May 2024.

FINANCIAL IMPACT ASSESSMENT

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

ATTACHMENTS

1. Scoping Proposal - Hunters Hill Housekeeping LEP Amendment 2023. [↓](#)
2. Summary of feedback received between 15 March and 29 May 2023 in relation to the LEP and DCP review and associated responses. [↓](#)
3. Redacted feedback received between 15 March and 29 May 2023 in relation to the LEP and DCP review and comments received from the Conservation Advisory Panel on 11 July 2023. [↓](#)
4. Hunters Hill Municipality – Character Study Recommendations report prepared by Paul Davies, June 2021. [↓](#)

Scoping Proposal - Hunters Hill

Housekeeping LEP Amendment 2023

1. Introduction

This scoping proposal has been prepared by Hunters Hill Council (Council) in relation to proposed housekeeping amendments to the Hunters Hill Local Environmental Plan 2012 (LEP) through the process of a planning proposal.

The LEP applies to the Hunter Hill Local Government Area (LGA). Housekeeping amendments associated with this planning proposal in some instances apply to the wider LGA, whereas others apply to specific land within the LGA. The geographic application of the specific components of this planning proposal are outlined in further detail within Section 2 of this scoping proposal.

The subject planning proposal commences the implementation of LEP amendments as outlined within the Hunters Hill Local Strategic Planning Statement (LSPS), giving effect to the Eastern Sydney District Plan. Council intends to implement the LSPS as a series of planning proposals, this being the first.

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

- **Clause 1.2 Aims** – To ensure the LEP captures the principal of ecologically sustainable development, to include references to the relevant Development Control Plan (DCP) and LSPS and to strengthen heritage 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 adequate plant and tree cover.
- **Clause 4.1 Minimum subdivision size** – To ensure practical outcomes for battle axe block subdivisions.
- **Clause 5.4 Controls relating to miscellaneous permissible uses** - To remove reference to land uses that do not exist and/or are not envisaged within the LGA.
- **Clause 6.3 Stormwater management** – To ensure consistency with the Parramatta River Masterplan, which aims to create a world class river that is living and swimmable again.
- **Clause 6.4 Terrestrial biodiversity** – To ensure consistency with the Parramatta River Masterplan.
- **Clause 6.5 Riparian land and adjoining waterways** – To ensure consistency with the Parramatta River Masterplan.
- **Clause 6.6 Limited development on the foreshore** - To ensure consistency with the Parramatta River Masterplan.
- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings** – To simplify provisions for landscaping of dwellings while retaining the intent of providing generous landscape areas to enhance the garden suburb character of Hunters Hill.
- **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 5 – Environmental heritage Part 2** – Amendment of anomalies and errors identified in relation to heritage listings.

- **Mapping changes** – Update of maps to reflect amendments to heritage listings within Schedule 5 as outlined above.

The subsequent planning proposal would be prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and in accordance with the Department of Planning, Industry and Environment (now Department of Planning and Environment - DPE) Local Environmental Plan Making Guideline.

This LEP amendment would be undertaken concurrently with a housekeeping amendment to the Hunters Hill Development Control Plan (DCP). This DCP amendment 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.

Consultation associated with this proposal has been undertaken as part of the preparation of the LSPS. In addition, community consultation and notification specifically in relation to the proposed LEP and DCP amendments was also undertaken through:

- A town hall meeting on 15 March 2022.
- Notification on Council's website.

Feedback received as a result of the above consultation will be considered and referenced within the subsequent planning proposal report and relevant reports to the elected Council.

2. The Proposal

Each of the proposed amendments sought through this planning proposal are explained against each relevant clause of the LEP under the headings below.

2.1 Clause 1.2 Aims

Proposal

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

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

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

(a) *to promote ecologically sustainable development,*

(b) *to create a land use framework for controlling development in Hunters Hill 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 garden and heritage 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 define the character and identity of the municipality,*

- (f) to accommodate a range of housing that will maintain the garden suburb character of the municipality, while responding to the needs of a growing population and changing demographics,
- (g) to consolidate housing growth in locations that are well-served by shops, transport and community services,
- (h) to ensure development considers and supports active and public transport,**
- (i) to provide for employment and a variety of businesses that service residents of the municipality and surrounding areas,
- (j) to maintain a network of **private and public** open spaces that conserve natural and scenic qualities, as well as providing a variety of active and passive recreation opportunities for residents of the municipality and surrounding areas,
- (k) to accommodate a range of community and educational infrastructure for residents of the municipality and surrounding areas,
- (l) to protect and promote public access to and along the foreshores,**
- (m) to maintain and improve water quality within the catchments of the municipality,**
- (n) to facilitate adaptation to climate change and ensure sustainable building development,**
- (o) to manage risks to the community and the environment in areas subject to natural hazards and risks,**
- (p) to promote high standards of urban and architectural design quality,
- (q) to retain views to and from water and foreshore reserves and public areas from streets and residential lots,**
- (r) to protect and enhance landform and vegetation, particularly foreshores and bushland, in order to maintain the landscape amenity of the municipality,**
- (s) 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,**

Rationale

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

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

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

- (b) **2(b)** has been added to reference a land use framework which includes:
- i. more detailed provisions in a development control plan (DCP) and
 - ii. consistency with the Hunters Hill Local Strategic Planning Statement (LSPS).

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

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

- (c) **2(c)** - The words 'garden and heritage' have been added to this clause in recognition of the critical importance of gardens and heritage to the character of the Hunters Hill Municipality.
- (d) **2(d)** – This clause has been amended in recognition of the critical importance of maintaining and enhancing biodiversity values and corridors (including trees and vegetation), natural features, scenic qualities, water resources and ecological processes.
- (e) **2(j)** – The words 'private and public' have been included within this clause to make clear that maintaining a network of open spaces that conserve natural and scenic qualities extends to both private and public lands.
- (f) **2(e)** – This clause has been amended to reflect that heritage values define the municipality.
- (g) **2(h)** – This clause has been included to ensure development considers and supports active and public transport and to reduce dependence on private motor vehicle usage.
- (h) **2(i) – (o) and (q) – (s)** – These clauses have been included with the intent to protect and enhance environmental and amenity characteristics of the municipality and to ensure consideration of natural hazards and climate change.

2.2 Part 2 Permitted or prohibited development - Land use table

Proposal

Zone R2 Low Density residential

- Add semi-detached dwellings in the 'permitted with consent' table; and
- Remove pond based aquaculture – highlighted below.

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 revealed 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 municipality.**
- To provide for **and preserve** high levels of amenity that are consistent with a low-density residential environment.

2 Permitted without consent

Home occupations; Roads.

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Rationale

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

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling. Added so as not to prohibit this type of development – new or existing in the low-density residential zone. **Pond based aquaculture** does not currently exist within the LGA and is unlikely to be established in the future given significant existing land constraints and the inconsistency of this land use with current land uses within the LGA.

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 Hunters Hill.

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

R3 Medium Density Development

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the character and heritage of the locality.*
- *To ensure that the design of development provides and integrates with deep soil landscaping to reflect the garden suburb character of Hunters Hill.*
- ~~*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 has regard to local amenity, including public and private views.*

2 Permitted without consent Home occupations; Roads

3 Permitted with consent

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

4 Prohibited

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

Rationale

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

Proposal

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

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

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

RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

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

4 Prohibited Any development not specified in item 2 or 3

Rationale

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

Proposal

Amend E1 Local Centre provisions as follows:

E1 Local Centre

1 Objectives of zone

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

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

Rationale

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

Proposal

Amend MU1 Mixed Use provisions as follows:

Zone MU1 Mixed Use

1 Objectives of zone

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

- To maximise active and public transport opportunities.

Rationale

To promote active and public transport opportunities within mixed use areas and to reduce dependence on private motor vehicle usage.

2.3 Part 4 Principal development standards

Proposal

4.1 Minimum subdivision size

Make the following amendments to Clause 4.1:

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

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

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

Add to Clause 4.1:

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

Rationale

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

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

Proposal

4.3 Height of buildings

Make the following amendments to Clause 4.3 (a):

The objectives of this clause are as follows-

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

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

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

4.3A Height of buildings (additional provisions)

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

(a) to provide for view sharing,

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

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

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

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

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

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

(5) In this clause—

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

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

Rationale

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

Proposal

4.4 Floor space ratio

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

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

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

(d) to encourage 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.~~

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

(a) a dual occupancy—0.5:1,

(b) multi dwelling housing—0.6:1.

Rationale

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

Proposal

4.5 Calculation of floor space ratio and site area

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

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

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

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

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

Rationale

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

2.4 Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

Proposal

Amend controls relating to miscellaneous permissible uses:

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

Rationale

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

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

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

Rationale

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

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

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

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

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

(5) **Heritage assessment**

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

Rationale

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

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

Rewrite the clause in line with the Parramatta River Masterplan, Step 4 (February 2021), developed for Sydney Water (lead agency) by Macquarie University, in conjunction with councils within the Parramatta River Catchment. Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment.

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

Stormwater Management and Water Sensitive Urban Design

1) The objectives of this clause are as follows:

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

Rationale

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

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

Clause 6.4 Terrestrial biodiversity

Proposal

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

Rationale

To more closely align the LEP with the wording and intent of the Parramatta River Masterplan, Step 4 (February 2021), developed for Sydney Water (lead agency) by Macquarie University, in conjunction with councils within the Parramatta River Catchment.

Clause 6.5 Riparian land and adjoining waterways

Proposal

Rewrite the clause in line with the Parramatta River Masterplan, Step 4 (February 2021), developed for Sydney Water (lead agency) by Macquarie University, in conjunction with councils within the Parramatta River Catchment. Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment.

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

Waterways and Riparian Land

- 1) The objectives of this clause are as follows —
 - (a) to protect or improve—
 - i. water quality within waterways, and
 - ii. the stability of the bed and banks of waterways, and
 - iii. aquatic and riparian species, communities, populations and habitats, and
 - iv. ecological processes within waterways and riparian lands, and
 - v. scenic, recreational and cultural heritage values of waterways and riparian lands,
 - (b) where practicable, to provide for the rehabilitation of existing piped or channelised waterways to a more natural state.
 - (c) where practicable, to provide for improved habitat connectivity along riparian corridors,
 - (d) where practicable, to provide for improved green grid (active transport and recreation) links along riparian corridors, having regard to protection of high value vegetation, including endangered ecological communities that occur within these corridors.
- 2) This clause applies to riparian land. Riparian land is identified by the presence of a waterway, where the presence of a waterway is either —
 - (a) Identified in the NSW Government Hydroline dataset
 - (b) Identified via physical features that are consistent with the definition of a "river" within the *Water Management Act NSW 2000*

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

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

- (a) whether the development is likely to have an adverse impact on the following—
 - i. the water quality in any waterway,
 - ii. the natural flow regime, including groundwater flows to any waterway,
 - iii. aquatic and riparian species, populations, communities, habitats and ecosystems,
 - iv. the stability of the bed, shore and banks of any waterway,
 - v. the free passage of native aquatic and terrestrial organisms within or along any waterway and riparian land,
 - vi. public access to, and use of, any public waterway and its foreshores,
 - (b) any opportunities for rehabilitation or re-creation of any waterway and its riparian areas,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- 4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
- (a) is consistent with the objectives of this clause, and
 - (b) integrates riparian, stormwater and flooding measures, and
 - (c) is designed, sited and will be managed to avoid any potential adverse environmental impacts, and
 - (d) if a potential adverse environmental impact cannot be avoided by adopting feasible alternatives—the development minimises or mitigates any such impact to a satisfactory extent.

Rationale

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

Clause 6.6 Limited development on the foreshore

Proposal

Rewrite the clause in consideration of the Parramatta River Masterplan, Step 4 (February 2021), developed for Sydney Water (lead agency) by Macquarie University, in conjunction with councils within the Parramatta River Catchment. Model LEP clauses were prepared to create a single overarching policy mechanism for the entire Parramatta River catchment. In addition, further amendment has also been proposed strengthen provisions related to foreshore protection.

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

Foreshore area development

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

Rationale

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

Clause 6.7 Development on river front areas**Proposal**

Amend Clause 6.7 as follows:

- (1) The objectives of this clause are as follows—
- (a) to identify river front areas that have particular scenic value when viewed from waterways and adjacent foreshore areas,
- (a1) to recognise and protect this natural and visual environment,**
- (a2) to reinforce the dominance of landscape over built form,**
- (b) to ensure that development in these areas minimises visual impacts by appropriate siting and design of buildings together with the conservation of existing **trees vegetation,**
- (c) to maintain existing views and vistas **towards to and from** waterways **from and** public places.
- (2) This clause applies to land identified as “River Front Area” on the [River Front Area Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—
- (a) measures will be taken, including in relation to the location, design and appearance of the development and conservation of existing trees, to minimise the visual impact of the development to and from the nearest waterway **or riverfront area** and
- (b) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out, and of surrounding land, will be maintained, **and**
- (b1) the development will maintain the existing natural landscape and landform, and**
- (c) existing views towards waterways from public roads and reserves would not be obstructed.

Note—

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

Rationale

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

Clause 6.9 Landscaped areas for dwelling houses and secondary dwellings**Proposal**

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

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

- ~~1. The objectives of this clause are as follows—~~
- ~~(a) to maintain the character and identity of Hunters Hill by ensuring that dwelling houses and secondary dwellings are surrounded and separated by individual gardens,~~
- ~~(b) to soften the visual impacts of dwelling houses and secondary dwellings when viewed from any waterway, park or road by providing sufficient space for trees and plantings around every building,~~
- ~~(c) to protect and preserve native vegetation in general, and in particular, native vegetation that occurs in a riverfront area or on riparian land~~
- ~~(d) to ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality,~~
- ~~(e) to minimise the discharge of stormwater from any site, whether by drainage or by overland flow.~~

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

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

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

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

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

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

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

(a) to maintain and enhance the character and identity of the municipality by ensuring a general visual dominance of landscape over buildings and by ensuring that dwelling houses and secondary dwellings are surrounded and separated by individual gardens,

(b) to soften the visual impacts of dwelling houses and secondary dwellings and provide sufficient space for trees and plantings around every building,

(c) to have buildings revealed through informal garden settings and be visually recessive,

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

(e) to ensure that the size and scale of dwelling houses and secondary dwellings are compatible with the existing character of their surrounding locality or the desired character of the locality as reflected in the applicable Development Control Plan,

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

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

(a) for each site with a direct frontage to a waterway, the Parramatta River or the Lane Cove River—40% of the site area, or

(b) for all other sites—33% of the site area.

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

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

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

Rationale

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

In addition, Clause 6.9 should be consistent with the standard LEP definition of *landscaped area*:

Landscaped area means part of a site used for growing plants, grasses and trees but does not include any building, structure or hard paved area.

The above definition presently conflicts with existing Clause 6.9(4):

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

The proposed Clause is now consistent with the standard landscape area clause definition, which has also been included in the Clause as (5).

The landscaped area of sites with a direct frontage to the Parramatta River or the Lane Cove River—is proposed to be 40% of the site area, and for all other sites—33% of the site area. This does not include areas with a width of less than 2m.

Explanation of intended effect:

Waterfront sites (example)

For a site of 1,000m² the current requirements would result in:

- 600m² of landscaped area (60%)
- 200m² for 'hard landscaping' – one third (1/3) of 600m²
- 400m² for soft landscaped area (600 – 200)
- **Equates to 40% landscaped area of site**

Non waterfront sites (example)

For a site of 1,000m² the current requirements would result in:

- 500m² of landscaped area (50%)
- 167m² for hard landscaping (one third (1/3) of 500m²)
- 333m² for soft landscaped area (500 – 167)
- **Equates to 33% landscaped area of site**

Proposal

Include new Clause 6.11 – see below:

6.11 Development in local centres and mixed use areas

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

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

(b) to ensure development in village and local centres is compatible with the desired future 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 future character, heritage values and amenity of the local centre, and
- (b) whether the development is consistent with providing for residents' daily needs within the hierarchy of village and local centres.

Rationale

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

During initial community consultation associated with the proposed LEP amendments a high level of community concern was raised regarding the above reform. The proposed inclusion of Clause 6.11 seeks to ensure the scale and function of development in village and local centres is appropriate to the location and compatible with the desired future 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.

2.6 Schedule 1 Additional permitted uses

Proposal

Amend schedule as outlined within the table below:

Table 1 – Proposed Schedule 1 Amendments

Item number	Existing	Comment	Recommendation
1	<p>Use of certain land at 21c Farnell Street, Boronia Park</p> <p>1) This clause applies to land at 21c Farnell Street, Boronia Park, being Lot 13, Section 6, DP 758143 and Crown Reserve R87767.</p> <p>2) Development for the purpose of community facilities is permitted with development consent.</p>	<p>This site is zoned R2 Low Density Residential. Community facilities are permissible in the zone.</p>	<p>Remove land from Schedule 1</p>
2	<p>Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville</p> <p>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.</p> <p>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.</p>	<p>The site is zoned is zoned R3 Medium Density Residential.</p> <p>Health consulting rooms permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Given the location of the site close to the town centre and other planning provisions that apply, the application of a site</p>	<p>Remove land from Schedule 1</p>

Item number	Existing	Comment	Recommendation
		specific provision for size is not considered necessary.	
3	<p>Use of certain land at 17 and 19 Massey Street, Gladesville</p> <p>1) This clause applies to land at 17 and 19 Massey Street, Gladesville, being Lots 1 and 2, DP 16241.</p> <p>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</p>	<ul style="list-style-type: none"> As above in No. 2 	Remove land from Schedule 1
4	<p>Use of certain land at 20a Alexandra Street, Hunters Hill</p> <p>1) This clause applies to land at 20a Alexandra Street, Hunters Hill, being Lot 1, DP 1070714.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent.</p>	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. Land exists within a Heritage Conservation Area (HCA). 	Retain as existing.
5	<p>Use of certain land at 32 Alexandra Street, Hunters Hill</p> <p>1) This clause applies to land at 32 Alexandra Street, Hunters Hill, being Lot 127, DP 1114617 and comprising the Hunters Hill Post Office.</p> <p>2) Development for the purposes of business premises, multi dwelling housing and shop top housing is permitted with development consent</p>	<ul style="list-style-type: none"> Land is zoned R2 Low Density Residential. Not suitable to zone commercial given its location in a R2 Low Density Residential zone 	Retain as existing.
6	<p>6. Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill</p> <p>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.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent</p>	<ul style="list-style-type: none"> Montefiore seniors living. 2 Gaza St, Lot 61/DP 16119 and 116 High St, Lot 62/DP16119 are missing – bought by Montefiore since the LEP was gazetted Seniors housing permitted in the R2 Residential zone under the Housing SEPP Land not in a HCA. 	<p>Not in a HCA.</p> <p>New masterplan and planning controls are being proposed for the site.</p> <p>Remove from Schedule 1.</p>

Item number	Existing	Comment	Recommendation
7	<p>Use of certain land at 49–51 Barons Crescent, Hunters Hill</p> <p>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.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent.</p>	<ul style="list-style-type: none"> Part of Montefiore. Seniors housing permitted in the R2 Residential zone under the Housing SEPP 	<p>Not in a HCA.</p> <p>Remove from Schedule 1.</p>
8	<p>Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill</p> <p>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.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent.</p>	<ul style="list-style-type: none"> Lot 1, DP 302331 is known as 1A De Milhau Rd in planning portal. Seniors housing permitted in the R2 Residential zone under the Housing SEPP Not in a HCA. 	<p>Not in a HCA.</p> <p>Remove from Schedule 1.</p>
9	<p>Use of certain land at 1 Durham Street, Hunters Hill</p> <p>1) This clause applies to land at 1 Durham Street, Hunters Hill, being Lots 10 and 11, DP 4614.</p> <p>2) Development for the purpose of community facilities is permitted with development consent.</p>	<ul style="list-style-type: none"> Community facilities are permissible in the R2 zone. 	<p>Remove from Schedule 1</p>
10	<p>Use of certain land at 35 Gladesville Road, Hunters Hill</p> <p>1) This clause applies to land at 35 Gladesville Road, Hunters Hill, being Lot 38, DP 224608 and Lot 11, DP 846102.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent.</p>	<ul style="list-style-type: none"> Address & lot/DPs correct. Seniors housing permitted in the R2 Residential zone under the Housing SEPP Not in a HCA. 	<p>Remove from Schedule 1</p>
11	<p>Use of certain land at 41 Gladesville Road, Hunters Hill</p> <p>1) This clause applies to land at 41 Gladesville Road, Hunters Hill, being Lot 1, DP 716526.</p> <p>2) Development for the purpose of seniors housing is permitted with development consent.</p>	<ul style="list-style-type: none"> Address & lot/DP correct. Seniors housing permitted in the R2 Residential zone under the Housing SEPP. Not in a HCA. 	<p>Remove from Schedule 1</p>
12	<p>Use of certain land at 43 Gladesville Road, Hunters Hill</p> <p>1) This clause applies to land at 43 Gladesville Road, Hunters Hill, being Lot 2, DP 716526.</p>	<ul style="list-style-type: none"> Seniors housing is permitted in the R2 	<p>Remove from Schedule 1</p>

Item number	Existing	Comment	Recommendation
	2) Development for the purpose of seniors housing is permitted with development consent.	Residential zone under the Housing SEPP. <ul style="list-style-type: none"> Not in a HCA. 	
13	Use of certain land at 8 Passy Avenue, Hunters Hill 1) This clause applies to land at 8 Passy Avenue, Hunters Hill, being Lot 1, DP 133826, Lot 1, DP 206036 and Lot 1, DP 922514. 2) Development for the purpose of seniors housing is permitted with development consent	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. Land exists within a HCA. 	Retain as existing.
14	Use of certain land at 10 and 12 Salter Street, Huntleys Cove 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Seniors housing permitted in the R2 Residential zone under the Housing SEPP. However, moratorium on seniors housing only applies in HCAs until December 2023 under the Housing SEPP. Land exists within a HCA. 	Retain as existing.
16	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.	<ul style="list-style-type: none"> Lots 2 & 4 DP 880264 Currently zoned IN4 Working Waterfront. 	Retain as existing.
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.	<ul style="list-style-type: none"> Currently zoned R2. 	Retain as existing.

Item number	Existing	Comment	Recommendation
	2) Development for the purposes of restaurants or cafes and shop top housing is permitted with development consent.		

2.7 Schedule 5 Environmental Heritage - Part 1 Heritage Items

Proposal

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

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

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

Sandstone wall heritage listings

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

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

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

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

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

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

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

It is proposed that the listings be amended as follows:

- Include interiors in the name of the heritage item where the item is a public building, publicly accessible, or of State significance. The opportunity would be provided for property owners to invite Council’s Heritage

Advisor to inspect an interior, and if not of heritage value, to have the specific listing of the interior removed.

- Undertake future investigation into changing the name of other buildings listed as heritage items, such as houses, to include interiors.



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




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

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

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

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

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

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

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

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

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

Address and description	Photograph
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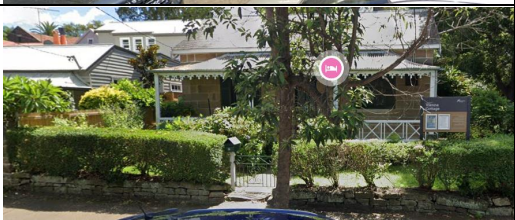

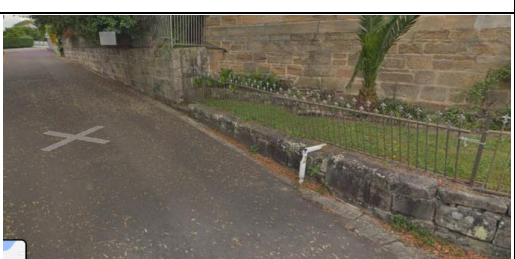
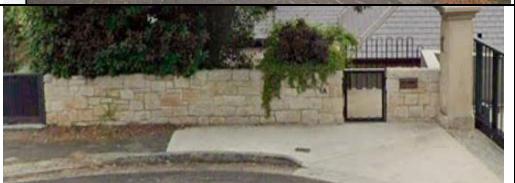
<p>34 Alexandra Street, Hunters Hill</p> <p>(This wall is mapped in Figure 4 of the 1984 Heritage Study)</p>	
<p>36 Alexandra Street, Hunters Hill</p> <p>(This wall is mapped in Figure 4 of the 1984 Heritage Study)</p>	
<p>38 Alexandra Street, Hunters Hill (Vienna Cottage)</p>	
<p>7 Woolwich Road, Hunters Hill (pillars and stone wall of "Clifton")</p>	
<p>23 Wybalena Road, Hunters Hill</p>	<p>Stone walls along the western and southern boundaries.</p>
<p>39 The Point Road, Woolwich</p>	
<p>1A Werambie Street, Woolwich</p> <p>(This wall is mapped in Figure 4 of the 1984 Heritage Study)</p>	



Table 5 – Proposed inclusion of War Memorial Listings

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

2.8 Schedule 5 Environmental Heritage - Part 2 Heritage Conservation Areas

Council has engaged the services of a heritage specialist to review and provide recommendations in relation to heritage conservation areas listed within Schedule 5 of the LEP. The following amendments are proposed a result of this review.

- Excise Pulpit Point and the Burns Bay Interchange from The Peninsula Heritage Conservation Area.
- Excise the post-war housing areas from The Isler Heritage Conservation Area.
- Remove landscape conservation areas that overlap with The Peninsula and the Isler heritage conservation areas.
- Remove the Department of Housing Subdivision DP 13260 (C435) landscape conservation area.

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

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

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

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

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

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

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

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

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

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

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

- C450 – Figtree subdivision, DP 988
- C451 - Foss' Subdivision—part diagram CT 1-32 date 1866
- C422 - Sunnyside Estate Subdivision, DP 808

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

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

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

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

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

2.9 Timing

Indicative timeframes for the delivery of the subject review of the LEP are provided below.

- **March – May 2023:** Completed – Initial consultation with Council staff, community, Council legal representatives and key stakeholders.
- **June 2023:** Completed – Final collation, review and summary of submissions.
- **July – September 2023:** Completed – finalisation of draft scoping proposal.
- **October 2023:** Report to Council seeking endorsement and referral of the scoping proposal to the Department of Planning and Environment (DPE) for review.
- **November 2023 - January 2024:** Preparation of Planning Proposal.
- **February 2024:** Report of Planning Proposal to Council seeking referral to DPE for Gateway Determination.
- **March 2024:** Consideration of Gateway Determination and preparation for public exhibition.
- **April – May 2024:** Public exhibition and assessment stage, which includes review of submissions.
- **June – July 2024:** Planning Proposal finalisation and report to Council seeking consideration of submissions and finalisation of Planning Proposal.

3. Strategic Merit

The subject planning proposal commences the implementation of LEP amendments as outlined within the LSPS, giving effect to the Eastern Sydney District Plan. Council intends to implement the LSPS as a series of planning proposals, with this being the first.

Given the above, the planning proposal would be consistent with the applicable strategic planning framework and the proposal has strategic merit.

It can be noted that future LEP and DCP amendments will also seek to give effect to the Hunters Hill Local Housing Strategy. However, the subject proposal is a housekeeping amendment and more substantial review and consideration of the actions detailed within the housing strategy will occur as part of a future planning proposal.

4. Site-specific considerations

The subject LEP amendments generally relate to housekeeping of the existing LEP instrument and supporting documentation and are not envisaged to result in any significant change to land use on a site specific basis.

Some amendments, such as those proposed to ensure consistency with the Parramatta River Masterplan and to more accurately identify and describe heritage items and areas, are likely to result in long term positive site specific environmental and heritage outcomes. However, these amendments are more a reflection of existing land use plans and known heritage items and areas rather than an adoption of a new approach to how these environmental and heritage aspects are managed.

The subject proposal would also remove heritage listing on sites that are not of heritage significance. This change would reflect the heritage value of those sites which are currently subject to potentially unjustified heritage requirements.

Given the above, it is unlikely that the proposed LEP amendments would result in any significant negative site specific impacts. However, the planning proposal will:

- Consider the context and justification for updates to align the LEP with the Parramatta River Masterplan.

- Reference existing information regarding heritage conservation areas and items to ensure more accurate reflection of these areas.

No new specialist studies are considered warranted to justify the proposed LEP amendments as detailed within this scoping proposal.

Notwithstanding the above, consultation will be undertaken with the community, relevant Council specialists (such as Council's Heritage Advisor), DPE and Heritage NSW in the progression of the subject planning proposal to ensure appropriate consideration of community, specialist and Government agency views.

5. Preliminary Environmental Considerations

The subject LEP amendments generally relate to housekeeping of the existing LEP instrument and supporting documentation and are not envisaged to result in any significant change to land use or associated environmental impacts.

Some amendments, such as those proposed to ensure consistency with the Parramatta River Masterplan and to more accurately identify and describe heritage items and areas, are likely to result in long term positive environmental and heritage outcomes. However, these amendments are more a reflection of existing land use plans and known heritage items and areas rather than an adoption of a new approach to how these environmental and heritage aspects are managed.

Given the above, it is unlikely that the proposed LEP amendments would result in any significant environmental impacts. As such, the subsequent planning proposal is unlikely to require significant assessment of potential environmental impacts. However, the planning proposal will:

- Consider the context and justification for updates to align the LEP with the Parramatta River Masterplan.
- Reference existing information regarding heritage conservation areas and items to ensure more accurate reflection of these areas.

No new specialist studies are considered warranted to justify the proposed LEP amendments as detailed within this scoping proposal.

Notwithstanding the above, consultation will be undertaken with the community, relevant Council specialists (such as Council's Heritage Advisor), DPE and Heritage NSW in the progression of the subject planning proposal to ensure appropriate consideration of community, specialist and Government agency views.

6. Discussion Points

The subject LEP amendments relate to matters identified within the Eastern City District Plan, Council's LSPS and identified anomalies within the LEP that are required to be rectified. As such, the changes are consistent with Council's existing strategic planning framework and/or are required to amend clear inconsistencies and errors within the LEP.

The planning proposal would be developed in consultation Council's elected representatives and with relevant Council Staff, including Council's executive, development assessment and heritage personnel.

The proposal would be subject to consultation with the community, both during the scoping and planning proposal development phase and as part of formal consultation required by the *Environmental Planning and Assessment Act 1979*. In addition, any changes to provisions that relate to specific properties would be subject to targeted consultation with relevant property owners.

In relation to consultation with government agencies, as amendments to written and mapped heritage provisions are proposed, consultation with Heritage NSW will be undertaken in the progression of the planning proposal. Consultation would also be undertaken with DPE throughout the planning proposal process (including the submission of this scoping proposal to DPE for review). However, given the nature of the proposal as outlined above, it is considered that consultation with other government agencies is not warranted.

Given the consistency of the planning proposal with the strategic planning framework, the relatively minor nature of the subject housekeeping amendments and the likely negligible negative environmental, social, economic and governance impacts, it is not considered that any specialist studies would be required to inform the proposal.

Feedback Number		Summary of Main Points Raised in Feedback
1		<ul style="list-style-type: none"> • NSW Government Employment Zones Reform and the need to strengthen the LEP and planning controls against future challenge from developers. • Recommendation to apply a C4 Environmental Living Zone for sensitive foreshore land areas. • Current areas of concern: lack of landscaped area, loose requirements of complying development, lack of respect for planning controls, destruction of remaining north facing bushland on Barons Crescent, and impact of subdivisions. • Loss of amenity due to broader permissible use in E1 zones. • Major concern for overall tree canopy loss and impact on wildlife corridors, especially in Barons Crescent area.
2		<ul style="list-style-type: none"> • Inclusion of local zone objectives for E1 employment zones to minimise effect of business uses on the heritage and amenity of adjacent residential areas. • Fully address potential impacts to environmental and built heritage and character under the E1 SEPP in terms of height, FSR, bulk, scale, proportion and compatibility. • Rigorous scrutiny of DA's received for commercial properties in the new E1 zones prior to the update of the LEP and DCP. • Clear communication of timing of the scoping phase and opportunity for community feedback. • Tightened controls over local development. • Inclusion of C4 Environmental Living zone to provide far greater protections for lands adjoining high value conservation areas and sensitive foreshore, including mangroves. • Require detailed explanation for proposal to amend existing conservation areas.
3		<ul style="list-style-type: none"> • Concerned with changes to Employment Zones and in particular the redevelopment of 67 High Street. • 67 High Street should be re-zoned to residential.
4		<ul style="list-style-type: none"> • Lack of community consultation with regard to changes to Employment Zones.
5		<ul style="list-style-type: none"> • Lack of community consultation with regard to changes to Employment Zones.
6		<ul style="list-style-type: none"> • Lack of community consultation with regard to changes to Employment Zones.
7		<ul style="list-style-type: none"> • Lack of community consultation with regard to changes to Employment Zones. • Council must request new State Government remove the new law.
8		<ul style="list-style-type: none"> • Action housekeeping matters swiftly. • What steps will Council take in regards to overcoming problem of new Employment Zones? • Concerned about potential Pulpit Point development if it was excluded from conservation area. • Traffic issues at the Gladesville and Ryde Road intersection.

		<ul style="list-style-type: none"> Strengthening of planning instruments to protect tree coverage. Learn from Mosman Council's prescriptive building height restrictions.
9		<ul style="list-style-type: none"> Zoning review for 63-67 High Street needed. Review of planning controls for sensitive foreshore land sites along Barons Crescent to correct inconsistent lot sizes and reduce problematic battle-axe subdivision outcomes. Local objectives added for the E1 employment zones to ensure planning outcomes can be differentiated between large and small local centres. Assessment of merits for applying a C4 Environmental Living Zone to protect sensitive areas of foreshore land. Comprehensive review of the LEP is undertaken given the significant amount of change since the last review. Improve communication and details around the LEP/DCP timelines, proposed amendments and planning outcomes in order to restore community support.
10		<ul style="list-style-type: none"> Explanation required for lack of community consultation with regard to changes to Employment Zones.
11		<ul style="list-style-type: none"> Council must challenge the rezoning of Employment Zones. Concerned with breaking of licence agreements by current commercial premises and resulting noise impacts in Woolwich and the potential for this to worsen under new zoning arrangements.
12		<ul style="list-style-type: none"> Very concerned with the effect of new zoning on 63-67 High Street and the resulting traffic and pollution impacts of development. Rezoning of 63-67 High Street to a more appropriate residential zone.
13		<ul style="list-style-type: none"> Consider a complete re-zoning of the High St/Park Rd corner and the foreshore along Barons Crescent. High St/Park Rd should be zoned residential. The passive recreation area in Boronia Park is a district and local destination for the community that is already a relatively dangerous place for pedestrians to cross and which will require crossings and lights if the density is increased from development. A thorough and comprehensive review of the impact of the SEPP/ appropriate controls should be undertaken including proper and transparent community consultation according to the relevant Policy conducted at a high level to ensure the community and residents do not suffer unnecessarily at the hands of the developers. Community is worried and asks that the process be communicated. The residents are tired and stressed with the continuous need for objecting. Why did council not take steps to overlay SEPP zone changes with local controls?
14		<ul style="list-style-type: none"> The proposed changes will affect the quiet enjoyment of the Woolwich precinct in that it will allow commercial premises, such as the Woolwich Pier Hotel, to trade with limited restrictions. Concerned with loud music, traffic and parking issues in Woolwich.

15		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
16		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
17		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones. • Zoning of 63-67 High Street be reviewed as part of this process.
18		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
19		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
20		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
21		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
22		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
23		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
24		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones. • Inappropriate zoning of 63-67 High Street. • 63-67 High Street is across from a National Park, it cannot sustain the increased traffic and pollution a neighbourhood zone would generate. Hunters Hill is supposed to be a garden suburb, one of precious few remaining in Sydney.
25		<ul style="list-style-type: none"> • LEP must always fundamentally protect the character, identity and integrity of existing neighbourhoods and protecting low rise/low density residential zoning in the Municipality. • Concerned with the threats from Montefiore redevelopment, 63-67 High St development and the SEPP changes to Land Use Zones. • Suggests a “community panel” to provide a suitable forum for relevant community consultation as part of the review process.
26		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
27		<ul style="list-style-type: none"> • The SEPP ideas of the State Government need to be considered very carefully as quite easily any development could affect the suburb’s character. • Some of the ideas evolving from Council is of major concern eg. Figtree Park changes, Boronia park function centre, proposed Garibaldi Inn precinct and the Corner opposite. • Heritage of the area is the main consideration. • Community must be kept informed.
28		<ul style="list-style-type: none"> • The site 63-67 High St is not appropriately zoned. The Land and Environment Council in 2005 suggested that re-zoning would be most appropriate. This was never done. • Concerned with development of this site.

29		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones. • 63-67 High Street is not appropriately zoned. • Concerned with over-development of the site. • Seek assurance that any development applications for commercial uses in the new employment zones lodged prior to the finalisation of the new LEP and DCP, will be subject to rigorous scrutiny to ensure they do not breach current LEP regulatory standards.
30		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones. • Need to preserve precious character, identity and heritage of Hunters Hill.
31		<ul style="list-style-type: none"> • The site 63-67 High St is not appropriately zoned. The Land and Environment Council in 2005 suggested that re-zoning would be most appropriate. This was never done. • Concerned with development of this site and setting a precedent for developers. • Already have a wonderful commercial area in Boronia Park.
32		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
33		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
34		<ul style="list-style-type: none"> • Ask for assurance that Council will consult widely and openly with the community during the continuing review of our LEP and DCP, and make such changes as are necessary to ensure changes embedded in the SEPP are acceptable to the Hunters Hill Community.
35		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
36		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
37		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones. • Concerned with declining heritage due to development. • Concerned with over development of 63-67 High Street site. • Supports deferring the implementation of the Employment Zone reforms.
38		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
39		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
40		<ul style="list-style-type: none"> • Explanation required for lack of community consultation with regard to changes to Employment Zones.
41		<ul style="list-style-type: none"> • No changes to diminish conservation areas as any such move would increase CDCs and further loss of character. • A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. • Current controls of height, FSR, landscape area, bulk, scale and proportions must be strengthened to be compatible with existing character.

		<ul style="list-style-type: none"> • There is a tendency for development to fill the maximum permissible building envelope in height and scale – detrimental to streetscape and historical value of garden suburb. • Ensure 50/60% landscaping requirements redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce garden area. • Need to strengthen link between LEP and DCP. • Tighten controls that limit extent of demolitions and increasingly excessive geological excavation. • Stronger controls around garages and carports. • Consideration must be given to sustainability measures eg solar panels.
42		<ul style="list-style-type: none"> • Present controls over height and space ratios of landscape area must be maintained to maintain character. • Solar panels and water tanks to be encouraged in all heritage areas.
43		<ul style="list-style-type: none"> • Imperative that Council protect our suburb from over development and ensure controls over height, FSRs, landscape, in particular the loss of tree canopy, are enforced. • Conservation areas must be retained.
44		<ul style="list-style-type: none"> • No move to diminish the extent of the existing conservation areas with investigation to further include heritage items (particularly buildings not yet listed but identified in <i>“The Heritage of Hunters Hill”</i>. Identification of ‘contributory’ buildings must also be fully valued. • A C4 ‘Environmental Living’ zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. • Current controls of height, FSR, landscape area, bulk, scale and proportions must be strengthened to be compatible with existing character. • Ensure 50/60% landscaping requirements redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce garden area. • Need to strengthen link between LEP and DCP. • Tighten controls that limit extent of demolitions and increasingly excessive geological excavation. • Stronger controls around garages and carports. • Consideration must be given to sustainability measures eg solar panels. • Local hydrology must be strategically managed to ensure stormwater is captured as a resource.
45		<ul style="list-style-type: none"> • Retain all conservation areas within the existing boundaries. • Strengthen current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions to be compatible with the existing character. • Strengthen the link between the LEP and DCP to align the existing planning controls for new development including additions.

		<ul style="list-style-type: none"> • Establish a process for inspecting complying development projects prior to approval so that staff can document mature trees and monitor their protection. • Redefine the requirement for 50%/60% landscaping to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce the garden area. Substantial areas of deep and continuous soil for tree planting is crucial to maintain the tree canopy. • A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. • Tighten controls that limit extent of demolitions and increasingly excessive geological excavation. • Stronger controls around garages and carports.
46		<ul style="list-style-type: none"> • Must not strip out any streets from the Conservation Areas as this will obviously lead to more complying development projects which are already decimating the character of our suburb. • A review of 'contributory' buildings. • Of particular importance is the strengthening of current controls over heights and FSRs and ensuring requirements for landscaping are not 'got around' by using hard surfaces which sacrifice green space and tree canopy. • Needs to be better management of trees on complying development sites, as per State Government legislation, which allows Councils to protect existing mature trees. • Introduce the C4 'Environmental Living' zone into our LEP to give greater protection to sites on land adjoining conservation areas.
47		<ul style="list-style-type: none"> • Existing Conservation Area boundaries are not reduced in any way, if anything they should be expanded to offer protection to a greater proportion of the LGA. • The role of 'contributory' buildings must also be acknowledged in retaining Hunters Hill's historic character. • The level of private tree loss is too high across the LGA. The requirement for 50% landscaping must be enforced to allow less 'hard surface' such as pools, paths, patios, etc to incrementally reduce the 50% soft surfaces of gardens and vegetated landscaping. • Greater care of remnant bushland and Endangered Ecological Communities is needed to safeguard their environmental values. A C4 'Environmental Living' zone should be introduced to give greater protection to sites on land adjoining conservation areas. • Water Sensitive Urban Design needs more focus and integration into the urban water cycle. • Council must commit to tightening controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation, wall heights and setbacks, particularly in non-complying development.

48		<ul style="list-style-type: none"> • My current understanding is that dual occupancy / duplex dwellings can only be subdivided by Strata Title. I would like to propose that dwellings that meet the criteria for Torrens Title should be permitted to do so.
49		<ul style="list-style-type: none"> • Any removal of the current Conservation Zones will lead to “complying developments” that erode the character of Hunters Hill as we currently experience it. • Greater protection needs to be given to maintaining the tree canopy. • The controls for Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened. • Must be absolute clarity in the controls and the DCP must be totally consistent with the LEP. Should be more targeted goals in the DCP to conserve character, heritage, gardens and landscape of the municipality. • Council needs to have controls that recognise the significance of climate change and work in a way to mitigate its impacts.
50		<ul style="list-style-type: none"> • To ensure there is a considered response to climate change, precious resources, character and amenity in Hunters Hill I sincerely request that the existing conservation areas are maintained and that stronger guidelines are enacted by ensuring the LEP and DCP work together. • Must discourage the current knockdown rebuild mentality and strongly encourage adaptive reuse and preservation of resources where viable - or replacement with exceptional design where retention may not be possible. • 18 Richmond Crescent is a good example of successful restoration of an original cottage with extension to the rear.
51		<ul style="list-style-type: none"> • LEP controls are insufficient and continue the “loose control” over sensitive environmental areas. • Despite high ecological values of C2 zone it still allows residences other than multi-dwelling housing and residential flat buildings. The drafting of Zone C2 would allow housing in the Great North Walk and the bushland adjacent to the Lane Cove River around Boronia Park. • Heritage protection must be sought for areas of high ecological, scientific, cultural or aesthetic values, utilising the provisions of the <i>Heritage Act 1977</i> which apply to the natural environment. • There are also housing allowances in E3, E4 and W1 zones. • Low density residential zones under threat. • There is a potential loss of marine habitat and protective conditions for aquatic life caused by Zone W2 Recreational Waterways. • The new E1 zones represent a significant intensification of activities and a consequent loss of amenity to surrounding residential neighbourhoods. Not appropriate for the Woolwich peninsula. Important to differentiate

		<p>development in this area from centres intended for future growth, by including local objectives and provisions in the zone drafting.</p> <ul style="list-style-type: none"> • Suggest the changes set out below. <ol style="list-style-type: none"> i. Council should argue for the exclusion of those parts of Hunters Hill from the new LEP which are heritage protected, or should be. The audit of possible heritage sites being conducted should be hastened for that purpose. ii. Council should argue for the restoration of the previous version of the Low Density Residential zone in the light of the special, but eroding, heritage and garden character of Hunters Hill. iii. Council should increase the areas of the municipality zoned as E3 and E4 wherever possible. Any way in which the complying development provisions can be excluded from our suburb should be utilised. iv. The use of local objectives and provisions should be sought, to ameliorate the much greater intensification of uses now allowable. According to the Community Plan, Council’s strategic planner should have been investigating all buildings and parts of our municipality which can be zoned with less use intensive categories to increase protection of the current uses and character of Hunters Hill. v. Current controls over height, floor space ratios, landscape area, bulk, scale and proportions must be strengthened to be compatible with the existing character of our municipality. vi. The current Hunters Hill DCP is notable for its provisions being breached rather than observed. It itemises the positive attributes and basic requirements which have characterised our municipality up until now, which has no teeth and is ignored by most, if not all, developers. A review of the salient provisions of the DCP, particularly with regard to vegetation, controls over height, floor space ratios, landscape area, bulk, scale and proportions of dwellings and preservation of existing topography is necessary to incorporate as many of those provisions in the LEP as possible. vii. Council must also adapt to the exigencies of climate change, and increase pressure for inclusion of solar panels, heat pump water heaters and other measures which reduce the carbon footprint of buildings. There is no reason why heritage zoning should prohibit the sensitive siting of panels on roofs.
52		<ul style="list-style-type: none"> • Stronger LEP and DCP to improve heritage outcomes. • Most detailed clauses which refer to the heritage, character and identify that define HH are in the DCP but the words of the DCP are qualitative and hard to measure. Further, DCP controls in 2.2.4 - Desired Character - consistently require proposed developments <i>should</i> comply, <i>should</i> maintain, <i>should</i> demonstrate. No compunction. • Need for stronger links between LEP and DCP. Character definitions are essential.

		<ul style="list-style-type: none"> • LEP must have detailed requirements to demonstrate that specific DCP clauses have been satisfied in reaching and achieving the definitions of overall “compliance”. • More targeted controls for development affecting heritage items. • Identification and protection for contributory buildings.
53		<ul style="list-style-type: none"> • Current planning controls are weak in mediating over-development within the conservation areas. • Concern about extent of demolitions in conservation areas. Also concern with the carbon cost. • To address the combined issue of heritage and sustainability by amending the landscape area control: <ul style="list-style-type: none"> - the minimum landscape area (50/60%) must be strictly enforced with current deductions, particularly for swimming pools, eliminated. - the FSR control should be reintroduced, bringing Hunters Hill in line with comparable municipalities such as Mosman.
54		<ul style="list-style-type: none"> • Concerned with the rezoning of 63-67 High Street to E1.
55		<ul style="list-style-type: none"> • Concern for garden suburb.
56		<ul style="list-style-type: none"> • No change to diminish conservation areas. • Introduce a C4 Environmental Living zone. • Strengthen current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions to be compatible with the existing character. • Tendency to fill maximum building envelope in height and scale is detrimental to streetscape. • Landscaping area should be redefined to exclude hard surfaces and swimming pools do not count as garden area. • Stronger controls around garages and carports. • Consideration to sustainability measures.
57		<ul style="list-style-type: none"> • No rezoning of conservation areas. • C4 Environmental zones to be introduced to provide better protection from development on land adjoining high value conservation areas. • Greater controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportion of properties to retain existing character.
58		<ul style="list-style-type: none"> • Better provision for canopy trees in landscape plans could manage the impact of ridgeline development when viewed from the harbour. • The value of ground water filtration through underlying bedrock should be prioritised above retention tanks in managing stormwater.

		<ul style="list-style-type: none"> • Below ground excavation has been excessive and the impact on stormwater assets has not properly been assessed. • Simplifying landscape provisions may not achieve the intent of sufficient landscape area to contribute genuinely to Hunters Hill as a garden suburb. • Paul Davies heritage report had a limited focus on the built (sandstone houses mostly) history of Hunters Hill rather than an appreciation of Hunters Hill within the context of a harbourside garden "character" suburb. • Recommendation to remove Pulpit Point from HCA1 was particularly concerning. • Need protection of all stone walls. • Preservation of stone guttering along roads. • Paling fences rather than brick walls. • Protection of public foreshore access. • Improved laneway and pedestrian access network.
59		<ul style="list-style-type: none"> • Current controls of height, FSR, landscape area, bulk, scale and proportions must be strengthened to be compatible with existing character. • Need to strengthen link between LEP and DCP. • Inspect complying development projects prior to approval. • Ensure 50/60% landscaping requirements redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce garden area. • A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. • No move to diminish the extent of the existing conservation areas with investigation to further include heritage items (particularly buildings not yet listed but identified in "<i>The Heritage of Hunters Hill</i>". Identification of 'contributory' buildings must also be fully valued. • Tighten controls that limit extent of demolitions and increasingly excessive geological excavation. • Stronger controls around garages and carports.

Shahram Mehdizadgan
Acting Director Town Planning
Hunters Hill Council
PO Box 21
Hunters Hill NSW 2110

14 April 2023

I am writing to Council and NSW Department of Planning with two primary objectives.

Firstly, to object to the effect the soon to be implemented Employment Zones amendment, State Environment Planning Policy (SEPP) 2022 may have in my local government area and the urgent need to strengthen our LEP and planning controls against future challenge from developers.

Secondly, to submit local input to Council and NSW Planning on what I'd like to see happen or be considered for inclusion in the upcoming review of our Local Environmental Plan (LEP).

On this occasion, Council seeks community participation. Previously we were kept in the dark. I sincerely hope we can find solutions to a vulnerability created with the surprise introduction of new Employment Zonings and land use changes effective 26th April 2023. Stronger planning controls are required to ensure **liveability** remains a high priority in our municipality!

It's been 11 years since Hunters Hill LEP has been reviewed and I understand Council is currently preparing a scoping proposal.

Q- Will this report be made available for comment by the community well before submission to NSW Department of Planning?

Q- Can consideration be given to adding a recommendation into the scoping report to apply a C4 Environmental Living Zone for sensitive foreshore land areas within Hunters Hill, similar to what Mosman Council has achieved?
See Planning Proposal – Mosman Scenic Protection Area Zone E4 Environmental Living – Nov 2020 (revised Sept 2021)

While I do not profess to have any expertise in planning, I do believe it is important for the community to have a say about the future **character and amenity** of Hunters Hill and to protect from reckless development currently occurring in land adjoining environmentally sensitive conservation zones.

What's really happening in my local area:

- The complete clearing of blocks - side to side, back to front, fence to fence. The erection of two storey concrete boxes or multi-dwellings with little to **no landscape area left** to plant a tree for future shade, temperature control against climate change.
- **Lack of enforcement** to step in and fine those who cheat the loose requirements of **complying development** that have already started to change the character and skyline of Hunters Hill, especially in the Boronia Park area, from a once leafy green canopy of tree tops to **empty spaces of sky**.
- **Lack of respect for Hunters Hill's planning controls**, which clearly identify the environmental qualities that contribute to our unique character and heritage, conservation, tree and vegetation management and preservation.

- Environmental destruction for what little is left of the **remaining north facing bushland** along Barons Crescent that borders the Lane Cove River foreshore and The Great North Walk conservation area.
- The removal of remnant bushland and wildlife habitat to **sub-divide and erect three new dwellings, where once stood only one** and where steep driveway site access greatly increases demand for on street parking (vehicle deliveries, visitors) impacting liveability.

Q- What safeguards can Council create to strengthen wording around the retention of existing trees and vegetation and enforcement of same, especially in land that adjoins conservation areas and to keep wildlife corridors connected?

Compromised Liveability

A consequence of broadening the range of permissible land uses in E1 zones will be the **loss of amenity** in the surrounding residential neighbourhoods. Another consequence is an increase in traffic volume and noise and restrictions with parking. This will create a major impact on suburban living and greatly compromise liveability.

Q - The community has yet to see a Traffic Report for the proposed upgrade and development of Figtree Park, new E1 Zone. Common sense would dictate this to be a First Stage Report, not Final Stage. The E1 zoning 63-67 High Street is also out of character for the surrounding residential area.

Recommendation of Environmental Living Zones to protect foreshore areas

I strongly recommend Council assess for inclusion C4 Environmental Living Zones to help protect sensitive areas of foreshore lands which surround our entire LGA, bordered by both Parramatta and Lane Cove Rivers, from further tree loss due to over development.

I have lived in Barons Crescent for more than 30 years. I have witnessed a steady decline in tree canopy cover and observed the terrible impact this has had on nesting bird behaviour. Barons Crescent borders a conservation zone along the Great North Walk and Lane Cove River foreshore area. This area has been under persistent attack by developers for the past 10 years as a search of Google Maps clearly demonstrates. Every subdivision equates to a major loss of mature aged trees. The cumulative loss of trees and wildlife cannot be underestimated.

Allowing subdivisions in this bushland setting to build multiple dwellings and overly large houses with parking platforms for 8 cars, underground car parks for six cars with entrances via steep driveways built seemingly beside 'every street front dwelling' creates not only an eyesore for neighbours but a fear a truck or car will enter your lounge room one day!

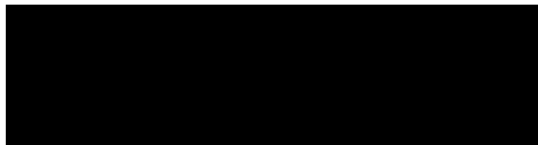
I've witnessed **a runaway cement mixer losing control** on the driveway beside my house, dropping 1 metre off the edge of the parking platform far below, coming to a standstill within two metres of the rock ledge into the bush below. A massive retrieval operation followed. Thankfully there was no loss of life.

Where once our yards, trees and gardens were full of noisy bird life with lorikeets, kookaburras, currawongs, numbers are now dwindling as their habitat is taken away. Once, the sight of Tawny Frog Mouth owls in your trees or hearing/seeing ringtail possums in the night was a daily occurrence. Now it's rare.

Today, neighbours spend futile hours furiously writing 'submissions of objection' to Council to try and prevent the loss of another 20, 30 or 40 mature aged trees, many 25 metres high from being destroyed with each new Development Application and sub division by profit driven developers who never live in the community.

Eleven years is a long time to wait to see our LEP updated and strengthened to meet the ever-challenging demands of the future. I look for collaborative engagement with Council & NSW Planning to find protections and safeguards to enhance liveability, sustainability and leave our neighbourhoods and conservation areas in better shape for future generations.

Kind regards



Copy to NSW Department of Planning



PRESERVING OUR HERITAGE
PO Box 85, HUNTERS HILL, NSW 2110

Mr Shahram Mehdizadgan
Acting Director Town Planning
Hunters Hill Council
PO Box 21
Hunters Hill
NSW 2110

12 April 2023

Dear Mr Mehdizadgan

Planning Reforms and LEP/DCP Review

It is evident from the strength of feeling demonstrated at the public meeting of 15 March 2023 that the community is demanding clear information and transparency in relation to current planning matters. Council needs to now engage openly concerning their response and communication with the NSW government on planning reform, as well as the required revision of Council's LEP/DCP, to strengthen objectives and improve outcomes for our municipality.

We write on behalf of the members of Hunters Hill Trust with regard to the urgent need for the community to have the opportunity to understand the implications of the new E1 SEPP and contribute to the LEP/DCP Review.

We require the following information, clarification and confirmation of actions to be immediately provided by Council:

Employment Zoning SEPP:

1. Council's submission in response to the new Employment Zones SEPP, previously sent to NSW Department of Planning & Environment, must be immediately and clearly available on Council's website. The community needs to know that Council has included **local zone objectives** for E1 Employment zones to minimise the effect of business uses on the heritage and amenity of adjacent residential areas having regard to building design, operation and activities. Traffic generation, car parking, capacity of local roads and potential for ecological disturbance must all be accounted for locally.
2. We seek assurance that the LEP/DCP Review will fully address potential impacts to environmental and built heritage and character under the E1 SEPP in terms of Height, Floor Space Ratios, Bulk, Scale, Proportion and Compatibility (similar to provisions put in place by Mosman Council). This must be documented explicitly to ensure that heritage and conservation values are not eroded by inappropriate development and reduction of liveability standards.
3. In view of the serious oversight by Council in not notifying and inviting participation from the community over imminent zoning reforms, we are very concerned that heritage areas will be exposed to inappropriate planning applications when the Business and Industrial zones become E1 Zones on 26 April 2023. We request that Council assures us that DAs received for commercial uses in the new employment zones, lodged prior to the finalisation of the revised LEP/DCP, will be subject to rigorous scrutiny to ensure they do not breach existing regulatory standards.

1

LEP/DCP Review timing and process:

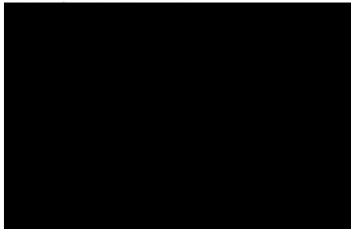
1. We require knowledge of the exact timing (including dates) of the **Stage 1 Scoping Phase of the Review** including determining the 'category' of the Planning Proposal amendments to the LEP and the timeline for Council's lodgement with the NSW Department of Planning & Public Spaces.
2. We request Council's immediate communication on the proposed content of the Review being undertaken by Council's Strategic Planner, Kieran Metcalf, with any changes clearly identified and the opportunity for community consultation and feedback during this process made explicit.
3. The Trust seeks confirmation that the revised LEP/DCP will strongly tighten controls over local development and fully reflect the need to prevent the current erosion of streetscape, character, geology and heritage landscape, including the 50% garden areas provision and tree canopy, which has resulted in residential development incrementally weakening the integrity of conservation areas within the municipality.
4. In addition, we would promote the introduction of a C4 'Environmental Living' zone to provide far greater protections for lands adjoining high value conservation areas and sensitive foreshore, including mangroves.

Conservation Areas:

Crucially, we seek a detailed explanation for proposals by Council's heritage consultant to amend existing Conservation Areas, as briefly presented by the Council's Heritage Advisor at the public meeting. Any such move that would permit increased complying development will be opposed. Conservation Areas must be entirely retained within their current protected status and boundaries, with investigation to scope further inclusion of heritage listed items and areas.

We look forward to your urgent reply addressing all of the above and to actively participating in the revision of the LEP/DCP objectives to safeguard the historic character of Hunters Hill.

Yours sincerely,

**Copy to:**

Mitchell Murphy General Manager, Mayor & Councillors
Marcus Ray, Deputy Secretary, NSW Department of Planning & Public Spaces
Karen Lettice, Senior Strategic Planner, NSW Department of Planning & Public Spaces
The Hon Paul Scully, MP, Minister for Planning & Public Spaces

Suzi Wessels

From: [REDACTED]
Sent: Tuesday, 21 March 2023 1:17 PM
To: Customer Service
Subject: Attention General manager, re Employment zone reforms

Dear Mr Murphy,

I am a local who knows little about planning, but recently aware that the employment zone reforms were not conveyed to our community in Hunters Hill and have only found out via local residents. I am wondering if you could explain to myself and the community, why the reforms to the LEP were not conveyed to us. I understand this is required and should have been done last year.

This is important to me as I live next door to the proposed High St/Park rd development. I have seen that the developer had given the tenants notice to vacate the property a few weeks ago, but retracted. My concern is the developer knows more than we do, is awaiting rezoning of that site to E1, so they can build as big a structure as they can. Can you please let me know if this could be the case? Are the developers taking advantage of this situation, where locals have been in the dark?

I look forward to your reply.
Kind regards [REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 3:52 PM
To: Customer Service
Subject: Fwd: Complaint re lack of community consultation on 'Employment Zone' planning reforms

Attention: General Manager, Hunter's Hill Council

[REDACTED]
Date: Mon, 20 Mar 2023 at 15:47

Subject: Complaint re lack of community consultation on 'Employment Zone' planning reforms
To: <office@roberts.minister.nsw.gov.au>

Dear Mr Roberts

I am writing to complain about the lack of community consultation regarding the significant 'Employment Zone' reforms to the Hunters Hill LEP arising from changes to the SEPP.

Why did the NSW Government and Hunters Hill Council not inform residents and seek their input as required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979?

This appears to be yet another example of the NSW Government pushing through planning reforms behind closed doors that favour developers and ignore the interests of local residents - this time aided by the lack of action by Hunters Hill Council.

Could you please explain why the residents of Hunters Hill were denied the consultation that was required by the legislation?

Yours sincerely

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 1:05 PM
To: Customer Service
Subject: Attn: General Manager - Mr Murphy: Hunters Hill LEP reforms - Employment development

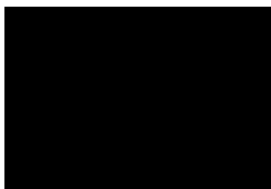
Dear Mr Murphy,

I have recently become aware of the *Employment Reforms* to the Hunters Hill LEP (due to take effect on the 26th April 2023). From the investigation of local residents, it appears both the Hunters Hill Council and the State Government have bypassed the community consultation requirements under the *NSW Environmental Planning and Assessment Act* (Div 2.6, Cl 2.22 I believe).

Could you please advise if and when the community consultation took place, and if it did not, on what grounds it was bypassed?

It would be greatly appreciated if you or your office could respond at your earliest convenience given the reforms are due to be enacted in little over a month.

Yours sincerely,



Suzi Wessels

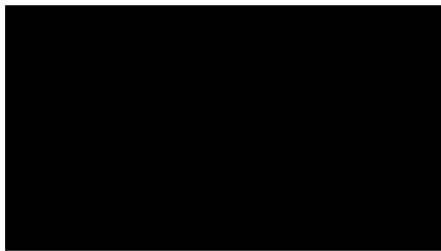
From: [REDACTED]
Sent: Tuesday, 21 March 2023 11:00 AM
To: Customer Service
Subject: Changes to land use zoning in Hunters Hill

Attention - General Manager

Hi,

Could you please explain why the NSW Government Department of Planning and Hunters Hill Council did not inform Hunters Hill residents of the significant SEPP Amendment (Land Use Zones) 2022 changes to the Hunters Hill Local Environmental Plan (LEP) during the formal consultation period between 31 May 2022 - 12 July 2022 and give residents the opportunity to object. I note that these changes will take effect on 26 April 2023.

Your earliest response would be much appreciated.



Suzi Wessels

From: [REDACTED]
Sent: Tuesday, 28 March 2023 7:54 PM
To: Customer Service
Subject: Lack of consultation about change of zoning in HH council area

To Hunters Hill Council

I wish to protest about the fact that Hunters Hill council has not consulted/informed us about the change in zoning in the HH council area. I find it almost impossible to believe that no-one in council had heard anything about this rezoning, because how could council function without knowing zoning laws? So why are we whose lives will be harmed by these changes neither consulted nor informed?

The council must act now and ask the new state government to consult the community and remove this new law. What a good thing that we now have a new State government! How can the council possibly accept new zones which allow up to 32 new types of activities in quiet residential areas? And already the council should be taking action to stop businesses which already flout their development conditions with their unreasonably loud noise.

And what would council do about parking if any more new businesses were allowed to open? It is evident by the way police would not allow even our family and friends to drive into the peninsula on New Years Eve that the police consider the peninsula to already have more traffic in it than desirable. So any extra business would make this worse.

Please act quickly to have this unreasonable law reversed and allow Hunters Hill to remain quiet and residential.



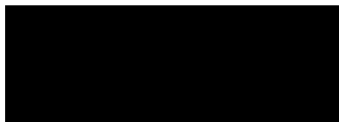
Suzi Wessels

From: [REDACTED]
Sent: Thursday, 23 March 2023 2:11 PM
To: Customer Service
Subject: Submission on the Review of HH LEP and DCP

I attended the meeting at Hunters Hill Town Hall on 15 March 2023 and submit the following comments.

1. The items shown on the handout at the meeting are generally housekeeping matters, and should be actioned without further ado. Other matters are much more important.
2. Changing the Classification of areas, e.g. from C to E (Employment) will have a significant effect on the Municipality, as E classifications are essentially unlimited in their adverse possibilities. HHC should therefore have rejected such reclassifications. What steps will the Council now take to overcome this problem?
3. It was briefly stated that Pulpit Point would be excised from the requirements. What does that mean? Does it mean that many storied buildings can be installed there, right on the waterfront? Is this what "amend land use tables" means? If so, it is heading in the wrong direction.
4. Traffic management at Boronia Park was mentioned as an important thing to carry out, now that Boronia Park is being redeveloped for increased sporting/community activities.
No mention was made of the gridlock which occurs regularly at the Gladesville Rd / Ryde Rd intersection – I was in fact trapped there on the very day of the 15th March meeting - yet Council continues to show interest in enlarging the buildings and increasing activity at that exact location. How can we ensure the LEP is altered in such a way as to reduce that specific problem?
5. Which brings us to the claim made at the meeting that HHC wishes to "strengthen tree coverage"! At the very same time , under the existing LEP, HHC applied, for the third time, to significantly reduce the number of trees in Figtree Park. How can the planning instruments be strengthened to ensure HHC practices what it preaches?
6. Another item raised at the meeting was that Mosman Council has very prescriptive building height restrictions. Can we learn from them and use the opportunity to strengthen, not weaken, our regulations?

I hope this review process improves the controls applicable to Hunters Hill Municipality.





13 April 2023

Copy:
Marcus Ray, Deputy Secretary, Planning,
NSW Department of Planning and Environment
Karen Lettice, Senior Strategic Planner,
NSW Department of Planning and Environment

Mitchell Murphy
General Manager
Hunters Hill Council

Dear Mitchell,

RE: Submission – Hunters Hill LEP/DCP Review

I am aware that Council is currently in the process of preparing a scoping proposal for the Hunters Hill LEP/DCP review and I would like to request the following issues be addressed in the review:

1. A zoning review is undertaken for the site at 63-67 High Street (Hunters Hill) as it does not meet the requirements for an E1 employment zone and is contrary to findings from the Land and Environment Court of NSW case in 2005
2. A review of planning controls for sensitive foreshore land sites along Barons Crescent (Hunters Hill) to correct inconsistent lot sizes and reduce problematic battle-axe block subdivision outcomes
3. Local objectives are added for the E1 employment zone to ensure that planning outcomes can be differentiated between large and small local centres within the municipality
4. An assessment of the merits for applying a C4 Environmental Living zone to protect sensitive areas of foreshore land and contribute towards meeting water quality and waterway health targets under the Parramatta River Masterplan and Greater Sydney Commission's Region and North District Plan
5. A comprehensive LEP review is undertaken given the significant amount of change that has occurred since the last review and that appropriate resources are allocated to ensure effective planning outcomes
6. Improve communication and detail around LEP/DCP review timelines, proposed amendments and planning outcomes in order to restore community support for the review process due to the lack of transparency around Council's communications with State Government for the employment zones reform.

1

Further information on each of the above issues is detailed below.

1. Zoning review for 63-67 High Street, Hunters Hill

I ask that an evidence based zoning review be undertaken for the site at 63-67 High Street, as it does not satisfy the requirements for an employment centre.

The site's current land use and strategic intent is closely aligned to a R3 medium density residential zone that permits small-scale neighbourhood shops and shop top housing.

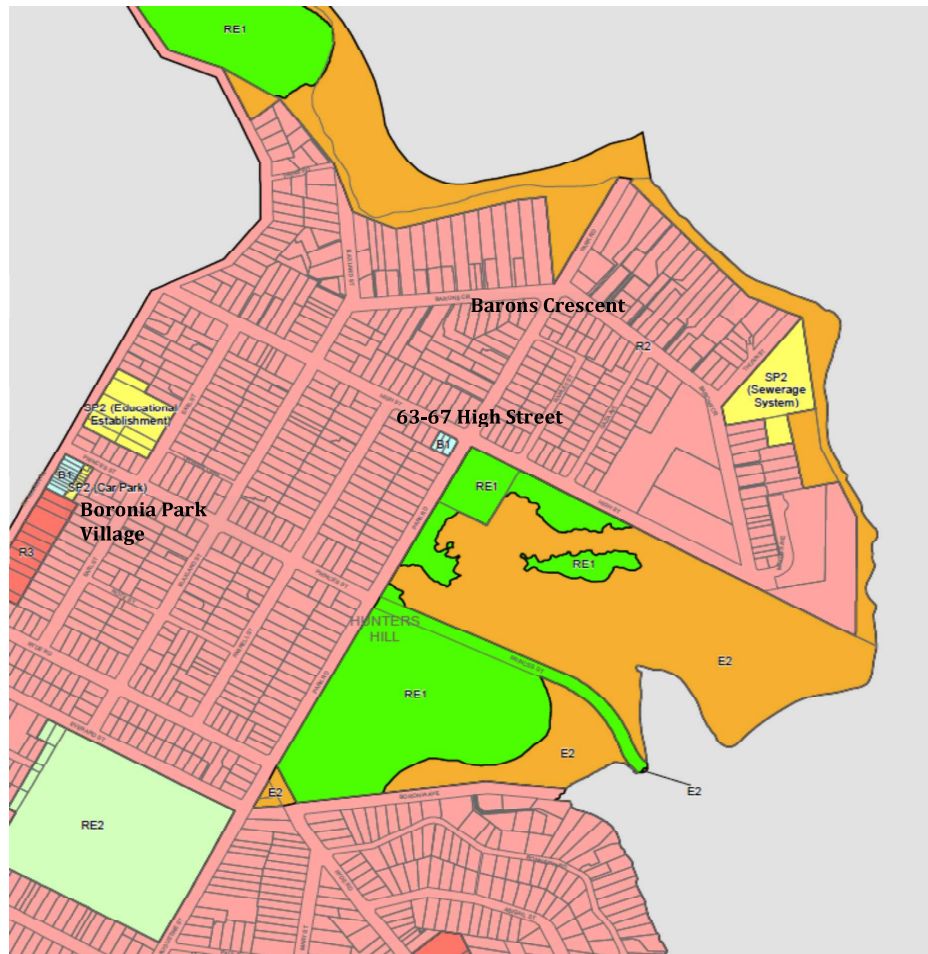
This is consistent with the findings from the Land and Environment Court of NSW case in 2005 where Senior Commissioner Roseth questioned Council why the zoning for this site had not been changed to a more appropriate residential zone.

The reasons why the site is not suitable as an employment zone are as follows:

- The site is small, comprised of 3 lots with a total area of 942 m²
- Land locked site within a R2 low density residential area (see below Figure 1)
- The site has not been identified as an employment centre under Hunters Hill Local Strategic Planning Statement, Hunters Hill Local Housing Strategy and Greater Sydney Commission's North District Plan
- There are 5 employment centres in the municipality which has a population of around 14,100 local residents, there is no need for a 6th centre
- Local residents' day-to-day needs are being met by the larger employment centres within the municipality that offer a variety of services in the same location e.g. Boronia Park Village
- Buildings on the site have been intermittently leased over the past 66 years for small scale shop top housing
- Site has experienced a high turnover in tenancies and a steady decline in commercial activity
- E1 zone permitted land uses would not be appropriate for this site and far exceed how the site has been used to date
- E1 zone for this site is difficult to justify to the community
- Local residents have been objecting to development applications for the site over the past 21 years, as the current business zoning allows for a higher density level of development that does not respect the surrounding neighbourhood's local character, landscape setting and surrounding built form
- Planning controls for the site are gradually being compromised with Council approving a development application in 2016 for height limits to be varied by 1.5 metres (about 18%). The approved variations to height, floor space ratio and storey levels were attributed to the site's business zoning
- The current developer has submitted a further application to Council to vary height limits by 3.14 metres (about 37%)
- Local residents are subjected to undue stress caused by uncertain development outcomes eroding their confidence in the development application process
- E1 zone will result in higher density development which will place pressure on local infrastructure (roads, drains, water, sewers) that has been sized for R2 low density residential uses
- Increase to traffic and pedestrian safety risks as the adjoining roads are currently being used as 'rat runs' to bypass traffic on nearby arterial roads
- Loss of amenity to the detriment of the surrounding residential neighbourhood.

2

Figure 1: Land Zoning Map



2. Review of planning controls for sensitive foreshore land sites along Barons Crescent (Hunters Hill)

I ask that planning controls be reviewed for foreshore land sites along Barons Crescent that adjoin the Lane Cove River environmental conservation zone (see above Figure 1).

This area has experienced significant development over the past decade with large sites being subdivided multiple times in highly irregular battle-axe block formations due to the current minimum lot size standard of 700sqm.

The 700sqm lot size standard is currently facilitating the over development of sites which is contrary to planning outcomes for the adjoining environmental conservation zone. This is also inconsistent with the 900sqm lot size standard set for foreshore land within the Woolwich, Henley and Huntleys Point areas of the municipality.

Setting a lot size standard of 900sqm for all foreshore land sites will ensure there is consistency across the municipality.

A combination of the sub-division activity and dual occupancies has resulted in a consistent reduction to urban tree canopy cover and landscaping in the area.

Figure 2 below illustrates the degree to which development is encroaching on the boundary with the environmental conservation area. It is important to note that the degree of development in Figure 2 is understated as it is dated 3 December 2018 and does not reflect additional development activity that has occurred over the past 4 years.

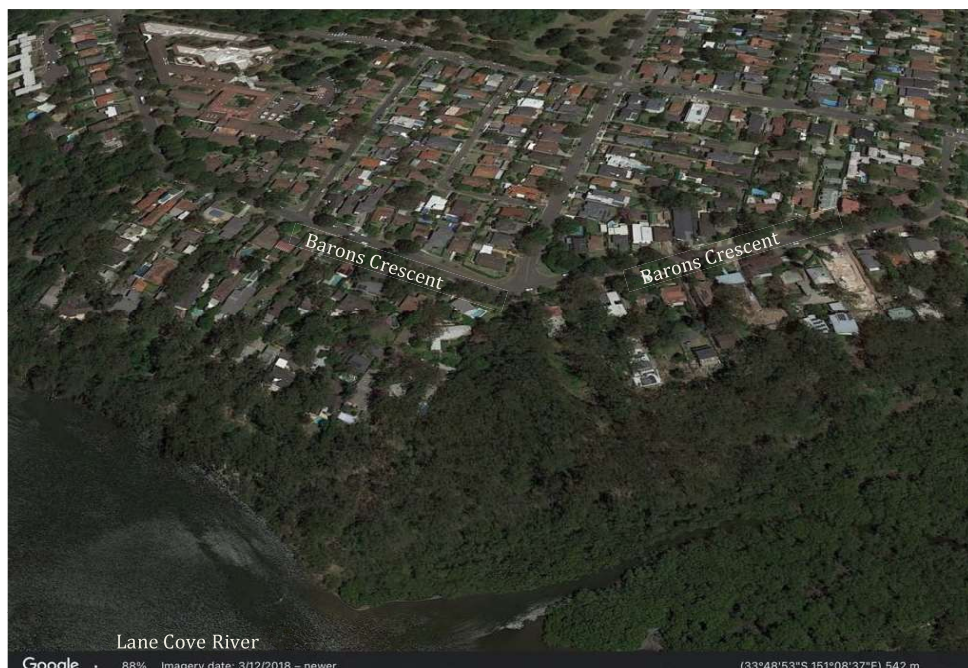
This is concerning as the largest concentration of green infrastructure is located along foreshore areas and losses will be difficult to replace. The loss of green infrastructure is also contrary to State and Council strategic planning and the national focus on measures to reduce the impacts of Climate Change (i.e. increasing tree and vegetation cover and reducing carbon emissions).

Replacement vegetation proposed in development applications is not consistently planted by builders and is rarely inspected by Council staff. It will also take many years for the trees to reach maturity.

As an example, the proposed subdivision, excavation and construction of a dual occupancy on the front lot and a dwelling house on the rear lot at 22 Barons Crescent will result in the removal of 36 mature trees of the 44 trees identified in the arborist report (a loss of about 82% of the trees on the portion of developable land). This level of loss to urban tree canopy is unsustainable and a more progressive approach to planning is urgently required.

A reduction to the level of development is also required due to the topography of the area which is comprised of steep slopes. The battle-axe sub-divisions have resulted in narrow driveway access to dwellings that create safety risks to people and surrounding buildings. To date, local residents have observed incidents where the brakes on construction vehicles have failed due to the steep driveways; it is fortunate that no person was hurt. Improved planning outcomes are required for this area.

Figure 2: Satellite image of Barons Crescent dated 3 December 2018



3. **Addition of local zone objectives for E1 employment zone**

The table below compares zone objectives for B1 Neighbourhood Centre under Hunters Hill LEP 2012 (HHLEP 2012) with E1 Local Centre objectives under the State Environment Planning Policy Amendment (Land Use Zones) 2022 (HH SEPP).

HHLEP 2012	HH SEPP 2022	HHLEP Review
Zone Objectives - B1 Neighbourhood Centre	Zone Objectives – E1 Local Centre	Suggestions for E1 local zone objectives
To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood (Mandated)	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 (Mandated)	To enhance the viability, vitality and amenity of the local centres while protecting and enhancing the village character of Hunters Hill Village (Local)
To encourage mixed use developments that incorporate shop top housing (Local)	To encourage investment in local commercial development that generates employment opportunities and economic growth (Mandated)	To maintain active uses at street level that reflect the proportions of traditional shop fronts, with a predominance of retail use (Local)
To maximise levels of pedestrian and business activity along street frontages (Local)	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 (Mandated)	To minimise the effect of business 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 (Local)
	To encourage business, retail, community and other non-residential land uses on the ground floor of buildings (Mandated)	To maintain the local character of Garibaldi Village and Woolwich Corner Village by limiting the bulk and scale of buildings and by ensuring that new or altered buildings reflect the proportions of surrounding traditional shop fronts (Local)
		To encourage development that is compatible with the centre's position on the hierarchy of centres (Local)

The table above illustrates that zone objectives under the HH SEPP for E1 do not include any local objectives and only reflect the objectives mandated under the Standard Instrument Principal LEP.

There are 5 centres identified under Hunters Hill Local Strategic Planning Statement with a centres hierarchy as follows:

- Centres with a strategic intent for future growth (located on arterial roads, cater to local residents, workers and visitors)
 - Hunters Hill Village
 - Gladesville Town Centre
- Centres for placed-based planning (located on local roads, cater to local residents and workers)
 - Garibaldi Village
 - Woolwich Corner Village
 - Boronia Park Village

Each centre is surrounded by residential zoned land.

Translation of business zones to employment zones by Council has resulted in all of the above centres (with the exception of Gladesville Town Centre) being assigned an E1 zoning.

The addition of local zone objectives to E1 will help to ensure that planning outcomes for the two types of centres can be differentiated. This is important as the centres have topographical, road network and urban infrastructure constraints that will need to be factored into development planning for these areas.

For example, Garibaldi and Woolwich Corner Villages are located on the Woolwich peninsula. Access to the peninsula is via a sole local road (one way in, one way out).

The E1 local centre zone includes a range of mandated land uses that would be permitted with consent, many of which are not currently permissible in these village areas. These include land uses such as amusement centres, commercial premises, entertainment facilities, function centres, hotel or motel accommodation, local distribution premises, recreation facilities (indoor) and service stations.

A consequence of broadening the range of permissible land uses in the E1 zone will be the loss of amenity to the detriment of the surrounding residential neighbourhood. All of these land uses would result in larger bulk/scale of buildings and the likelihood of attracting customers beyond the local neighbourhood. This will increase noise levels, pedestrian and road traffic in a geographic area that is limited in size and experiences high levels of local traffic. As these types of land uses are not appropriate for the Woolwich peninsula area, it is important that development in this area can be differentiated from centres where there is a strategic intent for future growth.

In addition, the zone objectives for E1 under the HH SEPP do not make any reference to character. Further defining character in terms of bulk, scale, proportion and compatibility will help to ensure that heritage and conservation values are not eroded by inappropriate development and liveability standards are not compromised in terms of congestion, traffic, loss of visual amenity, noise and air pollution.

Suggestions for local objectives that could be included for the E1 zone are outlined in the table above. These are consistent with the community's view on the future development of these centres under Hunters Hill Local Strategic Planning Statement.

It is also recommended that further controls and additional local provisions be added to the LEP legislation to guide appropriate development outcomes in E1 zoned areas.

These include:

- Under Part 4 of the LEP "principal development standards" include an additional control under clause 4.3 Height of buildings:

"for development on land in Zone E1 Local Centre – to ensure that buildings are compatible with the desired future character of the area in terms of building height and roof form and will produce a cohesive streetscape".

- Under Part 6 “additional local provisions” include:
 - “Development in local centres
 - (1) The objectives of this clause are as follows
 - (a) to ensure the scale and function of development in local centres are appropriate to the location,
 - (b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.
 - (2) 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 amenity of surrounding residential areas, and
 - ii. the desired future character of the local centre, and
 - (b) whether the development is consistent with the hierarchy of centres.

4. Assess the merits of introducing a C4 Environmental Living zone for sensitive foreshore land areas

I ask that Council assess the merits of rezoning R2 low-density residential land to C4 Environmental Living to protect sensitive areas of foreshore land.

A sensitive area is defined as land/adjoining containing environmental values such as native vegetation, acid sulphate soils, natural watercourses, biodiversity and habitat links, culturally significant land, bushfire prone, steep topography and proximity to high conservation value land including mangroves.

Over the past 11 years, local residents have observed a steady decline in urban tree canopy cover and landscaping, particularly in areas that adjoin environmental conservation zones. This is due to a combination of sub-division activity and dual occupancy development.

Development outcomes are demonstrating that local provisions under Part 6 of the LEP 2012 are not being consistently applied to development applications along foreshore land areas. These additional local provisions include the following sections:

- 6.2 Earthworks
- 6.3 Stormwater management
- 6.4 Terrestrial biodiversity,
- 6.5 Riparian land and adjoining waterways,
- 6.6. Limited development on foreshore areas,
- 6.7 Development on river front areas
- 6.9 Landscaped area for dwelling houses and secondary dwellings

The provisions all share a common objective and that is to minimise the impacts of development on adjoining properties, native bushland and receiving waters.

Introducing a C4 Environmental Living zone will provide strengthened planning controls to manage development in sensitive foreshore land areas and ensure that requirements such as landscape dominance over built form, visual impact, view sharing and building bulk/scale are consistently applied in the development application assessment process.

Collectively, the siting and design of dwellings, garages, carports, swimming pools and other structures influences the retention of canopy trees and capacity for planting new vegetation which has a direct effect on the natural and visual environment of the foreshore areas. Introducing a C4 zone will help to ensure that development does not have a detrimental and irreversible effect on these areas.

The objectives of the C4 Environmental Living zone would be:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values **(mandated)**
- To ensure that residential development does not have an adverse effect on those values **(mandated)**
- To maintain the general dominance of landscape over built form **(local)**
- To ensure that sites are of sufficient size to provide for buildings, vehicular and pedestrian access and landscaping and to retain natural topographical features **(local)**
- To ensure that development is of a height and scale that achieves the desired future character of the area **(local)**
- To encourage residential development that maintains or enhances local amenity and in particular, public and private views **(local)**
- To minimise the adverse effects of bulk and scale of building **(local)**.

The merits of introducing the C4 Environmental Living zone are:

- Contribute towards meeting sustainability objectives in the Greater Sydney Commission's Region and North District Plan
- Contribute towards meeting water quality and waterway health targets under the Parramatta River Masterplan by reducing pollutants and stormwater runoff
- Reduce problematic battle-axe block subdivision outcomes
- Improve scenic values of waterway areas
- Reduce the need for costly urban infrastructure solutions to service new development
- Increase/protect valuable habitat and vegetation corridors for wildlife
- Increase/protect the coverage of natural assets to help manage the effects of climate change and warming surface temperatures
- Improve liveability standards for local residents.

The introduction of such a zone is achievable with the NSW Government amending Mosman Council's LEP in May 2022 to rezone R2 low density residential land to C4 environmental living within designated areas.

Other Council areas including Willoughby, Lane Cove, Northern Beaches, North Sydney, Ku-Ring-Gai, Hornsby and Sutherland have commonly used the C4 zone for residential foreshore areas and residential neighbourhoods adjacent to bushland.

The consultation process to introduce the zone to Hunters Hill LEP can be managed within the timeframes of a comprehensive LEP review process given the likely low number of affected landowners.

5. A comprehensive LEP/DCP review process is required for the Hunters Hill municipality

Statements provided by Mayor Zac Miles to the media on 22 March 2023 identified the need to strengthen the LEP/DCP but the timelines communicated to the community are tight (about 8 months/ 244 days) and reflect a basic/ housekeeping review.

It has been 11 years since the LEP was comprehensively reviewed and many changes have occurred in that timeframe, including the following:

- Introduction of the State Governments employment zones reforms
- Greater Sydney Commission's Region and North District Plan
- Hunters Hill Local Strategic Planning Statement
- Hunters Hill Local Housing Strategy
- The urgent need to protect natural assets to help manage the effects of climate change and warming surface temperatures
- Balancing the requirement to meet State Government housing targets whilst ensuring that liveability is not eroded for local residents.

Given the significant amount of change that has occurred since the last review, a detailed comprehensive review is warranted to ensure that the LEP aligns with priorities in the overarching strategic plans for the municipality and that adequate planning controls are put in place to appropriately address the risk of over development, erosion of liveability standards and loss of natural assets in the area.

It is important that Council allocates an appropriate level of resources towards the review process to ensure effective planning outcomes.

The review should reflect local strategic plans that have been finalised and recognised by State Government and the community (i.e. Local Strategic Planning Statement March 2020 and Local Housing Strategy May 2021) and not plans still in their draft form (i.e. Draft Community Infrastructure Plan (Property Strategy 2021)).

A comprehensive review will also help to restore community support for the LEP/DCP review process after a loss of confidence in Council due to the lack of transparency around its communications with State Government for the employment zones reform.

As the community is the stakeholder most impacted by planning decisions, there is a need for the review to be undertaken in collaboration with the community so they may have confidence in the planning outcomes for the municipality. This will also ensure that the community has a say in shaping the municipality's future character rather than it being driven by developers and complying development.

The review should not be rushed, as the community requires time to understand and assess the implications of Council's proposal to adjust conservation areas in designated areas such as The Isler and Pulpit Point.

Affected landowners must be notified and provided with information to help them understand the implications of the proposed changes and given adequate time to respond.

7. Improved communication

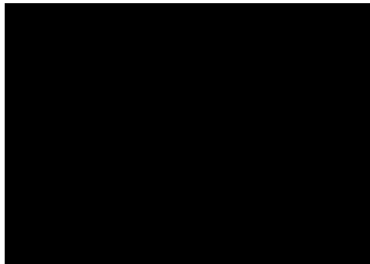
Given the high importance of the LEP/DCP review process, I ask that Council's communication with the community be improved by:

- Providing more detail on the scoping proposal for the LEP review, planning proposal, amendments, changes to the LEP legislation and mapping, timeframes for the gateway determination and public exhibition
- Letters to landowners affected by the amendments/changes
- Sufficient detail is included in reports that form part of Council's monthly meetings
- Provide the information on a webpage, social media posts, e-newsletters for the community to access
- Inform community members who do not have access to the internet by placing information about the LEP/DCP review and introduction of the employment zones on rate notices, printed newsletters circulated in letterboxes, weekly notices in the local newspaper and posters in community centres/ areas.

Please contact me if you would like to further discuss these issues.

Otherwise, I look forward to your reply.

Regards,



Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 8:52 AM
To: Customer Service
Subject: Failure to comply

Could you please explain why the NSW Government Department of Planning and Hunters Hill Council did not inform Hunters Hill residents of the significant SEPP Amendment (Land Use Zones) 2022 changes to the Hunters Hill Local Environmental Plan (LEP) during the formal consultation period and give residents the opportunity to object. I note that these changes will take effect on 26 April 2023.

Your earliest response would be much appreciated.

Suzi Wessels

From: [REDACTED]
Sent: Monday, 27 March 2023 3:35 PM
To: Customer Service
Cc: huntershilltrust@gmail.com
Subject: Rezoning and the HH LEP/DCP

Kieran Metcalfe
Strategic Planner

Dear Kieran,

Thank you for the invitation to respond to the LEP/DCP review. I register my shock that there are mooted changes to the zoning of parts of the municipality, that those proposed changes have not been brought to the attention of those most affected by them, that their implementation is said to be imminent, and that councillors claim that they only found out about those proposed changes in recent weeks and that they are a state matter, and that council has no power to challenge them.

Of course, the rezoning is challengeable. We live in a democracy. And of course the rezoning must be challenged: the proposals are a desecration of the character of Hunter's Hill. The Hunter's Hill peninsular is utterly unique – a precious jewel in Sydney's crown. To have any part of it rezoned to E1 is totally misguided. For any member of our council to even hint at the possibility is more than disappointing. We want a council who appreciate how unique and special this place is, who will protect the jewel in the crown, who will defend us against the blunt instrument of state planning laws.

The existing commercial premises in the so-called Woolwich Corner Village and Garibaldi Village undertook commercial activity with a clear understanding of what they are allowed to do and what they are not allowed to do. The citizens who bought residences in those areas did so with the same understanding of the entitlements of those commercial activities.

A couple of the commercial premises in Woolwich have recently given us a foretaste of what would eventuate if the rezoning took place by breaking the conditions of their licence – the noise is so horrendous that though I live 100 metres away from one of them and am separated by a row of buildings, I cannot anywhere in my home escape from the throbbing of the drums. If they think local residents will be happy with more of that they are entirely mistaken. They have signalled to us what it would be like and our response is 'go back you are going the wrong way.'

It will be said that the residents of HH and Woolwich are just protecting their patch and that they are selfish and should be happy to join the real world. Well, it is certainly true that if this change is imposed upon us, we residents will be cranky, not because of selfishness, but because we have been made miserable by having to leave our houses to escape intrusive noise and more miserable when we are forced to sell and find that the rezoning has lowered the value of our houses.

It may be hard to credit, but actually those are not the main reasons for stopping this rezoning. The main reason is that the peninsular is a unique part of Sydney, and to want to align it with King's Cross and Surrey Hills is to completely change its character. This is not really an exaggeration. If the proprietors of these commercial premises can ignore the conditions of their licences as egregiously as they have recently, apparently without any penalty, imagine what bedlam will eventuate when those conditions are removed.

That council members should for a moment entertain such a proposal suggests they have no real appreciation of the true character of this place. It is a character which is enjoyed not only by the residents, but potentially by any who visit us. All are very welcome, of course, to visit this unique part of Sydney, but not in such a way as would turn every weekend into a New Year's eve experience when the police are required to control the traffic. An E1 rezoning would bring visitors here for the sole purpose of partying which can be done anywhere in Sydney and would be at the expense of an environment not found anywhere else in Sydney.

We are indeed talking about a unique jewel in Sydney's crown. Jewels are not to be destroyed and crushed because everybody does not own them. Everybody can enjoy them.

Come 6 May when that crown is put on Camilla's head, it would be ridiculous for anyone to argue that Cullinan gems 3,4, and 5 should be removed from the crown on the grounds that since not everybody owns those jewels nobody should. Rather the majority rejoice that there are jewels for people to admire. So with our peninsular. Keep it the gem that it is so that all may enjoy it for generations to come.

I look to all members of the Council to work hard to resist the desecration of this unique jewel in Sydney's crown.



Suzi Wessels

From: [REDACTED]
Sent: Monday, 17 April 2023 12:24 PM
To: Customer Service
Subject: Attention: Council's general manager Mitchell Murphy. RE Hunters Hill LEP/DCP Review

Dear MR Mitchell Murphy

Re: Submission. -Hunters Hill LEP/DCP review

It is my understanding that a LEP/DCP review is soon to occur at 63-67 High St Hunters Hill. I live in Hunters Hill / Boronia Park and I believe it is very important that effective community consultation takes place during this process.

It is clear that the site at 63-67 High St is not appropriately zoned. There is a 21-year history of developers trying to massively over develop a block of land, with constant rejections due to the gross nature of their proposals being beyond all LEP/DCP compliance requirements. Involvement of the Land and Environment Council in 2005 resulted in the suggestion that re-zoning would be most appropriate. Sadly, this was never done by Council, there was no community consultation.

We have been living in High Street, across the road from the site for almost 8 yrs, and while we would love the site to be redeveloped, it is incredibly distressing to me and my family to see council constantly accept proposals that are grossly outside the rules (the 2015 DA was approved for 4 levels, 1.5m above allowable height – 18% variance). The current pending DA is staggering, the developer is seeking 3.14 metres over height, around 37% variance! This arrogant behaviour by council shows complete lack of consideration to our community and is affecting our well being, that council is not listening to its residents.

It is my understanding that the new LEP changes may now change this site to a neighbourhood zone. This is completely inappropriate. Not only will the corner then completely dominate this end of Boronia Park, it will set precedent and give the green-light for developers to buy up blocks, build massive structures, and the amenity of our area will be severely under threat.

63-57 High St is across from a National Park, it cannot sustain the increased traffic, pollution and a neighbourhood zone would generate. We are supposed to be a garden suburb, one of precious few remaining in Sydney.

I would like to note that our community already has a wonderful commercial area in our small municipality within 3 blocks (Boronia Park Village on Pittwater Rd). Within 5 minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village.

In summary, when this site was zoned to B1 neighbourhood there was no community consultation and this is why we have had to cope with years of inappropriate DA's being proposed here. I please ask that when the LEP/DCP is being considered for our suburb, 63-67 High be rezoned to a more appropriate residential zone so that Boronia Park can remain the special place it is.

Regards,

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Wednesday, 19 April 2023 9:04 AM
To: Customer Service
Cc: information@planning.nsw.gov.au; karen.lettice@planning.nsw.gov.au
Subject: SEPP E Zoning - Hunters Hill Council

To: Mitchell Murphy
General Manager
Hunters Hill Council

cc. Marcus Ray, Deputy Secretary, Planning
NSW Department of Planning and Environment
Via email: information@planning.nsw.gov.au

cc. Karen Lettice, Senior Strategic Planner
NSW Department of Planning and Environment
Via email: Karen.Lettice@planning.nsw.gov.au

Dear Mr Murphy,

I write to you to request that having regard to the state SEPP changes including zoning, that council undertake a proper formal review of the utmost thoroughness and include genuine and transparent community consultation in relation to flowing to local the LEP/DCP. I urge Council to also consider a complete re-zoning of the High St/park Rd corner and the foreshore along Barons crescent.

Current/upcoming review of DCP/LEP

In general, informal terms, please consider the following in relation to LEP/DCP review and specifically in relation to new zoning, particularly in relation to the impact upon the High St/Park Rd corner and the foreshore land along Barons Crescent:

- i. The fabric of these locations is residential with current business (particularly the High/park corner) being micro-businesses. There is already an impact with a demand for parking on this corner and beyond from the Montefiore operation not appropriate and inconsistent with the passive recreation area marked in the Boronia Park POM. Attracting a further need for parking, even slightly will negatively impact this further, as well as fully occupy all available street parking;
- ii. The High St/park Rd corner has been the subject of a comment by a presiding officer/judge of the Land & Environment Court that it should be re-zoned to residential. Please let me know if Council does not accept this contention and I'd be happy to provide further details. Whilst this was several years ago, the residential fabric of the location and the site being home only to a small number of apartments and micro-businesses has not changed and so there is no reason why the Court would not hold this same view today;
- iii. Not controlling the employment obligations imposed by the E zones in these locations is simply getting it wrong (Council has a history of getting it wrong as set out below and we are desperate for you to please pay more attention this time). In particular the corner of Park/High is a thoroughfare used by passing traffic typically to avoid Pittwater Road shops. My view is that rather than this route being chosen for time or convenience, it is chosen as it is just very nice to drive and I did the same thing before living there. The passive recreation area in Boronia Park is a district and local destination for the community that is already a relatively dangerous place for pedestrians to cross (from experience) and which will require crossings and lights if the density is increased from development;

- iv. The need for safety of pedestrians and pedestrian control (lights etc) will be consistent with other likely development creep towards other parts of the Boronia Park precinct, taking away from the unique character distinctions of bustling busy business and restaurant districts in Boronia Park precinct to passive recreation – it will all start to look the same across the whole of Boronia Park and take away from its historical essence of a residential precinct. The developers not the community will benefit from this. The community has local business districts that are more appropriately expanded and developed to larger mixed developments. It is these locations that should be used to satisfy the state SEPP of increased local employment. Those residents and business can then come to the distinguishable quiet passive area for lunch and attend with their families on the weekend. This diversity will be lost if the zones are not properly and carefully controlled;
- v. A thorough and comprehensive review of the impact of the SEPP/ appropriate controls should be undertaken including proper and transparent community consultation according to the relevant Policy conducted at a high level to ensure the community and residents do not suffer unnecessarily at the hands of the developers. In particular, I suggest Council should survey the community to ask if they see benefit in attending the park rd/high st for business as opposed to the other established shopping centres in the area. My guess is that the answer is no, they would rather attend that corner on their quiet walk alone, with family or the dog. The other business centres are so close, I often attend on foot and am of the opinion that there will be little to no benefit of having another local shopping centre on that corner and that if there is any benefit the negative impact for the whole district will be significant.

I ask that the process be communicated to the community. Too many of us in the community are very worried. These are our homes. We have a history of the fabric of our neighbourhood being threatened. We have unnecessary sleepless nights resulting from council's decision to not allocate resources to be properly informed of the SEPP and collaborate with the community to build trust and confidence (see Boronia Park POM in this email as an example).

We also have had too many applications for the Park Rd/High St corner and seeking to push the envelope further. The current DA is over 30% higher than the controls. A developer would not spend money on such an absurd extension of the rules if they did not have some confidence of it being approved. If a developer expects the height to be objected to, are they expecting to negotiate something higher than the controls like a market negotiation? The controls are there for a reason and the current developer is again attempting to make a mockery of them. Council is presumably aware of the Harbour Bridge, Sydney Harbour and city views a developer will benefit from if the height sought is approved. The application includes a flat roof, obviously intended for entertaining with the same outlook, and which will overlook so many backyards. Whilst neighbours may overlook others in the normal way, the roof top is a privileged high point overlooking several houses away (including my pool and garden which is 5 houses away). These homes have invested greatly in pools and gardens because of the residential fabric of the location. With this rooftop, a group or party of residents can simply watch many homes, probably inside and out.

The residents are tired and stressed with the continuous need for objecting. Most recently, they have risked personal safety in erecting a flag to bring the DA to the community's attention. They have spent personal funds and time away from family, work and the community on objecting to DA's that exceed the DCP. The efforts by individuals in the community to control excessive development have been nothing short of exceptional. It's time for this site to be looked at carefully and with consultation so that the best result for the community and the state SEPP objectives can be achieved. We would all benefit from this corner being improved, but not developed as has been proposed by current and past developers. If there was a development solution that was within controls approved by council and satisfactory to a developer, it would have occurred by now. However it has not, it has gone from developer to developer who for some reason think that the rules should not apply to them. This is an opportunity for Council to help us and send a clear message to developers about the limits of that corner.

All of this is put strongly in the context of Council informing the community as I understand it that they were not aware of the changed zoning (or something to that effect) which will significantly change the opportunity of developers to change the neighbourhood landscape which cannot be the intention of council without proper consideration. It is also in the context of the prior Boronia Park POM alleged community consultation by council that specifically excluded residents (for example, there were various community members on the CAG consisting of

more than 10, but not 1 resident) until some members of the community (myself included) were informed of the gravity of what had been proposed inadvertently by a neighbour, and then flowed on this information to the community (of our own doing, not via council). This was then followed up by more formal community consultation by council, which would not have occurred without community effort. The flyers Council said were put up were small, felt hidden and not in the apparent view of the resident community, but more the within the view of the transient sporting clubs. The result was that another location was found to be more appropriate for the heavy playground, and the passive recreation area of Boronia Park was found to be most appropriate by the independent consultants engaged. The Council did not exercise best practice with community consultation until this was insisted by the community and they initially got the location for the new heavy playground wrong.

Myself and the community feel the same is happening with the SEPP changes. The re-zoning will have significant impact and we are aware that other councils have provided their communities with more in depth information about the changes. It is simply not acceptable for Council to tell the community that they were not aware and continue in a manner lacking transparency. Hunters Hill council were one of the few local councils in NSW to avoid amalgamation. Does this not impose a higher obligation on Council to allocate resources carefully and with priority? Is Hunters Hill Council so overloaded that it cannot serve the community in important matters such as this? These questions are rhetorical and hopefully provide an opportunity for some reflection. I would however be grateful for an answer to the following questions:

1. Why did council not take steps to overlay SEPP zone changes with local controls? If Council were unaware, what specifically were they unaware of? Did council know of the SEPP but not review or understand its impact? This is asked in the context of other Local Councils being aware and putting controls in place.
2. How does the community become informed specifically of the process, including relevant dates relating to any delay/objection to the SEPP zoning impact? I suggest, in the current climate there should be transparency including simple and plain terms being used and on no more than two clicks from Council's home page. To put a load on Council staff to answer single questions from the community is onerous on them and the community and looks like the lack of transparency is intentional. Information on a website also allows true consultation, being a point the community can refer to discuss and reflect upon. Further the community should not, in 2023 have to be burdened by physically attending council's chambers to view a document as has recently occurred.
3. What was Councillor Krasso referring to with the comment in the minutes of the Community Consultation along the lines of "*positions being part-time and councillors not able to be on top of everything*"? Does Council share this view with CK? If so, what does Council regard more important than changes to zoning that will significantly change the neighbourhood in certain locations favouring developers and disadvantaging community without notice?
4. Did council take any step, deliberate, investigate or table anything following the comment of the Land & Environment Court regarding re-zoning of the Park Rd/High St corner?

I, and I know my neighbours continue to live with our fingers crossed on these matters. Council is in the position of power and control and we ask that you please consider our concerns with the respect they deserve.

I look forward to hearing from you.



Suzi Wessels

From: [REDACTED]
Sent: Saturday, 15 April 2023 11:52 AM
To: Customer Service
Subject: proposed changes to LEP/DCP

General Manager,

As rate payers in Hunter's Hill for 26 years we wish to be heard when submitting against the proposed changes to the LEP / DCP.

[1] The proposed changes will affect our quiet enjoyment of the Woolwich precinct in that it will allow commercial premises ,such as the Woolwich Pier Hotel, to trade with limited restrictions. There will be loud music permitted in outside areas which is currently not allowed. There will be increased traffic creating more parking issues. Currently our visitors have to park a long walk away to visit on weekends. There will be many more people ruining our lifestyle. Already the Woolwich Baths popularity is affecting our quiet enjoyment of life in Woolwich and now council wants to allow open slather on planning for commercial premises. This would be an horrendous result for the residents of Woolwich. Very unpopular !!!

[2] Council must consider how these planning changes will affect local rate paying residents. of Woolwich. Further noise, traffic and people on the peninsular simply wont work for us and we will campaign against the proposed changes.

Thank you for receiving our submission.

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 12:49 PM
To: Customer Service
Subject: No community involvement in LEP changes

Attention: General Manager Mr Murphy

Dear Mr Murphy

Can you please provide an explanation as to why the state government and Council did not inform residents, or provide for consultation about, the significant Employment Zone reforms to Hunters Hill LEP. I understand that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these changes 10 days ago and then only through the research of other local residents. As these changes come into effect on 26th April, a reply at your earliest convenience will be appreciated.



Suzi Wessels

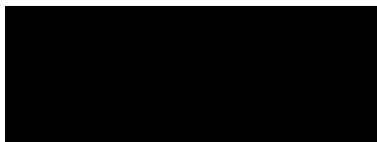
From: [REDACTED]
Sent: Tuesday, 21 March 2023 3:28 PM
To: Customer Service
Subject: Changes to LEP and Zoning in Hunters Hill

ATTENTION; General Manager

Last Wednesday, 15th March 2023, I attended a Community meeting in the Hunters Hill Town Hall, because I am a concerned rate payer and resident of Hunters Hill. I was appalled and disconcerted to learn that on the 16th December 2022 an amendment to the Land Use Zones document had been published by Anthony Roberts, Minister for Planning, NSW Government. This amended document will come into effect on 26th April 2023.

It would seem that there was no consultation between Hunters Hill Council and the State Government Minister for Planning regarding this amendment during the consultation period. Therefore, there was NO opportunity for Hunters Hill concerned residents to inform you of objections they may wish to express.

I welcome a reply from you as soon as possible Please.



Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 9:12 AM
To: Customer Service
Cc: Boronia Park; Ross Williams; Jim Sanderson; Richard Quinn; Zac Miles; Elizabeth Krasso; Julia Prieston; Tatyana Virgara; Peter J King
Subject: Changes to zoning in Hunters Hill - State Environmental Planning Policy Amendment (Land Use Zones) 2022

Attention: Mitchell Murphy, General Manager, Hunters Hill Council.

Subject: State Environmental Planning Policy Amendment (Land Use Zones) 2022

Dear Sir,

I have been informed by a concerned neighbour that the State Government has made changes to the zoning of parts of Hunters Hill and that these will come into effect on 26th April 2023. These will have very great implications for some residents including my family and our neighbours.

I am writing to ask why residents were not informed of these impending changes when they were first put forward by the State Government in 2021? Why are we learning about them just a few weeks before they are due to come into effect? Surely Council should have informed residents of these proposed changes and taken community opinion into account. Presumably Council has given the Government some feedback on the subject? Will Council now take input from residents and push back on the State government if that is the desire of the community?

yours faithfully



Suzi Wessels

From: [REDACTED]
Sent: Wednesday, 22 March 2023 6:12 PM
To: Customer Service
Subject: Changes to Hunters Hill LEP

Attention General Manager,
Mr Murphy,

Could you please inform me why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that Community Participation is a requirement of Division 2.6 of the NSW Environmental Planning and Assessment Act 1979. Hunters Hill Council also has a Community Participation Policy which appears not to have been followed.

I only found out about these reforms 12 days ago and then only through the research of local residents. I have been a resident of Hunters Hill for over 20 years and not being able to have an input into these changes is causing me great distress. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.



Suzi Wessels

From: [REDACTED]
Sent: Wednesday, 22 March 2023 1:52 PM
To: Customer Service
Cc: mwi92256@bigpond.net.au
Subject: Changes to land use zoning in Hunters Hill

Attention: General Manager

Dear Sir

Could you please explain why the NSW Government Department of Planning and Hunters Hill Council did not inform Hunters Hill residents of the significant SEPP Amendment (Land Use Zones) 2022 changes to the Hunters Hill Local Environmental Plan (LEP) during the formal consultation period between 31 May 2022 - 12 July 2022 and give residents the opportunity to consider, support or object. I note that these changes will take effect on 26 April 2023.

Your earliest response would be much appreciated.

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Monday, 17 April 2023 10:45 AM
To: Customer Service
Subject: Re: Attn: Mitchell Murphy, re LEP/DCP review

16 April 2023

Mitchell Murphy
Hunters Hill Council

Dear Mr Murphy,

Re: Submission. -Hunters Hill LEP/DCP review

It is my understanding that Hunters Hill Council is reviewing it's LEP/DCP. I live in Hunters Hill and I believe it is very important that effective community consultation takes place during this process.

It is clear that the site at 63-67 High St is not appropriately zoned. There is a 21-year history of developers trying to massively over develop a block of land, with constant rejections due to the gross nature of their proposals. Involvement of the Land and Environment Council in 2005 resulted in the suggestion that re-zoning would be most appropriate. Sadly this was never done, there was no community consultation.

We have been living next door to this site for 10 years, and while we would love the site to be redeveloped, it is incredibly distressing to see council eventually accept proposals that are grossly outside the planning rules (the 2015 DA was approved for 4 levels, 1.5m above allowable height – 18% variance). The current pending DA is staggering, the developer is further seeking 3.14 metres over height, around 37% variance! This arrogant behaviour shows complete lack of consideration to our community.

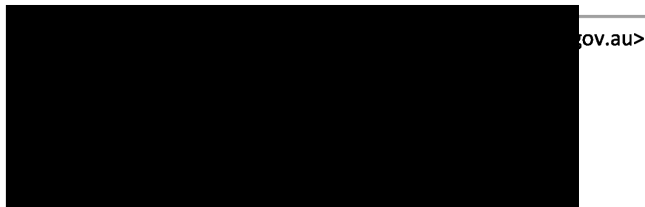
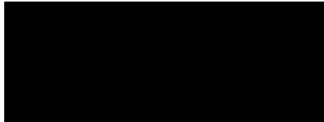
It is my understanding that the new LEP changes will change this site to an employment zone. This is completely inappropriate. Not only will a high density development at this corner site completely dominate this end of Hunters Hill, it will set a precedent and give the green-light for developers to buy up blocks, build massive structures, and the amenity of our area will be severely under threat.

63-67High street is across from a National Park, it cannot sustain the increased traffic, noise pollution employment zone would generate. We are supposed to be a garden suburb, one of the precious few remaining in Sydney.

I would like to note that our community already has a wonderful commercial area in our small municipality within 3 blocks away (Boronia Park Village on Pittwater road). Within 5 minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village.

In summary, when this site was zoned to B1 neighbourhood there was no community consultation and this is why we have had to cope with years of inappropriate DA's being proposed here. I please ask that when the LEP/DCP is being reviewed for our suburb, 63-67 High be rezoned to a more appropriate residential zone so that Hunters Hill can remain the special place it is.

Regards,



Please be advised that the document shown below is not accessible/downloadable.

It would be great if you could resend it by email, as an attachment.

Thanks & Regards,

Customer Service Team

Customer Service |

HUNTER'S HILL COUNCIL

22 Alexandra Street Hunters Hill | 02 9879 9400 | CustomerService@huntershill.nsw.gov.au

Suzi Wessels

From: [REDACTED]
Sent: Sunday, 16 April 2023 5:59 PM
To: Customer Service
Cc: [REDACTED]
Subject: Attention Mitchell Murphy, General Manager

96 High Street

Hunters Hill

NSW 2110

16th April 2023

Mitchell Murphy

General Manager

Hunters Hill Council

Subject: Request to review the zoning for 63-67 High Street as part of Hunters Hill LEP/DCP review.

Dear Mitchell,

The main point which I would like to make is that the zoning for 63-67 High Street, Hunters Hill is totally wrong.

It is an aberration brought about by the fact that council staff have apparently waved through changes in zoning without informing local residents. This meant that we did not know the implications of these zoning changes.

The original zoning was for neighbourhood shops.

Neighbourhood shops are defined as "Retail premises covering the sale of foodstuffs, personal care producers and other small daily convenience goods for the day to day needs of people who live or work in the local area."

When we moved here in 1985, the shops were a convenience store, a butcher, a grocer and a hairdresser. The last of these, the convenience store, closed in 2004.

In 2005, I wrote to council asking that the zoning of 63-67 High Street be changed to residential as had been suggested at the Land and Environment Court in July of that year.

I received a reply from council saying that changes were coming. Nothing more was heard. In my ignorance and blind faith that the council would do the right thing, I did not pursue the matter.

Subsequently, the zoning of these premises changed to B1, Neighbourhood Centre.

This was done without community consultation. We had no idea what this would mean.

B1 allows for very many more options for the site and subsequent changes have allowed for greater height and different floor space ratios.

Now there is a move afoot to rezone the site as E1, employment zone. This allows for even more options for developers.

It is ridiculous that a residential area is potentially going to be changed by the introduction of an unsuitable development. The commercial hub of Boronia Park Village is a ten minute walk away. This is where development other than residential should be taking place.

The entire ambience of the local area would be altered by the addition of a large commercial building. Hunters Hill prides itself on its garden suburb environment. Inappropriate over-development in the wrong place would not be consistent with this. Once an inappropriate and oversized building is erected, it will be too late to correct the mistakes of the past.

I strongly request that the employment zoning for 63-67 High Street be reviewed as part of Hunters

Hill LEP/DCP review process.

Yours faithfully



Suzi Wessels

From: [REDACTED]
Sent: Wednesday, 22 March 2023 10:10 AM
To: Customer Service
Subject: Employment Zones reforms to Hunters Hill LEP.

Attention; General Manager: Mr. Murphy.

Dear Mr Murphy,

As a concerned resident in Hunters Hill, could you please give an explanation to why the State Government and Council as to why residents of or involved residents in, the significant Employment Zone Reforms to Hunters Hill LEP. According to the information we have been informed, that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979.

This information only came to our attention through the tireless research of local residents 10 days or so ago and come into effect on 26th April.

Thanking you in anticipation of an early reply.

Kind Regards,

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Friday, 24 March 2023 3:46 PM
To: Customer Service
Subject: Community involvement in the proposed Hunters Hill LEP changes

Attention General Manager Mr Murphy
Dear Hunters Hill Council

Could you please provide an explanation as to why the Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these reforms recently and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

You should be aware that members of the community are most unhappy at this lack of consultation and lack of adequate opportunity to assess and understand the full implications of the proposed changes.

Yours sincerely

[REDACTED]

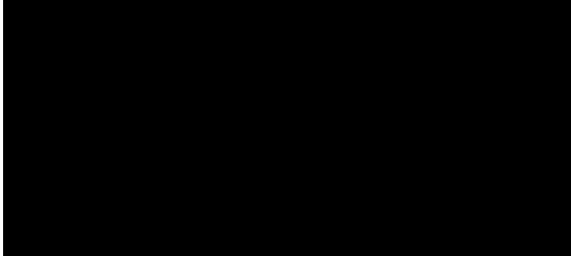
Suzi Wessels

From: [REDACTED]
Sent: Tuesday, 21 March 2023 11:48 AM
To: Customer Service
Subject: Attention general Manager Mr Murphy

Dear Mr Murphy

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

Kind Regards



Suzi Wessels

From: [REDACTED]
Sent: Thursday, 23 March 2023 11:21 AM
To: Customer Service
Subject: EZ Reforms Hunters Hill

Attn General Manager Mr Murphy

Dear Mr Murphy

Could you please provide an explanation as to why Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. We believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. We only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.



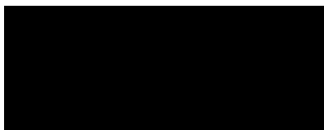
Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 11:35 AM
To: Customer Service
Subject: Rezoning requirements: Employment Zone Reforms to Hunters Hill LEP. Attention General Manager Mr Murphy

Dear Mr Murphy,

Could you please provide an explanation as to why the State Government and Hunters Hill Council did not inform Hunters Hill residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979.

I only found out about these reforms 10 days ago and then only through the research of local residents, not by any transparent actions from State Government nor Hunters Hill Council in this regard. Transparency builds trust and at the moment residents trust with Hunters Hill council and State government is slipping quickly. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.



Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 1:49 PM
To: Mayor Miles; Mitchell Murphy
Cc: Customer Service; Elizabeth Krasso; Julia Prieston; Tatyana Virgara; Richard Quinn; Jim Sanderson; Ross Williams; Annie Goodman
Subject: ATTENTION MAYOR MILES AND GENERAL MANAGER: SEPP Amendment (Land Use Zones) 2022 - Questions regarding Consultation
Importance: High

Dear Clr Miles and General Manager Murphy

At the Community Meeting at Hunters Hill Town Hall on Wednesday night 15 March 2023 regarding the Council's current Review of its existing Hunters Hill Local Environmental Plan (LEP) some community attendees, including myself, raised the matter of the NSW Government (Department of Planning) document, *State Environmental Planning Policy Amendment (Land Use Zones) 2022*.

It has recently come to some residents' notice that this policy amendment was published by the Department (under the name of Minister Anthony Roberts) on 16 December 2022 and comes into effect on 26 April 2023.

Under this policy amendment, Business Zones and Industrial Zones in Hunters Hill's LEP are changed to Employment Zones (E1 Local Centre) and Mixed-Use Zones (MU1 Mixed Use). Permitted uses in these zones have changed to allow significantly more business types, some of which, along with the zoning, could be of concern to the local community.

It appears that Hunters Hill Council did not adequately consult, if at all, with the State Government, its own Councillors or the community about this change during the formal consultation period, which was between 31 May 2022 - 12 July 2022. Other Councils such as Mosman apparently did so, and strengthened their LEP as a result.

It appeared that the residents at the Hunters Hill Community Meeting simply did not know about the Policy amendment, which proceeded to be published on 16 December without consultation or objection from Hunters Hill Council or residents.

The Department of Planning (Legislative Updates team Senior Planning Officer – Ms Angel Troke) has confirmed to me that "*Consultation has already occurred on the reforms from 31 May 2022 - 12 July 2022. The SEPP amendment has already been made and will come into force on 26 April 2023*" (refer my email exchange copied to Council's Ms Goodman cc. Mayor Miles on 16 March 2023).

It appears that it is too late for the Council to consult or to seek further changes to the Policy Amendment.

Clr Miles - as I foreshadowed at the Community Meeting, could you please provide confirmation and answers to the following questions, namely:

1. Did Hunters Hill Council endorse these Policy Amendments to its LEP?
2. Did Council consult with the Department of Planning before the changes were imposed on Hunters Hill?
3. Did Council make a submission to the Department regarding the changes – if not, what was the reason?
4. Did Council consult with the Hunters Hill community before or after the publication of these changes to its LEP on 16 December 2022 – if not, what is the reason?

Your early response would be much appreciated.

Your sincerely,

Suzi Wessels

From: [REDACTED]
Sent: Sunday, 19 March 2023 8:44 AM
To: Customer Service
Subject: Community Participation

Attention General Manager, Mr Murphy,

Dear Mr Murphy,

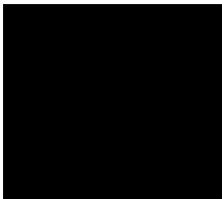
Could you please provide me with an explanation as to why the State Government and Hunters Hill Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP (Document epi-2022-831).

As you have no doubt have heard from the Community Meeting on the 15th March, I am not the only resident who was blindsided by these changes.

I believe community participation is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I would assume that the "participation" occurs prior to Her Excellency the Governor giving her approval to the document.

I only found out about these reforms a little over a week ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

King Regards



Suzi Wessels

From: [REDACTED]
Sent: [REDACTED]
To: Mitchell Murphy
Cc: Mayor Miles; Elizabeth Krassoi; Julia Prieston; Richard Quinn; Jim Sanderson; Tatyana Virgara; Ross Williams; Annie Goodman; Customer Service
Subject: ATTENTION - GENERAL MANAGER - [REDACTED] Submission Arising from Community Consultation Meeting 15 March 2023 re LEP and DCP Review
Importance: High

Mr Mitchell Murphy
General Manager
Hunters Hill Council

cc. All councillors; Director Community and Customer Services, HHC Customer Services

Dear Mr Murphy

[REDACTED] Submission: The Hunters Hill Local Environmental Plan must always fundamentally protect the character, identity and integrity of existing neighbourhoods

This is my submission in response to the invitation issued by the Mayor at the Community Consultation Meeting on 15 March 2023 regarding the Review of the Hunters Hill Local Environmental Plan 2012 (LEP) and Development Control Plan (DCP).

The Hunters Hill LEP is currently under review. Although the recent community meeting was told that the review is mainly administrative housekeeping, there are those who seek to significantly change or bypass the current LEP. The LEP must have safeguards and protections to prevent that.

Any LEP changes are significant and can have major consequences. An LEP is a legislative instrument. It is the law which guides planning decisions through zoning and development controls. It is a regulatory framework for the way land can be developed and used.

The Development Control Plan (DCP) supplements the LEP and provides the details necessary for its practical implementation.

There is a critically important and consistent theme throughout the current LEP and this is evident in the statement of aims and objectives.

Firstly, the number one stated aim of the current LEP is *"To maintain and enhance the character and identity of established neighbourhoods in Hunters Hill by regulating use and development of land."* The DCP has the same primary strategic objective.

Secondly, the LEP goes on to list Objectives flowing from the above stated aim – starting with Zoning Objectives: Two Key Objectives of Zone R2 ie. Low Density Residential (the current zoning in Hunters Hill's non-business areas) are:

- *To maintain the identity of Hunters Hill* by ensuring that new buildings are compatible with the *garden suburb character and heritage values that distinguish the low-density localities.*
- *To provide for high levels of amenity that are consistent with a low-density residential environment.*

Thirdly, the LEP's objectives regarding Height of Buildings include:

- (a) to specify *limits for the size and scale of development* that would be compatible with the character, amenity and potential of particular locations,
- (b) to maintain the character and identity of Hunters Hill by limiting the scale of buildings to a maximum of two storeys in the low density residential zone, heritage conservation areas and foreshore areas facing Lane Cove River or Parramatta River,

The consistent theme throughout the LEP is obvious.

The LEP is all about maintaining the character, identity and amenity of existing established neighbourhoods and protecting low rise / low density residential zoning in the Municipality.

But the character and identity of existing established neighbourhoods and low rise / low density residential zoning is currently under significant threat.

Current threats include (to name a few):

- the Montefiore redevelopment – expected Planning Proposal likely to seek LEP zoning changes allowing up to 6 storeys, doubling of occupant numbers and floor space ratio, major increase in associated traffic volumes, altered local traffic flows, increased noise, increased activity in and around the area, altered streetscapes, altered vegetation, impacts on views, privacy and nearby property overshadowing.
- Corner of 63-67 High St.: Childcare centre and other things – proposed 4-5 storeys right in amongst 2 storey low rise residential. The same issues as above again.
- NSW Government’s State Environment Planning Policy Amendment (Land Use Zones) 2022 (Department of Planning) – again, redefining zones, changing permitted land uses and encouraging development which is potentially inappropriate for the area.

To say that these proposals will impact the character, integrity and identity of these established neighbourhoods in Hunters Hill is a gross understatement.

These proposals are therefore in direct contravention of the fundamental principles, aims and objectives of the current existing LEP.

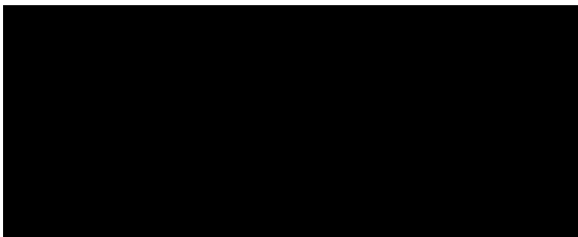
Therefore they should not be accepted.

The fundamental role and consistent theme of the LEP to protect and preserve the existing established neighbourhoods from changes to their character, identity and integrity must be continuous and ongoing. This must remain an essential core parameter and cornerstone of this LEP, the current LEP review and any future LEP reviews.

Hunters Hill Municipality is unique in many, many ways. Hunters Hill residents are passionate about protecting what is currently so highly-valued.

It is imperative that the LEP reviewers and the State Government realise and respect that Hunters Hill is an iconic historical, environmental and cultural treasure, and not to be messed with.

Yours sincerely,



Suzi Wessels

From: [REDACTED]
Sent: Saturday, 15 April 2023 8:12 PM
To: Mitchell Murphy
Cc: Zac Miles; Mayor Miles; Elizabeth Krasso; Julia Prieston; Richard Quinn; Jim Sanderson; Tatyana Virgara; Ross Williams; Annie Goodman; Customer Service
Subject: ATTENTION: GENERAL MANAGER: Request for My Inclusion in a LEP Review Community Panel
Attachments: Letter - [REDACTED] ATTENTION - GENERAL MANAGER - [REDACTED] Address to Council 27 March 2023 re SEPP Amendment Motion and Publication of Council Submission to DPE
Importance: High

Mr Mitchell Murphy
General Manager
Hunters Hill Council

Dear Mr Murphy (Mitchell)

As you may recall, I wrote to you and all Councillors on 29 March 2023 stating that, following the last Council Meeting, I would strongly support a request from Council to the NSW Department of Planning for the deferral of the implementation of the State Environment Planning Policy Amendment (Land Use Zones) 2022 relating to Hunters Hill.

I subsequently wrote to the Department of Planning accordingly and I have received the attached response ("Letter – Robert HAYES") from Mr David Mooney, Acting Executive Director, Housing and Economic Policy, dated 12 April 2023.

Whilst this response was not entirely what I was hoping for, it was very interesting that the Acting Executive Director, specifically said:

"Separate to the Employment zones reform undertaken by the Department, I am aware that Hunters Hill Council are currently reviewing the Hunters Hill LEP 2012 and Development Control Plan. Council is currently consulting the community to inform its work. This is an ideal opportunity for the community to feed into this process and investigate whether any additional local objectives or local provisions could support Council's strategic planning alongside the application of Employment zones." (my italics).

I am keen to take up the Department's suggestion and I believe that I can usefully assist.

As you know, I have recently voiced my views on the need to strengthen the Hunters Hill LEP to manage and mitigate some of the potential risks and threats to its fundamental aims and principles, as well as expand the local zone objectives and provisions for the E1 Employment Zones to support Council's strategic planning and avoid undesirable outcomes (as I understand some other Councils have already done).

I firmly believe that Hunters Hill Council should establish a "community panel" (or the like) to provide a suitable forum for relevant community consultation and knowledgeable input as an essential part of a comprehensive Hunters Hill LEP Review process.

This community consultation should occur early in the Review process and, then, at various key stages throughout the process.

I would like to put myself forward as a participant in such a panel.

I believe that if we can strengthen the LEP appropriately, then we can avoid detrimental changes to Hunters Hill and maintain the character, integrity, identity and amenity of established neighbourhoods as required by the LEP, whilst meeting the Government's mandatory requirements.

Kind regards.



From: [Redacted]
Sent: Wednesday, April 12, 2023 11:33 AM
To: [Redacted]
Subject: Response to your correspondence regarding commencement of Employment zones

Dear [Redacted]

Thank you for your correspondence to the former Minister for Planning and Minister for Homes. Attached is a response from David Mooney, Acting Executive Director, Housing and Economic Policy who has been asked to respond to you directly on this matter.

Should you have any questions, you are welcome to contact Casey d'Apice, Senior Planner at the Department of Planning and Environment on 9274 6577.

Regards

Grace Johnson

Executive Assistant to

David Mooney, Acting Executive Director, Housing and Economic Policy

Jonathon Schipp, Executive Director, Infrastructure Policy

Planning | Department of Planning and Environment

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150

T 02 9274 6471



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The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Department of Planning and Environment



Our ref: MDPE23/604

12 April 2023

Dear [REDACTED]

Thank you for your correspondence to the former Minister for Planning and Minister for Homes regarding commencement of Employment zones. I have been asked to respond to you directly on this matter.

In December 2020, the Department of Planning and Environment (the Department) began a review of the Business and Industrial zones under the Standard Instrument Local Environmental Plan Order (SI Order). This review followed a recommendation of both the NSW and Federal Productivity Commissions. The purpose of the review was to simplify the planning system and boost productivity and create jobs as part of the state's efforts to rebuild the economy after the pandemic.

The review means that the 8 Business zones and 4 Industrial zones have now been replaced by new Employment zones in the SI Order. The introduction of Employment zones within the SI Order was exhibited for six weeks from May 2021. The zones were then introduced into the SI Order in December 2021. Throughout 2022 the Department worked with councils to implement the new zones by translating local environmental plans (LEPs) with Business and Industrial zones with Employment zones. This translation and amendment of individual LEPs was made on 16 December 2022 and comes into effect on 26 April 2023.

The Department led this state-wide reform but did so in close consultation with each of the 124 councils in NSW with Business and Industrial zones. The translation detail for individual LEPs was publicly exhibited in May 2022. Specifically in relation to Hunters Hill, the proposed translation detail for Hunters Hill Local Environmental Plan 2012 was exhibited for 6 weeks from 30 May 2022.

Hunters Hill Council engaged in the process, providing input and sign off on the translation of existing Business and Industrial zones to Employment zones. The translation exercise for Hunters Hill will not result in any significant changes to permissibility in the local employment areas. More information about the reform is available [here](#) the translation detail that was exhibited is [here](#) and the notified translation is [here](#) from page 53. Amendments to Hunters Hill LEP 2012 will commence on 26 April 2023, at the same time Business and Industrial zones will cease to exist in the SI Order. Employment zones will then apply across the state.

Separate to the Employment zones reform undertaken by the Department, I am aware that Hunters Hill Council are currently reviewing the Hunters Hill LEP 2012 and Development Control Plan. Council is currently consulting the community to inform its work. This is an ideal opportunity for the community to feed into this process and investigate whether any additional local objectives or local provisions could support Council's strategic planning alongside the application of Employment zones.

Department of Planning and Environment



Thank you for bringing your concerns to the attention of the NSW Government. Should you have any questions, you are welcome to contact Casey d'Apice, Senior Planner at the Department of Planning and Environment on 9274 6577.

Yours sincerely



David Mooney
Acting Executive Director
Housing and Economic Policy

Suzi Wessels

From: [REDACTED]
Sent: Monday, 17 April 2023 11:04 AM
To: Customer Service
Subject: Attention:Council's general manager Mitchell Murphy. RE Hunters Hill LEP/DCP Review

Dear MR Mitchell Murphy

Re: Submission. -Hunters Hill LEP/DCP review

It is my understanding that a LEP/DCP review is soon to occur at 63-67 High St Hunters Hill. I live in Hunters Hill / Boronia Park and I believe it is very important that effective community consultation takes place during this process.

It is clear that the site at 63-67 High St is not appropriately zoned. There is a 21-year history of developers trying to massively over develop a block of land, with constant rejections due to the gross nature of their proposals being beyond all LEP/DCP compliance requirements. Involvement of the Land and Environment Council in 2005 resulted in the suggestion that re-zoning would be most appropriate. Sadly this was never done by Council, there was no community consultation.

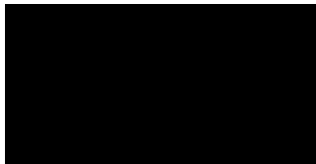
We have been living in High Street, across the road from the site for almost 8 yrs, and while we would love the site to be redeveloped, it is incredibly distressing to me and my family to see council constantly accept proposals that are grossly outside the rules (the 2015 DA was approved for 4 levels, 1.5m above allowable height – 18% variance). The current pending DA is staggering, the developer is seeking 3.14 metres over height, around 37% variance! This arrogant behaviour by council shows complete lack of consideration to our community and is affecting our well being that council is not listening to its residents.

It is my understanding that the new LEP changes may now change this site to a neighbourhood zone. This is completely inappropriate. Not only will the corner then completely dominate this end of Boronia Park, it will set precedent and give the green-light for developers to buy up blocks, build massive structures, and the amenity of our area will be severely under threat.

63-57 High st is across from a National Park, it cannot sustain the increased traffic, pollution and a neighbourhood zone would generate. We are supposed to be a garden suburb, one of precious few remaining in Sydney.

I would like to note that our community already has a wonderful commercial area in our small municipality within 3 blocks (Boronia Park Village on Pittwater rd). Within 5 minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village.

In summary, when this site was zoned to B1 neighbourhood there was no community consultation and this is why we have had to cope with years of inappropriate DA's being proposed here. I please ask that when the LEP/DCP is being considered for our suburb, 63-67 High be rezoned to a more appropriate residential zone so that Boronia Park can remain the special place it is.



19 April 2023



NSW 2110

Karen Lettice
Senior Strategic Planner
NSW Department of Planning and Environment

Dear Ms Lettice,

Re: Submission. -Hunters Hill LEP/DCP review

I understand that a LEP/DCP review is soon to occur regarding 63-67 High St Hunters Hill. I live in Boronia Park and I believe it is very important that effective community consultation takes place during this process.

The site 63-67 High St is not appropriately zoned. The Land and Environment Council in 2005 suggested that re-zoning would be most appropriate. This was never done.

I support the redevelopment but within the LDP guide. The 2015 DA was approved for 4 levels, 1.5m above allowable height – plus 18% variance). The current pending DA is seeks to increase this again, 3.14 metres over height, + 37% variance. This is arrogant behaviour by the developer who will be long gone after the sale, but the over height development will dominate Boronia Park for many decades.

It is my understanding that the new LEP changes may now change this site to a neighbourhood zone. This is completely inappropriate. 63-57 High Street is across from a National Park, it cannot sustain the increased traffic, pollution a neighbourhood zone would generate. We are supposed to be a garden suburb, one of precious few remaining in Sydney.

Our community already has a wonderful commercial area Boronia Park Village on Pittwater Rd, Within 5 minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village.

I request that when the LEP/DCP is being considered for our suburb, 63-67 High be rezoned to a residential zone so that Boronia Park can remain the special place it is.

Yours sincerely



Suzi Wessels

From: [REDACTED]
Sent: Sunday, 16 April 2023 6:30 PM
To: Customer Service
Subject: Submission. - Hunters Hill LEP/DCP review

Hill

[REDACTED]
16 April

2023
The General Manager
Hunters Hill Council

Dear Mr Murphy

I am part of a local neighbourhood group that is very unhappy with planned changes to local planning legislation. A LEP/DCP review is soon to occur at 63-67 High St Hunters Hill. I live in Boronia Park and I believe it is very important that effective community consultation takes place during this process.

It is clear that the site at 63-67 High St is not appropriately zoned. There is a 21-year history of developers trying to massively over develop a block of land, with constant rejections due to the gross nature of their proposals. Involvement of the Land and Environment Council in 2005 resulted in the suggestion that re-zoning would be most appropriate. Sadly this was never done, there was no community consultation.

I have lived nearby to this site for 20 years, and while we would love the site to be redeveloped, it is incredibly distressing to see council accept proposals that are grossly outside the rules (the 2015 DA was approved for 4 levels, 1.5m above allowable height – 18% variance). The current pending DA is staggering, the developer is seeking 3.14 metres over height, around 37% variance! This arrogant behaviour shows complete lack of consideration to our community.

It is my understanding that the new LEP changes may now change this site to a neighbourhood zone. This is completely inappropriate. Not only will the corner then completely dominate this end of Boronia Park, it will set precedent and give the green-light for developers to buy up blocks, build massive structures, and the amenity of our area will be severely under threat.

63-57 High St is across from a National Park. It cannot sustain the increased traffic, pollution that a neighbourhood zone would generate. We are supposed to be a garden suburb, one of precious few remaining in Sydney.

Our community already has a wonderful commercial area in our small municipality. Within three blocks there is Boronia Park Village on Pittwater Rd. Within five minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village.

In summary, when this site was zoned to B1 neighbourhood there was no community consultation and this is why we have had to cope with years of inappropriate DA's being proposed here. I please ask that when the LEP/DCP is being considered for our suburb, 63-67 High be rezoned to a more appropriate residential zone so that Boronia Park can remain the special place it is.

Yours Faithfully,
[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Thursday, 30 March 2023 4:29 PM
To: Customer Service
Subject: LEP variation

Dear Council

I attended the meeting on March 15th and was appalled to hear about the impending policy to introduce new planning zones via alteration to the LEP and DCP which, if implemented, will ruin the character of our lovely area. We are a village and want to keep it that way. I wish to know why we heard about this so late in the process. You must make every possible move to ensure the State Government knows about our alarm at the proposal.

We have a very precious character, identity and heritage in the Hunters Hill Council area, and it is only a few of you councillors and some developers who would like to change this. No surprise there. We absolutely do not want any multi-storey towers. We wish to keep our parks and gardens as they are with all able to enjoy them.

I'd also like to know why this alteration to the SEPP appears to have been kept secret from the community almost until it is too late. I'm quite disgusted with our councillors who appear to be part of a cover-up. Let's hope the next planning minister is more competent and sympathetic than the one who has just lost his position as minister.

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Saturday, 1 April 2023 9:59 PM
To: Customer Service; Mayor Miles; Elizabeth Krasso; Julia Prieston; Ross Williams; Tatyana Virgara; Richard Quinn; Jim Sanderson
Subject: Proposed zoning changes effective in Hunters Hill on 26 April under the State Environment Planning Policy (SEPP) legislated by the State Government.

To the Hunters Hill Councillors,

I wish to express my concerns and to seek assurances that any development applications for commercial uses in the new employment zones lodged prior to the finalisation of the new LEP and DCP, will be subject to rigorous scrutiny to ensure they do not breach current LEP regulatory standards.

For me this is important in regard to the DA for the corner of Park Rd and High St near Boronia Park, as I live nearby and do not want a commercial childcare centre in a quiet residential area

I am also very disturbed that Council held no public consultation with the community on this important matter. This is the most basic duty that the Council must perform. If Council management failed to do this then surely the Councillors should have intervened to make it happen.

Regards

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 8:01 PM
To: Customer Service
Subject: No Community Consultation on Significant Employment Zone reforms to Hunters Hill LEP -

16 March 2023

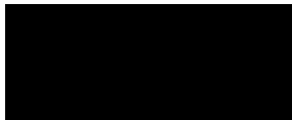
Attention General Manager Mr Murphy

Dear Mr Murphy,

The residents around the Boronia Park area and myself have been concerned about DA20220231 for **63-67 High St**, Hunters Hill which was proposing to have a child care facility and a huge new four storey building to replace the current flats. This was to create congestion and noise in an area where this sort of development is totally inappropriate.

As part of our investigations into this we discovered that significant changes to the Employment Zone for the Hunters Hill LEP were being prepared without resident consultation. If passed then developments like this DA could be passed more easily, by-passing any resident objections.

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. Our group only found out about these reforms 10 days ago. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.



Suzi Wessels

From: [REDACTED]
Sent: Wednesday, 19 April 2023 1:06 PM
To: Customer Service
Subject: ATT: Mr Mithchell Murphy - Hunters Hill LEP/DCP review

Dear Mr Mitchell Murphy,

Re: Submission. -Hunters Hill LEP/DCP review

I am expressing my concern as it is my understanding that a LEP/DCP review is soon to occur at 63-67 High St Hunters Hill. I live just a few houses up from Boronia Park and I believe it is very important that effective community consultation takes place during this process.

It is clear that the site at 63-67 High St is not appropriately zoned. There is a 21-year history of developers trying to massively over develop a block of land, with constant rejections due to the gross nature of their proposals. Involvement of the Land and Environment Council in 2005 resulted in the suggestion that re-zoning would be most appropriate. Sadly this was never done, there was no community consultation.

We have been living just a few houses up to this site for almost 11 years, and while we would love the site to be redeveloped, it is incredibly distressing to see council accept proposals that are grossly outside the rules (the 2015 DA was approved for 4 levels, 1.5m above allowable height – 18% variance). The current pending DA is staggering, the developer is seeking 3.14 metres over height, around 37% variance! This arrogant behaviour shows complete lack of consideration to our community.

It is my understanding that the new LEP changes may now change this site to a neighbourhood zone. This is completely inappropriate. Not only will the corner then completely dominate this end of Boronia Park, it will set precedent and give the green-light for developers to buy up blocks, build massive structures, and the amenity of our area will be severely under threat.

63-57 High st is across from a National Park, it cannot sustain the increased traffic, pollution and a neighbourhood zone would generate. My husband is shift worker and sleeps during the day and with the proposed childcare centre which will add to the noise pollution, this will affect our wellbeing!. We are supposed to be a garden suburb, one of precious few remaining in Sydney and the reason we moved there.

I would like to note that our community already has a wonderful commercial area in our small municipality within 3 blocks (Boronia Park Village on Pittwater rd). Within 5 minutes we also have Gladesville town centre, Garibaldi village and Woolwich corner village which we all feel is enough to service our community.

In summary, when this site was zoned to B1 neighbourhood there was no community consultation and this is why we have had to cope with years of inappropriate DA's being proposed here. I please ask that when the LEP/DCP is being considered for our suburb, 63-67 High be rezoned to a more appropriate residential zone so that Boronia Park can remain the special place it is.

Regards,
[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Tuesday, 21 March 2023 12:07 PM
To: lanecove@parliament.nsw.gov.au
Cc: Customer Service
Subject: FW: Changes to land use zoning in Hunters Hill

Please scroll down.

We are asking for very important answers ...

- Minister for Planning, Anthony Roberts, at lanecove@parliament.nsw.gov.au) and
- Hunters Hill Council at customerservice@huntershill.nsw.gov.au (Attention: General Manager)

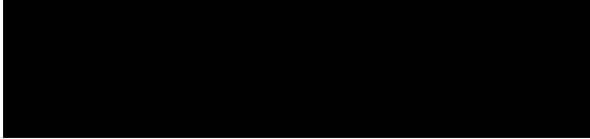
Subject: [Changes to land use zoning in Hunters Hill](#)

Could you please explain why the NSW Government Department of Planning and Hunters Hill Council did not inform Hunters Hill residents of the significant SEPP Amendment (Land Use Zones) 2022 changes to the Hunters Hill Local

Environmental Plan (LEP) during the formal consultation period between 31 May 2022 - 12 July 2022 and give residents the opportunity to object. I note that these changes will take effect on 26 April 2023.

Your earliest response would be much appreciated.

Name, address (optional), email and daytime phone number (optional).



Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 10:28 PM
To: Customer Service; office@roberts.minister.nsw.gov.au
Cc: [REDACTED]
Subject: LEP changes that are about to be gazetted

Dear Mr. Anthony Roberts, Minister For Planning and Mr. Murphy, Hunters Hill Council General Manager

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

Thank you

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 7:03 PM
To: Customer Service; Mitchell Murphy
Subject: Failure to consult over SEPP (LAND USE Zones) 2022

Dear Council,

While it seems incredible, I am informed that Council failed in its obligation to consult with its citizens over the recent changes made to SEPP (LAND USE Zones) 2022 during the formal consultation period (throughout June and in the first half of July 2022). Apparently, neither did Council make any submissions to Government regarding the proposed changes. This seems strange considering that other Council's discussed changes with their communities.

Although I was unable to attend the meeting of 15 March, I understand that these changes are final, having been passed by parliament. However I also understand that Council still has the power to limit their impact on Hunters Hill by means of our LEP and DCP, currently under review. (I am informed that Mosman Council has inserted such changes in its revised LEP/DCP).

I ask for your assurance that Council will consult widely and openly with the community during the continuing review of our LEP and DCP, and make such changes as are necessary to ensure changes embedded in the SEPP are acceptable to the Hunters Hill Community.

Yours sincerely,

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 7:55 PM
To: Customer Service
Subject: Absence of community participation

Attention: General manager Mr. Murphy

Dear Mr Murphy,

I wish to express how alarmed I am that we as Hunters Hill residents have not been informed about the most important changes to Hunters Hill LEP.

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

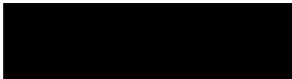


Sent from my iPad

Suzi Wessels

From: Jay Wessels [Redacted]
Sent: Monday, 20 March 2023 11:46 AM
To: office@roberts.minister.nsw.gov.au; Customer Service
Subject: Objection to reforms of Employment zone in Hunters Hill
Attachments: fc-logo_email.png

Dear Mr Roberts and Hunters Hill council representatives,
I am writing to lodge my objections to the lack of community consultation and seeking an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP which is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979.
This reform is a significant change for this leafy, heritage neighborhood and should be open for scrutiny of the wider community.
I look forward to your responses.
Best,
Jay



We acknowledge the Gadigal people of the Eora Nation as the Traditional Owners of the Country on which we work and pay our respects to Elders past, present and emerging.

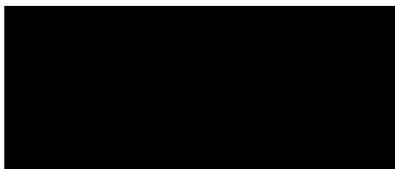
Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 2:50 PM
To: office@roberts.minister.nsw.gov.au
Cc: Customer Service; Ross Williams
Subject: 63 HIGH STREET, BORONIA PARK

Dear Anthony,

The whole matter of 63 High Street has blown up. Incredibly bad situation as handled woefully.

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. I only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.



Suzi Wessels

From: [REDACTED]
Sent: Monday, 3 April 2023 10:03 AM
To: information@planning.nsw.gov.au
Cc: lanecove@parliament.nsw.gov.au; Ross Williams; Customer Service; Mayor Miles
Subject: Major Concern -- email to Department of Planning and Environment -- as part of the Hunters Hill Community Action.

Subject Matter; Delete entirely, or at best right now defer commencement of State Environmental Planning Policy Amendment (Land Use Zones) 2022 regarding Hunters Hill

Dear Sir / Madam,

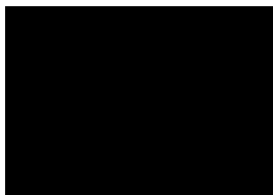
As a concerned long term resident of High Street Hunters Hill (over forty years) we have watched the suburbs wonderful heritage slowly, but surely being eaten away with outside of the areas developers taking full advantage of utilising so called certifiers to build unbillable numbers of massive bulky houses well out of character with boronia park and surrounding area, as not being of local character, little to no accepted visual aspects, little to no garden space, as against the suburbs heritage, and now with regards to an over-development application for the corner of High street and Park road Boronia Park, part of hunters hill NSW 2110, enough is enough.

As such I urge you to review the awful situation that had not only caught out, but NOW alarmed the entire hunters hill populous; that all of us, as concerned citizens somehow think you may not be fully aware of the full (adverse) impact of such a state law being imposed onto our suburbs, our living standards and maintaining a good future heritage.

While one of our trusted and concerned councillors (Ross Williams) is doing all he can, regarding actions we need to let the state government levels known what's the situation, to stop this and such inappropriate developments taking place, we need you to at your level revoke the Environmental Planning Policy Amendment (Land Use Zones) 2022 which will affect our suburbs.

The lack of community consultation has been publicly admitted by the Council at last Monday 27 arch 2023 night's Council Meeting and we are concerned, that neither Hunters Hill Council nor the NSW Department of Planning and Environment (the Department) had consulted with the local community of Hunters Hill regarding the State Environmental Planning Policy Amendment (Land Use Zones) 2022, which was published on 16 December 2022 and comes into effect on 26 April 2023. To my knowledge, no relevant information has been made available to the Hunters Hill community and as a resident of Hunters Hill since 1967, I am very concerned about that lack of community consultation, and we would like the Department to be aware that.

Fully supporting Hunters Hill Council's request to defer the implementation of the Government's Employment Zone reforms by deferring the commencement of the Hunters Hill part of the State Environmental Planning Policy Amendment (Land Use Zones) 2022, which need to be effective before 26 April 2023. Let's place some sanity back into this matter and have it resolved to what the community wants.



Suzi Wessels

From: [REDACTED]
Sent: Monday, 17 April 2023 2:42 PM
To: Customer Service
Subject: LEP Review
Attachments: Final Council NSWPlanningSubmissionLEPandSEPP2023.docx

Attention: Shahram Mehdizadgan
Acting Director Town Planning
Hunters Hill Council NSW 2110

Please see attached submission regarding review of LEP and development controls.

Kind regards



Suzi Wessels

From: [REDACTED]
Sent: Saturday, 18 March 2023 9:48 AM
To: Customer Service
Subject: ATTENTION Mr Murphy re Employment Zone changes

Dear Mr Murphy,

Could you please provide an explanation as to why the State Government and Council did not inform residents of the significant Employment Zone reforms to Hunters Hill LEP. This is required by Division 2.6, Clause 2.22 of the NSW Environmental Planning and Assessment Act 1979. These reforms were not made known and the changes come into effect on 26th April

Yours faithfully

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Monday, 20 March 2023 9:49 PM
To: Customer Service
Subject: Changes to land use planning without proper consultation

Attention: General Manager Mr Murphy

Dear Mr Murphy,

Could you please provide an explanation as to why the State Government and Council did not inform residents of, or involve residents in, the significant Employment Zone reforms to Hunters Hill LEP. I believe that this is required by Division 2.6, Clause 2.22 of the NSW *Environmental Planning and Assessment Act 1979*.

I only found out about these reforms 10 days ago and then only through the research of local residents. As these changes come into effect on 26th April, a reply at your earliest convenience would be greatly appreciated.

[REDACTED]

Suzi Wessels

From: [REDACTED]
Sent: Tuesday, 21 March 2023 6:59 AM
To: Customer Service
Cc: lanecove@parliament.nsw.gov.au
Subject: Lanecove@parliament.nsw .gov.au

The General Manager Hunters Hill Council

I am concerned that the changes to the LEP will affect the character of Hunters Hill.

I have been a resident of Barons Crescent for over 30 years.

[No doubt you have become aware](#) that there was a large "Community Meeting" at Hunters Hill Townhall. Could you please explain why the NSW Government Department of Planning and Hunters Hill Council did not inform Hunters Hill residents of the significant SEPP Amendment (Land Use Zones) 2022 changes to the Hunters Hill Local Environmental Plan (LEP) during the formal consultation period between 31 May 2022 - 12 July 2022 and give residents the opportunity to object. I note that these changes will take effect on 26 April 2023.

Your earliest response would be much appreciated.

Regards

[REDACTED]

Sarah Jenkins

From: Leon Concannon [REDACTED]
Sent: Tuesday, 23 May 2023 9:21 PM
To: Customer Service
Subject: Submission re: The State Government's Planning Reforms/ Review

Submission for the attention of:**The Mayor: Zac Miles****General Manager: Mitchell Murphy**

May we request that the council please seriously consider including the following critical concerns we share in regards to the planned State Government's LEP/DCP guideline reviews.

1. **There must be no changes to diminish the extent of the Conservation Areas as any such move would permit increased complying development and further loss of character.** Conservation Areas must be entirely retained within their current protected status and boundaries, with investigation to further include heritage items (as undertaken by Woollahra Council), particularly those buildings not yet listed but identified in the Trust's publication *The Heritage of Hunters Hill*. The identification and role of 'contributory' buildings, from the early and mid 20th century, must also be properly recognised.
2. **A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore.** This could help address the worst excesses in some areas currently under complying development where the clear-felling of mature gardens is rife. The Trust has already suggested a process to Council for inspecting complying development projects prior to approval so that staff can document mature trees and monitor their protection.
3. **The current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened to be compatible with the existing character of our municipality, with particular attention to:**
 - a) The tendency for development to fill the maximum permissible building envelope in height and scale which is detrimental to the streetscape and the historical values of our garden suburb. The expectation that houses can be endlessly altered and added to is resulting in the cumulative loss of our heritage and environment. Capitalising on the value of property must be balanced with the broad community benefit in protecting the character and green lungs of the area.
 - b) Council must commit to ensuring that the requirement for 50%/60% landscaping is redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce the garden area. The concept must be "houses set in gardens" rather than "buildings surrounded by landscaping". The provision of substantial areas of deep and continuous soil for tree planting is also crucial to maintaining our tree canopy.
 - c) Council needs to strengthen the link between the LEP and DCP as there is a significant disconnect between the existing planning controls for new development including additions, in the LEP and those in the DCP, the latter having very targeted goals and detailed requirements to conserve our character, heritage, gardens and landscapes.
 - d) Council must commit to tightening controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation causing irrevocable damage to the natural topography.
 - e) There must be stronger controls around garages and carports to both street and laneway addresses to preserve the existing streetscape - a major component of the DCP objectives.
 - f) Consideration must be given as to how sustainability measures eg solar panels can be appropriately integrated within conservation areas.

Regards
Leon Concannon
Diane Concannon
36 Hillcrest Ave
Gladesville
NSW 2111

Sent from [Mail](#) for Windows

Sarah Jenkins

From: [REDACTED]
Sent: Wednesday, 24 May 2023 4:00 PM
To: Customer Service
Cc: hunterhilltrust@gmail.com
Subject: LEP/DCP

Dear Mayor, CEO and Councilors,

Hunters Hill is classified as the oldest Garden Suburb in the country. It is imperative that we keep it so. It is very sad to see houses knocked down and replaced by huge monstrosities that really take up most of the land and block they are built on.

The present controls over height and space ratios of landscape area must be maintained so we don't lose our unique character.

The actual heritage and conservation need to be maintained as are our foreshores for future generations.

The constant demolition of houses to be replaced by huge inappropriate mansions using up far more than 50% of the size of their block totally out of keeping with the surrounding area .

Solar panels should be encouraged in all heritage areas, as well as water tanks.

We are fortunate to be able to live in a beautiful area , it is important that we keep it so.

Yours sincerely
Barbara Dorsch A M
Nick Dorsch AM

Sarah Jenkins

From: [REDACTED]
Sent: Thursday, 25 May 2023 9:59 AM
To: Customer Service; Mayor Miles; Elizabeth Krasso; Julia Prieston; Ross Williams; Tatyana Virgara; Richard Quinn; Jim Sanderson
Subject: LEP/DEP report

Dear Council Members

I was at the recent public meeting on 15 March to hear about the revised LEP and DCP. I must say that I was very disappointed and am not feeling very confident that Council has our interest at heart as they appeared very blasé about their responsibility to maintain our heritage and environment. Once again Council have kept us in the dark.

It is imperative that Council protect our suburb from over development and ensure that controls over height, floor space ratios, landscape, in particular the loss of tree canopy are enforced. Council must strengthen its terminology to the existing planning controls to prevent any developers finding loopholes so they can manipulate and destroy our streetscapes.

Our Conservation areas must be retained so that our suburb can be enjoyed by future generations and be a suburb to be proud of.

Regards
Louise Simpson



PO Box 85
Hunters Hill NSW 2110
www.huntershilltrust.org.au

General Manager
Hunters Hill Council
PO Box 21
Hunters Hill
NSW 2110

24 May 2023

Dear General Manager

Submission to the Local Environment Plan & Development Control Plan Review

Further to our letter of 12 April and follow up communications requesting timings and details involved in the above process, we remain hopeful that a meeting can be held with the consultant to progress this matter as soon as possible. In the meantime we are submitting this letter to meet the 26 May deadline.

We were pleased to note the intention at the 15 March public meeting for Council to include a commitment to adhering to the principles of Ecologically Sustainable Development within the revised LEP/DCP. This provides confidence that these established principles will guide and strengthen the objectives to take account of environmental and sustainability imperatives in local planning and development.

There is an urgent need for the LEP/DCP to have specific terminology to avoid further erosion of our garden suburb, particularly with the potential threats under the new employment zoning. The assault on heritage, landscape, stone walls, tree canopy and garden areas over time has detrimentally impacted local character and amenity and the current trend towards 'knock-down / rebuild' residential development is altering the streetscape of Hunters Hill with over-sized buildings and loss of garden settings. This LEP and DCP review needs to clearly articulate how critical it is that the unique layered history and values of our suburb be protected and enhanced.

Therefore we would include the following:

- There must be no move to diminish the extent of the existing Conservation Areas. Any reduction would result in increased complying development leading to further loss of character. Conservation Areas must be entirely retained within their current protected status and boundaries, with investigation to further include heritage items (as undertaken by Woollahra Council), particularly those buildings not yet listed but identified in our publication *'The Heritage of Hunters Hill'*. The identification and role of 'contributory' buildings, from the early and mid-20th century, must also be fully acknowledged and valued.

- A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. This could help address the worst excesses in some areas currently under complying development where the clear-felling of mature gardens is rife. In the meantime, we have already suggested a process (please see our letter of 11 January 2023 attached) whereby staff could inspect complying development applications prior to approval to document mature trees and safeguard their preservation.
- The current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened to be compatible with the existing character of our municipality, with particular attention to the tendency for development to fill the maximum permissible building envelope in height and scale which is detrimental to the streetscape and the historical values of our garden suburb. The expectation that houses can be endlessly altered and enlarged is resulting in the cumulative loss of our built heritage and natural environment. Capitalising on the economic value of property must be balanced with the broader community benefit in protecting the aesthetics, character and vital green lungs of the area.
- Council must commit to ensuring that the requirement for 50%/60% landscaping is redefined to guarantee that hard surfaces, narrow paved setbacks, paths and swimming pools do not reduce the garden area. The concept must be "*houses set in gardens*" rather than "*buildings surrounded by landscaping*". The provision of substantial areas of deep and continuous soil for tree planting is also crucial to maintaining our tree canopy, a notable feature of Hunters Hill, and a major contribution to mitigating climate change.
- Council needs to strengthen the link between the LEP and DCP. There is a significant disconnect between the existing planning controls for new development, including additions, in the LEP and those in the DCP, the latter having very targeted goals and detailed requirements to conserve our character, heritage, gardens and landscapes.
- Council must commit to tightening controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation causing irrevocable damage to the unique natural topography.
- There must be stronger controls around garages and carports to both street and laneway addresses to preserve the existing streetscape - a major component of the DCP objectives.
- Consideration must be given as to how sustainability measures, eg solar panels, can be appropriately integrated within conservation areas.
- Local hydrology must be strategically managed to ensure storm water is captured as a resource where appropriate while also effectively structured to avoid flooding.

We trust the above will be given proper consideration for incorporation into the Scoping document and would request your acknowledgement in relation to this.

Yours sincerely



Alister Sharp
President
Hunters Hill Trust

From: Len Condon [REDACTED]
Subject: LEP Review
Date: 24 May 2023 at 7:10:51 pm
To: customerservice@huntershill.nsw.au



Why is Council not listening to us residents after the public meeting a few months ago? Are you acting in our best interests? Council seems to be asleep at the wheel. Mosman council has been proactive. You could at least copy what they have done. WE DON'T WANT EXCESSIVE HEIGHTS.

Hunters Hill residents did not have any opportunity to comment on LEP changes that created employment zones. Other councils, including Mosman and Woollahra, sought community comment, and in early 2022, made changes to their LEPs to increase heritage and other protections against the greater level of development which are now allowable under these State-wide changes.

I have become increasingly concerned about Hunters Hill Council's capacity to protect the municipality from haphazard over-development. Issues to address in the revisions to the LEP/DCP:

1. Retain all Conservation Areas within the existing boundaries. Any reduction would permit increased complying development and further loss of character. Identify which additional heritage items need to be included (as undertaken by Woollahra Council) including those not yet listed but identified in the Hunters Hill Trust's The Heritage of Hunters Hill. Identify 'contributory' buildings, from the early and mid-20th century.
2. Strengthen current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions to be compatible with the existing character of our municipality.
3. Strengthen the link between the LEP and DCP to align the existing planning controls for new development including additions, in the LEP with those in the DCP which has targeted goals and detailed requirements to conserve local character, heritage, gardens and landscapes
4. Establish a process for inspecting complying development projects prior to approval so that staff can document mature trees and monitor their protection.
5. Redefine the requirement for 50%/60% landscaping to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce the garden area. Substantial

areas of deep and continuous soil for tree planting is crucial to maintain the tree canopy.

6. Include a C4 'Environmental Living' zone to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. The clear felling of mature trees and gardens must be halted and managed in areas zoned for complying development.

7. Tighten controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation causing irrevocable damage to the natural topography.

8. Strengthen controls around garages and carports to both street and laneway addresses to preserve the existing streetscape.

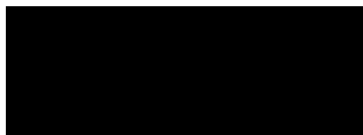
Yours faithfully



Len Condon

24.5.2023

58 Barons Crescent, Hunters Hill 2110



Sarah Jenkins

From: Maureen Flowers [REDACTED]
Sent: Friday, 26 May 2023 8:56 AM
To: Customer Service
Subject: Submission to LEP/DCP Review

Dear Council

There is obviously a serious problem with the controls currently in place under the above Plans as we are continually fighting - and losing - the battle over inappropriate and over development. Developers already consider Hunters Hill a 'soft' Council which is a depressing label for a once well-respected historic suburb. So this review needs to be more than just a tick box exercise if we are to protect the LGA from exploitation caused by vague terminology and lenient rules.

In particular we must not strip out any streets from the Conservation Areas as this will obviously lead to more complying development projects which are already decimating the character of our suburb. I seem to remember that Council was undertaking a review of 'contributory' buildings, which urgently need proper protection if we are to retain any semblance of the history and character of our early 20th century settlement.

Of particular importance is the strengthening of current controls over heights and FSRs and ensuring requirements for landscaping are not 'got around' by using hard surfaces which sacrifice green space and tree canopy. Council must do more to address the epidemic of felling mature trees in gardens - particularly for spurious reasons - in order to get rid of inconvenient trees. This is leading to a serious depletion of our leafy environment and our ability to mitigate a heating climate. The workings of the Council's Tree Management Group should be directed towards a thorough independent assessment of these individual requests. In addition there needs to be better management of trees on complying development sites, as per State Government legislation, which allows Councils to protect existing mature trees.

The scourge of complying development often means cleared sites are covered by concrete boxes to the fence lines, obliterating former green space and resulting in the loss of our historic streetscapes. There is little that can be done about this State ruling but at the very least we need to take this opportunity to introduce the C4 'Environmental Living' zone into our LEP to give greater protection to sites on land adjoining conservation areas.

Residents would expect their rates to be used to properly resource this important review to strengthen LEP/DCP controls and protect our historic and leafy environment which, as every survey shows, is the very reason that we all live here!

Thank you.
Maureen Flowers
Hunters Hill

Sarah Jenkins

From: Brigid Dowsett [REDACTED]
Sent: Friday, 26 May 2023 4:11 PM
To: Customer Service
Subject: Submission to LEP & DCP Review

To the General Manager, Mayor & Councillors, Hunters Hill Council.

The Hunters Hill LEP & DCP must work within a framework of compliance to the established principles of Ecologically Sustainable Development as endorsed within our state legislation. To protect the layers of history and our built and natural environment, heritage must be respected and valued in our planning and development proposals and decisions.

The fabric of our streetscapes is changing alarmingly with properties that are perfectly able to be modified being demolished for complete re-build, often immediately after purchase and then on-sold. Gardens don't escape this treatment with maybe one tree or large shrub remaining beside the paved or concreted frontage with double garages. It appears the asset is often valued only for its potential economic gain rather than for its place within an existing neighbourhood setting.

While this is the choice for the owner to take and a direct result of complying development, it makes it even more critical that the existing Conservation Area boundaries are not reduced in any way, if anything they should be expanded to offer protection to a greater proportion of the LGA. Unfortunately there is no absolute guarantee that inappropriate alterations and DA proposals will not get through, as we have seen. The role of 'contributory' buildings must also be acknowledged in retaining Hunters Hill's historic character.

While Council declares its admiration for mature trees and avenues of splendid canopies shading our streetscapes, the fact is that the level of private tree loss is too high across the LGA. The requirement for 50% landscaping must be enforced to allow less 'hard surface' such as pools, paths, patios, etc to incrementally reduce the 50% soft surfaces of gardens and vegetated landscaping. The inclusion of deep soil for planting is essential to maintain established garden settings, enhancing the character so particular to our suburb's built environment over time.

Greater care of remnant bushland and Endangered Ecological Communities is needed to safeguard their environmental values. Just mowing adjoining the grassed edges does not reduce invasive weed, increase biodiversity and help protect native wildlife, much more attention to ecological regeneration and restoration is needed. A C4 'Environmental Living' should be introduced to provide far greater protection from development for land adjoining high conservation value sites and sensitive foreshore, including mangroves and diminishing saltmarsh areas.

Water Sensitive Urban Design needs more focus and integration into the urban water cycle. Stormwater should be viewed as a potential resource as part of its strategic management, with further consideration given to returning concrete channels to natural creek lines where easements and safety factors permit.

Council must commit to tightening controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation, wall heights and setbacks, particularly in non-complying development. The general tendency for development to fill the maximum permissible building envelope is detrimental to the streetscape and ambience of Hunters Hill. That our stunning natural topography is being steadily eroded should be of major concern to all.

As stated, embedding the Hunters Hill LEP & DCP within the established principles of ESD gives hope that this will guide and strengthen the objectives to take account of ecological and sustainability imperatives in our local planning and development decisions and outcomes.

Brigid Dowsett,

Batemans Rd, Gladesville, 2111

Sarah Jenkins

From: Dennis Cumerlato [REDACTED]
Sent: Sunday, 28 May 2023 2:32 PM
To: Customer Service
Subject: Review of the Local Environmental Plan (LEP) and Developmental Control Plan (DCP).

Hi,

I am unsure whether comments for the proposed review of the Local Environmental Plan (LEP) and Developmental Control Plan (DCP) have closed, if not I would like to propose the following amendment.

My current understanding is that dual occupancy / duplex dwellings can only be subdivided by Strata Title. I would like to propose that dwellings that meet the criteria for Torrens Title should be permitted to do so.

I see no reason why Council insists that such dwellings must be Strata Titled. There is no obvious advantage to Council while providing many benefits to property owners.

I believe that many Sydney Councils permit dual occupancy / duplex dwellings to be Torrens Title. I am therefore requesting Council to consider this minor amendment.

Kind regards

Dennis Cumerlato

Sarah Jenkins

From: Annette Gallard [REDACTED]
Sent: Sunday, 28 May 2023 5:50 PM
To: Customer Service
Subject: Review of the Local Environment and Development Control Plans (LEP/DCP)

Dear Councillors,

I am writing to outline a range of issues which I would like to see properly addressed as part of the Review of the LEP and DCP:

1. There is a need to strongly reinforce through planning controls the garden and heritage character of Hunters Hill. My concern is that any removal of the current Conservation Zones will lead to “complying developments” that erode the character of Hunters Hill as we currently experience it. The protected status and current boundaries of conservation zones must be maintained. My own neighbourhood is not in a Conservation Zone and steadily over the past 25 years we have seen ordinary houses with gardens replaced by developments that maximise the allowable building footprint with heavily paved areas and the loss of mature trees. Farnell Rd in Boronia Park is several degrees hotter than my own street in summer (which is one street east), as these newer large houses block breezes that are felt in Park Rd and shade from trees has disappeared. These large multi-storey houses, often with underground garages, have changed the character of Boronia Park. I do not want to see the same thing happen in the current conservation areas. These developments are bad for the environment because they require more gardens to be dug up and disappear, reducing habitat for species that rely on a more varied landscape and tree cover to survive, are out of step with adaptation to climate change, are often aesthetically undesirable and out of keeping with most of Hunters Hill. It must stop here!
2. Greater protection needs to be given to maintaining the tree canopy. Many of the trees that are being removed are mature specimens and they are not being replaced by similar long-lasting species. Rather they are replaced in landscaping that relies on small ornamentals and much hard paving. This is particularly apparent around Baron’s Crescent but happens throughout the municipality. Council’s own papers show continuing approvals for the removal of trees which while not significant in individual cases add up to a significant loss of tree cover over a number of years. No-one would argue against the removal of dangerous trees but often trees are disappearing to enable large additions to houses - a community loss for private gain. In some cases Council is not following up when incidents of illegal tree removal are highlighted to it. Other submissions have called for the creation of C4 Environmental Living zones around sensitive areas. This is a strategy I fully support. More emphasis needs to be placed on trees in the LEP and DCP.
3. The controls for Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened. Much of our municipality was outraged by the lack of consultation on the new Employment Zones. Councillors promised that developments in the new zones would maintain existing height and FSR requirements. Yet in the Council Papers for Monday 22nd May there was an approval for the development at 67 High St Boronia Park in one of the new Employment Zones. This development exceeds the allowable height and the height of the existing building on the site. It is not a good start to believing that existing controls will be maintained in developments approved for the new Employment Zones. We require our development controls to be strong gatekeepers to prevent development that is undesirable whether that is because the use is incompatible with the surrounding areas or because the physical nature of the building is out of character with Hunters Hill.
4. There must be absolute clarity in the controls and the DCP must be totally consistent with the LEP. There should be more targeted goals and detailed requirements in the DCP to conserve the character, heritage, gardens and landscape of the municipality. For example demolitions must be more tightly controlled and excavations which cause permanent damage to the topography should be reduced.
5. Council needs to have controls that recognise the significance of climate change and work in a coordinated way to mitigate its impacts. It is not enough to enable solar panels on heritage housing (although that would be a good

start), it should recognise that by its actions and approval processes, Council can either make the situation worse or encourage developments that are sustainable and have long term positive impacts for the community.

6. I am concerned that by this light touch review of the LEP and DCP Council will have insufficient time to address these concerns. If Council is constrained by time can I suggest that it does not make changes that will be impossible to undo and that will erode the heritage and garden character of Hunters Hill.

Yours very sincerely

Annette Gallard

14 Park Rd
Hunters Hill
NSW 2110

Sarah Jenkins

From: Caroline Mackness [REDACTED]
Sent: Sunday, 28 May 2023 7:50 PM
To: Customer Service
Subject: Feedback in relation to Hunters Hill LEP and DCP review

Dear General Manager and Councillors,

I write in relation to the review of the Local Environment Plan & Development Control Plan (LEP/DCP).

We live in a very special part of Sydney with significant heritage dating from the original owners of this land, the Wallumedegal people of the Eora Nation. Hunters Hill is fortunate in having large areas of bushland as well as a rich and textured history of European building and is renowned for being Australia's oldest garden suburb. Generations of locals have fought hard to preserve this special place and we must do all we can to ensure it continues to evolve in a sensitive and appropriate way that respects the natural beauty and hard fought for heritage as well as the green canopy and gardens.

When I first moved to Hunters Hill in 1990 Council had done a considerable amount of work to ensure the conservation areas and heritage protections were in place. This was underpinned by the early work of the Hunters Hill Trust and a very engaged community that fought hard against the bulldozers of the 1960s and 70s to ensure the history and heritage of Hunters Hill was well documented and protected.

Unfortunately, in the last decade since the introduction of complying development, there has been a drastic erosion of character and amenity - even within the conservation areas - with larger and larger scale houses, extensive ground excavations to create massive underground carparking and loss of many trees and gardens.

To ensure there is a considered response to climate change, precious resources, character and amenity in Hunters Hill I sincerely request that the existing conservation areas are maintained and that stronger guidelines are enacted by ensuring the LEP and DCP work together. Council must strengthen the protections for heritage items against inappropriate development that impacts both the heritage items and the conservation areas. We should also actively seek to protect exemplars of more recent periods with additional identification of contributory buildings from the mid 20th century. We must discourage the current knockdown rebuild mentality and strongly encourage adaptive reuse and preservation of resources where viable - or replacement with exceptional design where retention may not be possible. The conversion of some of the large sandstone mansions for apartments that has occurred in Hunters Hill is a very good way to preserve green space and heritage while increasing density and there may be further opportunities such as these.

I live in Richmond Crescent within an existing conservation area and, while there have been a significant number of additions and alterations to the cottages that were built as housing for returned service men and their families after the Great War - the majority of the cottages have been preserved with the significant contribution of Sulman to the layout of this area also intact. Residents have not been prevented from updating and extending their cottages and generally (apart from one or two exceptions with reasons) the orientation, street presence and gardens have been maintained. The most recent example of a very successful restoration of the original cottage with an extension to the rear was achieved at 18 Richmond Crescent, where the Land and Environment Court agreed that the cottage and its presence in the street should be preserved. The community was grateful for this outcome, and it should not have been so difficult for Council to hold this position with the new owners, had the controls been obvious and strong

when they bought the property. I suggest that Council look to this case to understand the importance of Richmond Crescent and this conservation area to the broader community.

I support Council in doing all it can to preserve our historic Municipality with its precious layers of history, heritage, bushland and gardens. In particular I support the retention of all existing conservation areas.

Thank you for the opportunity to contribute to the Council's work to strengthen outcomes for the community through a strong LEP and DCP that supports our heritage and environment for future generations.

Yours sincerely

Caroline Mackaness
6 Richmond Crescent
Hunters Hill

28 May 2023

18B Barons Crescent
Hunters Hill 2110

0415487342

The General Manager
Hunters Hill Council

By email: customerservice@huntershill.nsw.gov.au

Dear Sir

Hunters Hill Local Environmental Plan Review

I refer to the review by Council into the *Hunters Hill Local Environmental Plan* ("LEP") and to the deadline of 8.30am on Monday 29 May 2023. There has been no public announcement of the deadline on Council's website or in its newsletters. This failure to notify the community of the deadline is a breach of the *Community Participation Plan 2019*.

Further, in Council's Operational Plan, the General Manager's message is: "Having measurable actions aligned to our goals around infrastructure, the environment, our people and places and the way we do business in partnership with our community, is an important part of our commitment to open and transparent governance." The lack of communication and advertising to residents about this important review has not been "open and transparent", and these stated goals are not being implemented by Council.

I also refer to my email sent to customer service and to the Mayor on Thursday 25 May, requesting publicity for the review and a new deadline of Monday 12 June 2023 at 8.30am, to which I have not received a reply.

1. LEP controls insufficient

The new LEP continues the former loose control over sensitive environmental areas which is repeated from the 2012 LEP in the *Standard Instrument (Local Environmental Plans) Order 2006* Part 2 Land Use Table. The categories below may be applied anywhere in our municipality pursuant to a proposal for a zoning change by anyone.

These loose controls deal with:

"areas of high ecological, scientific, cultural or aesthetic values" (C2)
"areas with special ecological, scientific, cultural or aesthetic values" (E3)
"areas with special ecological, scientific or aesthetic values." (E4).

The impact of this generous attitude to intrusive development is discussed below.

2. Environmental Conservation

The Land Zoning Map - Sheet LZN_001 covers the area from Pittwater Road to Villa Maria School on Ryde Road, that is, most of Boronia Park. The valuable foreshore bushland is described in that map as "E2 Environmental Conservation". There has been no change in the map to adapt to the new LEP.

The former E2 zone, now Zone C2 Environmental Conservation, is stated to apply to areas of high ecological, scientific, cultural or aesthetic values.

Despite this highest ecological and scientific rating, Zone C2 allows residences other than multi-dwelling housing and residential flat buildings, as did the former version this zone in the 2012 LEP. The new version repeats the wording of the original, as follows:

Zone C2 Environmental Conservation

Direction—

The following must be permitted with or without development consent in this zone—
Environmental protection works

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

3 Permitted with consent

Oyster aquaculture

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The only protection such highly valuable areas have is the prevention of development "... that could destroy, damage or otherwise have an adverse effect on those values."

Like all qualitative provisions, this prevention clause can be interpreted to allow housing which will adversely affect environmental assets. The words sound like a stern injunction to leave such areas alone, but allowing the construction of residences within that zone makes a mockery of those protections. The restrictions can be easily overturned by claims that the housing proposed will not damage the quality of the environment. We are all familiar with the glib spin that town planners hired by developers produce to justify intrusive buildings of maximum possible floor space and the least possible garden space, while claiming that they represent the highest level of sensitive protection of the site, are integrated with the bush, etc.

The drafting of Zone C2 Environmental Conservation would allow housing in the Great North Walk and the bushland adjacent to the Lane Cove River around the coast of Boronia Park included in Land Zoning Map - Sheet LZN_001. This area has the greatest environmental assets in the whole municipality. In addition, the bush in the precinct bounded by Princes Street and Park Road contains a remnant of the Sydney Turpentine-Ironbark Forest ("STIF") in the Sydney Basin Bioregion. Its conservation status in NSW is "Critically Endangered Ecological Community". Clearly, this precinct must be protected from intrusion of any sort, other than removal of weeds, and appropriate regeneration, which Council's bushland management groups are skilled in facilitating, led by very able staff.

Despite this sensitivity in conservation zones, it is only a short time ago that the previous General Manager and certain staff in the employ of developers of playgrounds for children, proposed to use the narrow strip of land between part of the STIF and Park Road for an inclusive playground, which would have adversely affected that bushland, its wildlife, including water dragons and echidnas, and birdlife. A Council enquiry and a representative community group, together with a paid consultant, resulted in the playground being sited at Tarban Creek, where it had originally been planned. So much for the protection afforded by a conservation zone. It was community opposition which halted this destruction.

The way to give teeth to protecting conservation zones is to prohibit residential housing of any sort - single, multiple or flats. The current drafting of Environmental Conservation provisions will not protect those zones from residential intrusion and consequent damage.

Consequently, heritage protection must be sought for areas of high ecological, scientific, cultural or aesthetic values, utilising the following provisions of the *Heritage Act 1977* which apply to the natural environment:

environmental heritage means those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.

harm means—

- (a) in relation to a building or work—demolish, or
- (b) in relation to a relic or moveable object—damage, despoil, move or alter, or
- (c) in relation to a place or precinct—damage, despoil or develop the land that comprises the place or is within the precinct or damage or destroy any tree or other vegetation on, or remove any tree or other vegetation from, the place or precinct.

4A Heritage significance

(1) In this Act—

State heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

local heritage significance, in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The Great North Walk is an asset of both State and local significance. Walkers from outside the municipality use it frequently, as I know from my own regular use of the track. It requires protection, not only for its value as beautiful area of original bushland, but as a very significant wildlife refuge and corridor, which adds territorial value for wildlife and bushland to the adjacent Lane Cove National Park. Similarly, critically endangered remnant STIF is also a significant heritage asset deserving of protection.

An adequate set of planning controls would not allow any residence to be built in such sensitive areas, ignoring their fragile ecology, and regardless of their special scientific, cultural, aesthetic and heritage attributes.

This problem requires amendment of the new LEP.

3. Housing allowances in other zones

The following zones for sensitive areas also allow residential housing (“dwelling houses”):

- Zone E3 Environmental Management which has the following objectives: to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values, and to provide for a limited range of development that does not have an adverse effect on those values. This zone allows dwelling houses but not “residential flat buildings”;
- Zone E4 Environmental Living which has the following objectives: to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and to ensure that residential development does not have an adverse effect on those values.

- Zone W1 Natural Waterways which has the following objective: To protect the ecological and scenic values of natural waterways, and to prevent development that would have an adverse effect on the natural values of waterways in this zone.

The allowance of residential housing in these zones gives them precarious and illusory protection from damage to their special and valuable characters.

4. Low Density Residential housing zones under threat

Under the former LEP 2012, (Page 12 2013 No 34. Clause 2.8 Land Use Table Part 2), Low Density Residential had far more significant objectives than now exist:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- *To maintain the identity of Hunters Hill by ensuring that new buildings are compatible with the garden suburb character and heritage values that distinguish the low density localities.*
- *To provide for high levels of amenity that are consistent with a low density residential environment.* [my emphasis].

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Under the amended LEP, Zone R2 Low Density Residential now provides:

Direction—

The following must be permitted with or without development consent in this zone—

Roads

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Centre-based child care facilities; Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture

4 Prohibited

It is alarming that the third and fourth bullet points in the former version of the LEP have been removed. The need to maintain the identity and character of Hunters Hill by ensuring the compatibility of new buildings consistently with the garden suburb character and heritage values of Hunters Hill, is gone. So are the “high levels of amenity that are consistent with a low density residential environment”. This is a grave diminution of legislative controls over development in Hunters Hill.

This means that the well loved green character of Hunters Hill, with large gardens and significant tree cover, need not be present on a new residential site. Their omission means that there is no

longer any need to respect the heritage values of our suburb, which has, up until complying development has changed its profile, mostly been characterised by housing which does not dominate the landscape. Boronia Park in particular, was previously dominated by small brick bungalows from the post-war era. Under the complying development provisions, we now see the ruination of the character of our suburb through increasing numbers of large concrete boxes of housing which is built out to, and often beyond, the one metre allowance from the boundary, and occupy the maximum possible area. The damage to our urban environment and character caused by these houses is compounded by the travesty of plantings which are supposed to be a garden. A hedge of low box, a few agapanthus, maybe a dwarf Japanese maple, a lot of decorative pebbles set within a concrete boundary, and the rest consisting of paving or concrete, is what now passes for a garden. The Development Control Plan's ("DCP") provisions are completely ignored. Swimming pools gobble up any space left. Council staff are missing in action to enforce the need to plant something that passes for a tree. These places have no native species, no bird habitat and no screening of their ugliness. This is what our suburb is condemned to. Council must take urgent steps to stop this.

5. Waterways

There is a potential loss of marine habitat and protective conditions for aquatic life caused by Zone W2 Recreational Waterways, which allows moorings, water recreation structures and marinas. All of these structures would cause pollution and harm to the underwater environment and further damage its marine life. None of these uses are consistent with the objective "To protect the ecological, scenic and recreation values of recreational waterways." The ever increasing pressure for more marinas and moorings will further damage the sea bed, its vegetation and marine life where they are allowed.

Areas of Parramatta River and Lane Cove River which are zoned under this heading will be damaged by those uses. Similarly the loose term "water based recreation and related uses", which are permitted without consent, could include destructive types of recreational machinery such as jet skis.

6. Transition from B1 to E1 zone: Local Centres

Hunters Hill *Local Strategic Planning Statement* identifies five centres:

Centres with a strategic intent for future growth (located on arterial roads, cater to local residents, workers and visitors), i.e. Hunters Hill Village and Gladesville Town Centre

Centres for place-based planning (located on local roads, cater to local residents and workers)
Garibaldi Village i.e. Woolwich Corner Village and Boronia Park Village

Each centre is surrounded by residential zoned land.

All of the above centres (with the exception of Gladesville Town Centre) are now categorised as E1 zoning.

The E1 Local Centre Zone includes new land uses permitted with consent, including amusement centres, commercial premises, entertainment facilities, function centres, hotel or motel accommodation, local distribution premises, recreation facilities (indoor) and service stations.

These new uses represent a significant intensification of activities and a consequent loss of amenity to the surrounding residential neighbourhood. They would result in buildings of a larger bulk and scale, with patronage from outside the municipality causing increased noise, pedestrian and road traffic. These uses are not appropriate for the restricted available space in centres in Woolwich peninsula. It is important to differentiate development in this area from centres intended for future growth, by including local objectives and provisions in the zone drafting.

7. Changes needed

Council can seek to make changes to the new LEP provisions. *The Standard Instrument (Local Environmental Plans) Order 2006* provides:

- (1) A local environmental plan that adopts the standard instrument should apply to the whole of the land in the local government area concerned.
- (2) However, the Minister may make a local environmental plan that adopts the standard instrument and that applies only to part of the land in the local government area concerned if the Minister considers it appropriate to do so.

I suggest the changes set out below.

i. Council should argue for the exclusion of those parts of Hunters Hill from the new LEP which are heritage protected, or should be. The audit of possible heritage sites being conducted should be hastened for that purpose.

ii. In addition to the heritage protection needed in conservation zones, Council should argue for the restoration of the previous version of the Low Density Residential zone in the light of the special, but eroding, heritage and garden character of Hunters Hill.

iii. Council should increase the areas of the municipality zoned as E3 Environmental Management and as E4 Environmental Living, wherever possible. Any way in which the complying development provisions can be excluded from our suburb should be utilised, before the urban fibre which makes our suburb attractive and valuable is lost.

iv. The use of local objectives and provisions should be sought, to ameliorate the much greater intensification of uses now allowable. According to the Community Plan, Council's strategic planner should have been investigating all buildings and parts of our municipality which can be zoned with less use intensive categories to increase protection of the current uses and character of Hunters Hill. This is a matter of urgency, given the current level of attack on the existing housing standards, development intensity and quality in the suburb. The capacity under the new LEP to have regard to the views of those who are not residents, but who work in the area, should not supersede the need to protect the level of amenity currently enjoyed by residents.

v. Current controls over height, floor space ratios, landscape area, bulk, scale and proportions must be strengthened to be compatible with the existing character of our municipality.

vi. The current Hunters Hill DCP is notable for its provisions being breached rather than observed. It itemises the positive attributes and basic requirements which have characterised our municipality up until now, which has no teeth and is ignored by most, if not all, developers. A review of the salient provisions of the DCP, particularly with regard to vegetation, controls over height, floor space ratios, landscape area, bulk, scale and proportions of dwellings and preservation of existing topography is necessary to incorporate as many of those provisions in the LEP as possible. The LEP clearly must be strengthened to be compatible with the existing character of our municipality. Excavations of the rock shelf leading down to the Lane Cove River in housing developments along Barons Crescent have been disgraceful breaches of the controls in the DCP, and caused the ruination of the topography on those sites, which now resemble houses in Vaucluse, where previously there were attractive and modest houses.

vii. Council must also adapt to the exigencies of climate change, and increase pressure for inclusion of solar panels, heat pump water heaters and other measures which reduce the carbon footprint of buildings. There is no reason why heritage zoning should prohibit the sensitive siting of panels on roofs.

Finally, correspondence from the Planning Division of the Department of Planning in April this year stated, in part:

“Employment Zones reform was informed by significant consultation with councils and two rounds of public exhibition. The proposed translation detail for *Hunters Hill Local Environmental Plan 2012* was exhibited for 6 weeks from 30 May 2022.

Hunters Hill Council engaged in the process providing input and sign off on the translation of existing Business and Industrial Zones to Employment Zones. Hunters Hill Council selected a translation that best aligned to Councils 'strategic planning and reflected their centres hierarchy outlined within the *Hunters Hill Local Strategic Planning Statement 2020*. They also provided comment on local land uses and objectives. The level of input to the process was consistent with many councils across NSW.

It is understood that Hunters Hill Local Environmental Plan and Development Control Plan are currently being reviewed and that consultation to inform this review is underway. This is an ideal opportunity for the community to feed into this process and investigate whether any additional local objectives or local provisions could support Council's strategic planning alongside the application of Employment Zones.

A response to the Mayor of Hunters Hill following Council's resolution of 27 March 2023 is being prepared."

Please provide me with a copy of the response referred to by the Department's staff member.

Yours sincerely

Heather Armstrong

26 Madeline Street
Hunters Hill 2110
28th May 2023

Attention:
Mr Mitchell Murphy
General Manager
Hunters Hill Council

Comments on the Review of the LEP and DCP – Hunters Hill Municipal Council 2023

Thank you for the opportunity to comment on this important review of planning controls for our local government area.

Hunters Hill is the oldest Garden Suburb in Australia and is recognised for its history and unique character, its cohesiveness between historic and contributory buildings, mature gardens and tree canopy, native bushland and extensive green public open space. 75% of the Municipality is a Conservation Area. But what does this mean in real terms?

Stronger LEP and DCP to improve Heritage Outcomes

It is imperative that the review improves heritage outcomes for the Municipality through strengthening both the LEP and the DCP. It must also articulate how our heritage is to be protected by instructing and directing landowners, architects and planners with stronger, more defined requirements and guidelines.

There is a growing disconnect between the expectations of new owners in Hunters Hill and community and council's commitment to retain and enhance our cultural and natural heritage. There seems to be an assumption now, by many owners, that all houses, all sites, including heritage items, may be altered and enlarged to fill the maximum building envelope allowed under existing instruments, no matter the consequence. This is leading to a rapid and cumulative loss of character in the suburb – killing its major attraction! A more direct approach to planning instruments and their application is required.

The LEP's Strategic Directives for HH include "maintaining.. enhancing character and identity" and "conserving Heritage values". Yet the provisions of the LEP are generally Quantative, i.e. measurable controls such as setbacks, height controls, tree heights, landscape areas etc. with no real definitions of "Character."

Most detailed clauses which refer to the Heritage, Character and Identity that define HH are in the DCP (e.g. specific buildings, trees/gardens, streetscapes, features like stone walls etc.) This instrument aims "to conserve and enhance character" to "maintain and enhance qualities .. important to the Municipality's Heritage, scenic quality and environmental identity". DAs are required to demonstrate "satisfactory responses "to the DCP but the words of the DCP are Qualitative and hard to measure. Further, DCP controls in 2.2.4 - Desired Character- consistently require proposed developments *should* comply, *should* maintain, *should* demonstrate. No compunction.

Need for Strong Links between LEP and DCP

There must be a new mechanism developed through this review to directly and inextricably tie the LEP provisions to those of the DCP and vice versa. Character definitions are essential. Further the LEP, must have detailed requirements to demonstrate that specific DCP clauses have been satisfied in reaching and achieving the definitions of overall “compliance”.

At present the LEP alone, is used often to facilitate development with outcomes which are not harmonious or sympathetic to surroundings or neighbours. Multiple examples from recent years can be provided.

Documentation supplied to Council by consultant advisors in support of DAs, is often what I describe as “planning by numbers”. Ticking boxes, with little or no substantiation of their claims, in order to gain approval at any cost, no matter what effect there is on nearby heritage items or cohesive streetscapes, and with the constant threat of the Land and Environment Court.

This mechanism is presumably designed to facilitate easy submissions and faster approvals. However, the loss of rigour is having a very deleterious effect on the character and significance of our Municipality. Clearer stronger words are needed to define what council expects, from the outset.

More Targeted Controls for Development affecting Heritage items

More emphasis needs to be given to respecting heritage items and intact streetscapes. At present there is no difference between controls on DAs adjacent to heritage items and DAs next to nondescript contemporary buildings. This does not marry with the goals of “Maintaining and enhancing character and identity” and “Conserving Heritage Values”.

There is inadequate provision to protect heritage items from current setbacks, roof height limits, landscape area, scale and bulk, large tree removal, garaging, excavation etc. New builds next to, or in the immediate vicinity of heritage items should be constrained by much tighter targeted limitations on design and construction and proximity.

Identification and Protection for Contributory Buildings

In addition, “Contributory” buildings need greater recognition. These are almost completely overlooked in any planning discussion. Yet in Hunters Hill these contributory buildings play a very important role as low-key link buildings in very significant streetscapes. They sit quietly amongst significant heritage items and gardens representing their own periods of history, without competing. Yet because they have not been identified as “significant”, are not considered at all in the planning framework. See report to HH Council on HH Character Statements by Paul Davies Pty Ltd 2021

The loss of these contributory buildings is having a very rapid and pronounced effect on the historic character in Hunters Hill because large inappropriately designed and scaled development is constantly approved because “it complies”. Contributory buildings need urgent listing and mapping and to be given status in the conservation areas.

Hunters Hill is not a “greenfields” LGA. The need for stronger planning instruments is urgent. It seems to me that Hunters Hill’s character is being eroded with almost every DA submitted to Council.

Thank you for the opportunity to comment

Helen Temple

Glentworth
5 Ady Street
Hunters Hill
NSW 2110

Mr Mitchell Murphy
General Manager
Hunters Hill Council
by email

RE: LEP and DCP Review

Dear Mitchell,

Thank you for the opportunity to provide input into the review of, and proposed amendments to, the Hunters Hill Local Environment Plan (LEP) and Development Control Plan (DCP).

I have only lived in “The Peninsula” conservation area since mid-2019, but even in this very short period of time, have been shocked to witness how weak the current planning controls are in mediating over-development within the conservation areas, and how little weight the current LEP seems to carry in terms of the protection of heritage streetscapes and landscape character.

In tandem, I am deeply concerned about the extent of demolitions taking place within the conservation areas. The conservation areas in Hunters Hill are a matrix of heritage items set into a complex of historic allotments and street patterns, sandstone walls and mature plantings. Taking one building out through demolition is like knocking out a tooth. Smaller buildings from the 1920s through to the 1960s have value within this matrix. Their demolition should not be permitted, particularly as under the current controls what always replaces the quiet, contributory items are bloated, “maximalist” proposals—dwellings built to *maximum* permissible heights and *maximum* site coverage (often grabbing extra floor space through extensive basement excavations). The current controls mean that replacement landscapes are always constricted, without the space to achieve the softer, gardenesque qualities that are the hallmark of Hunters Hill as a “garden suburb.” Rarely is anything “given back” to the conservation area in terms of enhancements to public views and vistas, or really high quality architectural or landscape design.

Not only are the heritage impacts of the current controls very significant, the carbon cost of demolition and rebuild is neither considered nor calculated. The current controls and plans support a belief in prospective applicants that without a heritage listing, all sites in the conservation area can be treated as a *tabula rasa*. With the development potential on each lot so high under the current controls (with loose landscape area controls eliminating the need to comply with a Floor Space Ratio (FSR) control), there is little incentive to consider the alterations and additions that would support the retention of streetscapes in the conservation areas and result in development with a lower carbon cost.

I believe one clear way to address this combined issue of heritage and sustainability is to amend the control around landscape area (LEP 6.9.2-5):

The current issue with this control is two-fold:

- deductions from the 50% or 60% landscape area are allowed, and in the vast majority of DAs in the conservation area, taken up—meaning that space available for trees and substantial landscape planting, deep soil, water infiltration and the soil rehydration needed to support urban canopy and the “garden suburb” character of Hunters Hill are diminished.
- compliance with the landscape area controls (including their reduction) allows for the Floor Space Ratio that would usually act as a control to excessive floor area, bulk, and scale in relation to a lot size to be over-ridden.

The 50%/ 60% minimal landscape areas must be strictly enforced, with current deductions, particularly for swimming pools, eliminated.

In addition,

The FSR control should be reintroduced, bringing Hunters Hill in line with comparable municipalities such as Mosman, where both a landscape area control and FSR control are enforced.

Thank you again for the opportunity to provide feedback on the current planning controls and issues that I think should be urgently addressed in the upcoming review of the LEP and DCPs.

Sincerely



Lucy Creagh MPhil, MArch, BArch, BSc(Arch) UrbHort III

96 High Street
Hunters Hill
NSW 2110

1st May 2023

Mr Mitchell Murphy
General Manager,
Hunters Hill Council

Subject: Request to reconsider the zoning of 63-67 High Street as part of the Hunters Hill LEP/DCP review.

Dear Mr Murphy,

I am concerned about the recent rezoning of the premises at 63-67 High Street to E1. This zoning is totally inappropriate for this site as was the previous B1 zoning.

Local residents have never been informed about proposed changes to zoning and therefore have not been able to give input on these matters which have considerable impact on their lives. The previous zonings of 63-67 High Street have, over the years, allowed for greater scope for developers to build large, inappropriate edifices on the site which is surrounded by one and two storey residential houses.

This site should be zoned residential in order to fit in with its surroundings. Please help to remedy the mistakes of the past.

Yours faithfully,

Peter King



Sarah Jenkins

From: Lynne Metcalfe [REDACTED]
Sent: Sunday, 21 May 2023 8:58 AM
To: huntershilltrust@gmail.com; Council
Cc: Stuart Piggin; Rosemary Piggin; Jim Millar; Rosemary Millar; Jill Stephenson
Subject: Re: Update on the Local Environment & Development Control Plans (LEP/DCP)

The Mayor
Hunter's Hill council

We hold you in trust to look after our beautiful garden suburb.





We do NOT want to be just another high density area.

There are too few garden suburbs as it is.

Our trust is in your hands.

Lynne Metcalfe



On 20 May 2023, at 3:45 pm, Lynne Metcalfe [redacted] wrote:

----- Forwarded message -----

From: **Hunters Hill Trust** [redacted]

Date: Sat, May 20, 2023 at 3:13 PM

Subject: Update on the Local Environment & Development Control Plans (LEP/DCP)

To:

Dear Friends

After several weeks of silence in response to our requests for the actual timing and detail involved in the review of the Local Environment Plan & Development Control Plan (LEP/DCP), Council has just announced that public submissions are now due by next Friday 26 May!

We are disappointed that, in spite of the strength of feeling at the recent public meeting about Council's lack of communication with the community, residents are again being disadvantaged by the sudden announcement of this tight deadline.

Council's failure to involve the community in the State Government's planning reforms has resulted in potential threats under the new employment zoning and there is consequently an urgent need for the LEP/DCP to include strongly worded terminology to prevent the steady erosion of our garden suburb. The current assault on heritage, landscape, stone walls, tree canopy and garden areas has already resulted in poor environmental and sustainability outcomes and current knock-down / rebuild residential development has impacted the character of Hunters Hill. This LEP and DCP review provides the opportunity to clearly articulate how critical it is that the unique layered history and values of our suburb be protected.

Therefore we encourage you to write to Council and recommend the following points as guidance:

1. There must be no changes to diminish the extent of the Conservation Areas as any such move would permit increased complying development and further loss of character. Conservation Areas must be entirely retained within their current protected status and boundaries, with investigation to further include heritage items (as undertaken by Woollahra Council), particularly those buildings not yet listed but identified in the Trust's publication *The Heritage of Hunters Hill*. The identification and role of 'contributory' buildings, from the early and mid 20th century, must also be properly recognised.

2. A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. This could help address the worst excesses in some areas currently under complying development where the clear-felling of mature gardens is rife. The Trust has already suggested a process to Council for inspecting complying development projects prior to approval so that staff can document mature trees and monitor their protection.

3. The current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened to be compatible with the existing character of our municipality, with particular attention to:

- a) The tendency for development to fill the maximum permissible building envelope in height and scale which is detrimental to the streetscape and the historical values of our garden suburb. The expectation that houses can be endlessly altered and added to is resulting in the cumulative loss of our heritage and environment. Capitalising on the value of property must be balanced with the broad community benefit in protecting the character and green lungs of the area.
- b) Council must commit to ensuring that the requirement for 50%/60% landscaping is redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce the garden area. The concept must be "*houses set in gardens*" rather than "*buildings surrounded by landscaping*". The provision of substantial areas of deep and continuous soil for tree planting is also crucial to maintaining our tree canopy.
- c) Council needs to strengthen the link between the LEP and DCP as there is a significant disconnect between the existing planning controls for new development including additions, in the LEP and those in the DCP, the latter having very targeted goals and detailed requirements to conserve our character, heritage, gardens and landscapes.
- d) Council must commit to tightening controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation causing irrevocable damage to the natural topography.

e) There must be stronger controls around garages and carports to both street and laneway addresses to preserve the existing streetscape - a major component of the DCP objectives.

f) Consideration must be given as to how sustainability measures eg solar panels can be appropriately integrated within conservation areas.

Please feel free to adapt any or all of the above into your own words and include other issues that might be meaningful to you. Emails to be sent by Friday 26 May to customerservice@huntershill.nsw.gov.au

Don't forget to check out our website for further updates. Here is the link to the relevant Item 4.15 (page 382) to be discussed at Council's meeting on Monday 22 May <https://www.huntershill.nsw.gov.au/wp-content/uploads/2023/05/Agenda-of-Ordinary-Meeting-4519-22-May-2023.pdf>.

Kind regards
Your committee
www.huntershilltrust.org.au

Sarah Jenkins

From: Alice Oppen [REDACTED]
Sent: Sunday, 21 May 2023 6:30 PM
To: Customer Service
Cc: Hunters Hill Trust
Subject: Submission on LEP/DCP

customerservice@huntershill.nsw.gov.au

Submission to Hunter's Hill Council on LEP/DCP from Alice Oppen
3 Madeline Street
Hunter's Hill 2110
0428 866 491

Hunter's Hill is under threat again, this time from a perceived need to squeeze in as many people as possible, with no limit conceived. This is a way to decrease the protective effect of trees and diminish the historic and natural features that make Hunter's Hill a valued community.

1. There must be no changes to diminish the extent of the Conservation Areas [HHT]. Conservation Areas must be entirely retained within their current protected status and boundaries, with investigation to further include heritage items, particularly those buildings not yet listed but identified in the Trust's publication The Heritage of Hunter's Hill
2. A C4 'Environmental Living' zone must be introduced to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshores. This could help address the worst excesses in some areas currently under complying development where the clear-felling of mature gardens is rife.
3. The current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions must be strengthened to be compatible with the existing character of our Municipality, with particular attention to:
 - a) The tendency for development to fill the maximum permissible building envelope in height and scale, which is detrimental to the streetscape and the historical values of our garden suburb. The belief that the built environment is preferable to trees and gardens is deplorable and must not result in blank blockhouses, naked to the street. This is not value or environmental sustainability.
 - b) Council must commit to ensuring that the requirement for 50%/60% landscaping is redefined to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not count as garden area. Garden is green. And alive.
 - c) There must be stronger controls around garages and carports to both street and laneway addresses to preserve the existing streetscape - a major component of the DCP objectives.
 - d) Consideration must be given as to how sustainability measures eg solar panels can be appropriately integrated within conservation areas. Solar panels should be considered as appropriate as downpipes and roof guttering, and more attractive.

Sincerely yours,

Alice Oppen

Sarah Jenkins

From: chris hanrahan [REDACTED] >
Sent: Monday, 22 May 2023 10:51 AM
To: Customer Service
Subject: Potential rezoning of Richmond Crescent, Hunters Hill

I find it very disturbing indeed that there is a possibility of potential rezoning of some of the Conservation Areas in the Municipality of Hunters Hill, my street, Richmond Crescent, being one of them. The protected bush directly opposite our homes in this little street is home to many, many species of Australian native birds and mammals that will be severely impacted should the existing Conservation Area classification be tampered with in any way. Residents in this street are witness to Kookaburra families, tiny hedge finches (some of which live in hedges and trees on our properties), Willy Wagtails, Lorikeets, Brush Turkeys and bats (both of which are fiercely protected), Possums of several species, and blue tongue lizards, that live and breed here as a result of the existing protection of the street. If any further development is allowed in this area, so close to what is now protected bush, all of these native animals will be endangered. I witnessed the disturbance of these birds and animals first hand when the property next to mine, at number 18, was being almost completely demolished, excavated, and an inappropriately large extension added over a 2 year period recently. The birds ceased breeding in the large gum tree opposite the property (which is on the Significant Tree Register at my behest) for the entire building process, and they have only recently returned to their previous routines. All of the other residents in this street have restored and renovated their cottages to honour the original Sulman Estate which was built here over one hundred years ago. This proposal is an affront to our efforts to respect the history of the estate. My opinion is that C4 Environmental Living Zones must be introduced throughout the Municipality to provide better protection from any development on land which is adjoining high value Conservation Areas such as ours. There should also be greater controls over height, floor space ratios, landscaping area, bulk, scale and proportion of properties throughout the municipality, to retain the existing character of our beautiful garden suburb, which is being rapidly eroded at present. The demolition of sound, renovated bungalows to make way for ugly two and three storey project homes, akin to the type found in newer suburbs, should be strongly discouraged. The practice is destroying the heart and soul of the suburb that I was born in. Thank you for the opportunity to comment on the proposed changes.

Yours sincerely,
Christine Hanrahan
16 Richmond Crescent
Hunters Hill
[REDACTED]

Sent from [Mail](#) for Windows

Sarah Jenkins

From: Catherine Merchant [REDACTED]
Sent: Tuesday, 23 May 2023 2:23 PM
To: Customer Service
Subject: Attention Mr Kieran Metcalfe - comments re proposed changes to LEP and DCP - PLEASE FORWARD

Dear Mr Metcalfe,

I had asked Council some time ago whether there was a closing date for comments on proposed changes to Hunters Hill LEP and DCP prior to its formal exhibition as this was unclear from Council's webpage. On reading the agenda for Council's next meeting it seems 26 May is the deadline and that you are still accepting comments prior to finalising the draft documents for exhibition.

From the March public meeting it was pleasing that Council intends to better capture the principles of ESD in any changes to the LEP and that there is intent to improve consistency with the Parramatta River Masterplan.

We have lived in Glenview Cres overlooking Pulpit Point for almost 25 years. During this time within our neighbourhood there has been significant development occurring along the ridgeline. On many sites extensive below ground excavation has occurred. Possibly this is justified by a lower building line along the ridge when viewed from the harbour but better provision for canopy trees in landscape plans could better manage the impact of ridgeline development when viewed from the harbour.

Improved stormwater controls should not always rely on water captured in underground tanks etc that is often later pumped to the street stormwater system. The value of ground water filtration through underlying bedrock should be prioritised above retention tanks in managing stormwater. This filtration improves water quality and reduces pressure on the stormwater gutter and piped network during peak rain events.

In my experience of nearby developments below ground excavation has been excessive relative to what has been approved. It is not properly assessed for how it will impact stormwater assets which are maintained by Council via rates paid by all residents. This creates an inequity in that some developments are placing high pressure on stormwater assets relative to others with similar site conditions.

Simplifying landscape provisions may not achieve the intent of sufficient landscape area to contribute genuinely to Hunters Hill as a "garden suburb". From my experience insufficient deep soil areas to properly support canopy trees in the longer term have been left on some sites.

In regard to heritage matters it was extremely disappointing that the most recent Paul Davies Heritage which supported the proposed changes was not readily available for the public to read prior to the March meeting. I finally got a response from Council's planners as to where it could be read sometime after the meeting.

Overall, it concerns me that this document is guiding heritage changes in Hunters Hill which promotes itself as a garden suburb. I felt it had a limited focus on the built (sandstone houses mostly) history of Hunters Hill rather than an appreciation of Hunters Hill within the context of a harbourside garden "character" suburb.

The recommendation in the Heritage Report to remove Pulpit Point from Conservation 1 – the peninsular was particularly concerning.

Pulpit Point in its transformation from an industrial to residential area has an interesting history in itself; its transformation intrinsic to the "character" of Hunters Hill which has a diversity of housing types and development phases. Hunters Hill was industrial with modest houses and relied on the rivers for transport and access – sandstone housing development is only one phase in developing the character of Hunters Hill.

I feel that the remnant large sandstone houses that were on larger estates subdivided over time do not solely comprise the high heritage significance of the peninsular nor does removing areas such as foreshore located Pulpit Point strengthen the heritage values of the peninsular.

Pulpit Point contains important natural and access features consistent with the values of the Parramatta River Masterplan:

- A natural rocky bush headland;
- A natural bushland reserve that is “benignly neglected”;
- Potential for improved habitat connectivity along the river and into the backyards of the ridgeline houses;
- Small beach foreshore areas;
- A foreshore walking trail;
- Lot sizes able to support mature trees (hopefully one day other than palms).

Overall, these features contribute to the character values of Hunters Hill as a harbourside, garden suburb close to central Sydney. Any changes to planning controls that would arise from the removal of Pulpit Point from the conservation area should be properly considered.

What would genuinely strengthen the character of Hunters Hill in any new LEP and DCP are:

- Better controls on below ground excavation;
- Better tree protection controls;
- The protection of all stone walls – it should be investigated if stone walls have been removed illegally in the past rather than delist them if they cannot be found (BTW it is my understanding that there is a stonewall in Cullen’s Lane that is currently subject to a development application to remove it);
- Preservation of stone guttering along roads;
- Paling fences rather than brick walls;
- Protection of public foreshore access;
- Improved laneway and pedestrian access network (The viewing lane/platform from Tیره St should be reopened to improve appreciation of the natural areas of Pulpit Point).

Thank you for an opportunity to comment and I look forward to the formal exhibition during which time hopefully a more productive public meeting will occur about the reasons behind any proposed LEP/DCP changes.

Yours sincerely

Cathy Merchant

Sarah Jenkins

From: [REDACTED]
Sent: Tuesday, 23 May 2023 6:21 PM
To: Customer Service
Subject: Review of Hunters Hill LEP and DCP

I have become increasingly concerned about Hunters Hill Council's capacity to protect the municipality from haphazard over-development.

Hunters Hill residents did not have any opportunity to comment on LEP changes that created employment zones. Other councils, including Mosman and Woollahra, sought community comment, and in early 2022, made changes to their LEPs to increase heritage and other protections against the greater level of development which are now allowable under these State-wide changes.

Issues to address in the revisions to the LEP/DCP:

1. Strengthen current controls over Height, Floor Space Ratios, Landscape Area, Bulk, Scale and Proportions to be compatible with the existing character of our municipality.
2. Strengthen the link between the LEP and DCP to align the existing planning controls for new development including additions, in the LEP with those in the DCP which has targeted goals and detailed requirements to conserve local character, heritage, gardens and landscapes.
3. Establish a process for inspecting complying development projects prior to approval so that staff can document mature trees and monitor their protection.
4. Redefine the requirement for 50%/60% landscaping to guarantee that hard surfaces, narrow paved setbacks and swimming pools do not reduce the garden area. Substantial areas of deep and continuous soil for tree planting is crucial to maintain the tree canopy.
5. Include a C4 'Environmental Living' zone to provide greater protection from development on land adjoining high value conservation areas and sensitive foreshore. The clear felling of mature trees and gardens must be halted and managed in areas zoned for complying development.
6. Retain all Conservation Areas within the existing boundaries. Any reduction would permit increased complying development and further loss of character. Identify which additional heritage items need to be included (as undertaken by Woollahra Council) including those not yet listed but identified in the Hunters Hill Trust's *The Heritage of Hunters Hill*. Identify 'contributory' buildings, from the early and mid-20th century.
7. Tighten controls that limit the extent of demolitions and the increasingly excessive amounts of geological excavation causing irrevocable damage to the natural topography.
8. Strengthen controls around garages and carports to both street and laneway addresses to preserve the existing streetscape.

Yours faithfully

Kate Russell
58 Barons Crescent, Hunters Hill 2110
[REDACTED]

Hunters Hill Municipality - Character Study

Recommendations

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

Controls - Discussion and Recommendations

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

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

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

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

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

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

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

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

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

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

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

LEP Recommendations

Recommendation 1

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

DCP Recommendations

Recommendation 1

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

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

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

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

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

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

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

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

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

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

Hunters Hill General - Recommendations

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

Recommendation 1

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

Heritage Conservation Area C1 - Recommendations

Recommendation 1

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

i Pulpit Point

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

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

ii C450, C451, C422

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

iii C435

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

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

iv Burns Bay Interchange.

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

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

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

Recommendation 2

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

Heritage Conservation Area C2 - Recommendations

Recommendation 1

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

Recommendation 2

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

Heritage Conservation Area C3 - Recommendations

Recommendation 1

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

Recommendation 2

Develop controls to work with the Local Strategic Planning Statement.

Heritage Conservation Area C4 - Recommendations

Recommendation 1

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

Recommendation 2

There are no contributory buildings to identify.

Appendix 1 – Mapping of HCA Changes

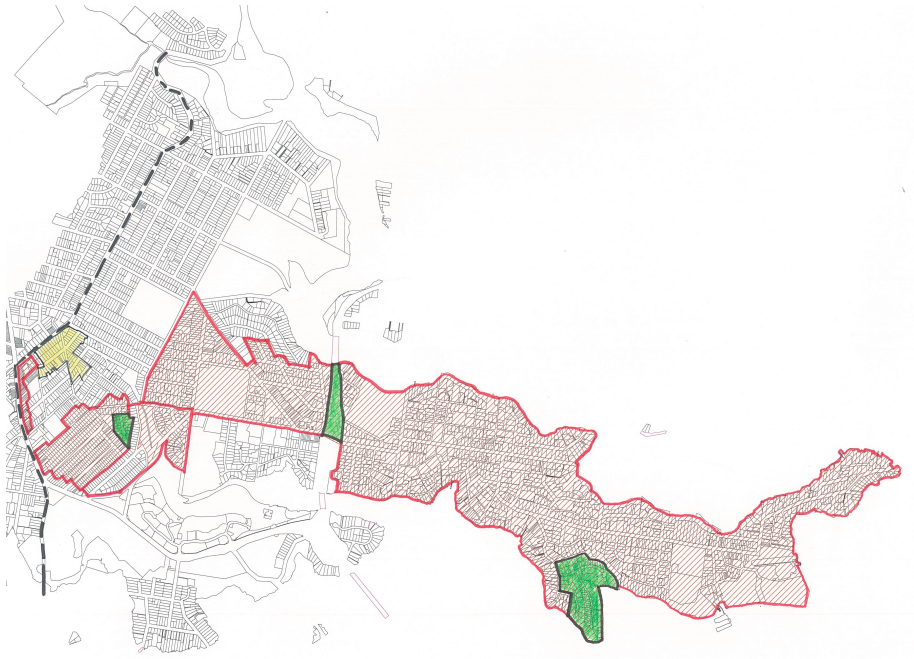


Figure 1: Municipality Map showing HCAs (outlined in red), the three areas recommended to be removed from the existing HCAs (coloured green) and the proposed new HCA off Pittwater Road (coloured yellow).



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

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

Appendix 2 - DCP Character Statements

This section looks at the current DCP controls.

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

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

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

The statements (in italics) are, with commentary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This should include conserve and integrate.

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

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

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

Gardens are not all informal.

There has been a shift to more structures near waterfronts.

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

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

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

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

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

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

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

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

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

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

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

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

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

May benefit from a revised description.

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

ITEM NO	: 4.3
SUBJECT	: EXTERNAL AUDIT AND ADOPTION OF GENERAL PURPOSE FINANCIAL STATEMENTS FOR YEAR ENDING 30 JUNE, 2023
STRATEGIC OUTCOME	: COUNCIL IS FINANCIALLY SUSTAINABLE
ACTION	: PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG TERM FINANCIAL PLAN
REPORTING OFFICER	: MARIA KENNY

Ref:665602

PURPOSE

The purpose of this report is to present the final financial statements for the year ended 30 June, 2023.

RECOMMENDATION

1. That the financial statements for the year ending 30 June 2023 be adopted, and placed on public exhibition in accordance with the requirements of section 420 of the Local Government Act.

BACKGROUND

Section 416(1) of the *Local Government Act 1993* (the Act) requires financial statements to be prepared and audited within four months at the end of the financial year.

External Auditors, appointed by NSW Audit Office, have completed the external audit review of these statements.

Council received the draft financial statements for the year ending 30 June, 2023 at its Ordinary Meeting held on 18 September, 2023. The financial statements and findings of the external audit was also reviewed by the Audit, Risk and Improvement Committee at its meeting held on 4 October, 2023.

REPORT

In accordance with Section 418 of the Act, public notice has been given that the audited financial statements are being presented to the public at this meeting of Council. Council's external auditors will present an overview of their findings and answer any questions from Council.

Further, in accordance with section 420 of the Act, the general public will have seven days from this meeting to make any submissions on the financial statements or the auditor's reports. If any submissions are received, these are required to be referred to the external auditor.

The adopted final statements signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer are forwarded for lodgement to the Office of Local Government (OLG). Audited Statements are also required to be attached with Council's Annual Report.

The External Auditor has expressed an unmodified opinion on the General-Purpose Financial Statements for Hunter's Hill Council (refer to **attachment 1**). The final audited Statements are at **attachment 2**. The results of significant items are shown below:

Item	2022-23 Actual	2021-22 Last year	2022-23 Budget	Variance to budget	Variance to last year
Income statement \$'000 - Surplus/(Deficit)					
Income	22,069	18,820	23,027	-4.2%	17.3%
Expenses	20,700	19,730	19,805	4.5%	4.9%
Net operating result	1,369	(910)	3,222		
Net operating result before capital	(1,097)	(2,491)	(1,975)		

Balance sheet	2022-23 Actual	2021-22 Last year			
Net assets (Total assets – liabilities)	274,356	250,400			
Capital expenditure*	3,955	3,739			
Cash flow statements					
Cash at year end	28,557	24,795			
Unrestricted cash	10,177	9,358			
* Note C1-7 - Infrastructure, property, plant and equipment (new and asset renewals for FY2022-23).					

As is in previous years, and in accordance with the OLG Local Government Code of Accounting Practice and Financial Reporting requirements, Special Schedule 2 and asset KPIs are not audited.

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. Annual Financial Statements 2023 [↓](#)
2. Internal Audit Report 2023 [↓](#)
3. Report on the Conduct of the Audit 2023 [↓](#)
4. Special Schedule - Permissible income for general rates Internal Audit Report 2023 [↓](#)

The Council of the Municipality of Hunter's Hill

ANNUAL FINANCIAL STATEMENTS
for the year ended 30 June 2023



The Council of the Municipality of Hunter's Hill

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2023



The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2023

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Overview

Hunter's Hill Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

22 Alexandra Street
Hunters Hill NSW 2110

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.huntershill.nsw.gov.au.

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2023

Understanding Council's Financial Statements

Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2023.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2023

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

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 and other pronouncements of 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.

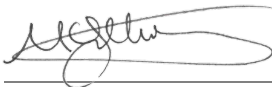
Signed in accordance with a resolution of Council made on 18 September 2023.



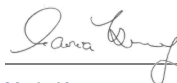
Zac Miles
Mayor
18 September 2023



Elizabeth Krassoi
Deputy Mayor
18 September 2023



Mitchell Murphy
General Manager
18 September 2023



Maria Kenny
Responsible Accounting Officer
18 September 2023

The Council of the Municipality of Hunter's Hill | Income Statement | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Income Statement

for the year ended 30 June 2023

Original unaudited budget			Actual	Actual
2023	\$ '000	Notes	2023	2022
Income from continuing operations				
14,407	Rates and annual charges	B2-1	14,192	13,170
934	User charges and fees	B2-2	1,859	1,544
860	Other revenues	B2-3	1,497	1,080
1,068	Grants and contributions provided for operating purposes	B2-4	1,133	1,271
5,197	Grants and contributions provided for capital purposes	B2-4	2,466	1,581
222	Interest and investment income	B2-5	775	174
–	Other income	B2-6	147	–
339	Net gain from the disposal of assets	B4-1	–	–
23,027	Total income from continuing operations		22,069	18,820
Expenses from continuing operations				
6,712	Employee benefits and on-costs	B3-1	6,050	5,410
8,097	Materials and services	B3-2	9,208	8,887
3,602	Depreciation, amortisation and impairment of non-financial assets	B3-3	4,174	4,367
1,245	Other expenses	B3-4	963	1,019
149	Net loss from the disposal of assets	B4-1	305	47
19,805	Total expenses from continuing operations		20,700	19,730
3,222	Net operating result for the year attributable to Council		1,369	(910)
(1,975)	Net operating result for the year before grants and contributions provided for capital purposes		(1,097)	(2,491)

The above Income Statement should be read in conjunction with the accompanying notes.

The Council of the Municipality of Hunter's Hill | Statement of Comprehensive Income | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Statement of Comprehensive Income

for the year ended 30 June 2023

\$ '000	Notes	2023	2022
Net operating result for the year – from Income Statement		1,369	(910)
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-7	<u>22,587</u>	5,893
Total items which will not be reclassified subsequently to the operating result		22,587	5,893
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Other movements		<u>-</u>	(57)
Total items which will be reclassified subsequently to the operating result when specific conditions are met		-	(57)
Total other comprehensive income for the year		22,587	5,836
Total comprehensive income for the year attributable to Council		23,956	4,926

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

The Council of the Municipality of Hunter's Hill | Statement of Financial Position | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Statement of Financial Position

as at 30 June 2023

\$ '000	Notes	2023	2022
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	12,673	10,557
Investments	C1-2	13,362	11,875
Receivables	C1-4	2,851	2,023
Inventories	C1-5	3	3
Contract assets and contract cost assets	C1-6	-	424
Other	C1-8	39	41
Total current assets		28,928	24,923
Non-current assets			
Investments	C1-2	2,522	2,363
Receivables	C1-4	2	41
Infrastructure, property, plant and equipment (IPPE)	C1-7	256,462	234,410
Total non-current assets		258,986	236,814
Total assets		287,914	261,737
LIABILITIES			
Current liabilities			
Payables	C3-1	6,144	5,034
Contract liabilities	C3-2	6,286	5,216
Employee benefit provisions	C3-3	1,114	1,075
Total current liabilities		13,544	11,325
Non-current liabilities			
Employee benefit provisions	C3-3	14	12
Total non-current liabilities		14	12
Total liabilities		13,558	11,337
Net assets		274,356	250,400
EQUITY			
Accumulated surplus		110,948	109,579
IPPE revaluation reserve		163,408	140,821
Council equity interest		274,356	250,400
Total equity		274,356	250,400

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

The Council of the Municipality of Hunter's Hill | Statement of Changes in Equity | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Statement of Changes in Equity

for the year ended 30 June 2023

	Notes	2023			2022		
		Accumulated surplus	IPPE revaluation reserve	Total equity	Accumulated surplus	IPPE revaluation reserve	Total equity
\$ '000							
Opening balance at 1 July		109,579	140,821	250,400	110,546	134,928	245,474
Opening balance		109,579	140,821	250,400	110,546	134,928	245,474
Net operating result for the year		1,369	–	1,369	(910)	–	(910)
Net operating result for the period		1,369	–	1,369	(910)	–	(910)
Other comprehensive income							
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-7	–	22,587	22,587	–	5,893	5,893
Gain/(loss) on revaluation of equity instruments at fair value through other comprehensive income		–	–	–	(57)	–	(57)
Other comprehensive income		–	22,587	22,587	(57)	5,893	5,836
Total comprehensive income		1,369	22,587	23,956	(967)	5,893	4,926
Closing balance at 30 June		110,948	163,408	274,356	109,579	140,821	250,400

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

The Council of the Municipality of Hunter's Hill | Statement of Cash Flows | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Statement of Cash Flows

for the year ended 30 June 2023

Original unaudited budget 2023	\$ '000	Notes	Actual 2023	Actual 2022
Cash flows from operating activities				
<i>Receipts:</i>				
14,407			14,327	13,023
934			2,483	1,288
222			408	127
6,266			4,255	5,094
–			309	380
1,199			1,201	1,044
<i>Payments:</i>				
(6,712)			(5,813)	(5,436)
(8,097)			(8,730)	(8,302)
(1,658)			(881)	(839)
6,561		F1-1	7,559	6,379
Cash flows from investing activities				
<i>Receipts:</i>				
–			–	216
64			49	145
<i>Payments:</i>				
–			(1,499)	(500)
–			–	4,225
(11,956)			(3,993)	(4,142)
(11,892)			(5,443)	(56)
(5,331)			2,116	6,323
Net change in cash and cash equivalents				
–			10,557	4,234
(5,331)		C1-1	12,673	10,557
18,752		C1-2	15,884	14,238
13,421			28,557	24,795

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

The Council of the Municipality of Hunter's Hill

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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 23 October 2023. 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 principal 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 C1-7.
- ii. employee benefit provisions – refer Note C3-3.

Significant judgements in applying the Council's accounting policies

(i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables – refer Note C1-4.

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.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations

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A1-1 Basis of preparation (continued)

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.

No trust funds are currently held by Council.

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority, are presented as operating cash flows.

Volunteer services

Council does not have material dependence on volunteer services. Volunteers are utilised in Cultural Events & Bushland. These services are not recognised due to their nature as a large percentage would not go ahead should there not be volunteers to undertake the roles and their non-material value.

New accounting standards and interpretations issued but not yet effective

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations (ie. pronouncements) have been published by the Australian Accounting Standards Board that are not mandatory for the 30 June 2023 reporting period.

Council has elected not to apply any of these pronouncements in these financial statements before their operative dates.

As at the date of authorisation of these financial statements Council does not consider that any of these new (and still to be applied) standards and interpretations are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

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.

\$ '000	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2023	2022	2023	2022	2023	2022	2023	2022	2023	2022
Functions or activities										
Character, heritage & places	4,158	2,624	5,167	5,509	(1,009)	(2,885)	2,317	966	115,926	109,765
Community & belonging	199	146	838	621	(639)	(475)	123	143	6,260	5,927
Environment, sustainability & open space	3,060	3,514	3,218	3,187	(158)	327	73	130	314	297
Connected & accessible infrastructure	2,335	1,734	6,772	4,843	(4,437)	(3,109)	608	923	126,377	108,786
Governance, participation & partnerships	12,317	10,802	4,705	5,570	7,612	5,232	478	690	39,037	36,962
Total functions and activities	22,069	18,820	20,700	19,730	1,369	(910)	3,599	2,852	287,914	261,737

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 following themes of its Community Strategic Plan, with budgets and actual expenditure monitored and reported to Councils and functions listed below:

Connected & accessible Infrastructure

Our goal is to maintain and enhance our local infrastructure so people can use, walk, drive, cycle and catch public transport safely and easily. To achieve this goal the following strategies are implemented:

- Clean and accessible infrastructure that is managed and maintained effectively.
- People are connected to their destination through improved public transport systems, linkages and networks.
- Levels of service and community need are reflected in the Asset Management Plan.
- Safe walking, cycling, and active travel is encouraged and supported with improved infrastructure.

This is delivered through the following functions and activities: Asset Management & Planning; Footpaths; Kerb & Gutters; Marine Structures; Roads & Roads restorations; Street Cleaning
Stormwater & Drainage; Traffic & Transport.

Environment, sustainability & open space

Our goal is to protect and sustain our environment so people can enjoy our outdoor spaces and places. To achieve this goal the following strategies are implemented:

- Natural spaces, including our bushland, urban tree canopy, foreshores and waterways are protected and enhanced.
- Improved sustainability is reflected in policies, strategies, programs and projects.
- Community resilience to the impacts of climate change is supported through urban form, infrastructure management and health initiatives.
- Waste, water and energy consumption is reduced.

This is delivered through the following functions and activities: Bushland & Wildlife; Sustainability Initiatives; Tree Management & Protection; and Waste & Recycling.

Community & belonging

Our goal is to connect people to information and accessible experiences to help them feel included and safe in the community. To achieve this goal the following strategies are implemented:

- Programs and community group which promote active living, health and well-being are supported and encouraged.
- Services and facilities meet the needs of all generations.
- Activities and programs are designed to be welcoming, inclusive and promote safety.
- Community, cultural events and activities are coordinated and delivered inclusively.

This is delivered through the following functions and activities: Community Initiatives (which includes aged & disability, arts & culture and youth programs); Community Events and Library Services.

Character, heritage & places

Our goal is to create a liveable place where everyone can enjoy our heritage, neighbourhoods, thriving village centres, parks, playgrounds and recreational areas. To achieve this goal the following strategies are implemented:

- Neighbourhoods reflect local character, heritage and create a sense of belonging.
- Healthy urban environments facilitate economic activity and place making initiatives.
- Development application, regulation and monitoring services are streamlined.
- Parks, sportsfields and playgrounds support inclusive and accessible Play.

This is delivered through the following functions and activities: Building & Development; Community & Open Space Buildings; Community Enforcement; Heritage & Strategic Planning; Parks & Gardens; Playgrounds; Public Health & Safety and Sporting Fields.

Governance, participation & partnerships

Our goal is to bring people and local business together to share ideas and engage in collaborative projects. To achieve this goal the following strategies are implemented:

- The community is aware of Council decisions through transparent and democratic engagement processes.
- Technology based initiatives are used to improve the customer service experience.
- Economic growth is facilitated through collaboration with government, sector and private partners.
- A vision of continuous improvement is shared by Councillors and Council staff.

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B1-2 Components of functions or activities (continued)

This is delivered through the following functions and activities: Access to Information; Communications; Council & Governance; Emergency Services; Financial Management; Office of the General Manager; People & Culture; Property; Rating; Risk & Insurance; and Software & Information Systems.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2 Sources of income**B2-1 Rates and annual charges**

\$ '000	2023	2022
Ordinary rates		
Residential	9,651	8,185
Less: pensioner rebates (mandatory)	(50)	(49)
Business	308	261
Rates levied to ratepayers	9,909	8,397
Pensioner rate subsidies received	27	27
Total ordinary rates	9,936	8,424
Special rates		
Environmental	220	192
Infrastructure	–	406
Other	311	543
Community facilities	420	366
Rates levied to ratepayers	951	1,507
Total special rates	951	1,507
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	3,262	3,180
Section 611 charges	53	72
Less: pensioner rebates (mandatory)	(24)	(26)
Annual charges levied	3,291	3,226
Pensioner annual charges subsidies received:		
– Domestic waste management	14	13
Total annual charges	3,305	3,239
Total rates and annual charges	14,192	13,170

Council has used 2019 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy

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 that are not subsidised by the NSW Government.

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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2-2 User charges and fees

\$ '000	Timing	2023	2022
Specific user charges (per s502 - specific 'actual use' charges)			
Waste management services (non-domestic)	2	<u>215</u>	<u>212</u>
Total specific user charges		<u>215</u>	<u>212</u>
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s608)			
Inspection services	2	34	5
Planning and building regulation	2	590	734
Section 10.7 certificates (EP&A Act)	2	41	43
Section 603 certificates	2	20	22
Total fees and charges – statutory/regulatory		<u>685</u>	<u>804</u>
(ii) Fees and charges – other (incl. general user charges (per s608))			
Community centres	2	129	127
Lease rentals	2	35	35
Leaseback fees – Council vehicles	2	14	19
Reserves and Sporting Fields	2	133	90
Parking fees	2	133	129
Restoration charges	2	515	128
Total fees and charges – other		<u>959</u>	<u>528</u>
Total other user charges and fees		<u>1,644</u>	<u>1,332</u>
Total user charges and fees		<u>1,859</u>	<u>1,544</u>
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)		1,859	1,544
Total user charges and fees		<u>1,859</u>	<u>1,544</u>

Accounting policy

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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2-3 Other revenues

\$ '000	Timing	2023	2022
Rental income – other council properties	1	279	298
Bus shelter contract - License fee	1	193	241
Fines -other	2	75	23
Fines – parking	2	588	345
Commissions and agency fees	2	10	1
Sundry rents and charges	2	318	172
Other	2	34	–
Total other revenue		1,497	1,080

Timing of revenue recognition for other revenue

Other revenue recognised over time (1)	472	263
Other revenue recognised at a point in time (2)	1,025	817
Total other revenue	1,497	1,080

Accounting policy 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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2-4 Grants and contributions

\$ '000	Timing	Operating 2023	Operating 2022	Capital 2023	Capital 2022
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	62	189	–	–
Financial assistance – local roads component	2	62	76	–	–
Payment in advance - future year allocation					
Financial assistance – general component	2	413	290	–	–
Financial assistance – local roads component	2	156	117	–	–
Other					
Other grants		–	–	554	25
Amount recognised as income during current year		693	672	554	25
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Previously specific grants:					
Pensioners' rates subsidies:					
Bushfire and emergency services	2	–	98	–	–
Community care	2	3	17	–	–
Environmental programs	2	5	139	–	–
Heritage and cultural	2	11	12	–	–
Library – per capita	2	98	95	–	–
Recreation and culture	2	16	17	254	–
Traffic route subsidy	2	147	122	–	–
Transport (roads to recovery)	2	–	–	–	98
Transport (other roads and bridges funding)	2	77	37	–	–
Other specific grants	2	–	(7)	–	8
Previously contributions:					
Drainage	2	–	7	–	–
Recreation and culture	2	74	47	728	859
Roads and bridges	2	–	–	139	48
Tourism	2	6	15	–	–
Other contributions	2	3	–	–	–
Total special purpose grants and non-developer contributions – cash		440	599	1,121	1,013
Non-cash contributions					
Roads and bridges		–	–	–	20
Tourism		–	–	–	5
Other		–	–	–	6
Total other contributions – non-cash		–	–	–	31
Total special purpose grants and non-developer contributions (tied)		440	599	1,121	1,044
Total grants and non-developer contributions		1,133	1,271	1,675	1,069

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2-4 Grants and contributions (continued)

\$ '000	Timing	Operating 2023	Operating 2022	Capital 2023	Capital 2022
Comprising:					
- Commonwealth funding		693	672	-	-
- State funding		416	591	1,675	614
- Other funding		24	8	-	455
		1,133	1,271	1,675	1,069

Developer contributions

\$ '000	Notes	Timing	Operating 2023	Operating 2022	Capital 2023	Capital 2022
Developer contributions: (s7.4 & s7.11 - EP&A Act, s64 of the LGA):						
Cash contributions						
S 7.12 – fixed development consent levies		2	-	-	791	512
Total developer contributions – cash			-	-	791	512
Total developer contributions			-	-	791	512
Total contributions			-	-	791	512
Total grants and contributions			1,133	1,271	2,466	1,581
Timing of revenue recognition for grants and contributions						
Grants and contributions recognised over time (1)			-	-	-	-
Grants and contributions recognised at a point in time (2)			1,133	1,271	2,466	1,581
Total grants and contributions			1,133	1,271	2,466	1,581

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

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 2023	Operating 2022	Capital 2023	Capital 2022
Unspent grants and contributions				
Unspent funds at 1 July	148	355	5,034	1,071
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	654	163	3,498	4,402
Less: Funds recognised as revenue in previous years that have been spent during the reporting year	(146)	(370)	(1,604)	(439)
Unspent funds at 30 June	656	148	6,928	5,034
Contributions				
Unspent funds at 1 July	–	–	1,344	1,377
Add: contributions received and not recognised as revenue in the current year	–	–	842	520
Less: contributions recognised as revenue in previous years that have been spent during the reporting year	–	–	(220)	(553)
Unspent contributions at 30 June	–	–	1,966	1,344

Unspent contributions refer to Section 7.11 contributions received but not yet spent.

Accounting policy

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

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B2-4 Grants and contributions (continued)

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).

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.

B2-5 Interest and investment income

\$ '000	2023	2022
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	39	45
– Cash and investments	736	129
Total interest and investment income (losses)	775	174
Interest and investment income is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	39	45
General Council cash and investments	736	129
Total interest and investment income	775	174

Accounting policy

Interest income is recognised using the effective interest rate at the date that interest is earned.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B3 Costs of providing services**B3-1 Employee benefits and on-costs**

\$ '000	2023	2022
Salaries and wages	5,181	4,728
Employee leave entitlements (ELE)	15	76
Superannuation	571	450
Workers' compensation insurance	174	94
Fringe benefit tax (FBT)	24	24
Other Employee benefits		
Travel expenses	5	7
Training costs (other than salaries and wages)	80	31
Total employee costs	6,050	5,410
Total employee costs expensed	6,050	5,410

Accounting policy

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 E3-1 for more information.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B3-2 Materials and services

\$ '000	Notes	2023	2022
Advertising		54	59
Raw materials and consumables		1,132	1,043
Contractor costs		5,894	5,923
Audit Fees	E2-1	121	106
Bank charges		45	38
Previously other expenses:			
Electricity and heating		161	85
Insurance		350	255
Printing and stationery		62	35
Street lighting		148	162
Subscriptions and publications		533	240
Telephone and communications		45	42
Councillor and Mayoral fees and associated expenses	E1-2	192	175
Legal expenses:			
– Legal expenses: planning and development		411	590
– Legal expenses: other		25	98
Other		35	36
Total materials and services		9,208	8,887
Total materials and services		9,208	8,887

Accounting policy

Expenses are recorded on an accruals basis as the Council receives the goods or services.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B3-3 Depreciation, amortisation and impairment of non-financial assets

\$ '000	Notes	2023	2022
Depreciation and amortisation			
Plant and equipment		146	154
Office equipment		320	595
Furniture and fittings		34	35
Infrastructure:			
– Buildings – non-specialised	C1-7	197	181
– Buildings – specialised		417	382
– Other structures		1,015	1,055
– Roads		1,270	1,228
– Footpaths		206	198
– Kerb and guttering		240	233
– Other road assets		68	66
– Stormwater drainage		261	240
Total gross depreciation and amortisation costs		4,174	4,367
Total depreciation and amortisation costs		4,174	4,367
Total depreciation, amortisation and impairment for non-financial assets		4,174	4,367

Accounting policy**Depreciation and amortisation**

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 C1-7 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 no longer required to be tested for impairment under AASB 136. This is because 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.

Other 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). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B3-4 Other expenses

\$ '000	Notes	2023	2022
Impairment of receivables			
User charges and fees		3	65
Total impairment of receivables	C1-4	3	65
Fair value decrement on investments			
Fair value decrement on investments through profit and loss		–	140
Total Fair value decrement on investments	C1-2	–	140
Contributions/levies to other levels of government			
– Department of planning levy		64	63
– NSW fire brigade levy		559	484
– Regional library		295	219
– Other contributions/levies		22	35
Donations, contributions and assistance to other organisations (Section 356)		20	13
Total other expenses		963	1,019

Accounting policy

Other expenses are recorded on an accruals basis when Council has an obligation for the expenses.

Impairment expenses are recognised when identified.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B4 Gains or losses**B4-1 Gain or loss from the disposal, replacement and de-recognition of assets**

\$ '000	Notes	2023	2022
Gain (or loss) on disposal of plant and equipment	C1-7		
Proceeds from disposal – plant and equipment		49	145
Less: carrying amount of plant and equipment assets sold/written off		–	(96)
Gain (or loss) on disposal		49	49
Gain (or loss) on disposal of infrastructure	C1-7		
Proceeds from disposal – infrastructure		–	–
Less: carrying amount of infrastructure assets sold/written off		(354)	(312)
Gain (or loss) on disposal		(354)	(312)
Gain (or loss) on disposal of real estate assets held for sale	C1-5		
Proceeds from disposal – real estate assets		–	216
Gain (or loss) on disposal		–	216
Net gain (or loss) from disposal of assets		(305)	(47)

Accounting policy

Gains and losses on disposals are determined by comparing proceeds with carrying amount. The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 20 June 2022 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	2023 Budget	2023 Actual	2023 ----- Variance -----	
Revenues				
User charges and fees	934	1,859	925	99% F
Economic conditions have recovered to pre-pandemic levels, this is reflected in increased income to forecast budget for DA, Road Restorations and Work Zone Fees. In addition, this is the first full year with no COVID relief package in place, therefore, community hall hire fees have also recovered.				
Other revenues	860	1,497	637	74% F
Economic conditions have recovered to pre-pandemic levels, this is reflected in increased income to forecast budget for Parking Fines and Unauthorised Developments Fines. In addition, this is the first full year with no COVID relief package in place, therefore, community leasing and licence receipts have also recovered.				
Operating grants and contributions	1,068	1,133	65	6% F
Capital grants and contributions	5,197	2,466	(2,731)	(53)% U
At the time of budgeting, it was expected that the Figtree Park and Gladesville Reserve Upgrade projects would be completed. These have progressed and are expected to be completed in the FY2024. Receipts from developer contributions have also exceeded budget due to prevailing economic recovery.				
Interest and investment revenue	222	775	553	249% F
Term deposits that were invested during the post-COVID period are yielding higher interest rates. Bond and Floating Rate Cash Note has also performed well.				
Net gains from disposal of assets	339	-	(339)	(100)% U
Expenses				
Employee benefits and on-costs	6,712	6,050	662	10% F
Materials and services	8,097	9,208	(1,111)	(14)% U
Contracting of employee services to fill vacancies exceeded budget. However, there is a corresponding staff cost favourable position to budget. Planning legal costs exceeded budget, however, there has been an improvement from last year's actual expense.				
Depreciation, amortisation and impairment of non-financial assets	3,602	4,174	(572)	(16)% U
During this financial year, there was an asset re-conditioning assessment undertaken for all civic assets, which has been updated in the Asset Management Plan. This has also been reflected in the depreciation expense for this year.				
Net losses from disposal of assets	149	305	(156)	(105)% U
Statement of cash flows				
Cash flows from investing activities	(11,892)	(5,443)	6,449	(54)% F

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C Financial position**C1 Assets we manage****C1-1 Cash and cash equivalents**

\$ '000	2023	2022
Cash assets		
Cash on hand and at bank	1,390	2,340
Cash equivalent assets		
– Short-term deposits	11,283	8,217
Total cash and cash equivalents	12,673	10,557
 Reconciliation of cash and cash equivalents		
Total cash and cash equivalents per Statement of Financial Position	12,673	10,557
Balance as per the Statement of Cash Flows	12,673	10,557

Accounting policy

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-2 Financial investments

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
Financial assets at fair value through the profit and loss				
Managed funds	1,487	1,989	–	1,875
Total	1,487	1,989	–	1,875
Debt securities at amortised cost				
Long term deposits	11,875	–	11,875	–
Equity securities at fair value through other comprehensive income				
CivicRisk	–	533	–	488
Total	–	533	–	488
Total cash assets, cash equivalents and investments	26,035	2,522	22,432	2,363

Accounting policy

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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-3 Restricted and allocated cash, cash equivalents and investments

\$ '000	2023	2022
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	28,557	24,795
Less: Externally restricted cash, cash equivalents and investments	<u>(8,928)</u>	<u>(9,058)</u>
Cash, cash equivalents and investments not subject to external restrictions	19,629	15,737
External restrictions		
External restrictions – included in liabilities		
External restrictions included in cash, cash equivalents and investments above comprise:		
External restrictions – other		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	1,828	1,205
Other developer contributions	138	138
Specific purpose unexpended grants (recognised as revenue) – general fund	4,825	5,267
Domestic waste management	1,023	1,420
Other special levies	<u>1,114</u>	<u>1,028</u>
External restrictions – other	8,928	9,058
Total external restrictions	8,928	9,058

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	2023	2022
(b) Internal allocations		
Cash, cash equivalents and investments not subject to external restrictions	19,629	15,737
Less: Internally restricted cash, cash equivalents and investments	<u>(9,452)</u>	<u>(6,379)</u>
Unrestricted and unallocated cash, cash equivalents and investments	10,177	9,358
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	426	489
Employees leave entitlement	777	757
Carry over works Boronia Park	2,699	–
Deposits, retentions and bonds	3,469	3,199
Construction of buildings	195	301
Office equipment	343	262
Road reconstruction	465	259
Elections	279	191
Insurance reserve	238	238
Property strategy	49	71
Sustainability Reserve	259	223
Other	163	199
Council work depot - LC	<u>90</u>	<u>190</u>
Total internal allocations	9,452	6,379

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

policy of the elected Council.

\$ '000	2023	2022
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(c) Unrestricted and unallocated

Unrestricted and unallocated cash, cash equivalents and investments	10,177	9,358
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C1-4 Receivables

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
Rates and annual charges	685	2	749	23
Interest and extra charges	34	-	29	18
User charges and fees	709	-	583	-
Accrued revenues				
– Interest on investments	438	-	58	-
– Other income accruals	477	-	189	-
Net GST receivable	-	-	410	-
Other debtors	430	-	-	-
Payroll Debtor	78	-	90	-
Total	2,851	2	2,108	41
Less: provision for impairment				
User charges and fees	-	-	(85)	-
Total provision for impairment – receivables	-	-	(85)	-
Total net receivables	2,851	2	2,023	41

continued on next page ...

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C1-4 Receivables (continued)

\$ '000	2023	2022
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Accounting policy

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.

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivables are over 5 years past due, whichever occurs first.

None of the receivables that have been written off are subject to enforcement activity.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Rates and annual charges outstanding are secured against the property.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-5 Inventories

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
(i) Inventories at cost				
Stores and materials	3	-	3	-
Total inventories at cost	3	-	3	-
Total inventories	3	-	3	-

Accounting policy**Raw materials and stores, work in progress and finished goods**

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

C1-6 Contract assets and Contract cost assets

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
Contract assets	-	-	424	-
Total contract assets and contract cost assets	-	-	424	-

Work relating to infrastructure grants

Significant changes in contract assets

Council has completed works in Boronia Park which are funded by a grant

Accounting policy**Contract assets**

Contract assets represent Council's right to payment in exchange for goods or services the Council has transferred to a customer when that right is conditional on something other than the passage of time.

Contract assets arise when the amounts billed to customers are based on the achievement of various milestones established in the contract and therefore the amounts recognised as revenue in a given period do not necessarily coincide with the amounts billed to or certified by the customer. Once an invoice or payment claim is raised or the relevant milestone is reached, Council recognises a receivable.

Impairment of contract assets is assessed using the simplified expected credit loss model where lifetime credit losses are recognised on initial recognition.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-7 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2022			Asset movements during the reporting period							At 30 June 2023		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Revaluation decrements to equity (ARR)	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
\$ '000													
Capital work in progress	592	–	592	1,631	–	–	(150)	–	–	–	2,073	–	2,073
Plant and equipment	1,240	(663)	577	188	(23)	(146)	–	–	–	–	1,266	(670)	596
Office equipment	2,492	(2,034)	458	–	60	(320)	–	–	–	–	2,149	(1,951)	198
Furniture and fittings	495	(285)	210	–	–	(34)	–	–	–	–	495	(319)	176
Land:													
– Operational land	33,282	–	33,282	–	–	–	–	–	–	7,329	40,611	–	40,611
– Community land	83,369	–	83,369	–	–	–	–	–	–	13,022	96,391	–	96,391
Infrastructure:													
– Buildings – non-specialised	9,726	(4,368)	5,358	50	(7)	(197)	–	(737)	–	389	11,300	(4,970)	6,330
– Buildings – specialised	20,600	(9,975)	10,625	82	(13)	(417)	–	737	–	624	21,026	(10,862)	10,164
– Other structures	18,644	(9,180)	9,464	182	(13)	(1,015)	–	–	–	1,095	20,914	(11,201)	9,713
– Roads	71,024	(22,004)	49,020	1,038	(150)	(1,270)	140	–	(2,900)	–	62,459	(16,581)	45,878
– Footpaths	14,731	(4,717)	10,014	431	(77)	(206)	–	–	–	126	15,029	(4,741)	10,288
– Kerb and guttering	19,186	(6,209)	12,977	247	(69)	(240)	–	–	–	1,455	20,412	(6,042)	14,370
– Other road assets (including bulk earthworks)	2,316	(435)	1,881	1	–	(68)	10	–	–	683	3,402	(895)	2,507
– Stormwater drainage	25,871	(9,288)	16,583	105	(24)	(261)	–	–	–	764	27,284	(10,117)	17,167
Total infrastructure, property, plant and equipment	303,568	(69,158)	234,410	3,955	(316)	(4,174)	–	–	(2,900)	25,487	324,811	(68,349)	256,462

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-7 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2021			Asset movements during the reporting period						At 30 June 2022		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
\$ '000												
Capital work in progress	1,132	–	1,132	39	–	–	–	(795)	–	592	–	592
Plant and equipment	1,297	(585)	712	116	–	(97)	(154)	–	–	1,240	(663)	577
Office equipment	2,018	(1,440)	578	183	–	–	(595)	291	–	2,492	(2,034)	458
Furniture and fittings	495	(250)	245	–	–	–	(35)	–	–	495	(285)	210
Land:												
– Operational land	33,282	–	33,282	–	–	–	–	–	–	33,282	–	33,282
– Community land	83,369	–	83,369	–	–	–	–	–	–	83,369	–	83,369
Infrastructure:												
– Buildings – non-specialised	9,677	(3,986)	5,691	47	–	–	(181)	2	–	9,726	(4,368)	5,358
– Buildings – specialised	18,115	(8,765)	9,350	260	–	(88)	(382)	7	1,292	20,600	(9,975)	10,625
– Other structures	15,982	(7,399)	8,583	89	691	–	(1,055)	360	796	18,644	(9,180)	9,464
– Roads	67,238	(20,223)	47,015	1,602	49	(131)	(1,228)	49	1,655	71,024	(22,004)	49,020
– Footpaths	14,115	(4,398)	9,717	167	–	(51)	(198)	–	380	14,731	(4,717)	10,014
– Other road assets (including bulk earthworks)	2,159	(368)	1,791	80	–	–	(66)	–	61	2,316	(435)	1,881
– Stormwater drainage	23,354	(8,293)	15,061	102	227	(9)	(240)	86	1,356	25,871	(9,288)	16,583
– Kerb and guttering	18,625	(5,823)	12,802	87	–	(32)	–	–	353	19,186	(6,209)	12,977
Total infrastructure, property, plant and equipment	290,858	(61,530)	229,328	2,772	967	(408)	(4,134)	–	5,893	303,568	(69,158)	234,410

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-7 Infrastructure, property, plant and equipment (continued)

Accounting policy

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:

Plant and equipment	Years	Other equipment	Years
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 100
Sealed roads: structure	60 to 100		
Kerb, gutter and footpaths	10 to 70		
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.

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.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

C1-8 Other

Other assets

\$ '000	2023	2023	2022	2022
	Current	Non-current	Current	Non-current
Prepayments	39	-	41	-
Total other assets	39	-	41	-

C2 Leasing activities

C2-1 Council as a lessee

Council leases a photocopier. Information relating to the leases in place and associated balances and transactions is provided below.

Terms and conditions of leases

Council has an operating lease for the photocopiers and the lease is for 5 years.

(a) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

(b) Leases at significantly below market value – concessionary / peppercorn leases

Council has a number of leases at significantly below market for land and buildings which are used for:
Provide general indication of the use of the assets under a concessionary arrangement e.g.

- boat ramp

The leases are generally for 5 year lease terms and require payments of a maximum amount of \$1,000 per year. The use of the right-to-use asset is restricted by the lessors to specified community services which Council must provide, these services are detailed in the leases.

Council does not believe that any of the leases in place are individually material from a statement of financial position or performance perspective.

Accounting policy

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives received. The right-of-use asset is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI).

Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / Concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

C3 Liabilities of Council

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C3-1 Payables (continued)**C3-1 Payables**

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
Goods and services – operating expenditure	1,860	–	1,382	–
Accrued expenses:				
– Salaries and wages	196	–	–	–
– Other expenditure accruals	429	–	326	–
Security bonds, deposits and retentions	3,468	–	3,159	–
Government departments and agencies	10	–	36	–
Prepaid rates	181	–	131	–
Total payables	6,144	–	5,034	–

Payables relating to restricted assets

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
Total payables relating to unrestricted assets	6,144	–	5,034	–
Total payables	6,144	–	5,034	–

Current payables not anticipated to be settled within the next twelve months

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.				
Payables – security bonds, deposits and retentions			3,163	2,687
Total payables			3,163	2,687

Accounting policy

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.

The financial liabilities of the Council comprise trade payables.

Payables

Payables represent liabilities for goods and services provided to Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

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C3-2 Contract Liabilities

\$ '000	Notes	2023 Current	2023 Non-current	2022 Current	2022 Non-current
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	5,266	–	5,034	–
Total grants received in advance		5,266	–	5,034	–
User fees and charges received in advance:					
Other		1,020	–	182	–
Total user fees and charges received in advance		1,020	–	182	–
Total contract liabilities		6,286	–	5,216	–

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.

Contract liabilities relating to restricted assets

\$ '000	2023 Current	2023 Non-current	2022 Current	2022 Non-current
Total contract liabilities relating to unrestricted assets	6,286	–	5,216	–
Total contract liabilities	6,286	–	5,216	–

Significant changes in contract liabilities

The increase 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.

Accounting policy

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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C3-3 Employee benefit provisions

\$ '000	2023		2022	
	Current	Non-current	Current	Non-current
Annual leave	366	–	420	–
Long service leave	636	14	557	12
Other leave	112	–	98	–
Total employee benefit provisions	1,114	14	1,075	12

Current employee benefit provisions not anticipated to be settled within the next twelve months

\$ '000	2023	2022
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	574	508
	574	508

Accounting policy**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.

The obligations are presented as current liabilities in the Statement of Financial Position if the 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.

C4 Reserves**C4-1 Nature and purpose of reserves****IPPE Revaluation reserve**

The infrastructure, property, plant and equipment (IPPE) revaluation reserve 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 2023	Carrying value 2022	Fair value 2023	Fair value 2022
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	12,673	10,557	12,673	22,490
Receivables	2,853	2,064	4,516	2,078
Investments				
– Debt securities at amortised cost	11,875	11,875	–	–
Fair value through other comprehensive income				
Investments				
– Equity securities at fair value through other comprehensive income	533	488	533	599
Fair value through profit and loss				
Investments				
– Amortised cost	3,476	1,875	3,476	1,875
Total financial assets	31,410	26,859	21,198	27,042
Financial liabilities				
Payables	6,144	5,034	6,144	5,016
Total financial liabilities	6,144	5,034	6,144	5,016

Fair value is determined as follows:

- **Cash and cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- **Borrowings** – are based upon estimated future cash flows discounted by the current mkt interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.
- 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.

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D1-1 Risks relating to financial instruments held (continued)

- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
 - **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	2023	2022
The impact on 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	246	201
Impact of a 10% movement in price of investments		
– Equity / Income Statement	–	–

(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. Council also encourages ratepayers to pay their rates by the due date through incentives.

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 level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

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		Total
		< 5 years	≥ 5 years	
2023				
Gross carrying amount	–	671	16	687
2022				
Gross carrying amount	–	749	23	772

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,

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D1-1 Risks relating to financial instruments held (continued)

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.

\$ '000	Not yet overdue	Overdue debts				Total
		0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	
2023						
Gross carrying amount	(549)	1,692	206	69	748	2,166
Expected loss rate (%)	0.00%	0.00%	0.00%	10.00%	7.30%	2.84%
ECL provision	—	—	—	7	55	62
2022						
Gross carrying amount	132	860	97	212	500	1,801
Expected loss rate (%)	0.00%	0.00%	0.00%	10.00%	7.30%	3.20%
ECL provision	—	—	—	21	37	58

(c) Liquidity risk

Payables, lease liabilities and borrowings are both 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.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

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 for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

\$ '000	Weighted average interest rate	Subject to no maturity	payable in:			Total cash outflows	Actual carrying values
			≤ 1 Year	1 - 5 Years	> 5 Years		
2023							
Payables	0.00%	3,468	2,721	—	—	6,189	6,144
Total financial liabilities		3,468	2,721	—	—	6,189	6,144
2022							
Payables	0.00%	3,159	2,687	—	—	5,846	5,034
Total financial liabilities		3,159	2,687	—	—	5,846	5,034

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

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

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires 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: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

\$ '000	Notes	Fair value measurement hierarchy						Total	
		Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		2023	2022
		2023	2022	2023	2022	2023	2022		
Recurring fair value measurements									
Infrastructure, property, plant and equipment C1-7									
		30/06/2021	30/06/21	–	–	596	577	596	577
		30/06/2021	30/06/21	–	–	198	458	198	458
		30/06/2021	30/06/21	–	–	176	210	176	210
		30/06/2023	30/06/18	40,611	33,282	–	–	40,611	33,282
		30/06/2021	30/06/21	–	–	83,369	83,369	83,369	83,369
		30/06/2020	30/06/20	–	–	5,604	5,358	5,604	5,358
		30/06/2020	30/06/20	–	–	10,511	9,349	10,511	9,349
		30/06/2020	30/06/20	–	–	9,684	8,667	9,684	8,667
		30/06/2023	30/06/20	–	–	45,783	47,364	45,783	47,364
		30/06/2023	30/06/20	–	–	10,288	9,635	10,288	9,635
		30/06/2023	30/06/20	–	–	14,354	12,624	14,354	12,624
		30/06/2023	30/06/20	–	–	2,092	1,805	2,092	1,805
		30/06/2023	30/06/20	–	–	17,167	15,227	17,167	15,227
				40,611	33,282	199,822	194,643	240,433	227,925

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)

This asset class comprises all of Council's land classified as Operational Land and Community Land under the NSW Local Government Act 1993. The key unobservable inputs to the valuation are the price per square metre and market price. The operational Land valuation was undertaken at 30 June 2018 and was performed by APV Valuers and Asset Management. The Community Land valuation was performed by Valuer General at 30 June 2021.

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D2-1 Fair value measurement (continued)

Where there is directly comparable market evidence, Level 2 valuation inputs were used to value land held in freehold title as well as land used for special purposes which is restricted in use under current zoning rules. Sales prices of comparable land sites in close proximity are adjusted for differences in key attributes such as property size.

Land assets that have no comparable observable market evidence were subsequently valued at the Level 3 valuation input hierarchy using the professional judgement of a Registered Valuer adjusted for price per square metre of sales sites not in close proximity which provided only a low level of comparability.

Council's Plant, Office Equipment and Furniture & Fittings include:

- Plant: Truck, tractors, mowers
- Fleet: Cars, Utes
- Office Equipment: Computer hardware/software, document management
- Furniture & Fittings: Desks, chairs, window coverings

Plant, Office Equipment, Furniture & Fittings are valued at cost but are disclosed at fair value in the notes. Level 3 unobservable inputs include consumption pattern, useful life, residual value and asset condition.

Buildings were valued by Assetic Valuers and Asset Management at 30 June 2020. Residential properties were valued on Level 3 valuation inputs using comparable properties after adjusting for differences in attributes such as property size.

Specialised buildings were valued using the cost approach by estimating the replacement cost for each building by componentising the buildings and subsequent useful lives. Level 3 valuation inputs required Professional Judgement to estimate unobservable inputs such as residual value, useful life, consumption patterns, asset condition and remaining service potential.

This asset class comprises of Road, Kerb and Channel, Structure, Car Park, Bridge, Footpath, Traffic Signs, Stormwater Drain, Stormwater Pit and were valued using Level 3 valuation inputs using the cost approach.

This approach estimates the replacement cost for each asset into component level with differing useful lives. While the unit rates based on square metres or similar capacity could be supported from market evidence (Level 2), other inputs such as estimated residual life, useful life, consumption patterns and asset condition required professional judgement and impacted significantly on the determination of fair value. These assets were valued using Level 3 valuation inputs.

Fair value measurements using significant unobservable inputs (level 3)

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 2018 a comprehensive valuation was undertaken for Operational Land was performed by APV.

As 30 June 2020 all Buildings revaluation was performed by Assetic 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 2020 by Assetic. 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 carriageway, 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 2020.

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D2-1 Fair value measurement (continued)

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 2020 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.

\$ '000	Fair value	Valuation technique/s	Unobservable inputs
	(30/6/23) 2023		
Infrastructure, property, plant and equipment			
Community Land	83,369	Land values obtained from the NSW Valuer General	Land value and land area
Plant & Equipment	596	Cost approach	Gross Replacement Cost, remaining useful life
Office Equipment	198	Cost approach	Gross Replacement Cost, remaining useful life
Furniture & Fittings	176	Cost approach	Gross Replacement Cost, remaining useful life
Specialised Buildings	10,511	Cost approach	Gross Replacement Cost, remaining useful life
Other Structures	9,684	Cost approach	Gross Replacement Cost, remaining useful life
Roads	45,783	Cost approach	Gross Replacement Cost, remaining useful life
Footpaths	10,288	Cost approach	Gross Replacement Cost, remaining useful life
Kerb & Gutter	14,354	Cost approach	Gross Replacement Cost, remaining useful life
Other Road Assets	2,902	Cost approach	Gross Replacement Cost, remaining useful life
Stormwater Drainage	17,167	Cost approach	Gross Replacement Cost, remaining useful life

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy is provided below:

\$ '000	Plant and equipment		Office equipment		Furniture and fittings		Community Land	
	2023	2022	2023	2022	2023	2022	2023	2022
Opening balance	577	712	458	578	210	245	83,369	83,369
Total gains or losses for the period								
Recognised in other comprehensive income – revaluation surplus	–	–	–	475	–	–	–	–
Other movements								
Purchases (GBV)	188	116	–	–	–	–	–	–
Disposals (WDV)	(23)	(97)	60	–	–	–	–	–
Depreciation and impairment	(146)	(154)	(320)	(595)	(34)	(35)	–	–
Closing balance	596	577	198	458	176	210	83,369	83,369

\$ '000	Building specialised		Other structures		Roads		Footpaths	
	2023	2022	2023	2022	2023	2022	2023	2022
Opening balance	9,349	9,350	8,667	8,583	47,364	47,015	9,635	9,717

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D2-1 Fair value measurement (continued)

\$ '000	Building specialised		Other structures		Roads		Footpaths	
	2023	2022	2023	2022	2023	2022	2023	2022
Total gains or losses for the period								
Recognised in other comprehensive income – revaluation surplus	1,584	–	1,863	–	(1,339)	–	505	–
Other movements								
Purchases (GBV)	8	268	182	1,140	1,178	1,708	431	167
Disposals (WDV)	(13)	(88)	(13)	–	(150)	(131)	(77)	(51)
Depreciation and impairment	(417)	(181)	(1,015)	(1,056)	(1,270)	(1,228)	(206)	(198)
Closing balance	10,511	9,349	9,684	8,667	45,783	47,364	10,288	9,635

\$ '000	Kerb and guttering		Other road assets		Stomwater drainage		Total	
	2023	2022	2023	2022	2023	2022	2023	2022
Opening balance	12,624	12,802	1,805	1,791	15,227	15,061	189,285	189,223
Recognised in other comprehensive income – revaluation surplus	1,792	–	1,155	–	2,120	–	7,680	475
Purchases (GBV)	247	87	10	80	105	415	2,349	3,981
Disposals (WDV)	(69)	(32)	–	–	(24)	(9)	(309)	(408)
Depreciation and impairment	(240)	(233)	(68)	(66)	(261)	(240)	(3,977)	(3,986)
Closing balance	14,354	12,624	2,902	1,805	17,167	15,227	195,028	189,285

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

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 the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB119 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 formulae 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% salaries
Division D	1.64 times member contributions

* For 180 Point Members, Employers are required to contribute 8.0% of salaries for the year ending 30 June 2023 (increasing to 8.5% in line with the increase in the Superannuation Guarantee) to these members' accumulation accounts, 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 2022. These past service contributions are used to maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

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.

continued on next page ...

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

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 2023 was \$20,882.49. The last valuation of the Scheme was performed by Richard Boyfield FIAA as at 30 June 2022, and covers the period ended 30 June 2024.

Council's expected contribution to the plan for the next annual reporting period is \$22,387.08.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2023 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,290.9	
Past Service Liabilities	2,236.1	102.4%
Vested Benefits	2,256.6	101.7%

* excluding member accounts and reserves in both assets and liabilities.

The share of this deficit that is broadly attributed to Council is estimated to be in the order of 0.09% as at 30 June 2023.

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	6.0% for FY 22/23 and 2.5% per annum thereafter.

* Plus promotional increases

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.

(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.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

continued on next page ...

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D3-1 Contingencies (continued)

(iv) Other guarantees

Council has provided no other guarantees other than those listed above.

2. Other liabilities

(i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

ASSETS NOT RECOGNISED

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by Revenue NSW.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

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	2023	2022
Compensation:		
Short-term benefits	1,432	1,287
Post-employment benefits	98	120
Total	1,530	1,407

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

E1-2 Councillor and Mayoral fees and associated expenses

\$ '000	2023	2022
The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:		
Mayoral fee	44	42
Councillors' fees	142	125
Other Councillors' expenses (including Mayor)	6	8
Total	192	175

E2 Other relationships**E2-1 Audit fees**

\$ '000	2023	2022
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	52	56
Remuneration for audit and other assurance services	52	56
Total Auditor-General remuneration	52	56
Non NSW Auditor-General audit firms		
(i) Audit and other assurance services		
Internal auditors	69	50
Remuneration for audit and other assurance services	69	50
Total remuneration of non NSW Auditor-General audit firms	69	50
Total audit fees	121	106

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

F Other matters

F1-1 Statement of Cash Flows information

Reconciliation of net operating result to cash provided from operating activities

\$ '000	2023	2022
Net operating result from Income Statement	1,369	(910)
Add / (less) non-cash items:		
Depreciation and amortisation	4,174	4,367
(Gain) / loss on disposal of assets	305	47
Non-cash capital grants and contributions	–	(31)
Losses/(gains) recognised on fair value re-measurements through the P&L:		
– Investments classified as 'at fair value' or 'held for trading'	(147)	140
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	(704)	(399)
Increase / (decrease) in provision for impairment of receivables	(85)	65
(Increase) / decrease of other current assets	2	(9)
(Increase) / decrease of contract asset	424	(424)
Increase / (decrease) in payables	478	585
Increase / (decrease) in other accrued expenses payable	299	(52)
Increase / (decrease) in other liabilities	333	452
Increase / (decrease) in contract liabilities	1,070	2,574
Increase / (decrease) in employee benefit provision	41	(26)
Net cash flows from operating activities	7,559	6,379

F2-1 Events occurring after the reporting date

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

F3 Statement of developer contributions as at 30 June 2023

F3-1 Summary of developer contributions

\$ '000	Opening balance at 1 July 2022	Contributions received during the year				Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2023	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash Land	Non-cash Other						
Other	1,205	843	-	-	-	(220)	-	1,828	-	
S7.11 contributions – under a plan	1,205	843	-	-	-	(220)	-	1,828	-	
Total S7.11 and S7.12 revenue under plans	1,205	843	-	-	-	(220)	-	1,828	-	
Total contributions	1,205	843	-	-	-	(220)	-	1,828	-	

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas. 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.

F3-2 Developer contributions by plan

\$ '000	Opening balance at 1 July 2022	Contributions received during the year				Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2023	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash Land	Non-cash Other						
CONTRIBUTION PLAN NUMBER 27 NOVEMBER 2013										
Other	1,205	843	-	-	-	(220)	-	1,828	-	
Total	1,205	843	-	-	-	(220)	-	1,828	-	

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

F4 Statement of performance measures**F4-1 Statement of performance measures – consolidated results**

\$ '000	Amounts 2023	Indicator 2023	Indicators 2022 2021		Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(936)	(4.81)%	(12.99)%	(12.53)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	19,456				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	18,323	83.58%	84.85%	84.23%	> 60.00%
Total continuing operating revenue ¹	21,922				
3. Unrestricted current ratio					
Current assets less all external restrictions	22,522	2.30x	2.24x	3.54x	> 1.50x
Current liabilities less specific purpose liabilities	9,807				
4. Rates and annual charges outstanding percentage					
Rates and annual charges outstanding	721	4.79%	5.92%	4.71%	< 5.00%
Rates and annual charges collectable	15,050				
5. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	24,548	19.10	18.47	16.63	> 3.00
Monthly payments from cash flow of operating and financing activities	1,285	months	months	months	months

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

End of the audited financial statements

The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2023

Independent Auditor's Reports:

On the Financial Statements (Sect 417 [2])

Independent Auditor's Report

Refer to Attachment 2 Internal Audit Report

continued on next page ...

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The Council of the Municipality of Hunter's Hill | Notes to the Financial Statements 30 June 2023

The Council of the Municipality of Hunter's Hill

General Purpose Financial Statements

for the year ended 30 June 2023

Independent Auditor's Reports: (continued)

On the Financial Statements (Sect 417 [3])

Independent Auditor's Report

Refer to Attachment 3 Report on the Conduct of the Audit FY 2023

The Council of the Municipality of Hunter's Hill

SPECIAL SCHEDULES
for the year ended 30 June 2023



The Council of the Municipality of Hunter's Hill

Special Schedules

for the year ended 30 June 2023

Contents	Page
Special Schedules:	
Permissible income for general rates	3
Report on infrastructure assets as at 30 June 2023	5

The Council of the Municipality of Hunter's Hill | Permissible income for general rates | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Permissible income for general rates

\$ '000	Notes	Calculation 2022/23	Calculation 2023/24
Notional general income calculation ¹			
Last year notional general income yield	a	9,957	10,914
Plus or minus adjustments ²	b	(2)	(1)
Notional general income	c = a + b	9,955	10,913
Permissible income calculation			
Special variation percentage ³	d	16.90%	9.24%
Less expiring special variation amount	g	(580)	(531)
Plus special variation amount	h = d x (c + g)	1,584	959
Sub-total	k = (c + g + h + i + j)	10,959	11,341
Plus (or minus) last year's carry forward total	l	1	49
Less valuation objections claimed in the previous year	m	(2)	(5)
Sub-total	n = (l + m)	(1)	44
Total permissible income	o = k + n	10,958	11,385
Less notional general income yield	p	10,914	11,342
Catch-up or (excess) result	q = o - p	44	44
Plus income lost due to valuation objections claimed ⁴	r	5	-
Carry forward to next year ⁵	t = q + r + s	49	44

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 'special variation percentage' is inclusive of the rate peg percentage and where applicable, the Crown land adjustment.
- (4) Valuation objections are unexpected changes in land values as a result of land owners successfully objecting to the land value issued by the Valuer General. Councils can claim the value of the income lost due to valuation objections in any single year.
- (5) 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 Local Government Act 1993. 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.

Permissible income for general rates

Permissible income for general rates:

Refer to Attachment 4 Special Schedule - Permissible income for general rates IAR 2023

The Council of the Municipality of Hunter's Hill | Report on infrastructure assets as at 30 June 2023 | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2023

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	2022/23 Required maintenance ^a	2022/23 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	\$ '000	1	2	3	4	5
Buildings	Council Offices/ Administration Centres	504	–	67	119	4,762	7,859	61.0%	6.0%	26.0%	6.0%	1.0%	
	Council Works Depot	441	–	35	254	509	1,206	12.0%	7.0%	44.0%	33.0%	4.0%	
	Council Public Halls	4,144	1,063	339	415	5,526	12,728	7.0%	32.0%	28.0%	23.0%	10.0%	
	Other Buildings	1,093	–	122	170	5,697	10,550	19.0%	43.0%	28.0%	9.0%	1.0%	
	Sub-total	6,182	1,063	563	958	16,494	32,343	24.2%	28.3%	28.1%	14.7%	4.7%	
Other structures	Other structures	3,985	299	466	108	9,713	21,190	9.0%	22.0%	51.0%	14.0%	4.0%	
	Sub-total	3,985	299	466	108	9,713	21,190	9.0%	22.0%	51.0%	14.0%	4.0%	
Roads	Sealed roads	2,636	2,199	466	1,747	38,149	54,336	7.0%	61.0%	26.0%	6.0%	0.0%	
	Bridges	–	–	10	–	267	481	0.0%	100.0%	0.0%	0.0%	0.0%	
	Footpaths	372	64	201	362	10,289	15,029	10.0%	28.0%	58.0%	3.0%	1.0%	
	Other road assets	88	–	14	39	2,414	3,323	55.0%	30.0%	13.0%	2.0%	0.0%	
	Bulk earthworks	–	–	–	–	6,142	6,142	100.0%	0.0%	0.0%	0.0%	0.0%	
	Car Parks	–	–	1	101	1,412	1,516	79.0%	19.0%	2.0%	0.0%	0.0%	
Sub-total	3,096	2,263	692	2,249	58,673	80,827	17.9%	48.4%	28.8%	4.7%	0.2%		
Stormwater drainage	Stormwater drainage	60	68	449	91	17,167	27,243	17.0%	1.0%	82.0%	0.0%	0.0%	
	Sub-total	60	68	449	91	17,167	27,243	17.0%	1.0%	82.0%	0.0%	0.0%	
Kerb and Gutter	Kerb and Gutter	774	68	361	1	14,366	20,412	3.0%	14.0%	79.0%	4.0%	0.0%	
	Sub-total	774	68	361	1	14,366	20,412	3.0%	14.0%	79.0%	4.0%	0.0%	
Total – all assets		14,097	3,761	2,531	3,407	116,413	182,015	16.2%	30.8%	44.9%	6.8%	1.3%	

(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 2023 | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2023 (continued)

5 **Very poor** Urgent renewal/upgrading required

The Council of the Municipality of Hunter's Hill | Report on infrastructure assets as at 30 June 2023 | for the year ended 30 June 2023

The Council of the Municipality of Hunter's Hill

Report on infrastructure assets as at 30 June 2023

Infrastructure asset performance indicators (consolidated) *

\$ '000	Amounts 2023	Indicator 2023	Indicators		Benchmark
			2022	2021	
Buildings and infrastructure renewals ratio					
Asset renewals ¹	1,899	55.30%	47.61%	147.26%	> 100.00%
Depreciation, amortisation and impairment	3,434				
Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	14,097	11.90%	7.26%	7.90%	< 2.00%
Net carrying amount of infrastructure assets	118,486				
Asset maintenance ratio					
Actual asset maintenance	3,407	134.61%	153.74%	121.17%	> 100.00%
Required asset maintenance	2,531				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	3,761	2.07%	2.65%	2.75%	
Gross replacement cost	182,015				

(*) 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.



INDEPENDENT AUDITOR'S REPORT
Report on the general purpose financial statements
Council of the Municipality of Hunters Hill

To the Councillors of Council of the Municipality of Hunters Hill

Opinion

I have audited the accompanying financial statements of Council of the Municipality of Hunters Hill (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been prepared, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2023, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Information

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 'Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Unaib Jeffrey
Delegate of the Auditor-General for New South Wales

18 October 2023
SYDNEY



i

Clr Zac Miles
Mayor
The Council of the Municipality of Hunter's Hill
PO Box 21
HUNTER'S HILL NSW 2110

Contact: Unaib Jeffrey
Phone no: 02 9275 7450
Our ref: R008-16585809-45490

18 October 2023

Dear Mayor

**Report on the Conduct of the Audit
for the year ended 30 June 2023
The Council of the Municipality of Hunter's Hill**

I have audited the general purpose financial statements (GPFS) of The Council of the Municipality of Hunter's Hill (the Council) for the year ended 30 June 2023 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2023 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

INCOME STATEMENT

Operating result

	2023	2022	Variance
	\$m	\$m	%
Rates and annual charges revenue	14.2	13.2	↑ 7.6
Grants and contributions revenue	3.6	2.8	↑ 28.6
Operating result from continuing operations	1.4	(0.9)	↑ 255.6
Net operating result before capital grants and contributions	(1.1)	(2.5)	↓ 56.0

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The Council's operating net loss result from continuing operations being \$1.1 million (including depreciation and amortisation expense of \$4.2 million) was \$1.4 million improvement compared to the 2021–22 net loss result. The improvement in the net result for the year is mainly attributable to \$0.8 million increase in grant income recognised, \$0.4 million increase in user charges and fees and \$0.4 million increase in other revenue.

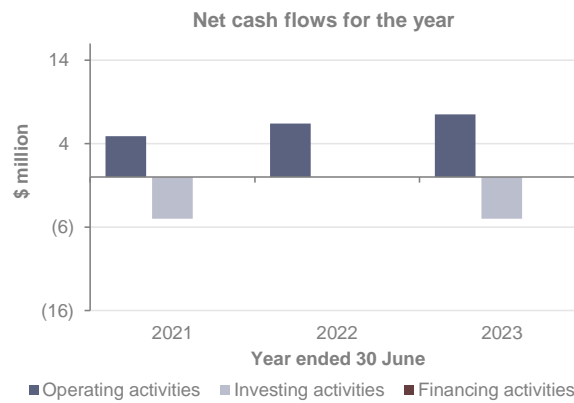
During 2022-23, total expenditure increased by \$1.0 million which relates primarily to a \$0.3 million increase in materials and services and an increase in employee benefits expense of \$0.7 million.

Rates and annual charges revenue increased by \$1.0 million in 2022-23, mainly due to the rate peg increase.

STATEMENT OF CASH FLOWS

Cash inflows from operating activities increased due to increase in rates and annual charges received during the year as well as an increase in grants and contributions.

Cash outflows from investing activities increased due to additional investments purchased during the year.



FINANCIAL POSITION

Cash and investments

Cash and investments	2023	2022	Commentary
	\$m	\$m	
Total cash, cash equivalents and investments	28.6	24.8	External restrictions include unspent specific purpose grants, developer contributions, domestic waste management charges and special levies. The decrease for the year is primarily attributable to a decrease in general fund and domestic waste management.
Restricted and allocated cash, cash equivalents and investments:			Balances are internally restricted due to Council policy or decisions for forward plans including works programs. The increase is primarily attributable to deposits and bonds held by Council and funds for allocated for Boronia Park which is an on-going project of the Council.
• External restrictions	8.9	9.1	
• Internal allocations	9.5	6.4	

PERFORMANCE

Performance measures

The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment.

Operating performance ratio

The Council did not meet the benchmark for the current reporting period.

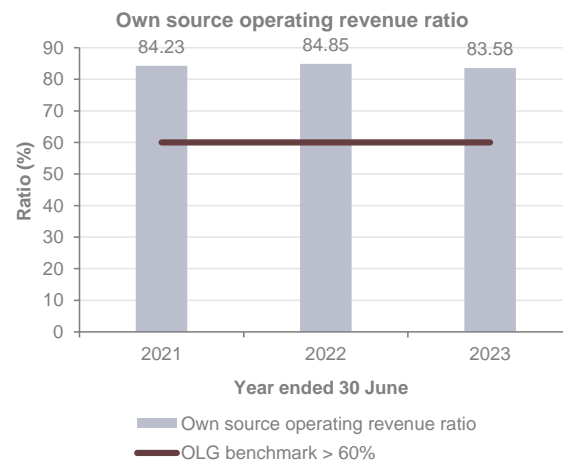
The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.



Own source operating revenue ratio

The Council exceeded the benchmark for the current reporting period.

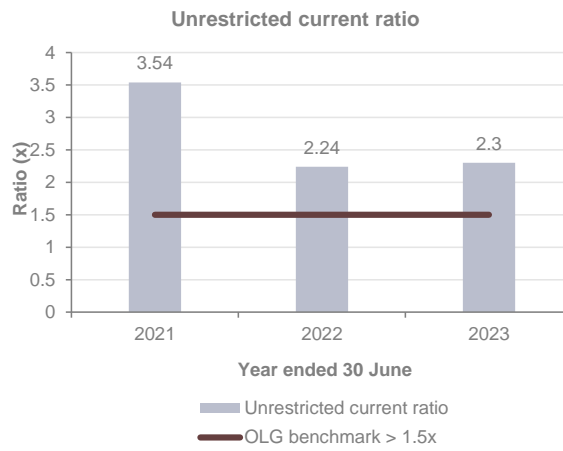
The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.



Unrestricted current ratio

The Council exceeded the benchmark for the current reporting period.

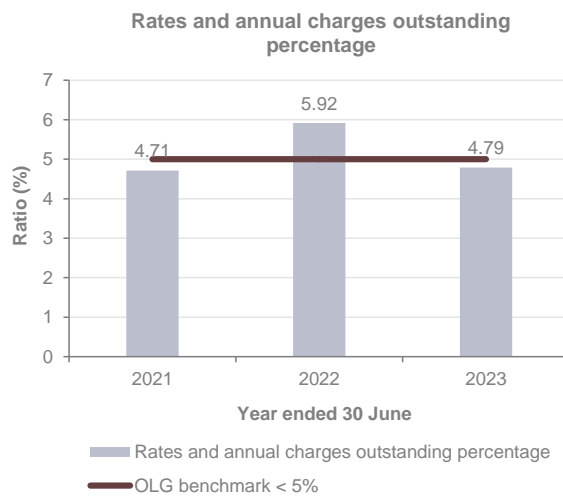
The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.



Rates and annual charges outstanding percentage

The Council met the benchmark for the current reporting period.

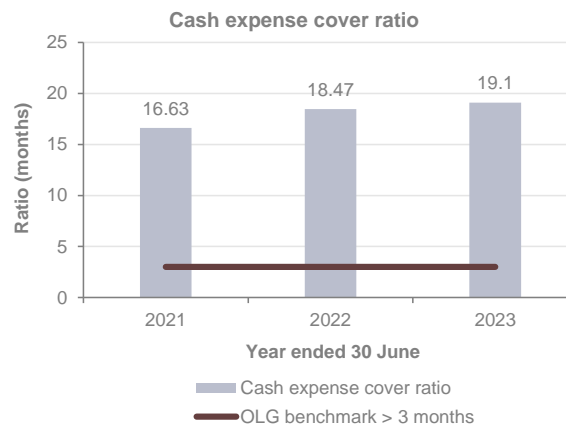
The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 5 per cent for metropolitan councils.



Cash expense cover ratio

The Council exceeded the benchmark for the current reporting period.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.



Infrastructure, property, plant and equipment renewals

Council renewed \$3.9 million of infrastructure, property, plant and equipment during the 2022-23 financial year. This was mainly spent on roads and other structures.

OTHER MATTERS

Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

Unaib Jeffrey
 Delegate of the Auditor-General for New South Wales



INDEPENDENT AUDITOR'S REPORT

Special Schedule – Permissible income for general rates

Council of the Municipality of Hunters Hill

To the Councillors of Council of the Municipality of Hunters Hill

Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Council of the Municipality of Hunters Hill (the Council) for the year ending 30 June 2024.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting 2022–23 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, Special Schedule 'Report on infrastructure assets as at 30 June 2023'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Schedule

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Schedule

My objectives are to:

- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar8.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Unaib Jeffrey
Delegate of the Auditor-General for New South Wales

18 October 2023
SYDNEY

ITEM NO	: 4.4
SUBJECT	: CHRISTMAS/NEW YEAR COUNCIL CLOSURE AND 2024 ORDINARY COUNCIL MEETING DATES
STRATEGIC OUTCOME	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
ACTION	: DEVELOP, IMPLEMENT AND PROVIDE EEO FOR STAFF
REPORTING OFFICER	: ROSANNA GUERRA

Ref:664763

PURPOSE

The purpose of this report is to advise of Council's hours of operation over the Christmas/New Year period and to ensure delegations are in place to continue the efficient operation of Council during the Christmas/New Year period. This report also provides the proposed Council meeting schedule for 2024.

RECOMMENDATION

1. That Council approves the Christmas/New Year closure period from noon on Friday 22 December 2023 through to Tuesday 2 January 2024 (inclusive).
2. That the 2024 Council Meeting Schedule be adopted and advertised accordingly.

BACKGROUND

Council Policy HR.18 provides that all permanent Council Officers shall be given one day as a Christmas Gratuity during the Christmas/New Year Council closure period.

During the Christmas/New Year period, the administration and operations are proposed to be closed as per previous years. Limited skeleton staff will be available to handle urgent matters and/or critical works.

During the Christmas/New Year period, a delegation to the Mayor and General Manager, in accordance with "Delegations Pursuant to Chapter 12 Part 3, Sections 377, 378 and 379 of the *Local Government Act 1993*", should be invoked, if required, to provide for the continued efficient operation of Council in the event of urgent matters arising.

REPORT**Council shut down period over Christmas 2023/New Year 2024**

The table below sets out the proposed Christmas/New Year period.

DAY	DATE

Friday	22 December 2023	Council closes at noon
Saturday	23 December 2023	Weekend
Sunday	24 December 2023	Weekend
Monday	25 December 2023	Public Holiday (Christmas Day)
Tuesday	26 December 2023	Public Holiday (Boxing Day)
Wednesday	27 December 2023	Bonus Day
Thursday	28 December 2023	Rostered Day Off / Annual Leave
Friday	29 December 2023	Rostered Day Off / Annual Leave
Saturday	30 December 2023	Weekend
Sunday	31 December 2023	Weekend (New Year's Eve)
Monday	01 January 2024	Public Holiday (New Year's Day)
Tuesday	02 January 2024	Council reopens

After allowing for the Christmas Day, Boxing Day and New Year's Day public holidays and the Bonus Day, there are two working days during the period between Christmas Day and New Year's Day.

The remaining days between Christmas Eve and New Year's Day will be covered by either annual leave and/or rostered days accumulated during November and December under Council's flexible working arrangements. It is proposed that on this basis, Council will close on Friday 22 December 2023 at noon and reopen on Tuesday 2 January 2024 at 8.30am.

Ordinary Meetings of Council for 2024

Timing of ordinary council meetings

In accordance with Section 3 of Council's proposed Code of Meeting Practice:

- 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 6pm except where a meeting falls within school holidays or another significant calendar event, including but not limited to a national day of mourning.
- * In the proposed Ordinary Council meetings schedule below Council meeting dates that fall over the school holidays will be held on an alternative Monday.
- 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.
- 3.3 There are two meetings scheduled in October 2024. This is to ensure that Council meets ten (10) times during the year and to allow for the Councillor's Oath of Office and election of the Deputy Mayor post the scheduled Local Government election next year on 14 September.

Note: Under section 365 of the Local Government Act, Councils are required to meet at least ten (10) times each year, 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.

DAY	DATE	MONTH	COMMENT
January 2024 - School Holidays/No Meeting			
Monday	26	February	
Monday	25	March	
Monday	29	April	
Monday	27	May	
Monday	24	June	
Monday	29	July	
August – Caretaker Period			
14 September - Council Elections			
Monday	14	October	Councillor’s Oath of Office & election of Deputy Mayor
Monday	28	October	
Monday	25	November	
Monday	16	December	Meeting held on the 3 rd week due to school holidays

CONCLUSION

As per previous years, it is proposed that Council closes between Christmas and the New Year.

The proposed meeting schedule for 2024 ensures Council complies with section 365 of the Local Government Act, i.e. councils are required to meet at least ten (10) times each year.

During the caretaker period 2024, council must not undertake a significant act, unless an exception applies. This includes holding Council meetings for the purpose of making policy decisions. Post the elections to be held on 14 September 2024, the first Council meeting will entail the Councillor’s Oath of Office and election of the Deputy Mayor, in alignment to the requirements of s233A of the Local Government Act.

FINANCIAL IMPACT ASSESSMENT

Each meeting costs approximately \$1,200 excluding staff time.

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.5
SUBJECT	: PUBLIC INTEREST DISCLOSURE (PID) POLICY
STRATEGIC OUTCOME	: A VISION OF CONTINUOUS IMPROVEMENT IS SHARED BY COUNCILLORS AND COUNCIL STAFF.
ACTION	: IMPLEMENT THE ACTIONS FROM THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)
REPORTING OFFICER	: ROSANNA GUERRA

Ref:664764

PURPOSE

The purpose of this report is to advise on the new Public Interest Disclosure (PID) Act and provide a draft copy of Council's PID policy for feedback, prior to community and staff consultation.

The PID policy outlines what public interest disclosures are, how public officials, including Council Officials, can make a public interest disclosure, the protections that they will be afforded and how Council will respond to a public interest disclosure.

RECOMMENDATION

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

BACKGROUND

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

Council current PID policy has been reviewed and updated to reflect the new legislative requirements.

At Hunter's Hill Council (Council), reports of serious wrongdoing are taken very seriously. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council is reliant upon its Council Officials, volunteers and service providers/service partners speaking up when they become aware of wrongdoing.

This policy sets out the following:

- How Council will support and protect a person when coming forward with a report of serious wrongdoing.
- How Council will deal with the report and its other responsibilities under the PID Act.
- Who to contact if you want to make a report.
- How to make a report.
- The protections which are available to those who make a disclosure under the PID Act.

This policy also documents Council's commitment to building a speak up culture. Integral to ensuring a speak up culture is having a framework in place that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detrimental action.
- Imposing duties on those who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act and at Council, the framework provided by the PID Act is supported by this policy, which is mandatory under the PID Act.

REPORT

In Scope

This policy applies to all Council Officials, being "public officials" as defined under the PID Act. It also applies to the following people to whom the concept of the "public official" extends, under the PID Act:

- A person providing services or exercising functions on behalf of Council, including a service provider / service partner or volunteer.
- An employee, partner or officer of an entity that provides services under contract, subcontract, or other arrangement, on behalf of Council or exercises functions of Council and are involved in providing those services or exercising functions.

The General Manager and other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act.

This policy also provides information about how people in these roles will fulfill their responsibilities.

Out of scope

This policy does not apply to:

- People who have received services from Council and want to make a complaint about those services. The Complaints Handling Policy is referred to in such cases.
- People such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

CONCLUSION

The attached policy sets out the requirements for public interest disclosures as set out in the *Public Interest Disclosures Act 2022*.

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. Public Interest Disclosure (PID) Policy [↓](#)
2. PID Information Sheet [↓](#)

HUNTER'S HILL COUNCIL



POLICY NO.

POLICY TITLE Public Interest Disclosure Policy

STATUS Council

SERVICE Governance / People & Culture

DOCUMENT ID

1. PURPOSE

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*.

At Hunter's Hill Council (**Council**), reports of serious wrongdoing are taken very seriously. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council is reliant upon its Council Officials, volunteers and service providers/service partners speaking up when they become aware of wrongdoing.

This policy sets out the following:

- How Council will support and protect a person when coming forward with a report of serious wrongdoing.
- How Council will deal with the report and its other responsibilities under the PID Act.
- Who to contact if you want to make a report.
- How to make a report.
- The protections which are available to those who make a disclosure under the PID Act.

This policy also documents Council's commitment to building a speak up culture. Integral to ensuring a speak up culture is having a framework in place that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detrimental action.
- Imposing duties on those who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act and at Council, the framework provided by the PID Act is supported by this policy, which is mandatory under the PID Act.

The PID Act outlines five categories of wrongdoing being corrupt conduct, maladministration, serious and substantial waste of public money, breach of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act) and local government pecuniary interest contravention.

This policy protects people who make disclosures and ensures that people who are the subject of a disclosure receive a fair and thorough investigation. It applies to situations where a council official is aware of or suspects corrupt conduct, maladministration, serious and substantial waste, government information contravention, local government pecuniary interest contravention and/or and wrongdoings by a Councillor or Council staff.

The internal reporting process established under this policy is not intended to be used for workplace issues. If a staff member makes a report under this policy that is substantially a workplace issue, the matter will be referred to the Director People & Culture for management under the Council's Managing Workplace Issues Procedure.

2. SCOPE

This policy applies to, and for the benefit of, all Council Officials, being "public officials" as defined under the PID Act. It also applies to the following people to whom the concept of the "public official" extends, under the PID Act:

- A person providing services or exercising functions on behalf of Council, including a service provider/service partner, or volunteer.
- An employee, partner or officer of an entity that provides services under contract, subcontract, or other arrangement, on behalf of Council or exercises functions of Council, and are involved in providing those services or exercising those functions.

The General Manager, other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act. This policy also provides information about how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Hunter's Hill Council, may refer to this policy in order to determine who they can report wrongdoing to within Council.

This policy does not apply to:

- People who have received services from Council and want to make a complaint about those services.
- People, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID. Outline provided in Section 5 of this policy.

However, you can still make a complaint to Council. This can be done by lodging a complaint in accordance with the Complaints Handling Policy.

3. DEFINITIONS

Within the Public Interest Disclosure Policy, the following terms have the following meanings:

Act	<i>Local Government Act 1993.</i>
Agency	Agency' is defined in the PID Act as including a local government authority. Council is an agency.
Councillor	Elected representative
Council Committee Member	A person, other than a Councillor or a Council Officer, who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's audit, risk and improvement committee.

Council Official	Councillors, Council Officers, and delegates of Council.
Council Officer	Hunter's Hill Council members of staff (including full-time, part-time, casuals and contracted staff).
Detriment	<p>Detriment is defined in section 32(1) of the PID Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> • Injury, damage or loss. • Property damage. • Reputational damage. • Intimidation, bullying or harassment. • Unfavourable treatment in relation to another person's job. • Discrimination, prejudice or adverse treatment. • Disciplinary proceeding or disciplinary action.
Detrimental action	<p>Detrimental action is defined in section 32(2) of the PID Act as an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detrimental action does not include:</p> <ul style="list-style-type: none"> • Lawful action taken by a person or body to investigate serious wrongdoing or other misconduct. • The lawful reporting or publication of a finding of serious wrongdoing or other misconduct. • The lawful making of adverse comment, resulting from investigative action. • The prosecution of a person for a criminal offence. • Reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.
Integrity agency	The integrity agencies set out in Annexure B.
Manager	Any Council Officer who manages, or is in any way responsible for, any other Council Officer, Councillor, volunteer or service provider/service partner.
PID	Public interest disclosure
PID Act	<i>Public Interest Disclosures Act 2022.</i>
Public Interest Disclosure Coordinator	The Council Official responsible for coordinating Council's response to receiving and dealing with PIDs. Please refer to Annexure A for the contact details of the Public Interest Disclosure Coordinator. This Public Interest Disclosure Coordinator is a disclosure officer.
Public Official	<p>A public official is defined in the PID Act to include:</p> <ul style="list-style-type: none"> • A person employed by an agency or otherwise in service of an agency. • A person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate. • A person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteers. <p>Council Officials, volunteers and service providers/service partners who are providing services or exercising functions on behalf of Council are public officials for the purposes of the PID Act.</p>

Public officials will also include persons that fall within the definition of the public official in the PID Act that are not related to Council. For example, a person working at another council will be a public official for the purposes of making a PID.

Serious wrongdoing

As outlined in Section 5 of this Policy.

4. POLICY STATEMENT

This policy will provide public officials with information on the following:

- The ways in which a voluntary PID can be made to Council under the PID Act.
- The names and contact details of the nominated disclosure officers in Council.
- The roles and responsibilities of Council Officials who hold particular roles under the PID Act.
- What information a person will receive once they have made a voluntary PID.
- The protections available to people who make a report of serious wrongdoing under the PID Act and what Council will do to protect that person.
- Council procedures for dealing with PIDs.
- Council procedures for managing the risk of detrimental action and reporting detrimental action.
- Council's record-keeping and reporting requirements.
- How Council will ensure it complies with the PID Act and this policy.

Further information about this policy, how PIDs will be handled and the PID Act can be obtained by:

- Confidentially contacting a nominated disclosure officer within Council (please refer to Annexure A).
- Contacting the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au.
- Accessing the NSW Ombudsman's PID guidelines which are available on its website.
- Contacting the Internal Ombudsman Shared Service by phone: (02) 8757 9044 or email: internalombudsman@cityofparramatta.nsw.gov.au.

Independent legal advice should be sought where public officials require further advice regarding the PID Act or their obligations under the PID Act.

5. HOW TO MAKE A REPORT OF SERIOUS WRONGDOING

1. Reports, complaints, and grievances

When a public official, including a Council Official, or another person within the scope of this policy, as set out above, reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act. These features are explained below.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, Council considers whether it is a PID. If it is a PID, Council deals with it as set out in this policy, but will also ensure that any other policy which applies is also followed. For example, the Model Code of Conduct, the Fraud and Corruption Control Policy and Procedure, and the Conflict of Interest Policy.

It is important that Council quickly recognises that it has received a PID. This is because once a PID is received, the public official who has made the PID is entitled to certain protections, meaning that Council must make decisions on how it will deal with the PID and protect and support the public official who has made the PID.

2. When will a report be a PID?

There are three types of PIDs. These are:

1. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Public officials can find more information about mandatory and witness PIDs in the Ombudsman's guidelines '[Dealing with mandatory PIDs](#)' and '[Dealing with witness PIDs](#)'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

Step 1	A report is made by a public official.
Step 2	It is made to a person who can receive voluntary PIDs.
Step 3	The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing.
Step 4	The report was made orally or in writing.
Step 5	The report is voluntary (meaning it is not a mandatory or witness PID).

If the report of serious wrongdoing has all five features, it is a voluntary PID.

Public officials will not be expected to prove that the reported conduct actually happened or is serious wrongdoing. Public officials do have to honestly believe, on reasonable grounds, that the information they are reporting shows or tends to show serious wrongdoing.

Even though public officials do not have to prove that the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If Council makes an error and does not identify that a public official has made a voluntary PID, that public official will still be entitled to the protections under the PID Act.

If a public official makes a report and believes that Council has made an error by not identifying the report as a voluntary PID, the public official should raise this with a nominated disclosure officer or the contact officer to whom the report was made. If the public official is still not satisfied with this outcome, the public official can seek an internal review in accordance with section **Error! Reference source not found.**, or Council may seek to conciliate the matter. The public official may also contact the NSW Ombudsman.

Further information on rights to internal review and conciliation is found in section **Error! Reference source not found.** of this policy.

3. Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. A public official is someone who:

- Is employed by Hunter's Hill Council.
- Is a contractor, subcontractor or volunteer who provides services, or exercises functions on behalf of Hunter's Hill Council.
- Works for an entity (such as a non-government organisation) who is contracted by Hunter's Hill Council to provide services or exercise functions on behalf of Hunter's Hill Council — if that person is involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that Council may receive PIDs from public officials outside Council. It also means that public officials, including Council Officials, can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

4. What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- Corrupt conduct — such as a public official accepting a bribe.
- Serious maladministration — such as Council systemically failing to comply with proper recruitment processes when hiring Council Officers.
- A government information contravention — such as destroying, concealing, or altering records to prevent them from being released under the Public Access to Information Policy.
- A local government pecuniary interest contravention — such as a senior Council Official recommending a family member for a council contract and not declaring the relationship in accordance with the Conflict of Interest Policy.
- A privacy contravention — such as unlawfully accessing a person's personal information on Council's database in breach of the Privacy Policy.
- A serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When a public official makes their report, they do not need to specify to Council what category of serious wrongdoing they are reporting or that they are reporting serious wrongdoing.

5. Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a recipient who works for Hunter's Hill Council

Public officials can make a report inside Council to:

- The General Manager.
- A disclosure officer for Council — a list of disclosure officers for Council and their contact details can be found at Annexure A of this policy.
- A Manager — this is the person who directly, or indirectly, supervises the public official. It can also be the person to whom you directly, or indirectly, report. The public official may have more than one Manager. The Manager will make sure that the report is communicated to a disclosure officer on the public official's behalf or may accompany the public official while they make the report to a disclosure officer.

Making a report to a recipient outside of Council

Public officials can also make their report to a public official in another agency (meaning an agency that the public official does not work for) or an integrity agency. These include:

- The head of another agency — this means the head of any public service agency listed under Schedule 1 of the *Government Sector Employment Act 2013*, such as the Information Commission of the Information and Privacy Commission or the Ombudsman from the Ombudsman Office.
- An integrity agency — a list of integrity agencies is located at Annexure B of this policy
- A disclosure officer for another agency — ways to contact disclosure officers for other agencies are set out in an agency's PID policy which can be found on the agency's public website.
- A Minister or a member of a Minister's staff but the report must be made in writing.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. Public officials can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- The public official must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- The public official did not make the previous disclosure anonymously.
- The public official did not give a written waiver of your right to receive information relating to their previous disclosure.
- The public official did not receive the following from Council:
 - Notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency.
 - The following information at the end of the investigation period:
 - Notice of Council's decision to investigate the serious wrongdoing.
 - A description of the results of an investigation into the serious wrongdoing.
 - Details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means either:

- After six months from the previous disclosure being made.
- After twelve months if the public official applied for an internal review of the Council's decision within six months of making the disclosure.

If all the above requirements are met, a public official's disclosure to an MP or journalist may be a voluntary PID.

What form should a voluntary PID take?

A public official, including a Council Officer, can make a voluntary PID:

- In writing — this could be an email or letter to a person who can receive voluntary PIDs.
- Orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- Anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing their name or anything that might identify the public official as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the

person making the report. Even if the public official chooses to remain anonymous, the public official will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) that the public official has disclosed if Council cannot contact the public official for further information.

What should a public official include in their report?

A public official should provide as much information as possible so that Council can deal with the report effectively. The type of information a public official should include is:

- The date, time, and location of key events.
- The names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- The public official's relationship with the person(s) involved, such as whether the public official works closely with them.
- The public official's explanation of the matter that they are reporting.
- How the public official became aware of the matter that they are reporting.
- Possible witnesses.
- Other information that the public official has that supports their report.

What if the public official is not sure if the report is a PID?

Public officials should report all wrongdoing that they become aware of regardless of whether they think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

Council is then responsible for making sure that the report is handled appropriately under the PID Act, or if it is not a PID, in line with other procedures. Even if the public official's report is not a PID, it may fall within another one of the Council's policies for dealing with reports, allegations, or complaints.

Deeming that a report is a voluntary PID

The Public Interest Disclosure Coordinator, can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If a public official makes a report that has not met all the requirements of a voluntary PID, the public official can refer the matter to the Public Interest Disclosure Coordinator to request that they consider deeming the report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Public Interest Disclosure Coordinator. For more information about the deeming power, see the Ombudsman's guideline ['Deeming that a disclosure is a voluntary PID'](#).

Who can public officials talk to if they have questions or concerns?

If a public official, including Council Officials, have any questions or concerns, the public official should contact a nominated disclosure officer listed in Annexure A by email, phone or in person. If a public official wishes for their discussion to be confidential, the public official should mark any communications as confidential, for example, in the subject line of their email.

6. PROTECTIONS

How is the maker of a voluntary PID protected?

When a public official makes a voluntary PID, the public official will receive special protections under the PID Act.

Council is committed to taking all reasonable steps to protect public officials from detriment as a result of having made a PID. Council is also committed to maintaining confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any type of detrimental action being taken against public officials because they have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- **Protection from detrimental action:**
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - Once Council becomes aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - A person may seek compensation where unlawful detrimental action has been taken against them.
 - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.
- **Immunity from civil and criminal liability** - Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.
- **Confidentiality** - Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- **Protection from liability for own past conduct** - The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for either: <ul style="list-style-type: none"> • Breaching a duty of secrecy or confidentiality. • Breaching another restriction on disclosure. 	✓	✓

7. REPORT OF DETRIMENTAL ACTION

If a public official experiences adverse treatment or detrimental action, such as bullying or harassment, based on the suspicion, belief or awareness that the public official has made, may have made or may make a PID, the public official should report this immediately. Public officials can report any experience of adverse treatment or detrimental action directly to a disclosure officer, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

8. GENERAL SUPPORT

Council is committed to the wellbeing of all public officials making PIDs. Council will assign a key contact person to a public official and make other arrangements on a case-by-case basis where the public official is at risk of detrimental action.

9. ROLES & RESPONSIBILITIES OF COUNCIL OFFICIALS

The following have particular responsibilities under the PID Act:

<p>The General Manager</p>	<p>The General Manager is responsible for:</p> <ul style="list-style-type: none"> • Fostering a workplace culture where reporting is encouraged. • Receiving disclosures from public officials. • Ensuring there is a system in place for assessing disclosures. • Ensuring Council complies with this policy and the PID Act. • Ensuring that Council has appropriate systems for: <ul style="list-style-type: none"> - Overseeing internal compliance with the PID Act. - Supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action. - Implementing corrective action if serious wrongdoing is found to have occurred. - Complying with reporting obligations regarding allegations or findings of detrimental action. - Complying with yearly reporting obligations to the NSW Ombudsman.
<p>Public Interest Disclosures Coordinator</p>	<p>The Director People & Culture is Council's Public Interest Disclosures Coordinator who can receive reports of serious wrongdoing or assist with determining if a complaint meets the requirements of a PID. The contact details can be found in Annexure A of this policy.</p> <p>The Public Interest Disclosures Coordinator is responsible for:</p> <ul style="list-style-type: none"> • Receiving reports from public officials. • Receiving reports when they are passed on to them by Managers. • Coordinating investigations and reviews of serious wrongdoing as required. • Supporting the General Manager and disclosure officers to respond appropriately. • Providing training and advice as required to public officials. • Fulfill the Council's reporting requirements to the NSW Ombudsman.
<p>Disclosures Officers</p>	<p>Disclosure officers are responsible for:</p> <ul style="list-style-type: none"> • Receiving reports from public officials. • Receiving reports when they are passed on to them by Managers. • Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant). • Ensuring that any oral reports that have been received are recorded in writing.
<p>Managers</p>	<p>The responsibilities of Managers include:</p> <ul style="list-style-type: none"> • Receiving reports from persons that report to them or that they supervise. • Passing on reports they receive to a disclosure officer.

All Council Officials

All Council Officials must:

- Report suspected serious wrongdoing or other misconduct.
- Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All Council Officials must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

10. HOW WILL COUNCIL DEAL WITH VOLUNTARY PIDS

How Council will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer receives a report, which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- The public official will receive an acknowledgment that the report has been received. This acknowledgement will:
 - State that the report will be assessed to identify whether it is a PID.
 - State that the PID Act applies to how Council deals with the report.
 - Provide clear information on how this PID policy can be accessed.
 - Provide details of a contact person and available supports.
- If the report is a voluntary PID, Council will inform the public official as soon as possible how Council intends to deal with the report. This may include:
 - That Council is investigating the serious wrongdoing.
 - That Council will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If Council does this, Council will provide the public official with details of this referral.
 - If Council decides to not investigate the report and to not refer it to another agency for it to be investigated, Council will tell the public official the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- If Council decides to investigate the serious wrongdoing, Council will provide the public official with updates on the investigation at least every three months. During this time, if the public official would like more frequent updates, the public official should contact the contact person who was nominated when the public official made the report.
 - If Council investigates the serious wrongdoing, Council will provide the public official with the following information once the investigation is complete:
 - A description of the results of the investigation — that is, whether Council found that serious wrongdoing took place.
 - Information about any corrective action as a result of the investigation/s — this means Council will tell the public official what action it took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what Council has put in place to address that serious wrongdoing.

- Corrective action could include taking disciplinary action against someone or changing the practices, policies, and procedures that Council has in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to the Council Official. Council will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations Council has.
- If the public official has made an anonymous report, in many cases Council may not be able to provide this information to the public official.

How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

Step 1: Initial Assessment

The disclosure officer who received the report of serious wrongdoing will conduct an initial assessment to determine if the report meets the criteria for a PID. The disclosure officer must provide the Public Interest Disclosure Coordinator with their findings about whether the report is a voluntary PID. If it is determined that the report does not meet the requirements for it to be classified as a PID, the disclosure officer will inform the public official that made the report. Public officials who disagree with this decision may raise it with the disclosure officer, request an internal review in accordance with Section 11 or request that the matter be conciliated. Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

Step 2: Risk assessment

Once it has been determined that a voluntary PID has been made, the disclosure officer and the Public Interest Disclosure Coordinator must complete a risk assessment to determine whether there are any risks to the public official who made the report. This may involve speaking to the public official (if the report was not made anonymously) to identify whether other persons may know or suspect that the public official was going to make or has made a voluntary PID, and to determine any specific concerns of the maker of the PID.

A risk treatment plan will be developed in accordance with Council's Risk Management Procedure.

Step 3: Determine necessary action

If the report is a voluntary PID, the disclosure officer and the Public Interest Disclosure Coordinator will prioritise putting in place the necessary measures to reduce the risk of detrimental action against the public official who made the voluntary PID. These measures may include:

- Issuing warnings to those alleged to have taken detrimental action against the public official who made the PID.
- Relocating, within the current workplace, the public official who made the PID or the person alleged to have taken detrimental action.
- Transferring the public official who made the PID or the person alleged to have taken detrimental action to another position for which they are qualified.
- Granting the public official who made the PID or the person the subject of the disclosure a leave of absence during the investigation of the PID.

The Public Interest Disclosure Coordinator will regularly consider the risk to the maker of the PID and implement additional measures as necessary.

Generally, the Council will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where Council believes an investigation is not warranted — for example, if the conduct has previously been investigated. Investigations will be conducted in accordance with the relevant policies and procedures, such as the Model Code of Conduct, the Procedures for the Administration of the Code of Conduct or the Fraud and Corruption Control Policy and Procedure.

There may also be circumstances where Council decides that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.

Before referring a matter, Council will discuss the referral with the other agency, and will provide the public official who made the PID with details of the referral and a contact person within the other agency.

If Council decides not to investigate a report and to not refer the matter to another agency, Council will let the public official who made the PID know the reasons for this and notify the NSW Ombudsman.

Step 4: Preparation of report to General Manager

A confidential report on any matter that is investigated is prepared by the investigator and promptly submitted to the General Manager.

How Council will protect confidentiality of the public official making the voluntary PID

Council understands that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information.

These include:

- Where the person consents in writing to the disclosure.
- Where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker.
- When the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment.
- Where it is necessary the information be disclosed to a person whose interests are affected by the disclosure.
- Where the information has previously been lawfully published.
- When the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information.
- When the information is disclosed for the purposes of proceedings before a court or tribunal.
- When the disclosure of the information is necessary to deal with the disclosure effectively.
- If it is otherwise in the public interest to disclose the identifying information.

Council will not disclose identifying information unless it is necessary and authorised under the PID Act. Council will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for Council to maintain complete confidentiality while the investigation is progressed, but Council will do all that it practically can to not unnecessarily disclose information from which the maker of the report can be identified. Council will do this by:

- Limiting the number of people who are aware of the maker's identity or information that could identify them.
- If Council must disclose information that may identify the maker of the PID, Council will still not disclose the actual identity of the maker of the PID, unless it has their consent to do so.
- Council will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- Council will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- Council will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other Council Officials.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- Advise the person whose identity may become known.
- Implement additional strategies to minimise the risk of detrimental action.
- Provide additional supports to the public official who has made the PID.
- Remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

How Council will deal with allegations of a detrimental action offence

If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, the General Manager will:

- Take all steps possible to stop the action and protect the person(s).
- Take appropriate disciplinary action against anyone that has taken detrimental action.
- Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable).
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Public Interest Disclosure Coordinator will assist the General Manager with these actions and update the maker of the PID and provide additional support.

What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- A formal apology
- Improving internal policies to adequately prevent and respond to similar instances of wrongdoing.

- Providing additional education and training to Council Officials where required.
- Taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand).
- Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

11. REVIEW & DISPUTE RESOLUTION

Internal Review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- That Council is not required to deal with the report as a voluntary PID.
- To stop dealing with the report because Council decided it was not a voluntary PID.
- To not investigate the serious wrongdoing and not refer the report to another agency.
- To cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

Public officials seeking an internal review must apply in writing to the General Manager within 28 days of being informed of Council's decision. The application should state the reasons why Council's decision should not have been made. Any other relevant material may also be submitted with the application.

Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

12. OTHER AGENCY OBLIGATIONS

Record-keeping requirements

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*. The Public Interest Disclosure Coordinator will keep a confidential record of all the details of the PID, including its subject matter and how it was dealt with.

Reporting of voluntary PIDs and Council's annual return to the Ombudsman

Each year Council provides an annual return to the NSW Ombudsman which includes:

- Information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July).
- Action taken by Council to deal with voluntary PIDs during the return period.
- How Council promoted a culture in the workplace where PIDs are encouraged.

The Public Interest Disclosure Coordinator will be responsible for preparing the annual return.

RELATED POLICIES & PROCEDURES

- Conflict of Interest Policy

- Internal Reporting Procedure
- Internal Reporting Form
- Fraud & Corruption Prevention Policy
- Fraud & Corruption Prevention Guidelines & Plan
- Model Code of Conduct Policy
- Managing Workplace Issues Procedure
- Risk Management Policy
- Risk Management Procedures

BREACHES OF THIS POLICY

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency

POLICY AUTHORITY

Mitchell Murphy - General Manager

GETTING HELP

Rosanna Guerra - Director People & Culture

REVIEW

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made, including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

This policy will be formally reviewed every three years from the date of adoption or as required.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx
RESOLUTION NO: x

VERSION CONTROL TABLE

Date	Version	Res. No.	Key Changes	Author
24.03.1997	1.0	5389/97	Adoption of Policy	B Smith
26.06.2006	1.1	263/06	Amendments to comply with Act	B Smith

14.09.2009	1.2	285/09	Amended to reflect latest Ombudsman guidelines. Directions as to where information can be obtained, amend clause 11(a) on reprisals, obligations on feedback to staff and maintenance of confidentiality	B Smith
25.07.2011	1.3	248/11	Change in Act title and disclosure & other amendments	B Smith
14.11.2011	1.4	393/11	Amendments to legislation. Refer DLG Circular 11-31. Changes in title of Act to Public Disclosure Act.	B. Smith
October 2023	1.5		Amendments to legislation. Refer DLG Circular. Changes in title of Act to Public Disclosure Act.	R. Guerra, Director People & Culture

ANNEXURE A – DISCLOSURE OFFICERS FOR HUNTER'S HILL COUNCIL

Role	Position
PID Coordinator	Director People & Culture
Disclosures Officer	Director Finance Procurement & Projects
Disclosures Officer	Manager Risk & Compliance
Disclosures Officer	People & Culture Officer

ANNEXURE B – LIST OF INTEGRITY AGENCIES

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm, Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au

The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: jpcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: jpcinfo@ipc.nsw.gov.au

Overview of the new *Public Interest Disclosures Act 2022*

On 1 October 2023 there will be new public interest disclosure (PID) legislation in NSW which completely replaces the *Public Interest Disclosures Act 1994* (1994 Act). This information sheet will provide an overview of key components of the *Public Interest Disclosures Act 2022* (PID Act 2022 or the Act).

Background

Good government relies on public officials speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector.

A strong 'speak up' culture that encourages public officials to report wrongdoing is important to ensure the integrity of the public sector.

An integral part of that 'speak up' culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detriment
- taking active steps to maintain the confidentiality of reports
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

From 1 October 2023 that framework will be the PID Act 2022.

The PID Act 2022 provides for public officials to have multiple pathways to report serious wrongdoing. This includes reporting to a disclosure officer, their manager and other agencies, such as integrity agencies.

The threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the 1994 Act.

Clarity is provided in the PID Act 2022 on what agencies are expected to do with a report when it is received, how they must deal with a report once it is identified

that it is a PID and what they must do if serious wrongdoing is found to have occurred. The PID Act 2022 also outlines when an agency must communicate with a PID maker and with the NSW Ombudsman.

Under this framework, all agencies must ensure they have:

- systems in place to manage confidentiality
- welfare support mechanisms for PID makers and,
- procedures for assessing the risk of detrimental action and implementing risk mitigation strategies.

Categories of PIDs

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the Act.

The Act recognises that there are 3 types of PIDs, and that some people who are not public officials, may also make reports or provide information and require protection from detrimental action.

Under the Act, there are 3 types of PIDs. These are:

Voluntary PID: This is a PID where the report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

Mandatory PID: This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that

report, or because making that report is an ordinary aspect of their role or function in an agency.

Witness PID: This is a PID where a person discloses information in the course of an investigation of serious wrongdoing following a request or requirement of the investigator.

Most of the obligations on agencies in the Act relate specifically to voluntary PIDs – these include how a voluntary PID must be assessed, what information must be given to the maker of the voluntary PID, how the voluntary PID must be investigated or otherwise dealt with, and what must be reported to the Ombudsman about voluntary PIDs.

The protection against detrimental action and immunity from civil and criminal liability for breaching a duty of secrecy or confidentiality when making a PID, apply to all 3 types of PID.

Serious wrongdoing

In order to ensure that agencies identify when they have received a voluntary PID, it is important to understand what serious wrongdoing is.

Serious wrongdoing is defined under section 13 of the Act as meaning one or more of the following:

- corrupt conduct
- serious maladministration
- a government information contravention
- a local government pecuniary interest contravention
- a privacy contravention
- a serious and substantial waste of public money.

Identifying a voluntary PID

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

This is where a public official made a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features:

1. The report has been made by a public official
2. The report has been made to a suitable recipient

3. The report must disclose information that the person honestly and on reasonable grounds believes shows or tends to show serious wrongdoing
4. The report is made in writing or orally (but if it is made to a Minister or ministerial staff, it must be made in writing)
5. The report was made voluntarily, i.e., it is not a mandatory or a witness PID.

The Act contains a deeming provision which gives the head of an agency a delegable power to deem a report to be a voluntary PID, even if it does not have all 5 features of a PID. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

Recipients of PIDs

For a report to be a voluntary PID, it must have been made to one or more of the following people:

- the person’s manager
- a ‘disclosure officer’ in any agency – this could be:
 - the agency where the person works
 - the agency to which the wrongdoing related (if not the agency where the person works)
- another agency, including an integrity agency (such as the NSW Ombudsman’s Office, the ICAC, or the Audit Office)
- the head of any agency
- a Minister or Ministerial staff (but only if the report is made in writing)
- a journalist or MP (in very limited circumstances).

Where a voluntary PID is made to the person’s manager, it is the manager’s responsibility to make sure the PID is communicated to a disclosure officer, as soon as reasonably practicable, so it can be properly assessed and dealt with.

The disclosure officers of an agency, together with their contact details, will be set out in the agency’s PID policy on its website.

Disclosure officers

Disclosure officers are one of the key people to whom a report will be made in an agency.

Disclosure officers are those identified as ‘disclosure officers’ in the agency’s PID policy, which can be found on the agency’s intranet and public website.

In addition to those listed in an agency's PID Policy, the following people are also disclosure officers under the Act:

- the head of an agency,
- the most senior ongoing employee who ordinarily works at a permanently maintained worksite where more than 1 employee works, and
- the member of an unelected governing body within an agency.

It is important that agencies nominate a sufficient number of disclosure officers for the size of the agency, and within the permanently maintained worksites across the agency. The purpose of this is to ensure that public officials have sufficient access to report serious wrongdoing.

Integrity agencies

The PID Act classifies certain agencies as 'integrity agencies'. Integrity agencies have an important role in the Act.

There is no requirement under the Act that a public official report serious wrongdoing to the 'right' agency for the report to constitute a PID. They may choose to make the report to an integrity agency (or any other agency) instead of to the agency they work in.

Generally, PIDs would be expected to be directed to the most relevant integrity agency – for example, a report of corrupt conduct would be reported to the ICAC, a report of serious maladministration to the NSW Ombudsman, and a report of a government information contravention to the NSW Information and Privacy Commission.

The integrity agency will make a decision on how it will deal with the report, which may include referring it back to the agency where the PID maker works or is otherwise associated with.

Protecting the identity of PID makers

Agencies have an obligation to ensure that information which identifies, or tends to identify, a person as the maker of a voluntary PID is not unlawfully disclosed. This is called "identifying information" in the Act.

The Act allows for circumstances in which a public official or agency can lawfully disclose identifying information. These circumstances include where the disclosure of the information is necessary for the report to be effectively dealt with.

Detrimental action

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment includes, but is not limited to actions such as intimidation, bullying and reputational damage.

The Act contains robust protections to ensure that a person who has made a PID does not suffer detrimental action.

Under the Act it is a criminal offence to take detrimental action against a person based on the suspicion, belief or awareness that a person had made, may have made, or may make a PID. This is known as a detrimental action offence.

Agencies have a duty to assess the risk of detrimental action against a PID maker, and to minimise the risk of detrimental action, as soon as they become aware the voluntary PID has been made and on an ongoing basis while the matter is being dealt with.

Injunctions can be sought from the Supreme Court to prevent the commission of a detrimental action offence, or to stop a person committing a detrimental action offence. Generally, an injunction would be sought by a PID maker or an integrity agency, on their behalf.

If unlawful detrimental action is taken against someone, they are entitled to seek compensation through the courts for injury, damage or loss suffered.

Key terms

A glossary of key terms is contained in Appendix A.

Further information

This information is intended to provide an overview of the PID Act 2022 and introduce the core concepts of the Act. More information can be found on the [NSW Ombudsman website](#). Alternatively, you can send an email to pidadvice@ombo.nsw.gov.au.

Appendix A: Glossary of key terms

Key term	Definition
Agency	<p>'Agency' is defined in section 16 of the PID Act to mean any of the following:</p> <ul style="list-style-type: none"> • a Public Service agency • a group of staff comprising each of the following services, or a separate group of that staff: <ul style="list-style-type: none"> – the NSW Police Force – the Teaching Service of New South Wales – the NSW Health Service – the Transport Service of New South Wales • a statutory body representing the Crown • an integrity agency • a public authority whose conduct or activities are authorised to be investigated by an integrity agency under another Act or law • a State owned corporation or its subsidiaries • a Local Government Authority • a Local Aboriginal Land Council • the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council • a Minister's office is not an agency for the purposes of the PID Act.
Detriment	<p>Detriment is defined in section 32(1) of the Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> • injury, damage or loss • property damage • reputational damage • intimidation, bullying or harassment • unfavourable treatment in relation to another person's job • discrimination, prejudice or adverse treatment • disciplinary proceedings or disciplinary action.
Detrimental action	<p>Detrimental action is defined in section 32(2) of the Act as an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).</p>
Identifying information	<p>Under section 64(1) of the Act, identifying information is information which tends to identify a person as the maker of a voluntary PID.</p>
Integrity agency	<p>The following are 'integrity agencies' as defined under section 19 of the PID Act:</p> <ul style="list-style-type: none"> • the Ombudsman • the Auditor-General • the Independent Commission Against Corruption • the Law Enforcement Conduct Commission • the Inspector of the Independent Commission Against Corruption • the Inspector of the Law Enforcement Conduct Commission • the Secretary of the Department of Planning, Industry and Environment (when exercising certain functions under the Local Government Act 1993) • the Privacy Commissioner • the Information Commissioner • a person or body declared by the regulations to be an integrity agency.

Public interest disclosure	<p>The term public interest disclosure is defined in section 21 of the PID Act to mean:</p> <ul style="list-style-type: none"> • a voluntary PID • a witness PID or • a mandatory PID.
Public official	<p>‘Public official’ is defined in section 14 of the PID Act as follows:</p> <ul style="list-style-type: none"> • a person employed in or by an agency or otherwise in the service of an agency • a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate • an individual in the service of the Crown • a statutory officer • a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer • if an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions • a judicial officer • a member of Parliament, including a Minister • a person employed under the Members of Parliament Staff Act 2013.

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ITEM NO	: 4.6
SUBJECT	: DRAFT PUBLIC ART POLICY
STRATEGIC OUTCOME	: COMMUNITY, CULTURAL EVENTS AND ACTIVITIES ARE COORDINATED AND DELIVERED INCLUSIVELY
ACTION	: COORDINATE AND DELIVER COMMUNITY, CULTURAL EVENTS AND ACTIVITIES
REPORTING OFFICER	: ANNIE GOODMAN

Ref:665574

PURPOSE

The Purpose of the Hunter's Hill Council Public Art Policy is to provide guiding principles for the creation and facilitation of public art in Hunters Hill.

RECOMMENDATION

1. That the report be received and noted.
2. That the draft Public Art Policy be placed on public exhibition for a period of 28 days and that a further report be brought back to Council outlining any public submissions received.

BACKGROUND

Council plays a number of roles in public art planning: Firstly, as a leader in progressing public art planning; a provider of public art programs; a regulator and approval point for works in the public realm; an advocate for artists and the creative sector to thrive and showcase works in public spaces; and finally, as a community facilitator for partnerships and opportunities.

To undertake these objectives, Council needs a comprehensive policy for the management of public art in the Hunters Hill local government area (LGA).

REPORT

Hunter's Hill Council is committed to the creation and ongoing support of public arts and culture that reflects the social, cultural, economic and environmental character of the municipality.

Council will work in conjunction with the Hunters Hill Arts Advisory Steering Committee to commission, support and advocate for public arts that stimulate thinking, invites interaction, celebrates diversity, increases awareness of local identity, allows for contemplation and questions assumptions.

Fundamental to the scope of this policy is the encouragement and creation of public arts and the involvement of the community in this process, which is fundamental to sustaining arts and culture in Hunters Hill.

CONCLUSION

Council will work collaboratively to enhance the growth of a Public Art Collection, recognising that public art in the municipality is a collective undertaking encompassing the efforts, passion and creativity of our entire community.

Additionally, this policy will promote a public arts culture which highlights character and heritage and innovative concepts throughout the municipality.

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 Public Art Policy [↓](#)

HUNTER'S HILL COUNCIL

POLICY



POLICY NO.

POLICY TITLE

Public Art Policy

STATUS

Council

SERVICE

Management and Council Support

DOCUMENT ID

PURPOSE

The Purpose of the Hunter's Hill Council Public Art Policy is to provide guiding principles for the creation and facilitation of public art in Hunters Hill. This will instil a culture of creativity that values the potential contribution of artists and public art works.

Council will work collaboratively to enhance the growth of a Public Art Collection, recognising that public art in the municipality is a collective undertaking encompassing the efforts, passion and creativity of our entire community.

Additionally, this policy will promote a public arts culture which highlights character and heritage and innovative concepts throughout the municipality.

SCOPE

This policy applies to any public art installation (current and prospective) in the Hunters Hill local government area.

'Healthy places often have a strong sense of cohesion in person-environment relationships, they embody an emotional connection between the people and the physical setting. The inhabitants feel identified with its forms and they share its true meanings.' (1989, Seven Properties of Healthy Places).

Council plays a number of roles in public art planning; firstly, as a leader in progressing public art planning; a provider of public art programs; a regulator and approval point for works in the public realm; an advocate for artists and the creative sector to thrive and showcase works in public spaces; and finally, as a community facilitator for partnerships and opportunities.

The Hunter's Hill Council Public Art Policy will enhance the natural and built areas of Hunters Hill and reflect our sense of community. The Policy will encourage opportunities for public art in various forms and act as an incubator for future projects, which may fall within its parameters.

PUBLIC ART POLICY
DOCUMENT ID

1

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1. INTRODUCTION

1.1 About this policy

Hunter's Hill Council is committed to the creation and ongoing support of public arts and culture that reflects the social, cultural, economic and environmental character of the municipality. Council will work in conjunction with the Hunters Hill Arts Advisory Steering Committee to commission, support and advocate for public arts that stimulate thinking, invites interaction, celebrates diversity, increases awareness of local identity, allows for contemplation and questions assumptions.

This policy will provide an overall direction for the ongoing management of public art in the Hunter's Hill Council area.

2. OBJECTIVES

2.1 What are the key objectives of this policy?

There are a number of important objectives outlined below, which will provide an opportunity for the recognition and celebration of public art:

- Create more enjoyable and interesting public spaces in Hunters Hill through high quality, innovative and diverse public art.
- Allow for the provision of public art in streetscaping, master planning and urban design projects.
- Incorporate narratives, stories or experiences related to Hunters Hill in public art installations.
- Reflect on the history of Hunters Hill through public art.
- Invigorate and define aspects of the identity of Hunters Hill.
- Create an artistic pathway of opening up communication channels with the community.
- Encourage a greater understanding and appreciation of cultural heritage.
- Establish a clear and effective process for public art activities.
- Ensure that existing works are appropriately maintained.
- Increase the enjoyment, appreciation and participation of our community in public art.
- Ensure that the requirements of public art and work place safety are respected and adhered to in the making, installation and on-going presence and maintenance of public art works.
- Increase private and commercial support for cultural heritage and public art.
- Develop Hunter's Hill Council's reputation as a respected exponent of public art in NSW.
- Compliment urban revitalisation by increasing the profile of public art strategies.
- Increase opportunities for economic and tourism development through an active public art program.
- Provide a creative environment that provides an education tool for younger members of the community and school groups.
- Encourage developer contribution for public art.

3. DEFINING PUBLIC ART

3.1 What is Public Art?

Public art is, 'Art or craft work located in public spaces and buildings other than galleries and museums. It is created by artists and craft practitioners for outdoor spaces such as parks, foreshores, beaches, city squares, streets, courtyards and forecourts, or indoor spaces in publicly or privately-owned buildings such as schools,

hospitals, churches, shopping centres, local governments administration centre, office buildings, and hotels.’ (Code of Practice for the Australian Visual Arts and Craft Sector).

Public art can also be defined as artwork created by an artist and located in the public realm, including permanent, temporary and ephemeral works such as installations, sculptures, murals, mosaics, projection, lighting, soundscapes, multi-media and performance-based work. Public art also extends to unique street design and furniture elements created by an artist to add value to the creative outcome of public realm projects such as paving, ornamental wall inserts, windows, gates, grates, light fittings, bollards, water features and the like.

Public art is not necessarily permanent, it can be temporary, it can be freestanding or attached to buildings, or integral to a public square or meeting place.

3.2 What is an Artist?

An artist is a creative person who devotes a reasonable proportion of their time to making art, that promotes their work as art, and intends their work to be seen and read as art; and possesses qualifications in visual or other arts or has commensurate skills and experience. An artist will also usually have received public and peer recognition as a practising artist. At a minimum an artist will be involved in the visual conception and planning of a public art work and typically lead the fabrication and installation of the artwork.

4. CONSIDERATIONS – COMMUNITY AND ARTISTIC

4.1 Community considerations

The following are important considerations that build community capacity:

- That public art is a fundamental part of the community and its culture, and should play an integral role in developing and enriching local identity.
- That all residents of Hunter’s Hill Council will have an equal opportunity to explore public art in the area.
- Professional artists and designers play a critical role in successful and meaningful public art programs.
- Community consultation and engagement is essential for the successful implementation of a public art program for Hunters Hill.
- Collaboration across professional disciplines and with the community is a valued process and more effective the earlier it is introduced to the planning process.
- Site specific work generally has a stronger capacity to enhance a sense of place and resonate the environment.
- Given the ongoing developments in contemporary public art practise this policy is intended to provide a flexible approach that is neither prescriptive nor prejudicial to future opportunities.

4.2 Artistic considerations

Important considerations that build artistic capacity:

- Public art works that are contextual and provide recognition and celebration of Hunters Hill, its history, environment and community.

- Art works use, include or express Hunters Hill as a focus within the content, themes or responses.
- A culture of participation and interaction is encouraged where every aspect of public art is related to connecting people, places, histories and narratives.
- Sensitivity to community aspirations for identity and interpretations of place are considered in public arts projects and programs.
- Opportunities and support are provided for artists and the community to be creative.
- A demand for excellence, creativity, innovation and craftsmanship in public arts is fostered within the community, Council and other stakeholders.
- Artworks that encourage diversity and that respect physical, social and cultural diversity.
- Artworks of the highest artistic quality that encourage creativity and put the artist's vision at the centre of the project conception.
- Artworks that enrich human experiences through aesthetic experience, contribution to the aesthetic of the place or the enjoyment it provides.
- Innovate and challenge through public arts to engage wider participation in debate.

4.3 Site context considerations

Public art can involve the commission of artists and designers to produce site specific work or can involve the purchase of existing works to be permanently sited in public places or the provision of facilities or events that contribute to the animation of public spaces. Public art doesn't necessarily have to 'fit' with the site or its surrounds, public art can simply be visually appealing or a talking point to attract interest.

Public art performs many roles, but the key thing that defines it from other art is precisely its public placement. Public art exists in, and imposes itself upon, our space and becomes part of our experience of place.

There are many areas in Hunters Hill that would benefit from public art installations and priority areas should be investigated through the determination of the Arts Advisory Steering Committee.

5. PUBLIC ART BENEFITS

5.1 What are the benefits of public art?

Hunter's Hill Council recognises the potential benefit of public art to enhance public spaces, which in turn reflects and explores cultural heritage and identity, engages members of the community, increases amenity and provides innovation.

The development of a well-considered well-maintained public art program appropriate to the context of place is a powerful sign of the health of a community. In tandem with economic, environmental and urban development, it sends a clear and confident message of a strong future.

5.2 What are the community benefits?

This Public Art Policy is designed to provide a framework for Council planning and decision making in relation to the commissioning or acquisition of public art and its ongoing care and maintenance. The Policy allows for community involvement in the process and sets out the parameters of cultural, economic, civic and social significance of public art to enhance community engagement and a sense of belonging.

Specifically, public art is important to our community in the following ways:

- Establishing identity through implementing appropriate design and beautification of local areas.
- Participation of the community in initiating, responding to and providing public art for their own enjoyment or purpose.
- Developing significant pieces of public art that proclaim Hunters Hill as a site where cultural excellence flourishes.

6. PUBLIC ART PARTNERSHIPS

6.1 Partnerships

Partnerships will be formed between government, private, philanthropic and community entities to develop, fund and integrate public art into Hunters Hill's urban landscape and built environment. Council will continue to advocate for and celebrate investment in public art.

7. ROLE OF THE ARTS ADVISORY STEERING COMMITTEE

7.1 What is the role of the Arts Advisory Steering Committee?

The Arts Advisory Steering Committee provide expertise and advice to Council on Art opportunities and Public Art (as suggested by the Committee). The Committee's role is to make recommendations to Council on any significant operational aspects concerning Art and Public Art in Hunters Hill.

The Committee will assess and advice regarding public art proposals and commissions. The Committee will also consider various artistic and cultural issues, which may rise from time to time across the municipality.

The Committee will consider and evaluate proposals and make recommendations to Council such as in the development of plans of management and major urban streetscape projects, active consideration will be given to the integration of public art opportunities.

The Arts Advisory Steering Committee will take on the role of determining whether minor or considerable public consultation with the community in the village precincts, sites and/or events for which the works is intended will take place.

The type and scale of public art works may be subject to consultation and will be appropriate to context and intended meaning. The benefits of consultation will be the encouragement of connections throughout the whole community of Hunters Hill and the identification of the type of project that is most meaningful to that community.

8. PUBLIC ART CATEGORIES AND CRITERIA

8.1 Private development

This is the integration of public art within a major development site, which is part of the DA process. This may also involve a Voluntary Planning Agreement (VPA) with a public art component to be negotiated between Council and the developer.

8.2 Commissioned artwork

Artworks that are installed in the public domain as the result of Council, State and Federal Government or private commissioning.

8.3 Community projects

This is the involvement of groups of people in the creation of public art work. This category will focus on community cultural development objectives with the process equalling the significance of the final work.

8.4 Public art criteria

When determining the suitability of public art in Hunters Hill it will be necessary to understand the following criteria and its relationship to the area:

- Relevance – the public art must have a connection with the community.
- Excellence – quality of design and execution is vital.
- Diversity – a range of styles, media and artists are used throughout the area.
- Public Safety – Hunter’s Hill Council will ensure that there is no unacceptable level of risk associated with any public art proposal.
- Location – must be appropriate for the piece of public art and accessible to the community.
- Affordable – the public art must meet budgetary guidelines.
- Maintenance – consideration will be given to the ongoing maintenance and/or requirements for the removal of artwork.
- Heritage - the heritage of Hunters Hill cannot be overlooked or its unique history. This will greatly determine the ‘type’ and mode of public art installed within Hunters Hill. Some appropriate themes may include (but not be limited to); history/heritage, people, sandstone, water, environment and bushcare.

9. APPOINTING ARTISTS

9.1 How are artists selected?

The appointment of an artist for a particular project can range from being a clear and decisive task to being complex depending on the scope of the public artwork. Artists can be selected through a number of processes such as open competition, expressions of interest, competition by invitation or direct invitation.

The following steps need to be undertaken to ensure that the process of appointing an artist or artists is based on merit and response to the design brief.

9.1.1 Create A Design Brief

This will include the amount of participation in terms of community consultation as well as the outline of the public art idea. This will be the overview to the project.

9.1.2 Artist Response to The Design Brief

The artist will address the criteria outlined within the design brief. If the artist has any queries they can contact Council to clarify any matters arising. Often the artist may even create a marquette of the public art to assist in their selection.

9.1.3 Artist Selection – Contract Signing

The Arts Advisory Steering Committee will meet to determine the artist who has most successfully met the criteria of the design brief and make a recommendation to Council.

9.1.4 Design Brief/Orientation

Any areas that need clarification and confirmation of the artwork itself are determined in this phase of the project.

9.1.5 Schematic Design Phase

The artist will discuss materials to be used, any alternatives that could be substituted and so on.

9.1.6 Approval to Proceed

9.1.7 Design/Development Phase

The design is confirmed and any changes are locked in at this stage.

9.1.8 Second Approval

This is the last opportunity for any changes to take place. Once sign off has taken place the project is clear to proceed.

9.1.9 Fabrication/Installation

The Australia Council, Federal Funding Body for the Arts provides scales of fees for artists. These are used as industry standards and should provide the basis upon which artists are employed. It is recommended whenever possible that artists submit a whole project budget to avoid the uncertainty of employment on hourly rates.

10. CONSERVATION AND MANAGEMENT

10.1 How will public art be cared for?

The Hunters Hill public art collection will require professional standards of management, care and conservation to ensure its preservation for future generations.

Council will need to conduct an audit of existing public art pieces. Condition assessment will be required along with the establishment of a database of all works.

The public art database will come under the management of Council's Maintenance Program, with scheduled cleaning and maintenance standards to be developed and adhered to.

11. RECOMMENDATIONS

11.1 Public art action plan

The following actions will be considered by Council and the Arts Advisory Steering Committee:

- Investigate future Local, State and Federal Government funding opportunities for public art.
- Establish a local artist's register, which will enable Council to access people within the local government area. Priority of artists will be given to local people who understand the nature of this unique area.
- Investigate the feasibility of including public art in all future major commercial and retail developments via the Hunter's Hill Council Development Control Plan (DCP).
- Give consideration and investigate if other councils direct a percentage of Section 7.12 levies to public art.
- Link public art with existing events or use public art as a promotional tool for events.
- Investigate a shared copyright agreement with any artists appointed to undertake public art installations. Council will need to duplicate images of artworks in publications and should have the ability to do so without consultation with the artist.
- Work Health and Safety (WH&S) compliance, insurances and safety and risk assessments are undertaken in relation to the design installation, maintenance and refurbishment of public art works.
- De-accession of works respects the art works, the location and the artist(s) under the Copyright Act 1968 (Moral Rights) and has their work treated in the required manner under the act (right to attribution or a right to integrity).

RELATED POLICIES/PROCEDURES

- Sponsorship Policy
- Records Management Policy
- Plans of Management
- Work Health and Safety Policy
- Procurement and Contract Management Policy
- Use of Parks and Reserves Policy

POLICY AUTHORITY

General Manager

REVIEW

This policy will be reviewed biennially (every 2 years).

Next review date is: October 2025

ADOPTED BY COUNCIL/EXECUTIVE:

DATE:

RESOLUTION NO:

VERSION CONTROL TABLE

Date	Version	Res. No.	Key Changes	Author
25.11.2013	1.0	402/13	Adoption of Policy	Corporate Strategist
23.10.2023	2.0		Policy Updated	Director, Community & Customer Service

ITEM NO	: 4.7
SUBJECT	: DRONE (REMOTE PILOTED AIRCRAFT) POLICY
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: SAMANTHA URQUHART

Ref:665498

PURPOSE

The purpose of this report is to recommend minor updates, and to place Council's updated Drone (Remote Piloted Aircraft) Policy (Policy) on public exhibition for a period of 28 days.

RECOMMENDATION

1. That Council places the draft Drone (Remotely Piloted Aircraft) Policy, as shown at Attachment 1 on public exhibition for 28 days and provide a copy of the draft policy to Civil Aviation Safety Authority (CASA) for their review and comment; and
2. That should Council receive submissions, that a report be brought back to Council following the conclusion of the exhibition period. If no submissions are received, that the policy be adopted at the close of the public exhibition period;
3. That a further review be undertaken of the Drone (Remotely Piloted Aircraft) Policy every three (3) years, or in line with any legislative updates.

BACKGROUND

The Policy was adopted by Council on 14 September 2020, enabling Council to undertake the following (whilst complying with all relevant legislative requirements):

- take aerial photographs and videos of Council-owned and/or managed assets such as outdoor recreation areas, sporting fields, and community facilities;
- conduct aerial surveys of Council-owned and/or managed land with limited access due to terrain or geographical features; and
- take aerial photographs and videos at Council-managed events.

REPORT

A three (3) year review of this Policy has been undertaken by Council, to ensure continued relevance and compliance with current legislation.

The following pieces of legislation currently govern the operation of Remote Piloted Aircraft (RPA) in Australia:

- Civil Aviation Act 1988 (Cth).
- Civil Aviation Safety Regulations 1998 (Cth), Part 101 consolidates the rules governing all unmanned aeronautical activities, including RPA.
- Air Navigation Act 1920 (Cth) and Air Navigation Regulations 2016 (Cth), govern air navigation in New South Wales and are enforceable in New South Wales via the Air Navigation Act 1938 (NSW).

As a result of this review, in addition to legislative amendments, the following minor amendments to the existing Policy are recommended:

- Re-wording of a portion of Part 1 to better articulate Councils intention not to operate RPA on private land.
- Update Roles & Responsibilities to align to Councils current establishment.
- Insertion of relevant legislation and regulatory documents throughout the policy, i.e. reference to the Fraud and Corruption Prevention Policy and Code of Conduct.
- General minor amendments to the wording throughout the document.

CONCLUSION

The updated Policy will assist Council to continue to monitor, manage and use RPA on Council owned and/or managed land within Hunters Hill Council, in accordance with all legislative requirements.

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. Drone (Remotely Piloted Aircraft) Policy [↓](#)

HUNTER'S HILL COUNCIL DRONE (REMOTE PILOTED AIRCRAFT) POLICY



POLICY NO.

POLICY TITLE

Draft Drone (Remote Piloted Aircraft) Policy

STATUS

Council

SERVICE

Access to Information

DOCUMENT ID

PURPOSE

The purpose of the policy is to ensure that all legislative requirements for the use of Hunter's Hill Council owned and/or Council-managed drone technology, which is also referred to as 'remotely piloted aircraft' (RPA) technology, is applied and adhered to by Council officers, as well as the management and use of data collected by the RPA.

The use of RPA technology will enable Council to:

- take aerial photographs and videos of Council-owned and/or managed assets such as outdoor recreation areas, sporting fields, and community facilities;
- conduct aerial surveys of Council-owned and/or managed land with limited access due to terrain or geographical features; and
- take aerial photographs and videos at Council managed events.

SCOPE

This Policy applies to:

- all Councillors, Council Managers, Council Staff, Council Contractors and volunteers of Council involved with RPA operations;
- all Council-owned and Council-managed RPA systems and technology; and
- any data and/or information collected by it, including geospatial data.

Drone (Remote Piloted)
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Draft for public exhibition

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DEFINITIONS

Reference Material

Acronyms

The acronyms and abbreviations used in this Policy are listed in the table below.

Acronym	Definition
AIP	Aeronautical Information Publication ARN Aviation Reference Number
AIP	Aviation Reference Number
CAR	Civil Aviation Regulations 1998
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
CASR101	Civil Aviation Safety Regulations Part 101
ERSA	En Route Supplement Australian
HSL	Helicopter Landing Site
RPA	Remotely Piloted Aircraft
RPAS	Remotely Piloted Aircraft System
SOC	Standard Operating Conditions
RPA	Remote Piloted Aircraft
RePL	Remote Pilot Licence
VLOS	Visual Line of Sight

Definitions:

Terms that have specific meaning within this Policy are defined in the table below.

Term	Definition
Controlled airspace	Airspace of defined dimensions which an air traffic control service is provided to flights in accordance with the airspace classification.
Excluded RPA	Unmanned aircraft that may, under certain conditions, be operated without an explicit authorisation from CASA (refer to regulation 101.237).
Remote crew member	A crew member in charge of duties essential to the operation of an RPA during flight time.
Remote pilot	The person who manipulates the flight controls of a remotely piloted aircraft or who initiates and monitors the flight and is responsible for its safe conduct during flight time.
Remotely piloted aircraft	An unmanned aircraft, other than a balloon or kite, where the pilot flying is not on board the aircraft.
RPA observer	A remote crew member who, by visual observation of the RPA, assists the remote pilot in the safe conduct of the flight.
Restricted area	An area declared under the Airspace Regulations 2007 for which permission must be granted by the controlling authority before any operations in that area can occur while it is active.

Drone (Remote Piloted) Document ID (Number) Draft for public exhibition 2
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Very Small RPA

An RPA with a gross weight of more than 100g but less than 2kg

POLICY STATEMENT

1. PART 1 The Purpose for

Remote Piloted Aircraft (RPA) will increase the efficiency of Council's corporate and operational activity across the local government area, particularly where physical access by council staff or approved contractors to a specific location is restricted by factors such as distance, danger or difficult terrain.

The operation of an RPA is governed by the Civil Aviation Safety Authority (CASA) and determined by the Civil Aviation Safety Regulations Part 101 (CASR101).

This policy determines Council-specific requirements for the use of RPA, specifically the RPA system (software platform), technology (equipment and hardware) and data in addition to CASR101. It has been developed to ensure that safety, privacy and legislative compliance requirements are considered and met by Council's authorised RPA pilots.

The primary purpose of Council-owned RPA, including any and all data collected, is to service Council's business needs. However, from time to time Council may enter into an ad hoc arrangement to provide RPA services to other organisations. This will only occur where a clear benefit to Council or the community can be demonstrated and that the arrangement is commercial in nature, pursuant to CASR101. These services are likely to be the provision of data collected by the RPA. Council's authorised RPA pilots are the only pilots permitted to operate RPA.

Any proposal of this kind must be approved by the appropriate Manager, which in assessing proposals will have regard for the benefit to Council and the Hunters Hill community that will be delivered through or derived from the arrangement.

Non-compliance with aviation laws as determined by CASA is potentially a criminal offence. CASA will be notified, and will investigate all reports alleging breaches of the applicable legislation.

Flight paths will be determined so that RPA do not operate over private property, and where possible the pilot should avoid filming people and/or private property.

For the avoidance of doubt RPA must not be operated over private property unless the express consent of the property owner or occupier has been obtained beforehand.

All data collected or recorded by the RPA, including geospatial data, is owned by Council and subject to the *Privacy and Personal Information Protection Act 1998*, the *Government Information (Public Access) Act 2009*, and Council's Privacy Management Plan.

Data collected by the RPA is considered and managed with respect to privacy management by:

- collecting (or recording) only for a specific purpose in support of a lawful Council function;
- reviewing to redact inadvertently collected personal information; and
- editing to dispose of data that is not required.

The Chief Pilot is responsible for all operational matters and Remote Pilot (RP) training affecting the safety of operations. They must be accredited and hold a remote pilot licence (RePL).

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2. PART 2 TARGETING PROHIBITED

Council supervisors or managers who are in the position of an approved user must not access recordings made by an RPA for the purposes of reviewing staff performance or to search for breaches of policy or legislation by staff. Where a supervisor believes there is a genuine need for Council to access recordings for this purpose, they must first discuss their reasons with the Manager. The Manager will then review the rationale provided and submit a request for access to the recordings for determination by the General Manager.

3. PART 3 DISCOVERY OF POTENTIAL MISCONDUCT DURING AUTHORISED REVIEW

If a Council staff member discovers any potential or suspected fraudulent or corrupt conduct during any review of a recording, they must immediately report it to their Manager. The Manager will be responsible for reporting potential or suspected incidents of this kind to the General Manager for assessment against Council's Fraud and Corruption Prevention Policy and Code of Conduct. All reports of potential or suspected fraud or corruption will be treated in the strictest confidence.

4. PART 4 DISCOVERY OF ILLEGAL ACTIVITY

If a Council staff member or contractor discovers any potential or suspected illegal activity during any review of a recording (e.g. illegal dumping), the Council staff member or contractor must immediately report it to their supervisor. Supervisors will be responsible for reporting potential or suspected incidents of this kind to the Director Infrastructure & Environmental Sustainability or Director of Town Planning for consideration against the relevant provisions of the *Local Government Act 1993* (NSW), the *Protection of the Environment, Operations Act 1997* (NSW) *Environmental Planning and Assessment Act 1979* (NSW), the *Crown Land Management Act 2016* (NSW) or other applicable legislation or regulations.

5. PART 5 RELEVANT LEGISLATION AND REGULATIONS

The following legislation governs the operation of RPA in Australia:

- Civil Aviation Act 1988 (Cth).
- Civil Aviation Safety Regulations 1998 (Cth) Part 101 consolidates the rules governing all unmanned aeronautical activities, including RPA.
- Air Navigation Act 1920 (Cth) and Air Navigation Regulations 2016 (Cth), govern air navigation in New South Wales and are enforceable in New South Wales via the Air Navigation Act 1938 (NSW).

The following related legislation must be taken into consideration when assessing the use of RPA and the use and management of data collected by RPA:

- Workplace Surveillance Act 2005 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Telecommunications (Interception and Access) Act 1979 (Cth)
- Government Information (Public Access) Act 2009
- Evidence Act 1995 (NSW)
- Local Government Act 1993 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)

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- Damage by Aircraft Act 1999 (Cth)
- State Records Act 1998 (NSW)

6. PART 6 PRIVACY AND HUMAN RIGHTS CONSIDERATIONS

All personal information collected by Hunter's Hill Council in connection with the use of RPA will be handled in accordance with all applicable privacy legislation. Personal information about an individual held by Council must only be used to carry out the primary or directly related purpose of collection. Furthermore, Council must not collect personal information unless the information is necessary for one or more of its functions. This Drone (Remotely Piloted Aircraft) Policy has been assessed as compliant with the provisions and objectives of the Privacy and Personal Information Protection Act 1998 (NSW).

ROLES AND RESPONSIBILITIES

Hunter's Hill Council is the owner of any data collected by the RPA. Access to data will be managed in accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Government Information (Public Access) Act 2009 (NSW)*.

The following positions are responsible for implementation and compliance monitoring of this Policy in their work areas:

Party / Parties:	Roles and responsibilities:
General Manager	Responsible for: <ul style="list-style-type: none"> • ensuring a budget is available to meet Policy objectives; • ensuring this Policy is compliant with legislative standards; • any report of potential or suspected fraudulent or corrupt conduct arising from the use of the RPA; and • determining if a recording made by an RPA may be used in relation to staff performance, conduct or compliance with policy, procedure or legislation.
Governance Officer	Responsible for: <ul style="list-style-type: none"> • ensuring privacy conditions are complied with at events where RPA technology is utilised; • ensuring appropriate notification methods are applied and adhered to at events where RPA technology is utilised; • reviewing incidents of potential or suspected fraudulent or corrupt conduct during any review of a recording in regards to Council's Fraud and Corruption Prevention Policy and Code of Conduct; • providing advice and guidance in relation to Council's obligations under the Privacy and Personal Information Protection Act 1998 (NSW), the Government Information (Public Access) Act 2009 (NSW) and the State Records Act 1998 (NSW); • managing external applications for access to information and data, as well as ensuring the related legislative and policy considerations and requirements are satisfied prior to any release of data; and • managing any privacy related queries and or complaints.

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Director Infrastructure & Environmental Sustainability and Director of Town Planning	Responsible for: <ul style="list-style-type: none"> reviewing any potential or suspected illegal activity discovered during any review of a recording (e.g. illegal dumping or vandalism) against the <i>Local Government Act 1993</i> (NSW), the <i>Protection of the Environment Operations Act 1997</i> (NSW), the <i>Environmental Planning and Assessment Act 1979</i> (NSW) and the <i>Crown Lands Management Act 2016</i> (NSW) or other applicable legislation or regulations.
Chief Pilot	Responsible for: <ul style="list-style-type: none"> being accredited and holding a remote pilot licence (RePL) ensuring that operations are conducted in compliance with the Civil Aviation Act and its Regulations; ensuring the RPA is registered with CASA; maintaining a record of qualifications held by each RPA operator; monitoring and maintaining operational standards and supervision of RPA operators who work under the authority of the Remote Operator Certificate; maintaining a complete and up-to-date reference library of operational documents as required by CASA for the class of operations conducted; developing applications for approvals and permissions where required to facilitate operations; developing checklists and procedures relating to flight operations; being the primary point of contact for CASA; annually reviewing the use, operation and compliance with this Policy and related operating procedures, including all external requests to access RPA data.

RELATED POLICIES/PROCEDURES

- Code of Conduct
- Fraud and Corruption Prevention Policy
- Work Health and Safety Policy
- Complaints Handling Policy and Procedures

POLICY AUTHORITY

This Policy is owned by the General Manager/Director Infrastructure & Environmental Sustainability of Hunters Hill Council

REVIEW

This Policy to be reviewed once per term of Council.

Next review date is:

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx
RESOLUTION NO: x

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
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14/09/2020	1.0	Policy adopted	Director Development and Regulatory Services
23/10/2023	2.0	Updates to Policy	Director Infrastructure & Environmental Sustainability

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ITEM NO	: 4.8
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY IN SEPTEMBER 2023
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:663508

PURPOSE

The purpose of this report is to advise of Development Applications determined under delegated authority for the period September 2023.

RECOMMENDATION

1. That the report be received and noted.

DELEGATED AUTHORITY

In accordance with Section 327 of the Local Government Act 1993, authority is hereby delegated to the Director, Development and Regulatory Services to exercise and perform those powers, duties and functions in line with the authority and limitations of that position. These include approval and refusal of Development Applications as per Section 10 of Hunter's Hill Council Delegations of Authority.

REPORT

Development Application No.	DA2023/0084	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	John Ishak	Value	\$88,760
Premises	3 Futuna Street, Hunters Hill	Landscaped Area	60%
Classification (BCA)	10a, 10b	Date lodged	30.06.23
Assessing Officer	Shahram Zadgan	Determination Date	29.08.23
Proposal	Construction of new swimming pool, associated landscaping and fencing		
Determination	Refusal		

Type of Report	Delegated Authority	Inspection Date	06/06/2023
Development Application No.	DA2023/0018	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes

Applicant	Jeremy Bryden	Value	\$1,069,679
Premises	3a Woolwich Rd, Hunters Hill	Landscaped Area	55.8%
Classification (BCA)	1a	Date Lodged	22/02/2023
Assessing Officer	Rean Lourens	Determination Date	31/08/2023
Proposal	Demolition of existing single storey dwelling and construction of new two storey rear wing addition in location of existing rear wing and upper terraced garden. New decking, a spa and driveway.		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2023/0090	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Joe Vescio	Value	\$8000
Premises	7/2 Mount Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	07.07.23
Assessing Officer	Shahram Zadgan	Determination Date	30.08.23
Proposal	Alterations to existing fenestration including removal of a masonry pier		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2023/0079	Zone	B4
Construction Certificate No.	N/A	Notification	Yes
Applicant	Ms U C Sinnis & Mr A Kopsias & Mrs T Kopsias-Sinnis	Value	\$3000
Premises	Level 1, 245 Victoria Road, Gladesville	Landscaped Area	N/A
Classification (BCA)	9b	Date lodged	27.07.23
Assessing Officer	Shahram Zadgan	Determination Date	22.08.23
Proposal	New trading hours for existing tenancy: 2pm - 1am Monday to Sunday		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2023/0073	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Kerrie Dedes	Value	\$85,000
Premises	61 Woolwich Road, Hunters Hill	Landscaped Area	52%
Classification (BCA)	1a	Date lodged	20.06.23

Assessing Officer	Shahram Zadgan	Determination Date	11.09.23
Proposal	Alterations and additions at rear of existing single storey detached dwelling		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	06/06/2023
Development Application No.	DA2022/0175	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	SKL Planning	Value	\$325,840
Premises	6 Paul Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a	Date Lodged	28/09/2022
Assessing Officer	Rean Lourens	Determination Date	11/09/2023
Proposal	Ground floor alterations and first floor additions to an existing dwelling		
Determination	Approval		

Assessing Officer	Michael Brewer	Development Application No.	DA20230039
Date lodged	27/3/2023	Inspection Date	3/5/2023
Applicant	Damian O'Toole	Value	\$776,050.00
Zone	R2 Low Density Residential	Notification	Yes – 3 submissions
Address	4 Paul Street, Hunters Hill	Date of Determination	11/09/2023
Classification (BCA)	1A	Landscaped Area	36.8%
Conservation Area	Yes	Listed Heritage item	No
River Front Area	No	Vicinity of Heritage Item	Yes
Foreshore Building Line	No	Contributory Building	Yes
Proposal	Demolition of an existing dwelling and construction of a new dwelling		
Recommendation	Refusal		

Type of Report	Delegate Authority	Zone	R2
Development Application No.	2023/0081	Notification	YES
Construction Certificate No.	N/A	Value	\$144,980.00
Applicant	Roxane Shelhot	Landscaped Area	50.8 %
Premises	14, Reiby Road, Hunters Hill	Date lodged	22/06/2023
Assessing Officer	Innthujan Selvaratnarajah	Determination Date	18/09/2023

Proposal	Alterations and Additions to the existing dwelling including a single storey laundry addition and landscape works to the front garden.
Determination	Approval

Development Application No.	DA2021/1091/2	Zone	SP2 – Educational Facility
Construction Certificate No.	N/A	Notification	Yes
Applicant	Willowtree Planning	Value	N/A
Premises	St Joseph's College 9 Mary Street, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	9b	Date lodged	28 April 2023
Assessing Officer	Rean Lourens	Determination Date	18/09/2023
Proposal	S4.55(1A) - Modifications to school hall		
Determination	Approval		

Development Application No.	DA1999/1076/1	Zone	MU1
Construction Certificate No.	N/A	Notification	Yes
Applicant	Tony Moody	Value	N/A
Premises	Shop 2 / 1-7 Flagstaff Street, Gladesville	Landscaped Area	N/A
Classification (BCA)	6	Date lodged	16/05/2023
Assessing Officer	Rean Lourens	Determination Date	19/09/2023
Proposal	Change of Use – Shop to shop (Bottle shop) and modification of existing trading hours		
Determination	Approval		

Development Application No.	DA1999/1036/1	Zone	MU1
Construction Certificate No.	N/A	Notification	Yes
Applicant	Tony Moody	Value	N/A
Premises	Shop 1 / 1-7 Flagstaff Street, Gladesville	Landscaped Area	N/A
Classification (BCA)	6	Date lodged	16/05/2023
Assessing Officer	Rean Lourens	Determination Date	19/09/2023
Proposal	Change of Use – Shop to shop (Bottle shop) and modification of existing trading hours		
Determination	Approval		

Type of Report	Development Application	Inspection Date	N/A
Development Application No.	DA2022/0008-1	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Catherine Finlay	Value	N/A
Premises	2/6 Pains Road, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	17.08.23
Assessing Officer	Shahram Zadgan	Determination Date	13.09.23
Proposal	Alterations and additions to residential development - s4.55 Modification - change to roof pitch and windows		
Determination	Approval		

Type of Report	Delegated Authority	Inspection Date	N/A
Development Application No.	DA2023/1243-1	Zone	R2
Construction Certificate No.	N/A	Notification	Yes
Applicant	Kinda Grange	Value	N/A
Premises	8 Euthella Avenue, Hunters Hill	Landscaped Area	N/A
Classification (BCA)	1a	Date lodged	08.08.23
Assessing Officer	Shahram Zadgan	Determination Date	20.09.23
Proposal	Alterations and additions including internal modifications, living room and bedroom extensions and replacement of fascia - s4.55 Modifications - revised internal layout, changes to windows and cladding		
Determination	Approval		

Development Application No.	DA2022/0174	Zone	R2 Low Density Residential
Construction Certificate No.	N/A	Notification	Yes
Applicant	Michael Malherbe	Value	\$982,300
Premises	2 Collingwood Street, Woolwich	Landscaped Area	51%
Classification (BCA)	1a Dwelling 10a Carport 10b Swimming Pool	Date lodged	29.09.22
Assessing Officer	Michelle Penna	Determination Date	14.09.23
Proposal	Alterations and additions to the existing dwelling including rebuilding of the swimming pool and bedroom wing		
Determination	Refusal		

Assessing Officer	Michael Brewer	Development Application No.	DA20220173
Address	1 Huntleys Point Road, Huntleys Point		
Date lodged	10.10.2022	Inspection Date	29/11/2022
Applicant	Eduardo Villa	Value	\$1,150,000.00
Zone	R2 Low Density Residential	Notification	Yes – NIL submissions
Classification (BCA)	1A	Landscaped Area	50.1%
Conservation Area	No	Listed Heritage item	No
River Front Area	No	Vicinity of Heritage Item	No
Foreshore Building Line	Yes	Contributory Building	No
Proposal:	Demolition of an existing dwelling and construction of a new 2 storey dwelling and swimming pool		
Recommendation:	Approval	Date of Approval:	26/09/2023

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.9
SUBJECT	: DEVELOPMENT APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL UNIT IN SEPTEMBER 2023
STRATEGIC OUTCOME	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
ACTION	: ALL BUILDING WORK COMPLIES WITH COUNCIL REGULATIONS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:663530

PURPOSE

This report provides the outcome of determinations of Development Applications referred to the Development Control Unit (DCU) in September 2023.

The role of the Development Control Unit is to determine any development application that receives two (2) or more objections (where that development application is not referred to the Local Planning Panel or other consent authority).

All reports presented to the DCU as shown below are available on the Council's website <http://www.huntershill.nsw.gov.au/dcu>.

RECOMMENDATION

1. That the report be received and noted.

REPORT OF MEETING HELD 8 SEPTTEMBER 2023

DEVELOPMENT APPLICATION NO	: 2022-0142
PROPOSAL	: Alterations and additions to an existing dwelling
PROPERTY	: 9 Crescent Street, Hunters Hill
APPLICANT	: Mark Armstrong, ARC Architects
OWNER	: Sue Tattersall
DATE LODGED	: 31 August 2022
REPORTING OFFICER	: Michael Brewer

DETERMINATION

RESOLVED on the MOTION of Mr Kourepis, seconded Mr Medhizadgan

That Development Application No. 20220142 for alterations and additions to the existing dwelling at 9 Crescent Street, Hunters Hill be approved, subject to the following conditions:

Standard Conditions

GEN1

GEN3:

Drawing Number and Revision	Date	Drawn By	Title
DA00, Revision B	15.12.2022	Weir Phillips Architects	Cover Page
DA01, Revision B	15.12.2022	Weir Phillips Architects	Proposed Site Plan and Site Analysis
DA02, Revision B	15.12.2022	Weir Phillips Architects	Proposed Ground Floor Plan
DA03, Revision B	15.12.2022	Weir Phillips Architects	Proposed First Floor Plan
DA04, Revision B	15.12.2022	Weir Phillips Architects	Proposed Lower Ground Floor Plan
DA05, Revision B	15.12.2022	Weir Phillips Architects	Proposed Roof Plan
DA06, Revision B	15.12.2022	Weir Phillips Architects	Presentation North Elevation
DA07, Revision B	15.12.2022	Weir Phillips Architects	Presentation East Elevation
DA08, Revision B	15.12.2022	Weir Phillips Architects	Presentation South Elevation
DA09, Revision B	15.12.2022	Weir Phillips Architects	Presentation West Elevation
DA10, Revision B	15.12.2022	Weir Phillips Architects	Proposed Northern Elevation
DA11, Revision B	15.12.2022	Weir Phillips Architects	Proposed Eastern Elevation
DA12, Revision B	15.12.2022	Weir Phillips Architects	Proposed Southern Elevation
DA13, Revision B	15.12.2022	Weir Phillips Architects	Proposed Western Elevation
DA14, Revision B	15.12.2022	Weir Phillips Architects	Proposed Section AA
DA15, Revision B	15.12.2022	Weir Phillips Architects	External Materials and Finishes
DA16, Revision B	15.12.2022	Weir Phillips Architects	Shadow Diagrams
DA17, Revision B	15.12.2022	Weir Phillips Architects	Area Calculations
Cover Sheet	19.7.2022	Wyer & Co	Cover Sheet
DA-01	19.7.2022	Wyer & Co	Development Application Site Plan

DA-02	19.7.2022	Wyer & Co	Development Application Site Analysis Plan
DA-03	19.7.2022	Wyer & Co	Development Application Landscape Calculation Plan
DA-04	19.7.2022	Wyer & Co	Development Application Landscape Plan

Document	Prepared By	Dated
Statement of Environmental Effects	PCN Urban	16 December 2022
Heritage Impact Statement	Weir Phillips Architects	July 2022

GEN 5, 6, 7, 14 – to each side of the upper level balcony.

GEN 20, 21, 23

PCC0

PCC1 (\$2,405.15).

PCC3 (\$5,000)

PCC5 (\$9,620.60)

PCC11

PCC12 – A466856

PCC13, 15, 20, 21, 32, 41, 42, 47, 57, 72, 74, 75, 76

Special Conditions:

The existing stone wall located along the front property boundary and adjacent to the garage is to be protected from damage during construction. Details of the method of protection of the wall are to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Photographs of the wall are to be submitted to Council prior to the commencement of any building work.

The colour of the horizontal timber battens below the deck on the front façade are to be painted Dulux “Traditional Beige 37525” with details demonstrated on the plans to be submitted with the Construction Certificate Application.

PCW0, 1, 2, 3, 4, 5, 6, 7, 8, 16, 18

CSIO, 2, 3

DEM0, 1,3,4,5,6,7,8,9,10, 11, 12, 14,15, 16

CON0,1,2,3,4,5,7,8,9,11,13,14,16,17,19,20,21,23, 34,35,37, 51, 52, 53, 55, 58, 59, 70, 71

POC0,1,2,3 - A466856

POC4,

POC7 Landscape Plans (prepared by Wyer & Co, dwg no DA_01 - 04, dated 19.07.2022)

POC13,14,16,17,20,22,23,24,25

POC75 Landscaping prior to Final Occupation Certificate

The following Special Conditions apply:

PCW Weed Removal

The rear upper garden level of the site contains woody and herbaceous weed species that will be required to be removed prior to commencement of the development with additional maintenance to reduce further infestation. Particular care must be taken during site development not to damage existing natural vegetation. No machinery or materials storage should be taken into this area of the site with all weed removal undertaken by hand. Ongoing weed management should be undertaken in accordance with best practice weed removal guidelines.

DEVELOPMENT APPLICATION NO	:	2022-0134
PROPOSAL	:	Alterations and additions to the existing garage structure, external entry canopy and boundary wall
PROPERTY	:	6 Sea Street, Hunters Hill
APPLICANT	:	Avedis Kalloghlian
OWNER	:	Mr A Kalloghlian
DATE LODGED	:	10 August 2022
REPORTING OFFICER	:	Michelle Penna

DETERMINATION

RESOLVED on the MOTION of Mr Kourepis, seconded Mr Medhizadgan

That Development Application 2022/0134 for the alterations and additions to the existing garage structure, external entry canopy and boundary wall at No.6 Sea Street, Hunters Hill, be approved subject to the following conditions:

GEN0, GEN1, GEN3,

Drawing Number	Version	Drawn By	Dated
Title Page, DA100	1	PopovBass	25.07.22
Site & Site Analysis Plan, DA101	1	PopovBass	25.07.22
Ground Floor and Level 01 Plan, DA102	1	PopovBass	25.07.22
Roof Plan, DA103	1	PopovBass	25.07.22
Elevations, DA104	1	PopovBass	25.07.22

Sections and Finishes, DA105	1	PopovBass	25.07.22
Shadow Diagrams, DA106	1	PopovBass	25.07.22
Landscape Diagram, DA107	1	PopovBass	25.07.22

GEN5, GEN6, GEN7, GEN20, GEN21, GEN51,

GEN FREEFORM:

The proposed boundary wall on the western side boundary is not approved as part of this development consent.

PCC0, PCC1(\$238), PCC3(\$2500), PCC11, PCC12, PCC13, PCC15, PCC20, PCC21, PCC32, PCC40, PCC43, PCC46, PCC76

PCC FREEFORM:

Amended Plans

The plans (prepared by Popov Bass, dwg no 0598-DA101 - 106, dated 25 July 2022) must be amended as follows to provide an appropriate landscaped setting:

- (a) One (1) *Elaeocarpus reticulatus* (Blueberry Ash) or *Magnolia* 'Little Gem' or *Magnolia* 'Kay Parris' within the front garden bed (western corner of the site). The small tree should be supplied and planted as a 45L specimen.

An amended plan complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the amended plan and other plans and specifications submitted fully satisfy the requirements of this condition.

PCW0, PCW1, PCW2, PCW3, PCW4, PCW5, PCW6, CSI0, CSI1, CSI2, CSI3, CSI7, CON0, CON1, CON2, CON3, CON4, CON5, CON7, CON18, CON20, CON21, CON40, CON51, CON52, CON53, CON54, CON55, CON59, CON67, POC0, POC1, POC2, POC6(0.5:1), POC17, POC22, POC23, POC24, POC25, POC60, POC75, POC76

DEVELOPMENT APPLICATION NO	:	2023-0001
PROPOSAL	:	Demolition of the existing buildings and construction of a new attached dual occupancy with associated swimming pools, landscaping and Torrens Title subdivision
PROPERTY	:	22 Martin Street, Hunters Hill
APPLICANT	:	Shailesh Kotecha
OWNER	:	V S & S A Kotecha
DATE LODGED	:	12 January 2023
REPORTING OFFICER	:	Rean Lourens

RECOMMENDATION

In accordance with the HHDCP 2013, the development application DA2023/0001 for the demolition of an existing dwelling and construction of a new dual occupancy dwelling at 22 Martin Street, Hunters Hill, be approved subject to the following conditions:

CONDITIONS OF CONSENT

GEN0 GEN1 GEN3

Drawing Number	Drawn By	Plan Dated
Proposed Roof Plan, Proj 2208, DA02	Dalgliesh Ward Architects	04/07/2023
Proposed First Floor Plan, Proj 2208, DA03	Dalgliesh Ward Architects	04/07/2023
Proposed Ground Floor Plan, Proj 2208, DA04	Dalgliesh Ward Architects	04/07/2023
Proposed Lower Ground Floor Plan, Proj 2208, DA05	Dalgliesh Ward Architects	04/07/2023
Proposed Section AA, Proj 2208, DA06	Dalgliesh Ward Architects	04/07/2023
Proposed NE and SW Elevations, Proj 2208, DA07	Dalgliesh Ward Architects	04/07/2023
Proposed NW and SE Elevations, Proj 2208, DA08	Dalgliesh Ward Architects	04/07/2023
Proposed Torrens Title Subdivision Plan, Proj 2208, DA11	Dalgliesh Ward Architects	04/07/2023
Landscape Site Plan, Job Ref 22/2475, DA 1 of 2, Rev C	Paul Scrivener Landscape	28/04/2023
Landscape Site Plan, Job Ref 22/2475, DA 2 of 2, Rev C	Paul Scrivener Landscape	28/04/2023

GEN5, GEN6, GEN7, GEN20, GEN21, GEN24, GEN(SP)

The entire site is only to be used as a dual occupancy site and must not be used or adapted to be used as any more than two dwellings at any time. Development consent will be required for the further intensification of the residential uses approved under this consent.

**PCC0, PCC1(\$6,736), PCC3(\$3,000), PCC5(\$26,946), PCC11, PCC12(1358342M), PCC13, PCC15, PCC16, PCC17, PCC18, PCC20, PCC21, PCC40, PCC41, PCC54(1 Bonnefin Road) (24 Martin Street), PCC58, PCC65, PCC67, PCC71 ((Martin St and Bonnefin Rd, 3.6m each) PCC73, PCC76
PCC(SP)**

A Site Management Plan (SMP) must be prepared to ensure the protection of the Aboriginal site located within the current allotment. The SMP must include all recommendations contained in the Aboriginal Heritage Impact Assessment (prepared by Unearthed Archaeology & Heritage, Version C.2021.1041 dated 25/11/2022).

PCW0, PCW1, PCW2, PCW3, PCW4, PCW5, PCW6, PCW14

PCW (SP)

a)

Tree No/ Location	Species	TPZ (m)
Tree 1	<i>Lophostemon confertus</i> (Brush Box)	In accordance with Arboricultural Impact Assessment (Report) (prepared by Advanced Treescape Consulting, dated 24.11.2022)
Tree 7	<i>J. mimosifolia</i> (Jacaranda)	As above
Tree 8	<i>C. macrocarpa</i> (Monterey Cypress)	As above
Tree 9	<i>M. bracteata</i> 'Gold' (Melaleuca Revolution Gold)	As above
Tree 10	<i>Juniperus sp.</i> (Juniper)	As above
Tree 11	<i>E. pilularis</i> (Blackbutt)	As above
Tree 13	<i>C. macrocarpa</i> (Monterey Cypress)	As above
Tree 14	<i>J. mimosifolia</i> (Jacaranda)	

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (Report) (prepared by Advanced Treescape Consulting, dated 21.04.2023)

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

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

PCW (SP)

- (a) The site shall be cleared of woody and herbaceous weed species prior to commencement of the development with additional maintenance to reduce further infestation. The weed removal program shall be undertaken by an experienced and qualified Bushland Contractor. Particular care shall be taken during site development not to damage existing trees and natural vegetation. No machinery or materials storage shall be taken into this area of the site with all weed removal undertaken by hand. Ongoing weed management shall be undertaken in accordance with best practice bush regeneration guidelines.

PCW (SP)

The Site Management Plan (SMP), prepared to ensure the protection of the Aboriginal site located within the current allotment, must be implemented during the undertaking of any works on site.

DEM0, DEM1, DEM3, DEM5, DEM6, DEM7, DEM8, DEM9, DEM11, DEM12, DEM13

CON0, CON1, CON2, CON3, CON4, CON5, CON8, CON9, CON11, CON13, CON17, CON18, CON27, CON28, CON41, CON42, CON43, CON44, CON45, CON 47

CON50

Tree No/ Species	Location	Comments
Tree 2 <i>C. japonica</i> (Japanese Cedar)	Front of site	
Tree 3 <i>C. obtusa</i> 'Crippsii' (Golden Hinoki Cypress)	Front of site	
Tree 4 <i>C. obtusa</i> 'Crippsii' (Golden Hinoki Cypress)	Front of site	
Tree 5 <i>F. obliqua</i> (Small-leaved Fig)	Front of site	
Tree 6 <i>J. mimosifolia</i> (Jacaranda)	Rear of site	
Tree 12 <i>F. griffithii</i> (Himalayan Ash)	Rear of site	

CON51, CON52, CON53, CON54, CON55, CON56, CON57, CON58, CON59, CON60, CON61, CON67

POC0, POC1, POC2, POC4, POC7 (Landscape Plan (prepared by Paul Scrivener Landscape, dwg no Sheet 1 - 2, dated 28.04.2023), **POC8, POC10** (Arboricultural Impact Assessment (Report) (prepared by Advanced Treescape Consulting, dated 21.04.2023)), **POC14, POC16, POC17, POC24, POC25, POC60, POC61, POC62, POC75**

POC70

Stormwater	ALW Design	Stormwater Management Plan, issue C, dated 09/06/23	Sheet 1
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PSC0, PSC2, PSC4, PSC5

The decision was deferred until a site inspection could be conducted by the committee. This would be to gauge the configuration regarding the extra occupancy possibility and the loss of views impact.

On-site meeting at 22 Martin Street, Hunters Hill was set for Tuesday, 19 September 2023 at 2pm.

On-site meeting at 1 and 1a Bonnefin Road Hunters Hill from 2.30pm.

ACTION - Andrew Martin to put marked stakes for a visual of where the property would extend to, for purposes of assessing the impact on the iconic views.

SITE VISIT 19.09.2023

Attended by Shahram Mehdizadgan, Innthujan Selvaratnarajah and Sarah Jenkins.

Andrew Martin and Geoff Dalglish were on site at 22 Martin Street. Height poles had been erected.

Summary of visit to 1 Bonnefin Road, Hunters Hill:

- Viewed potential impact of proposal from the study, kitchen side door and the verandah (which affected the city skyline view).
- The verandah constitutes the precious “little private outdoor space” of this property and views are valued highly.
- It was noted that the proposal includes 14 windows on the side wall. Other house in the locality have up to 5 windows on the side walls.
- The average rear setback calculation is misleading.

Summary of visit to 1A Bonnefin Road, Hunters Hill:

- Concerned with the removal of tree 12 and the impact on privacy. This will also open up views to 24 Martin Street.
- Proposal will appear as 3 storeys from the river (NE elevation).
- Concern with the use of the word “kitchenette” in development description in DCU report. Can it be used as a separate dwelling in addition to the dual occupancy? Why are they detached?
- The Andrew Martin report also refers to the kitchenette. They have their own separate entry and exit.

DETERMINATION

RESOLVED on the MOTION of Mr Kourepis, seconded Mr Medhizadgan

The Development Control Unit considered all feedback and concerns. Applying sound planning principles – Tenacity - and considering that cross-views were lesser of significance therefore the Control Unit resolved to approve the development application in accordance with the recommendation in the report.

Accordingly, the development application DA2023/0001 for the demolition of an existing dwelling and construction of a new dual occupancy dwelling at 22 Martin Street, Hunters Hill, be approved subject to the conditions listed above in the recommendation.

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.10
SUBJECT	: REPORT OF LEGAL MATTERS - SEPTEMBER 2023
STRATEGIC OUTCOME	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
ACTION	: ALL BUILDING WORK COMPLIES WITH COUNCIL REGULATIONS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:659993

PURPOSE

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

RECOMMENDATION

1. That the report be received and noted.

REPORT

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

ATTACHMENTS

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

Hunters Hill Council
Confidential Status Report
September 2023



CURRENT/PENDING MATTERS							
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST	Disbs billed to date excluding GST
1161243	HHC ats Con & Mary Kakakios - Class 1 - LEC 2022/00382176 - 26 Farnell Street, Hunters Hill	Philip Brown	Class 1 Application – Council's deemed refusal for construction of Child Care facility for 39 children with basement parking and hours of 7am-6pm Monday-Friday.	3/01/2023	Site inspection took place on 19 January 2023 SOFAC filed Conciliation Conference listed for 15 June 2023 Conciliation terminated Matter listed for second directions on 22 June 2023 Listed for hearing on 13 and 14 December 2023 Joint expert reports due 16 November 2023 Awaiting notice of motion from the Applicant Catriona Mackenzie, Ken Hollyoak, Andrew Martin and Stephen Gauld briefed. Applicant has provided without prejudice material - Council has provided without prejudice feedback.	\$22,996.00	\$19,814.91
1181602	HHC ats Georgette Issa - Class 1 - LEC 2023/162894 - 43A Wybalena Road, Hunters Hill	Philip Brown	Class 1 Application	25/05/2023	Alterations and additions to dwelling house waterfront in Hunters Hill (fence, stairs, and entry way). Listed for s 34AA conciliation conference and hearing on 30 and 31 October 2023 Joint expert reports due 2 October 2023 Mark Adamson briefed as Town Planning expert Parties seeking to have without prejudice meeting/ planners have engaged in discussions.	\$4,581.00	\$0.00

Hunters Hill Council
Confidential Status Report
September 2023

CURRENT/PENDING MATTERS							
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST	Disbs billed to date excluding GST
1177588	HHC v Paul John Mahony - Class 1 LEC 2023/126243 - 8 Dick Street, Henley	Philip Brown	Class 1 deemed refusal appeal for alterations and additions to heritage item, described as follows: <i>Alts & Adds forming a Lift from the existing Garage via a tunnel, a new Kitchen / Family / Dining area with Pantry, a Library, a new Laundry, and Bathroom & staircase to new First floor. A new Covered Entertaining area to rear. Alterations to front Verandah. Addition of a First Floor forming a Master Suite with Ensuite and Walk in robe, two other Bedrooms, Bathroom and a Sitting room and a Balcony. Addition of a swim spa and patio and open Pergola to rear of site.</i>		Matter set down for s 34AA conciliation conference/hearing on 19 - 20 October 2023. No objectors. Experts briefed: Brian McDonald (heritage) Mark Adamson (planning) and David England (engineering). Without prejudice meeting occurred on 5 September 2023 with heritage expert. Applicant is to provide amended plans addressing heritage and planning concerns. Joint expert report for heritage filed 12 September 2023.	\$7,160.50	\$3,376.50
1187294	HHC ats Sarah Fritsch - Class 1 Application LEC 2023/00205963 - 21 Glenview Crescent, Hunters Hill NSW 2210	Philip Brown		5/07/2023	SOFAC filed Briefed Mark Adamson (Town Planning), David England (Engineering), Lisa Trueman (Heritage), and Catriona Mackenzie (Arboriculture). Mediation occurred on 31 August 2023. Applicant will be providing amended plans addressing contentions raised in mediation. Joint expert reports due 8 December 2023 S34AA listed on 8 and 9 February 2024	\$22,317.00	\$13,677.83

Hunters Hill Council
Confidential Status Report
September 2023

CURRENT/PENDING MATTERS							
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST	Disbs billed to date excluding GST
1195551	HHC ats Tahany Pty Ltd - Class 1 - Order Appeal - 10 Mary Street Hunters Hill NSW 2110 - Lot 21 DP/13260	Philip Brown		06/09/2023	Matters listed for first directions hearing on 26 September 2023. Applicant intends to lodge DA and BIC which may potentially resolve proceedings.	\$0.00	\$0.00

- 3 -

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Hunters Hill Council
Confidential Status Report
September 2023

CURRENT/PENDING MATTERS						
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST
226474	HHC ats Nathan Ashley and Fiona Marr – Class 1 – LEC 2023/00261923 –9 Alexandra Street, Hunters Hill	Samantha Frost	Class 1 Application – Deemed refusal of development application number DA20230005 for the construction of a first floor addition over the existing garage and its use as a secondary dwelling.	17/08/2023	S 34AA Conciliation Conference and Hearing fixed for 30 and 31 January 2024. Council's SOFAC filed on 18 September 2023. Registrar Directions Hearing fixed for 29 September 2023.	Current WIP 3,304.00 Fees Billed \$0.00 Disbursements Billed \$0.00 GST Billed \$0.00 Total Billed \$0.00

Hunters Hill Council
Confidential Status Report
September 2023

CURRENT/PENDING MATTERS						
Our Ref	Matter Name	Acting Solicitor	Additional matter type details where relevant	Date File Opened	Description/Further investigation being conducted/Status/Forecast	Fees billed to date excluding GST
449040	HHC ats Urban Revolutions Pty Ltd – Class 1 – LEC 2023/00224958 – 34 Figtree Road, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application – Deemed refusal of development application number 20230069 for the demolition of existing buildings, construction of a double storey dwelling, swimming pool and related landscaping.	14/07/2023	These proceedings are currently listed for conciliation conference and hearing 21 and 22 December 2023.	\$4,654.00 \$1,050.00(experts fee)
449647	HHC ats Gurr – Class 1 – LEC 2023/00274950 – 9 Viret Street, Hunters Hill	Adam Seton/Alicia Foley	Class 1 Application – Refusal of Development Application No. DA2020/0245 for construction of swimming pool and associated landscaping.	7/9/2023	These proceedings are currently listed for conciliation conference and hearing on 7 and 8 March 2024.	\$00.00

ITEM NO	: 4.11
SUBJECT	: SUMMARY OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2023
STRATEGIC OUTCOME	: COUNCIL IS FINANCIALLY SUSTAINABLE
ACTION	: PROVIDE TIMELY FINANCIAL INFORMATION, ADVICE AND REPORTS TO COUNCIL, THE COMMUNITY AND STAFF INCLUDING THE LONG TERM FINANCIAL PLAN
REPORTING OFFICER	: MARIA KENNY

Ref:665513

PURPOSE

The purpose of this report is to provide a summary of the performance of Council's investments as at 30 September 2023.

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

RECOMMENDATION

1. That the report be received and noted.

REPORT

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

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

Table 1 lists the terms and rate of return of all of Council's investments including the interest earned for Term Deposits held to maturity.

Council's investment portfolio posted a marked-to-market return of 3.22%pa (0.26% actual) versus the bank bill index benchmark return of 4.18%pa. For the past 12 months, the investment portfolio has returned 3.93% versus the benchmark's 3.56%.

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

TABLE 1 - SUMMARY OF COUNCIL'S INVESTMENTS AS AT 30 SEPTEMBER 2023

Institution	Reference	Rating	Principal	Lodged	Matures	Rate	Interest earned at maturity
AMP	Term Deposit	BBB	\$500,000.00	18-Oct-22	18-Oct-23	4.65%	\$23,250.00
AMP	Term Deposit	BBB	\$1,000,000.00	1-Nov-22	1-Nov-23	4.80%	\$48,000.00
CBA	Term Deposit	AA-	\$1,000,000.00	4-Nov-22	2-Nov-23	4.52%	\$44,952.33
AMP	Term Deposit	BBB	\$500,000.00	16-Nov-22	16-Nov-23	4.70%	\$23,500.00
CBA	Term Deposit	AA-	\$2,000,000.00	29-Nov-22	29-Nov-23	4.34%	\$86,800.00
CBA	Term Deposit	AA-	\$1,000,000.00	27-Feb-23	27-Feb-24	5.06%	\$50,600.00
AMP	Term Deposit	BBB	\$500,000.00	21-Mar-23	21-Mar-24	4.80%	\$24,065.75
NAB	Term Deposit	AA-	\$500,000.00	30-Mar-23	3-Apr-24	4.45%	\$22,554.79
NAB	Term Deposit	AA-	\$2,375,000.00	1-May-23	1-May-24	4.58%	\$109,073.01
NAB	Term Deposit	AA-	\$1,000,000.00	31-May-23	28-May-24	4.99%	\$49,626.58
BOQ	Term Deposit	BBB+	\$500,000.00	22-Jun-23	25-Jun-24	5.59%	\$28,256.30
AMP	Term Deposit	BBB	\$1,000,000.00	27-Jun-23	26-Jun-24	5.70%	\$57,000.00
AMP	Term Deposit	BBB	\$518,986.30	3-Aug-23	28-Jun-24	5.45%	\$25,572.52
AMP	Term Deposit	BBB	\$518,986.30	3-Aug-23	28-Jun-24	5.45%	\$25,572.52
NAB	Term Deposit	AA-	\$1,000,000.00	4-Jul-23	3-Jul-24	5.56%	\$55,600.00
BOQ	Term Deposit	BBB+	\$1,000,000.00	4-Jul-23	3-Jul-24	5.62%	\$56,200.00
NAB	Term Deposit	AA-	\$1,000,000.00	25-Jul-23	24-Jul-24	5.51%	\$55,100.00
NAB	Term Deposit	AA-	\$500,000.00	9-Aug-23	8-Aug-24	5.25%	\$26,178.28
AMP	Term Deposit	BBB	\$526,676.71	11-Aug-23	12-Aug-24	5.35%	\$26,676.71
NAB	Term Deposit	AA-	\$1,000,000.00	10-Aug-23	13-Aug-24	5.25%	\$53,075.34
CBA	Term Deposit	AA-	\$2,500,000.00	29-Aug-23	27-Aug-24	5.41%	\$134,879.45
NAB	Term Deposit	AA-	\$1,000,000.00	1-Sep-23	5-Mar-24	5.15%	\$26,243.84
NAB	Term Deposit	AA-	\$1,000,000.00	12-Sep-23	12-Sep-24	5.25%	\$52,500.00
Macquarie	At call	A+	\$2,808,474.45			4.22%	
CBA	Fixed Rate Bond	AA-	\$1,000,000.00	18-Aug-22	18-Aug-25	4.20%	
CBA	Floating Rate Note	AA-	\$500,000.00	13-Jan-23	13-Jan-28	5.44%	
Institution	Reference	Lodged		Month-end	Balance at month-end	Month return	
TCorp	Medium Term Growth Fund	2-Jun-21	\$1,500,000.00	June-2021	\$1,515,096.51	1.01%	
				July-2021	\$1,538,434.43	1.54%	
		9-Aug-21		August-2021	\$2,052,149.68	0.79%	
				12mths to Sept 22	\$2,026,923.72	-0.73%	
				October-2022	\$1,914,569.49	2.10%	
				November-2022	\$1,946,107.90	1.65%	
				December-2022	\$1,913,711.58	-1.66%	
				January-2023	\$1,962,878.00	2.57%	
				February-2023	\$1,947,599.03	-0.78%	
				March-2023	\$1,974,643.63	1.39%	
				April-2023	\$1,991,536.29	0.86%	
				May-2023	\$1,986,082.43	-0.27%	
				June-2023	\$1,989,086.14	0.15%	
				July-2023	\$2,007,714.38	0.94%	
				August-2023	\$2,014,123.65	0.32%	
Closing Balance	September-2023	\$1,988,672.64	-1.26%				
			\$28,736,796.40				
CBA	General		\$844,684.59	30.09.2023 Bank Account Balance			
Total			\$29,581,480.99				

Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2023	3.22%	4.18%	-0.96%
Last 3 months	4.27%	4.35%	-0.08%
Last 6 months	3.98%	4.01%	-0.03%
Financial Year to Date	4.27%	4.35%	-0.08%
Last 12 months	3.93%	3.56%	0.37%

Below is a summary of the total portfolio by credit exposure, maturity terms and investment holdings as at 30 September 2023:

TABLE 2 – PORTFOLIO TOTAL BY CREDIT EXPOSURE

Credit Rating Group	Face Value (\$)		Policy Max	
AA	18,219,685	62%	100%	✓
A	2,808,474	9%	60%	✓
BBB	6,564,649	22%	30%	✓
TCm	1,988,673	7%	10%	✓
	29,581,481			

TABLE 3 – PORTFOLIO TOTAL BY MATURITY TERMS

	Face Value (\$)		Policy Max	
Between 0 and 1 years	28,081,481	95%	100%	✓
Between 1 and 3 years	1,000,000	3%	60%	✓
Between 3 and 10 years	500,000	2%	40%	✓
	29,581,481			

TABLE 4 – PORTFOLIO TOTAL BY INVESTMENT HOLDINGS

	Face Value (\$)	Current Value (\$)
Bonds	1,000,000	986,558
Cash	3,653,159	3,653,159
Floating Rate Note	500,000	505,295
Managed Funds	1,988,673	1,988,673
Term Deposit	22,439,649	22,439,649
	29,581,481	29,573,334

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

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

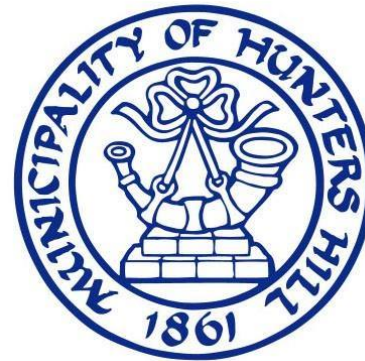
Internal restrictions refer to cash assets defined by Council to cover commitments that are expected to arise in the future, and where it is prudent to hold cash in restrictions to cover these obligations.

Table 5 - EXTERNAL & INTERNAL RESTRICTIONS

	Actual as at 31 August 2023	Actual as at 30 September 2023
Developer contributions - S7.12	\$1,929,513.79	\$1,984,928.56
Other developer contribution	\$138,000.61	\$138,000.61
Specific purpose unexpended grants	\$4,782,662.48	\$3,844,231.48
Domestic waste management	\$1,023,411.40	\$1,023,411.40
Other special levies	\$1,572,049.13	\$1,569,300.13
Total External Restrictions	\$9,445,637.41	\$8,559,872.18
Internal Restrictions		
Plant and vehicle replacement	\$426,420.68	\$426,420.68
Employee leave entitlements	\$757,435.09	\$777,393.29
Deposits, retentions and bonds	\$3,520,957.06	\$3,581,999.58
Construction of building	\$195,122.00	\$195,122.00
Office equipment & furniture	\$343,056.43	\$343,056.43
Elections	\$278,582.73	\$278,582.73
Insurance reserve	\$237,859.78	\$237,859.78
Open Space	\$5,511.00	\$5,511.00
Traffic & Transport	\$102,400.00	\$102,400.00
Property strategy	\$49,473.76	\$43,122.76
Sustainability Reserve	\$196,500.48	\$196,500.48
Asset Re-purposing	\$6,665,100.84	\$6,665,100.84
Safety & welfare expenses OH&S Incentive	\$34,034.92	\$34,034.92
Other	\$20,000.00	\$20,000.00
Community Initiatives & Minor Capital Works	\$20,000.00	\$20,000.00
Stormwater & marine maintenance reserve	\$50,000.00	\$11,300.00
Community building maintenance reserve	\$50,000.00	\$50,000.00
Council work depot - Lane Cove	\$90,000.00	\$0.00
Boronia Park Sporting & Community Facility Fundraising	\$965,000.00	\$965,000.00
Boronia Park Sporting & Community Facility - Council Contribution	\$1,734,488.40	\$1,734,488.40
Total Internal Restrictions	\$16,206,499.17	\$16,152,448.89
Total Restrictions	\$25,652,136.58	\$24,712,321.07

ATTACHMENTS

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



Investment Summary Report
September 2023



Hunters Hill Council

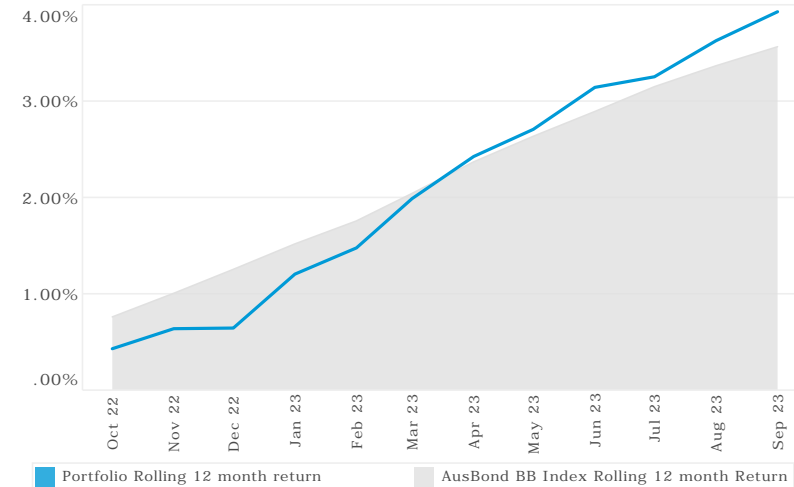
Executive Summary - September 2023



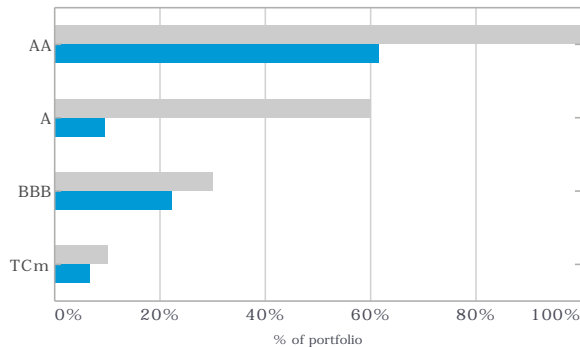
Investment Holdings

	Face Value (\$)	Current Value (\$)
Bonds	1,000,000	986,558
Cash	3,653,159	3,653,159
Floating Rate Note	500,000	505,295
Managed Funds	1,988,673	1,988,673
Term Deposit	22,439,649	22,439,649
	29,581,481	29,573,334

Investment Performance

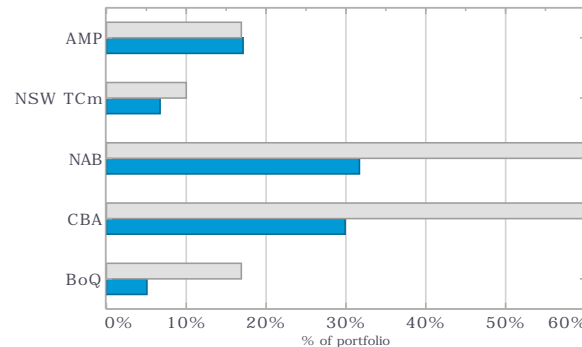


Total Credit Exposure



Investment Policy Compliance

Individual Institutional Exposures



Term to Maturities

	Face Value (\$)	Policy Max
Between 0 and 1 years	28,081,481	95% 100% a
Between 1 and 3 years	1,000,000	3% 60% a
Between 3 and 10 year:	500,000	2% 40% a
	29,581,481	

Portfolio Exposure Investment Policy Limit





Hunters Hill Council Investment Holdings Report - September 2023

Cash Accounts										
	Face Value (\$)	Current Rate (%)	Institution	Credit Rating		Current Value (\$)	Deal No.			Reference
	844,684.59	0.0000%	Commonwealth Bank of Australia	AA-		844,684.59	538227			General
	2,808,474.45	4.2204%	Macquarie Bank	A+		2,808,474.45	540871			Accelerator
	3,653,159.04	3.2446%				3,653,159.04				

Managed Funds										
	Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.			Reference
	1,988,672.64	-1.2636%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	1,988,672.64	541469			
	1,988,672.64	-1.2636%				1,988,672.64				

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
18-Oct-23	500,000.00	4.6500%	AMP Bank	BBB	500,000.00	18-Oct-22	522,167.12	543479	22,167.12	At Maturity	
1-Nov-23	1,000,000.00	4.8000%	AMP Bank	BBB	1,000,000.00	1-Nov-22	1,043,923.29	543506	43,923.29	At Maturity	
2-Nov-23	1,000,000.00	4.5200%	Commonwealth Bank of Australia	AA-	1,000,000.00	4-Nov-22	1,040,989.59	543518	40,989.59	At Maturity	
16-Nov-23	500,000.00	4.7000%	AMP Bank	BBB	500,000.00	16-Nov-22	520,538.36	543560	20,538.36	At Maturity	
29-Nov-23	2,000,000.00	4.3400%	Commonwealth Bank of Australia	AA-	2,000,000.00	29-Nov-22	2,072,769.32	543597	72,769.32	At Maturity	
27-Feb-24	1,000,000.00	5.0600%	Commonwealth Bank of Australia	AA-	1,000,000.00	27-Feb-23	1,029,944.11	543865	29,944.11	At Maturity	
5-Mar-24	1,000,000.00	5.1500%	National Australia Bank	AA-	1,000,000.00	1-Sep-23	1,004,232.88	544450	4,232.88	At Maturity	
21-Mar-24	500,000.00	4.8000%	AMP Bank	BBB	500,000.00	21-Mar-23	512,756.16	543944	12,756.16	At Maturity	
3-Apr-24	500,000.00	4.4500%	National Australia Bank	AA-	500,000.00	30-Mar-23	511,277.40	543970	11,277.40	At Maturity	
1-May-24	2,375,000.00	4.5800%	National Australia Bank	AA-	2,375,000.00	1-May-23	2,420,596.10	544053	45,596.10	At Maturity	
28-May-24	1,000,000.00	4.9900%	National Australia Bank	AA-	1,000,000.00	31-May-23	1,016,815.62	544138	16,815.62	At Maturity	
25-Jun-24	500,000.00	5.5900%	Bank of Queensland	BBB+	500,000.00	22-Jun-23	507,734.11	544221	7,734.11	At Maturity	
26-Jun-24	1,000,000.00	5.7000%	AMP Bank	BBB	1,000,000.00	27-Jun-23	1,014,991.78	544230	14,991.78	At Maturity	
28-Jun-24	518,986.30	5.4500%	AMP Bank	BBB	518,986.30	3-Aug-23	523,558.36	544350	4,572.06	At Maturity	
28-Jun-24	518,986.30	5.4500%	AMP Bank	BBB	518,986.30	3-Aug-23	523,558.36	544351	4,572.06	At Maturity	





Hunters Hill Council Investment Holdings Report - September 2023

Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
3-Jul-24	1,000,000.00	5.5600%	National Australia Bank	AA-	1,000,000.00	4-Jul-23	1,013,557.26	544286	13,557.26	At Maturity	
3-Jul-24	1,000,000.00	5.6200%	Bank of Queensland	BBB+	1,000,000.00	4-Jul-23	1,013,703.56	544287	13,703.56	At Maturity	
24-Jul-24	1,000,000.00	5.5100%	National Australia Bank	AA-	1,000,000.00	25-Jul-23	1,010,265.21	544335	10,265.21	At Maturity	
8-Aug-24	500,000.00	5.2500%	National Australia Bank	AA-	500,000.00	9-Aug-23	503,811.64	544372	3,811.64	At Maturity	
12-Aug-24	526,676.71	5.3500%	AMP Bank	BBB	526,676.71	11-Aug-23	530,613.80	544381	3,937.09	At Maturity	
13-Aug-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	10-Aug-23	1,007,479.45	544379	7,479.45	At Maturity	
27-Aug-24	2,500,000.00	5.4100%	Commonwealth Bank of Australia	AA-	2,500,000.00	29-Aug-23	2,512,228.08	544436	12,228.08	At Maturity	
11-Sep-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	12-Sep-23	1,002,732.88	544504	2,732.88	At Maturity	
	22,439,649.31	5.0664%			22,439,649.31		22,860,244.44		420,595.13		

Floating Rate Notes

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
13-Jan-28	500,000.00	5.4429%	CBA Snr FRN (Jan28) BBSW+ 1.15%	AA-	500,000.00	10-Jan-23	511,259.82	543689	5,964.82	13-Oct-23	
	500,000.00	5.4429%			500,000.00		511,259.82		5,964.82		

Fixed Rate Bonds

Maturity Date	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
18-Aug-25	1,000,000.00	4.2000%	CBA Snr Bond (Aug25) 4.20%	AA-	998,770.00	18-Aug-22	991,552.19	543167	4,994.59	4.24400%	
	1,000,000.00	4.2000%			998,770.00		991,552.19		4,994.59	4.2440%	



Hunters Hill Council Accrued Interest Report - September 2023

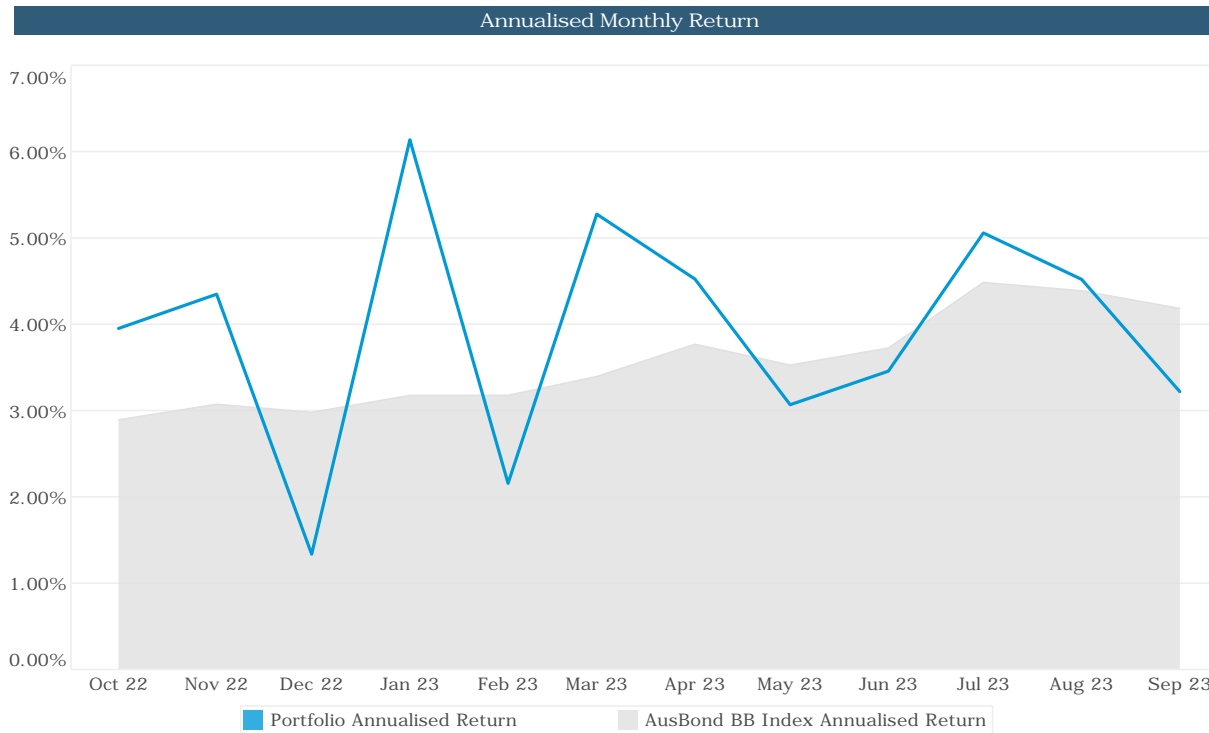
Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	Interest Yield (% pa)
Bonds									
CBA Snr Bond (Aug25) 4.20%	543167		1,000,000.00	18-Aug-22	18-Aug-25	0.00	30	3,405.40	4.14%
						0.00		3,405.40	4.14%
Cash									
Commonwealth Bank of Australia	538227					0.00	0	0.00	0.00%
Macquarie Bank	540871					10,520.90	0	10,520.90	4.22%
						10,520.90		10,520.90	3.30%
Floating Rate Note									
CBA Snr FRN (Jan28) BBSW+ 1.15%	543689		500,000.00	13-Jan-23	13-Jan-28	0.00	30	2,236.81	5.44%
						0.00		2,236.81	5.44%
Term Deposits									
National Australia Bank	543541		1,000,000.00	11-Nov-22	12-Sep-23	35,263.01	11	1,271.78	4.22%
AMP Bank	543479		500,000.00	18-Oct-22	18-Oct-23	0.00	30	1,910.96	4.65%
AMP Bank	543506		1,000,000.00	1-Nov-22	1-Nov-23	0.00	30	3,945.21	4.80%
AMP Bank	543560		500,000.00	16-Nov-22	16-Nov-23	0.00	30	1,931.51	4.70%
Commonwealth Bank of Australia	543518		1,000,000.00	4-Nov-22	2-Nov-23	0.00	30	3,715.07	4.52%
Commonwealth Bank of Australia	543597		2,000,000.00	29-Nov-22	29-Nov-23	0.00	30	7,134.25	4.34%
Commonwealth Bank of Australia	543865		1,000,000.00	27-Feb-23	27-Feb-24	0.00	30	4,158.90	5.06%
AMP Bank	543944		500,000.00	21-Mar-23	21-Mar-24	0.00	30	1,972.60	4.80%
National Australia Bank	544450		1,000,000.00	1-Sep-23	5-Mar-24	0.00	30	4,232.88	5.15%
National Australia Bank	543970		500,000.00	30-Mar-23	3-Apr-24	0.00	30	1,828.77	4.45%
National Australia Bank	544053		2,375,000.00	1-May-23	1-May-24	0.00	30	8,940.42	4.58%
National Australia Bank	544138		1,000,000.00	31-May-23	28-May-24	0.00	30	4,101.37	4.99%
AMP Bank	544230		1,000,000.00	27-Jun-23	26-Jun-24	0.00	30	4,684.93	5.70%
AMP Bank	544350		518,986.30	3-Aug-23	28-Jun-24	0.00	30	2,324.78	5.45%
AMP Bank	544351		518,986.30	3-Aug-23	28-Jun-24	0.00	30	2,324.78	5.45%
Bank of Queensland	544221		500,000.00	22-Jun-23	25-Jun-24	0.00	30	2,297.26	5.59%
Bank of Queensland	544287		1,000,000.00	4-Jul-23	3-Jul-24	0.00	30	4,619.18	5.62%

Hunters Hill Council Accrued Interest Report - September 2023



Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Yield Accrued (\$)	Interest Yield (% pa)
National Australia Bank	544286		1,000,000.00	4-Jul-23	3-Jul-24	0.00	30	4,569.86	5.56%
National Australia Bank	544335		1,000,000.00	25-Jul-23	24-Jul-24	0.00	30	4,528.77	5.51%
AMP Bank	544381		526,676.71	11-Aug-23	12-Aug-24	0.00	30	2,315.94	5.35%
Commonwealth Bank of Australia	544436		2,500,000.00	29-Aug-23	27-Aug-24	0.00	30	11,116.44	5.41%
National Australia Bank	544372		500,000.00	9-Aug-23	8-Aug-24	0.00	30	2,157.53	5.25%
National Australia Bank	544379		1,000,000.00	10-Aug-23	13-Aug-24	0.00	30	4,315.07	5.25%
National Australia Bank	544504		1,000,000.00	12-Sep-23	11-Sep-24	0.00	19	2,732.88	5.25%
						35,263.01		93,131.14	5.05%
<u>Grand Totals</u>						<u>45,783.91</u>		<u>109,294.25</u>	<u>4.78%</u>

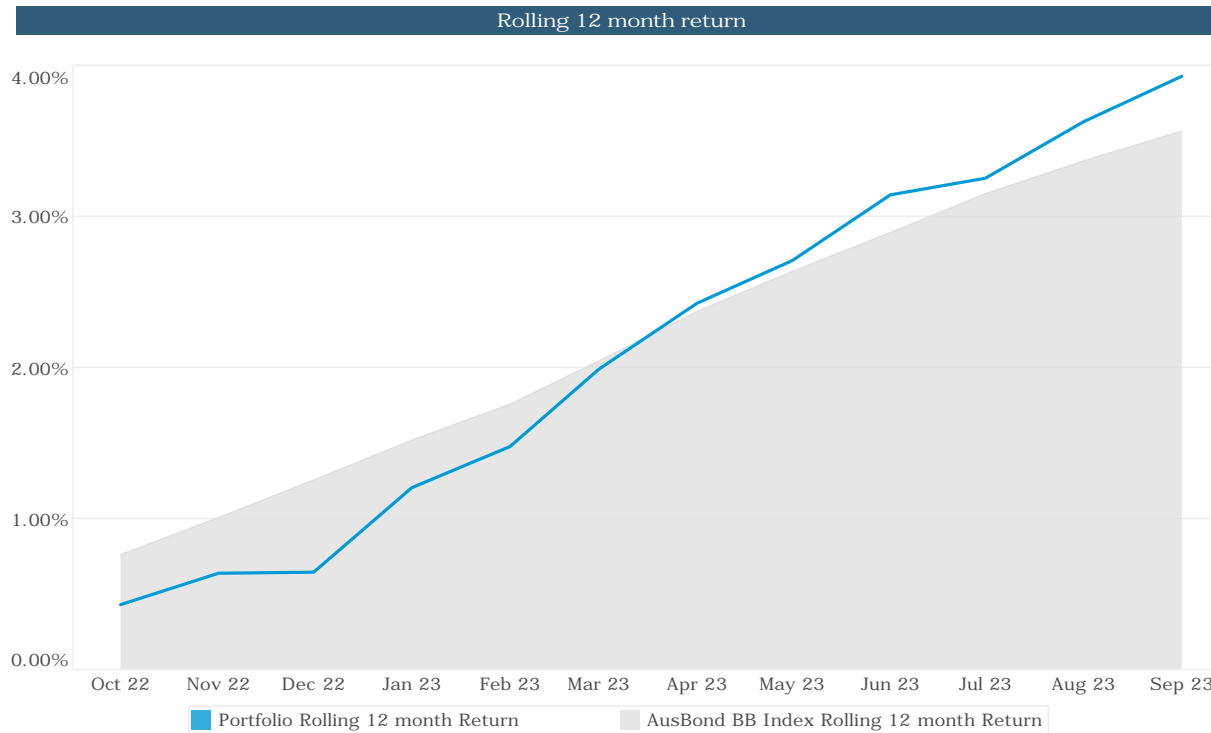
Hunters Hill Council
Investment Performance Report - September 2023



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2023	3.22%	4.18%	-0.96%
Last 3 months	4.27%	4.35%	-0.08%
Last 6 months	3.98%	4.01%	-0.03%
Financial Year to Date	4.27%	4.35%	-0.08%
Last 12 months	3.93%	3.56%	0.37%



Hunters Hill Council
Investment Performance Report - September 2023



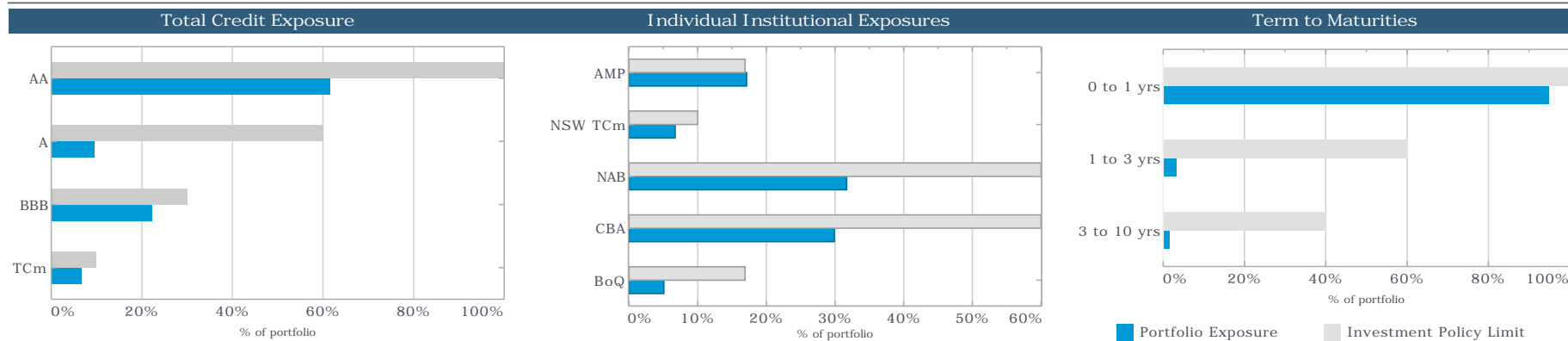
Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2023	0.26%	0.34%	-0.08%
Last 3 months	1.06%	1.08%	-0.02%
Last 6 months	1.97%	1.99%	-0.02%
Financial Year to Date	1.06%	1.08%	-0.02%
Last 12 months	3.93%	3.56%	0.37%





Hunters Hill Council

Investment Policy Compliance Report - September 2023



Credit Rating Group	Face Value (\$)	Policy Max
AA	18,219,685	62% 100% a
A	2,808,474	9% 60% a
BBB	6,564,649	22% 30% a
TCm	1,988,673	7% 10% a
	29,581,481	

Institution	% of portfolio	Investment Policy Limit
AMP Bank (BBB)	17%	17% r
NSW T-Corp (TCm)	7%	10% a
National Australia Bank (AA-)	32%	60% a
Commonwealth Bank of Australia (AA-)	30%	60% a
Bank of Queensland (BBB+)	5%	17% a
Macquarie Bank (A+)	9%	60% a

Term	Face Value (\$)	Policy Max
Between 0 and 1 years	28,081,481	95% 100% a
Between 1 and 3 years	1,000,000	3% 60% a
Between 3 and 10 years	500,000	2% 40% a
	29,581,481	

Credit Rating	Current Longest Maturity (years)	Policy Max
BBB+	0.76	1.00 a
BBB	0.87	1.00 a

a = compliant
r = non-compliant





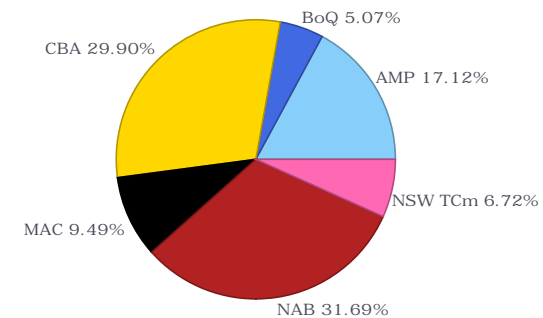
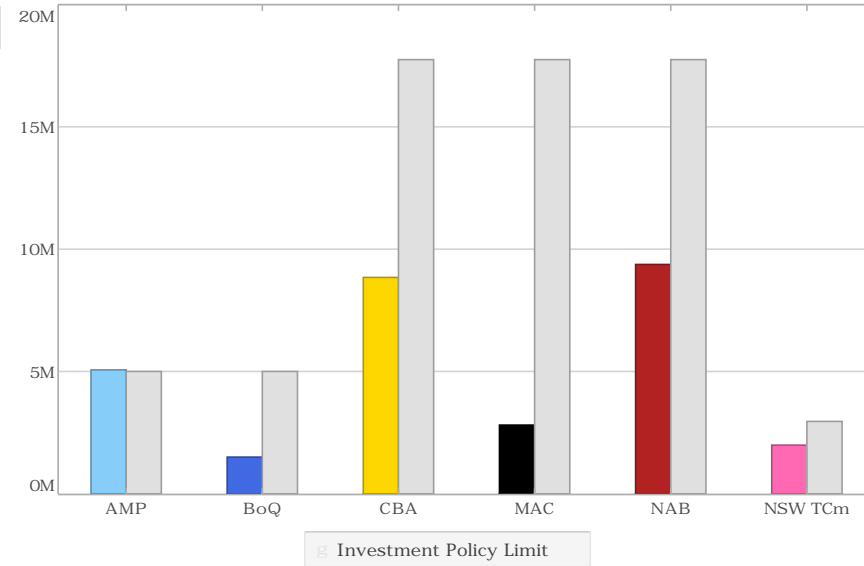
Hunters Hill Council

Individual Institutional Exposures Report - September 2023

Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
AMP Bank (BBB)	5,064,649	17%	5,000,000	17%	-64,649
Bank of Queensland (BBB+)	1,500,000	5%	5,000,000	17%	3,500,000
Commonwealth Bank of Australia (AA-)	8,844,685	30%	17,748,889	60%	8,904,204
Macquarie Bank (A+)	2,808,474	9%	17,748,889	60%	14,940,415
National Australia Bank (AA-)	9,375,000	32%	17,748,889	60%	8,373,889
NSW T-Corp (TCm)	1,988,673	7%	2,958,148	10%	969,475
	29,581,481				

Individual Institutional Exposure Charts



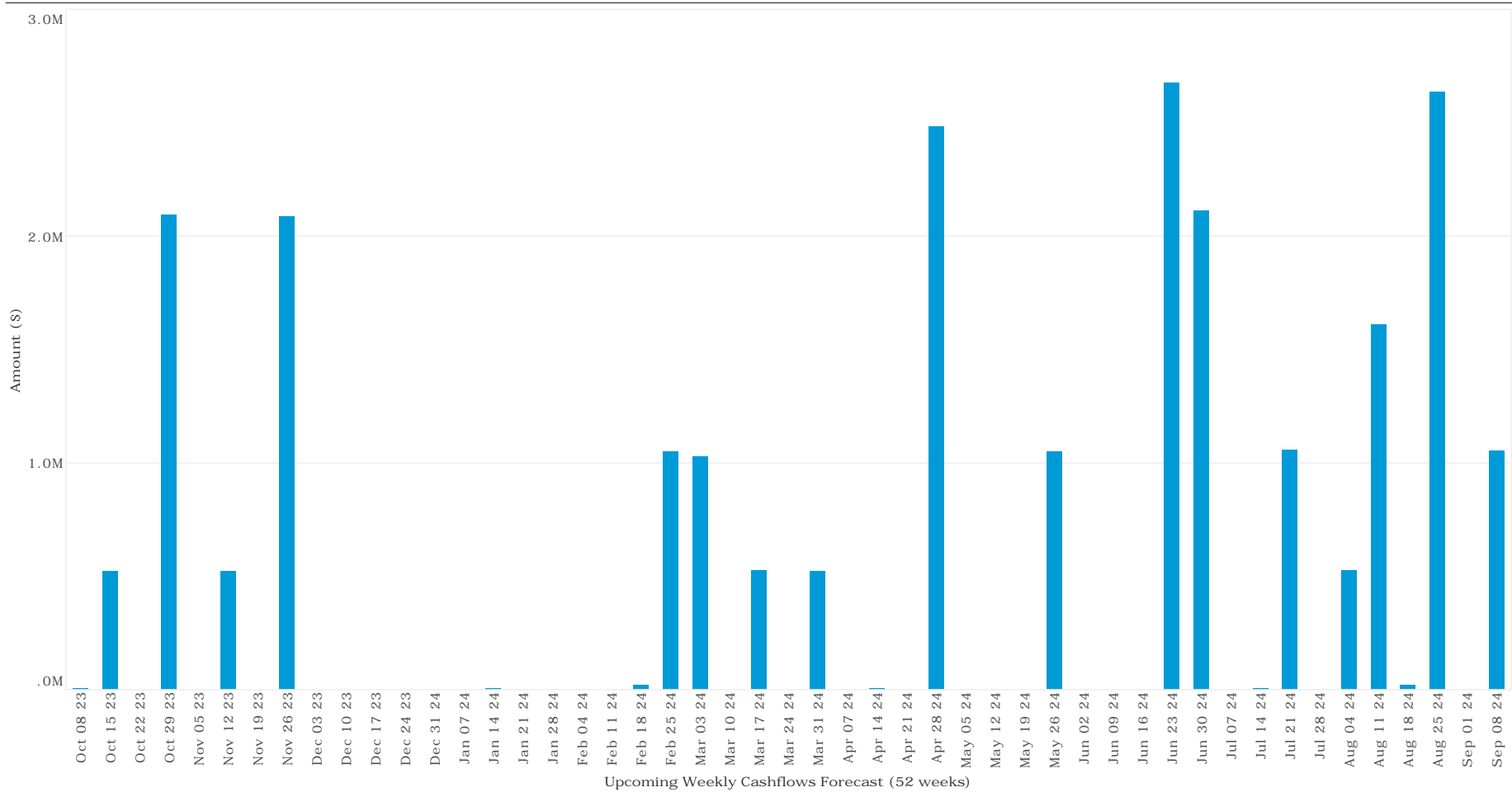


Hunters Hill Council Cashflows Report - September 2023

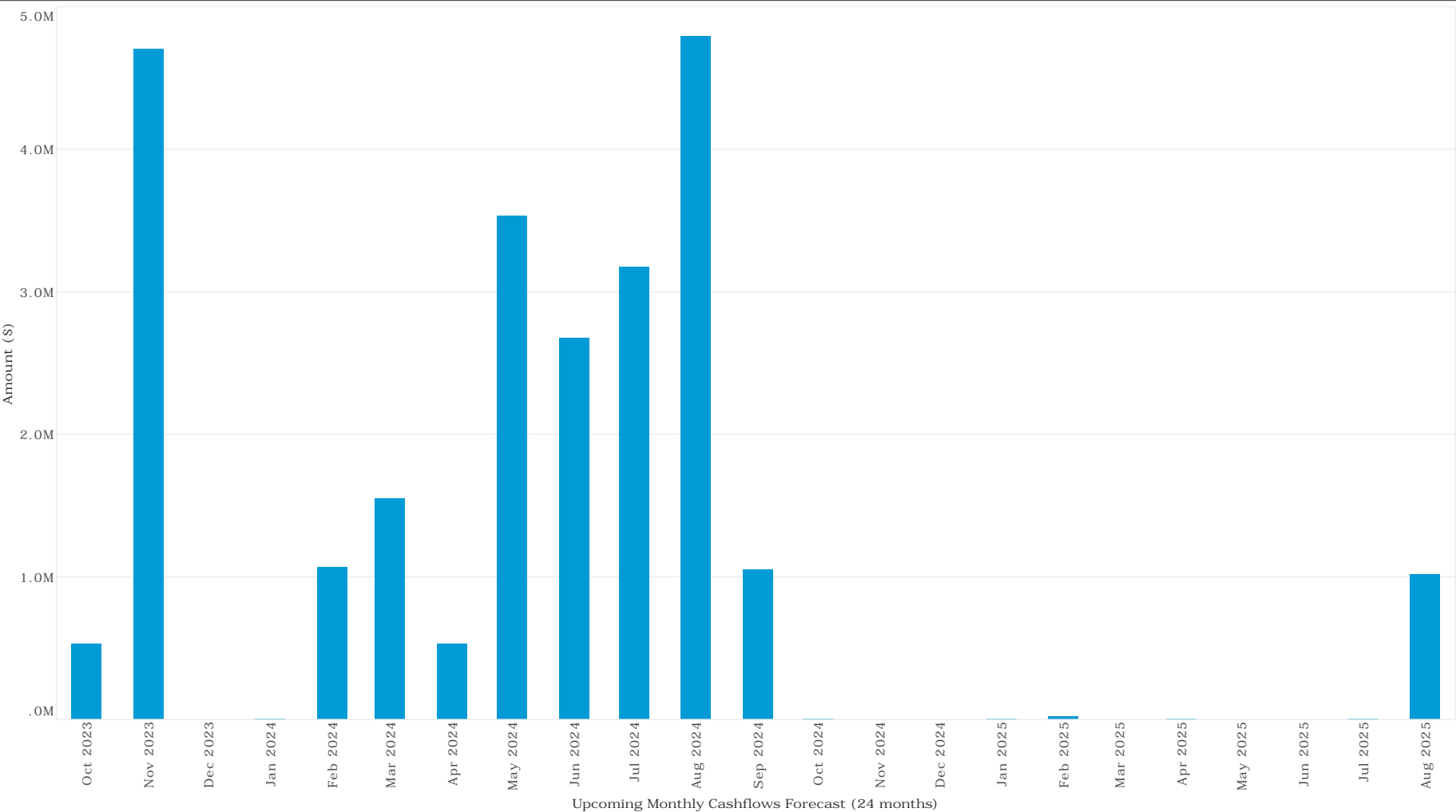
Actual Cashflows for September 2023					
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
1-Sep-23	544450	National Australia Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-1,000,000.00
12-Sep-23	543541	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	35,263.02
				<u>Deal Total</u>	<u>1,035,263.02</u>
12-Sep-23	544504	National Australia Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	35,263.02
				<u>Total for Month</u>	<u>-964,736.98</u>

Forecast Cashflows for October 2023					
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
13-Oct-23	543689	CBA Snr FRN (Jan28) BBSW+ 1.15%	Floating Rate Note	Coupon Date	6,859.55
				<u>Deal Total</u>	<u>6,859.55</u>
				Day Total	6,859.55
18-Oct-23	543479	AMP Bank	Term Deposit	Maturity: Face Value	500,000.00
		AMP Bank	Term Deposit	Maturity: Interest Received/Paid	23,250.00
				<u>Deal Total</u>	<u>523,250.00</u>
				Day Total	523,250.00
				<u>Total for Month</u>	<u>530,109.55</u>

Hunters Hill Council Cashflows Report - September 2023



Hunters Hill Council Cashflows Report - September 2023



ITEM NO	: 4.12
SUBJECT	: DISCLOSURE OF INTEREST RETURNS - COUNCILLORS AND DESIGNATED PERSONS
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MITCHELL MURPHY

Ref:665546

PURPOSE

The purpose of this report is to table the Disclosure of Interest Returns for the year ended 30 June 2023.

RECOMMENDATION

That the report and tabled disclosure of interest returns by councillors and designated persons for 2022-23 are received and noted.

BACKGROUND

The General Manager is required under the *Local Government Act 1993* to table written returns of interests for councillors and designated persons at a meeting of Council. Annual returns for the period 2022-23 are now due to be formally received and noted.

Section 440AAB(2) of the *Local Government Act 1993* outlines the requirement for disclosures of interest returns to be tabled by the General Manager "at a meeting of the Council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged."

The returns assist in ensuring that transparency and accountability are maintained. Section 6(2) of the *Government Information (Public Access) Act 2009* ("GIPA Act") stipulates that certain open access information must be made publicly accessible on Council's website. Returns of interests of councillors, designated persons and delegates are classed under Schedule 1 of the *Government Information (Public Access) Regulation 2018* as open access information for the purposes of website publication.

REPORT

Specific requirements for preparation and lodgement of returns is contained in the Office of Local Government's Model Code of Conduct. The Model Code is the basis of the current Hunter's Hill

Council Code of Conduct. All councillors and designated persons must lodge disclosure of interest returns within 3 months of:

- a) becoming a councillor or designated person
- b) 30 June each year
- c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 of the Hunter's Hill Council Code of Conduct that has not been previously disclosed in a return lodged in a first time return or an annual return

A 'designated person' is described in clause 4.8 of the Hunter's Hill Council Code of Conduct as:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the *Local Government Act 1993*
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Preparation and proactive release of disclosure of interest returns are important elements in promoting public accountability of Council. They help to protect the integrity of Council decision making processes by allowing scrutiny of potential conflicts of interest that could arise where councillors or other key council officials participate in decision making from which they or their close associates may derive (or be perceived to derive) personal or financial benefit.

Provided that the recommendation is accepted, the returns will be published on the Council website.

CONCLUSION

Pursuant to Section 440AAB(2) of the *Local Government Act 1993*, the returns for the period ended 30 June 2022, as per the summary list in [Attachment 1](#) to this report, will be tabled at the meeting and published on the Council website as required under the GIPA Act and Regulation.

ATTACHMENTS

1. Designated Persons List [↓](#)

Designed persons for period ending 30 June 2023

The General Manager has identified the following positions as "Designated persons" required to complete a Disclosure of Interest return for the purposes of the Code of Conduct.

Position	Current Staff Member
General Manager	Mitchell Murphy
Director Town Planning	Long-term leave FY2023
Snr Development Assessment Officer	Shahram Mehdizadgan
Health & Building Surveyor Town Planner	Jad Davis
Director Finance, Procurement & Projects	Maria Kenny
Director Infrastructure & Environmental Sustainability	Sam Urquhart
Manager Assets and Design	Mohamad Badarani
Director People and Culture	Rosanna Guerra
Director Community & Customer Services	Annie Goodman
Manager Communication & Events	Jacqui Jones
Local Planning Panel Member	Lesley Finn
Local Planning Panel Member	Anne Warr
Local Planning Panel Member	Chris Young
Local Planning Panel Member	Meredith Sheil
Local Planning Panel Member	Phillip Hart

The information collected on this form will be kept by the General Manager at the council offices in a register of returns. Everyone is entitled to inspect the register of returns free of charge.

In addition, the Information and Privacy Commission mandates that Returns are published on Council's website. **Residential** addresses (not investment properties) and signatures are redacted from the Returns lodged with Council prior to publication on Council's website.

ITEM NO	: 4.13
SUBJECT	: RECORDS MANAGEMENT POLICY AND PROGRAM
STRATEGIC OUTCOME	: TECHNOLOGY BASED INITIATIVES ARE USED TO IMPROVE THE CUSTOMER SERVICE EXPERIENCE
ACTION	: IMPLEMENT THE DIGITAL AND CUSTOMER INFORMATION PLAN (DCIP)
REPORTING OFFICER	: JADE REED

Ref:665105

PURPOSE

The purpose of this report is to seek adoption of amendments to Council's Records Management Policy and Program.

RECOMMENDATION

1. That the report be received and noted.
2. That Council adopted changes to the Records Management Policy and Program.

BACKGROUND

The *State Records Act 1998* requires all public offices to:

- make and keep full and accurate records
- institute a records management program in accordance with standards and codes of best practice for records management
- ensure the safe custody and proper preservation of State records
- maintain accessibility to digital and other technology dependent records, and
- make arrangements with NSW State Archives and Records for monitoring and reporting on the implementation of the public office's records management program.

REPORT

The State Records Act is administered by State Records Authority NSW (State Records NSW) and Museums of History NSW.

Amendments to the State Records Act have been made to strengthen the framework for good recordkeeping. Changes commencing on 31 December 2022 include:

- change to the definition of a public office
- change to the definition of a State record
- new monitoring power for State Records NSW
- increase in penalty units and timeframe for proceedings for offences.

The *Museums of History NSW Act 2022* delays the commencement of some of the amendments to the State Records Act. Changes commencing on 01 January 2024 include:

- Transfer planning
- Open access period reduced from 30 years to 20 years
- State records open to the public by default after 20 years

Changes made to Council's Records Management Policy and Program include the legislative changes, and have been made to strengthen Council's recordkeeping program.

CONCLUSION

Implementation of this policy and program will ensure that effective controls are in place to provide good records management and compliance with the Act.

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. Records Management Policy and Program [↓](#)

HUNTER'S HILL COUNCIL POLICY REGISTER



POLICY NO.	MPIMT1
POLICY TITLE	Records Management Policy and Program
STATUS	Council
SERVICE	Access to Information
DOCUMENT ID	522461

1. PURPOSE

The purpose of the policy is to ensure that Council:

- complies with the State Records Act 1998 and meets other legislative requirements concerning records and business or information systems
- records are managed efficiently, can be easily accessed and are maintained in an authentic and accessible form for as long as they are required
- has the records it needs to support and enhance Council and community requirements
- staff are educated in recordkeeping responsibilities.

2. SCOPE

This Records Management Policy and Program (this policy) applies to the creation, collection, processing, usage, storage and disposal of all physical and electronic records.

Under section 12(2) of the *State Records Act 1998* Council is required to establish and maintain a records management program. Information and records are Council's organisational history, providing evidence of decision making and contributing to the establishment of trust with our community.

Implementation of this policy assists Council to:

- create accurate, useful and accountable records and information
- ensure that meaningful, accurate, reliable and useable records and information are available
- sustain and secure the records and information needed to support short and long term business outcomes
- proactively protect and manage the records and information that provide ongoing value to Council and the community.

In accordance with the State Records Act 1998 all Council representatives are responsible for:

- creating records routinely
- capturing records in official systems
- understanding this policy
- preventing unauthorised access to information
- never destroying a record without approval
- treating records and information with care.

3. DEFINITIONS

Term	Definition
Council representative	Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.
Business Systems	Council's approved software systems which store, process and provide access to the organisation's business information. All approved systems are supported by policies, procedures and delegated authorities for accessing and processing information.
Cloud Computing	Cloud computing is internet-based computing whereby shared resources, software and information are provided to computers and other devices on demand. Cloud computing is a general term for anything that involves delivering hosted services over the Internet.
Disposal	Range of processes associated with implementing records retention, destruction or transfer decisions which are documented in disposition authorities or other instruments. <i>AS ISO 15489.1 2017 Part 1, Clause 3.8</i>
Electronic Document and Records management System (EDRMS)	An automated software application designed to facilitate the creation, management, use, storage and disposal of a range of both physical and digital documents and records. Essentially it manages unstructured records and information. The EDRMS automates business processes such as workflows and approvals and be integrated with other business systems.
Ephemeral	Records of little value that only need to be kept for a limited or short period of time. Records that are ephemeral have no continuing value to the public office and, generally, are only needed for a few hours or a few days.
Full and accurate records	Full and accurate records are sources of detailed information and evidence that can be relied on and used to support current activities. Records regardless of form or structure, should possess the characteristics of authenticity, reliability, integrity and useability to be considered authoritative evidence of business events or transactions and to fully meet the requirements of the business.
Records	Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. <i>State Records Act 1998, section 3</i> Information created, received, and maintained as evidence and as an asset by an organization or person, in pursuit of legal obligations or in the transaction of business. <i>AS ISO 15489.1 2017 Part 1, Clause 3.15</i>
Records Management Program	A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

4. RECORDS MANAGEMENT CONCEPTS

4.1 What is a record?

A record is defined in the State Records Act 1998 as any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.

4.1 What is a state record?

A State record is any record made or received by any person:

- in the course of exercising official functions in a public office, or
- for the purpose of a public office, or
- for the use of a public office.

4.2 Electronic Records Management

Council has a legal obligation to manage its information and must be able to account for its actions and expenditure of resources. Information is an asset and needs to be managed well to realise its value.

Electronic management of records enables Council to make the best use of new technologies and creates efficient and effective ways of doing business. All information and records must be created or captured electronically in approved business systems.

Council implemented an electronic document and records management system (EDRMS) in 2012. Council no longer supports the creation of hardcopy records. Any records that are made or received in physical format must be digitised and captured in Council's approved business systems.

4.3 Create and Capture

Records are created every time someone in Council writes an email, drafts a brief, writes a report or records minutes, adds data to a spread sheet or takes a photo. This information is created as part of a specific business process, and needs to be managed so that it can be searched, shared, reused and repurposed, and increasing its value to Council.

All Council Representatives are required to make and keep full and accurate records of their business activities. Council Representatives are responsible for creating and capturing records including emails to the business systems that document:

- What happened, the order of events
- What was decided or recommended
- What advice or instruction was given
- When it happened and who was involved.

4.1 Personnel Records

Personnel records document the management of employees and are important records. These records may need to be maintained longer after an employee has left Council, in order to protect ongoing rights and interests of the employee and the Council.

Personnel records contain personal and health information about individuals. Personnel records are categorised, handled as sensitive information and protected accordingly.

Only the General Manager and the Manager People and Culture have access to personnel records. Respective Manager's may also access some personnel records in order to appropriately manage staff.

4.2 Access to Information

Council requires open access to information and records unless the record itself requires protection. Many Council records are public documents and must be managed to provide easy access by our community. Access and protection of our information and records are governed by:

- *Government Information (Public Access) Act 2009* (GIPA Act)
- *Privacy and Personal Information Protection Act 1998* (PPIP Act)
- *Health Records and Information Privacy Act 2002* (HRIP Act)

Council Representatives are not permitted to access information that is not directly related to their specific duties, unless requested to do so by the General Manager for a specific purpose.

Under the Code of Conduct it is considered inappropriate for a Council Representative to access any record that relates to a private or personal matter. Access to such information must be applied for in the same manner as a member of the public, under the GIPA Act.

Unauthorised access to information or records by a Council stakeholder can be considered a data breach in accordance with part 6A of the PPIP Act. For example, if a staff member accesses records relating to a family member or celebrity without a legitimate purpose.

5. RECORDS MANAGEMENT PROGRAM

The Records Management Program is conducted across all of Council for the management of records, recordkeeping activities and recordkeeping systems. It is a planned, coordinated set of standards, codes of best practice, policies, procedures, and systems required to manage records. It also incorporates the people required to undertake recordkeeping.

Council's Records Management Program is established in accordance with part 2 section 12(2) of the *State Records Act 1998*. This policy provides the framework and outlines the responsibilities for the operation of Hunters Hill Council's Records Management Program.

An effective Records Management Program entrenches formalised standards, codes, policies, procedures, recordkeeping systems and controls for future expansion and requirements.

There are several components and associated documents that are mandatory and are used to ensure that the Records Management Program is operating effectively.

Type	Component
Standards	<ul style="list-style-type: none"> • Standard on records management (Standard No. 12) • Standard on the physical storage of State records (Standard No. 13) • Information Management Standard for Australian Government • Australian Government Recordkeeping Metadata Standard
Codes	<ul style="list-style-type: none"> • Code of Best Practice ISO 15489.1:2017 • Council's Code of Conduct
Disposal Authorities	<ul style="list-style-type: none"> • Local Government Records (GA39) – (primary authority) • Original or source records that have been copied (GA45) – (primary authority) • Personnel (GA28) • Video / Visual surveillance records (GDA8) • Audio visual programs and recordings (GDA11)

	<ul style="list-style-type: none"> • Source Records that have been Migrated (GA48)
Legislation	<ul style="list-style-type: none"> • <i>State Records Act 1998</i> • <i>State Records Regulation 2015</i> • <i>Local Government Act 1993</i> • <i>Copyright Act 1968</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Government Information (Public) Access Act 2009</i> • <i>Workplace Surveillance Act 2005</i> • <i>Evidence Act 1995</i> • Any other State or Local legislation that affects recordkeeping
Policies	<ul style="list-style-type: none"> • Building the archives: policy of records appraisal and the identification of State archives • Digital records preservation policy • Council's State records retention and disposal policy • Council's State archives management policy.

6. RESPONSIBILITY

All Council Representatives have accountability requirements for Councils records management program. The table below outlines responsibilities in accordance with *State Records Act 1998* (Part 2 section 10) and the Standard on records management.

Position	Responsibilities
General Manager	Ensure Council complies with the regulations and requirements of the <i>State Records Act 1998</i> .
Director Community and Customer Service	Provide executive direction and support for records and information management.
Manager Digital and Customer Information (MDCI)	<p>MDCI is the designated Senior Responsible Officer (SRO) and is responsible for ensuring that records and information management is in place and operating effectively to support business operations. These responsibilities include:</p> <ul style="list-style-type: none"> • working with the General Manager and senior staff to ensure compliance with the <i>State Records Act 1998</i> • overseeing the records management program • leads records, information and data management initiatives • collaborating with business stakeholders to ensure good recordkeeping practices are embedded across the organisation.
Digital and Customer Information Team	<p>Support and delivery of the requirements of the Records Management Program through:</p> <ul style="list-style-type: none"> • development of formal documentation • classification and capture of records • maintenance of access and security • retention, disposal, storage and transfer • providing support, training, guidance and advice to all Council representatives.

All Council Representatives	<p>Must comply with the Records Management Policy and Program.</p> <p>Council representatives must:</p> <ul style="list-style-type: none"> • keep full and accurate records in approved business systems (this includes saving emails in the EDRMS) emails • ensure personal and confidential information is kept securely • undertake mandatory training • keep up-to-date with policies, procedures and guidelines. <p>Council representatives must not:</p> <ul style="list-style-type: none"> • permanently save State records permanently on network or personal drives, USB's or cloud locations • abandon or dispose of a State record • transfer or offer to transfer, or be a party to arrangements for the transfer of, the possession or ownership of a State record • take or send a State record out of New South Wales • damage or alter a State record • neglect a State record in a way that causes or is likely to cause damage to the State record.
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7. RETENTION AND DISPOSAL

Council records must be protected, maintained and accessible for their total retention period and must be disposed of in accordance with the *State Records Act 1998*. Disposal Authorities are applicable to any record in Council irrespective of record format or type.

Hardcopy and digital records of short-term value will be disposed of at suitable intervals, records of long term or archival value will be retained electronically and will be managed in accordance with retention, disposal and / or transfer rules.

General staff cannot destroy or dispose of Council records. Only authorised staff may destroy or dispose of Council records. The General Manager and Manager Digital and Customer Information have delegated authority to approve disposal authorities in accordance with the requirements of *GA39 General retention and disposal authority: local government records* which is prescribed under provisions of the *State Records Act 1998*.

Records can only be destroyed in accordance with:

- The General Disposal Authorities
- Council specific Disposal Authorities
- Transferred to State Archives for permanent retention.

Information and records, which staff deem as ephemeral, may be destroyed using a procedure called 'Normal administrative practice (NAP)'. This practice usually occurs because the records are duplicated, unimportant or for short-term use only.

As a general guideline, all Council Representatives can securely dispose of the following information and records:

- Ephemeral records or duplicates
- print out of records saved in Councils EDRMS
- solicited and unsolicited advertising material
- drafts and working papers of a routine nature

Drafts or working papers must not be disposed of if they document significant decisions, discussions, reasons and actions or contain significant information that is not contained in the final version of the record.

All disposal processes must be undertaken in accordance with Council's State records retention and disposal policy and State archives management policy.

8. BUSINESS AND INFORMATION SYSTEMS

8.1 Approved Business Systems

Records should be stored within approved recordkeeping systems to prevent unauthorised destruction, alteration or removal. Council's approved recordkeeping systems have a full audit log, appropriate security settings, access restrictions and are managed and monitored.

Council records must be stored only in Council's official recordkeeping systems for example EDRMS, Finance System and Customer Relationship Management System.

Documented recordkeeping assessments are performed on existing business systems, and include recordkeeping activities, system functionality and processes. Assessments are undertaken using the minimum compliance requirements of the principles contained in Standard 12: Standard on Records Management.

The Standard is used in conjunction with the Code of Best Practice 15489.1:2017 to ensure that the application and objectives of the Records Management Program are achieved and where necessary any corrective actions are undertaken to address issues encountered in existing business systems.

8.2 Implementing or Decommissioning Systems

Acquisition of all new business systems must include preparation of a business case, which documents project implementation and ongoing maintenance costs. Business system risk assessments (which may include network penetration testing) needs to be also undertaken. Business cases that are recommended to the Executive, need to be reviewed and endorsed by Manager Digital and Customer Information (or their delegate).

Records and information management requirements should be addressed in specifications for system acquisitions including integration requirements or information management issues addressed in any the contractual arrangements.

When decommissioning systems or transitioning a process is required to support business and accountability requirements. This should include:

- a documented migration strategy
- the retention and disposal of records and information contained in the system
- the migration of records and metadata from one system to another is a managed process which results in trustworthy and accessible records
- the portability of records and information
- adequate system documentation is maintained.

9. MONITORING AND COMPLIANCE

9.1 Internal Monitoring

The Digital and Customer Information team oversees the coordination of recordkeeping and can conduct audits on individuals or departments to ensure that good recordkeeping is occurring and is meeting business and legislative requirements.

9.2 Records Management Assessment Tool

In accordance with sections 12(5) and 12(6) State Records NSW can issue a notice ordering Council to assess recordkeeping processes and the records management program. These findings must be reported to State Records NSW and if they are not satisfied with these findings they may include this information in their annual report.

9.3 Non-Compliance

Council is required to meet compliance in line with State Records legislation, stringent governance standards expected by Auditors and to be able to respond effectively to requests under Subpoena, the Government Information (Public Access) Act 2009 (GIPA), or any internal or external investigative inquiry.

Council is obligated to adhere to State Records legislation, meet the governance criteria expected by Auditors, and promptly respond to requests made under a Subpoena, the GIPA Act, or any internal or external investigative inquiry.

Non-compliance in recordkeeping can result in:

- problems for or with customers
- monetary losses
- litigation
- formal investigations and inquiries
- unwarranted adverse publicity
- loss in reputation and embarrassment to Council.

Recordkeeping performance is measured and monitored across Council for effectiveness, planning and improvement purposes, and conformity with the *State Records Act 1998*.

9.4 Offences and Penalties

In accordance with section 21(1) and section 78, individual penalties of up \$11,000 can be issued if a Council representative:

- abandons or disposes of a State record
- transfers or offers to transfer, or is involved in arrangements to transfer the possession or ownership of a State record
- takes or sends a State record out of New South Wales
- damages or alter a State record
- neglects a State record in a way that causes or is likely to cause damage to the State record.

10. RELATED POLICIES/PROCEDURES

- State records retention and disposal policy
- State archives management policy.
- Privacy Management Plan
- Cyber Security Policy
- IT Usage and Surveillance Policy
- Code of Conduct

11. POLICY AUTHORITY

Council.

12. GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

13. REVIEW

This policy to be reviewed every two years or in accordance with legislative changes.

14. ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx
RESOLUTION NO: x

15. VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
12 February 2007	1.0	25/07	New Policy	
07 April 2021	2.0	9.2 (Executive)	Major review	Jade Reed, Manager Digital and Customer Information
29 November 2022	3.0	9.2 (Executive)	Minor review	Jade Reed, Manager Digital and Customer Information
23 October 2023	3.1		Incorporate of changes to the <i>State Records Act 1998</i> and addition of reference to other policies and changes to the PPIP Act.	Jade Reed, Manager Digital and Customer Information

ITEM NO	: 4.14
SUBJECT	: STATE RECORDS RETENTION AND DISPOSAL POLICY
STRATEGIC OUTCOME	: TECHNOLOGY BASED INITIATIVES ARE USED TO IMPROVE THE CUSTOMER SERVICE EXPERIENCE
ACTION	: IMPLEMENT THE DIGITAL AND CUSTOMER INFORMATION PLAN (DCIP)
REPORTING OFFICER	: JADE REED

Ref:665397

PURPOSE

The purpose of this report is to seek adoption of the draft State Records Retention and Disposal Policy.

RECOMMENDATION

1. That the report be received and noted.
2. That Council adopted changes to the Records Management Policy and Program.

BACKGROUND

Records retention and disposal authorities identify those records created and received by NSW public offices which are required as State archives and provide approval for the destruction of other records after minimum retention periods have been met.

Retention and disposal authorities are issued under the provisions of the *State Records Act 1998*.

REPORT

The State Records Retention and Disposal Policy provides a clear framework to ensure a planned, systematic and strategic approach to the retention and disposal of State records.

This policy has been developed in compliance with Council's risk management framework. Properly disposing of records within the prescribed timeframe serves to mitigate the risks associated with data breaches and unauthorised access. Well-defined disposal processes optimize both physical and digital storage space, reducing the costs associated with storing and managing records that are no longer needed.

This policy supports the preservation of historically significant records by implementing a multi-step authorisation process. This process ensures that the disposal and destruction of State records only occurs in strict adherence to retention and disposal authorities approved by State Records NSW.

CONCLUSION

Council will ensure that procedures under this plan are followed, and that Council's records management program promotes good recordkeeping practices.

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

Keeping records beyond their required retention period increases the risks associated with authorised access to personal information.

ATTACHMENTS

1. State Records Retention and Disposal Policy [↓](#)

HUNTER'S HILL COUNCIL

POLICY REGISTER



POLICY NO.

POLICY TITLE State Records Retention and Disposal Policy

STATUS Council

SERVICE Access to Information

DOCUMENT ID

1. PURPOSE

The purpose of this policy is to:

- ensure a planned, systematic and strategic approach to the retention and disposal of State records
- determine appropriate retention periods and disposal actions
- ensure records are sentenced in accordance with legal requirements, standards, codes and practices issued under the *State Records Act 1998* (the Act).

2. SCOPE

This policy applies to all Council representatives, covers all of Council's State records irrespective of their format or type, and includes records and metadata contained in all Council business systems.

3. DEFINITIONS

Council representative	Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.
Business Systems	Council's approved software systems which store, process and provide access to the organisation's business information. All approved systems are supported by policies, procedures and delegated authorities for accessing and processing information.
Cloud Computing	Cloud computing is internet-based computing whereby shared resources, software and information are provided to computers and other devices on demand. Cloud computing is a general term for anything that involves delivering hosted services over the Internet.
Destruction	Process of eliminating or deleting a records, beyond any possible reconstruction. The process includes destroying all copies of the record. Destruction of State records needs to be documented.
Disposal	Range of processes associated with implementing records retention, destruction or transfer decisions which are documented in disposition authorities or other instruments. AS ISO 15489.1 2017 Part 1, Clause 3.8
Electronic Document and Records management System (EDRMS)	An automated software application designed to facilitate the creation, management, use, storage and disposal of a range of both physical and digital documents and records. Essentially it manages unstructured records and information. The EDRMS automates business processes such as workflows and approvals and be integrated with other business systems.

Ephemeral	Records of little value that only need to be kept for a limited or short period of time. Records that are ephemeral have no continuing value to the public office and, generally, are only needed for a few hours or a few days.
Full and accurate records	Full and accurate records are sources of detailed information and evidence that can be relied on and used to support current activities. Records regardless of form or structure, should possess the characteristics of authenticity, reliability, integrity and useability to be considered authoritative evidence of business events or transactions and to fully meet the requirements of the business.
Records	Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. <i>State Records Act 1998, section 3</i> Information created, received, and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business. <i>AS ISO 15489.1 2017 Part 1, Clause 3.15</i>
Records Management Program	A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.
State archive	A state record that is appraised as having a continuing value to the Council and in which the State Archives and Records Authority of NSW has control of under the State Records Act 1998
State record	A State record is any record made or received by any person: <ul style="list-style-type: none"> • in the course of exercising official functions in a public office, or • for the purpose of a public office, or • for the use of a public office.

4. INTRODUCTION

The State records retention and disposal policy forms part of Council's Records Management Program.

Records and information are vital assets and need to be retained and disposed of in a way that is secure, timely and in accordance with legislative requirements. This process is performed in accordance with best practice as described in the Australian Standard AS ISO15489 and standards endorsed by the State Records NSW.

4.1 The value of Council's State records

Council's State records fall into one of the following four categories:

- records of permanent (continuing) value known as state archives
- records of temporary value, to be retained for long periods of time known as long term state records
- records of temporary value, to be retained for short periods of time known as short term state records
- records of temporary value that can be immediately destroyed.

4.2 What is disposal and what is destruction?

The terms 'disposal' and 'destruction' are often used interchangeably, but disposal does not always mean destruction.

Disposal includes a range of processes associated with implementing records retention, destruction or transfer. Whereas, destruction is a process that involves deleting or destroying all copies of the record.

4.3 Why dispose of records?

Retention and disposal are important to support the efficient and effective management of government records. Regular and systematic retention and disposal processes will result in reduced:

- cost of records storage
- time and cost associated with searching for and locating records
- risk arising from illegal or unmanaged destruction of records and from keeping records that should be destroyed.

To attempt to keep everything indefinitely, creates number of risks including:

- unsustainable storage costs
- unnecessary ongoing costs to retain information that is authorised for destruction
- slower or ineffective information retrieval times
- no prioritisation and management of high value information
- digital continuity issues.

All records are created for a purpose and the majority of records can be disposed of once that purpose and all legal requirements for their retention have been met.

There are certain types of records, such as sensitive personal information, which the community expects will be disposed of when no longer required for the purpose they were created.

5. ROLES AND RESPONSIBILITIES

Records retention and disposal is a process undertaken exclusively under delegated authority. This delegation forms a fundamental part of Council's Records Management Program.

POSITION	RESPONSIBILITY
General Manager	The General Manager has overall accountability for records retention and disposal. The General Manager is accountable for ensuring that Council complies with legislation and standards that affect the records retention and disposal process.
Manager Digital and Customer Information	<p>Manager Digital and Customer Information (MDCI) is the Senior Responsible Officer (SRO), assigned with strategic and managerial responsibility for records and information management. The SRO has delegated accountability to ensure that records retention and disposal is conducted in accordance with this policy.</p> <p>The SRO is responsible for ensuring that records and information management is in place and operating effectively to support business operations.</p> <p>The SRO is responsible for management of records retention and disposal in accordance with the Act and has delegated authority to authorise the disposal of Council information, ensuring that all activities are undertaken appropriately.</p>
Directors / Department Head	Directors (or nominated Managers in the absence of a Director) are responsible for approving disposal of records under General Retention and Disposal Authority for Local Government Records (GA39), once disposal has been authorised by MDCI.
Records Manager and Records Coordinator	The Records Manager and Records Coordinator have delegated authority to physically dispose of Council records once destruction has been authorised.
All other Council Representatives	All Council Representatives must comply with the provisions of this policy and are responsible for ensuring that they do not dispose of any Council records without approval from the SRO.

They must direct all enquiries regarding appraisal, storage or disposal of Council records to delegated staff as outlined in this table.

6. COMPLIANCE REQUIREMENTS AND AUTHORISATIONS

To ensure compliance, decisions made regarding all retention and disposal activities must ensure they:

- are based on analysis of the business needs, organisational accountability and community expectations in which the records were created and maintained
- include records in all formats
- are authorised and undertaken by those with appropriate delegated authority
- are documented and include the nature, date of disposal action, name of the person performing the action and the authorising disposal authority
- are supported by established policies, procedures and business rules
- are routinely implemented and are a regular part of the Records Management Program.

6.1 Unauthorised disposal of records

Records cannot be disposed of earlier than their retention periods. Disposal of Council records is only undertaken by delegated staff, and under no circumstances can Council staff undertake their own disposal of records unless prior authorisation is obtained.

This includes the 'throwing out' of any records in recycling bins located within Council offices or deletion of any metadata and records from within business systems. These are examples of breaches of the disposal provisions under the Act, and as a result can incur penalties for unauthorised disposal.

Section 21(1) of the Act prohibits the disposal of state records except where disposal is authorised. This section of the Act also imposes a penalty for the illegal disposal of State records. All public offices must be able to account for their decisions to destroy records. When records are destroyed, Council must be able to demonstrate that the destruction was permitted by an appropriate officer.

6.2 Authorised disposal of State records

Section 21(2) of the Act established a number of mechanisms for the lawful destruction of State Records. The two most relevant to Council are:

- the disposal of records in accordance with documents known as Disposal Authorities. These are issued by State Archives and Records with the approval of the State Archives and Records Authority Board
- the destruction of records in accordance with what the Act terms normal administrative practice (NAP).

7. RETENTION AND DISPOSAL ACTIVITIES

Retention and disposal actions are implemented to ensure that records are maintained for the suitable duration. Following the conclusion of the retention period, records should be securely and promptly destroyed. If they cannot be destroyed for any reason and are no longer actively in use, they should be transferred to archival storage.

7.1 Capturing State records

Records captured and managed in a recordkeeping system provide value to Council as evidence of business activities. Recordkeeping systems impose controls on records which protect their authenticity and reliability. The first stage of the retention and disposal process is to determine the value of a record at time of capture.

All records captured in Council's EDRMS are assigned a classification. Each classification is linked to an approved disposal authority, allowing for continuing retention or disposal actions to automatically link to the records as they are captured.

7.2 Sentencing State records

Sentencing it is about identifying the appropriate disposal classes within the disposal authority and applying them to the records to ensure that records are retained as long as required, and that the correct disposal decision and action is applied.

Records may have to be re-sentenced if the current disposal authority has been amended, updated or made obsolete. They could also be re-sentenced if there is a need to retain any records longer than their retention periods.

7.3 Retention periods applicative to State records

Retention periods are assigned to Council records to ensure they are retained as long as they are required to meet the needs of Council. Records could be retained indefinitely or temporarily over long or short periods of time. These periods are based on the frequency of current and future use and statutory and regulatory provisions that records need to be retained before their final disposal.

Retention periods are also used to indicate the length of time Council records are retained in archival storage.

The retention periods that are set, are minimum periods only and Council may keep records for longer periods if necessary. Council should be aware of the risks associated with keeping records indefinitely.

7.4 Use of retention and disposal authorities

Records are appraised and sentenced by a process involving the design and implementation of general retention and disposal authorities, (GA or GDA); these are based on legislative requirements and provisions. Council is legally required to use General Retention and Disposal Authorities applicable to Local Government Records in accordance with section 21(3) of the Act.

The disposal authorities authorise the disposal of functional and other common administrative records, created and maintained in any format, by NSW Councils and they apply to all records wholly created after 1920. Records created before 1920 are required to be retained as State archives.

The following General Retention and Disposal authorities apply to Council and are used in conjunction with each other to undertake the retention and disposal process.

General Retention and Disposal Authority for:

- Local Government Records (GA39) – (primary authority)
- Original or source records that have been copied (GA45) – (primary authority)
- Video / visual surveillance records (GDA8)
- Audio visual programs and recordings (GDA11)
- Transferring records out of NSW for storage with or maintenance by service providers based outside of the State (GA35)
- Source Records that have been Migrated (GA48)
- Administrative records (GA28)
- Normal Administrative Practice Guidelines (NAP).

The disposal authorities should also be used in conjunction with any other legislation that may affect or impact the operation of the Act.

8. DESTRUCTION OF STATE RECORDS

Depending on the type, age and format of a state record, there are different rules and methods that must be followed.

8.1 State Records that cannot be Destroyed

At the time of any disposal, Council must not destroy records that are:

- required as evidence in current or pending legal action,
- the subject of a current or pending access request or application, such as under the Government Information (Public Access) Act (GIPA Act), or privacy request, or
- the subject of any other statutory access request.

Other records that can never be destroyed include:

- originals of paper records required as State archives received or created prior to 1 January 1980
- any record retained in digital form only within an EDRMS identified as being required as a State archive
- records that are the subject of government policy or directive
- original artworks, original proclamations, charters, testimonials and intergovernmental agreements or treaties
- a special legislative requirement for records to be retained in their original format (for display).

8.2 Destruction of Physical State Records

Physical records (paper files from the legacy recordkeeping system) are disposed of using the GA39 Disposal Authority. Once these files are appraised and sentenced they are then culled from the EDRMS and disposed of in a confidential and secure manner on the premises of the NSW State Archives and Records Authority.

The destruction of paper records is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains available in the EDRMS.

Destruction must be authorised by Manager Digital and Customer Information and the Department Head or General Manager.

8.3 Disposal of Original or Source Paper Records That Have Been Copied (Digitised)

Original hard copy records that have been digitised (paper records stored in day boxes) can be disposed of in accordance with the GA45 Disposal Authority.

These records are retained for 3 months and have quality control checks applied at the time of scanning, capture and prior to disposal.

The disposal of paper records is irreversible and cannot be reconstituted or reconstructed, however the digital record for each is available and becomes the official record in the EDRMS.

Disposal must be authorised by Manager Digital and Customer.

8.4 Disposal of Original Paper Records Through Digitisation Projects

Digitisation projects involve the back scanning or retrospective scanning of legacy records held in hardcopy (physical files) that may be indexed within an EDRMS but do not have a digital image. Digitisation involves scanning records to digital format, uploading and capturing the metadata and images of the records into the EDRMS and disposal of the original hardcopy record.

The disposal of paper records is irreversible and cannot be reconstituted or reconstructed, however the digital record for each is available and becomes the official record in the EDRMS.

When undertaking records digitisation projects:

- permission is given for the destruction of original State records after digitising or copying:
 - paper records created or received after 1 January 1980 that are identified in the GA39 as 'Required as State archives'
 - records created at any time that are not required as State archives.
- permission is not given for the destruction of original State records after digitising or copying.
 - paper records created or received prior to 1 January 1980 that are identified in the GA39 as 'Required as State archives'
 - Records listed as State Records that cannot be Destroyed, as above in this table.

8.5 Destruction of Digital State Records

Digital records are disposed of using the GA39 disposal authority. Digital records are linked directly to this authority. Disposal triggers are assigned to records at capture and are triggered when the minimum retention periods have lapsed, once appraised for disposal, records are then purged from the system.

Destruction of digital records is authorised using GA39 and is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains in the system along with the evidential metadata containing details of the destruction process.

Destruction must be authorised by Manager Digital and Customer Information and the Department Head or General Manager.

8.6 Purging State Records

Purging of digital records is their final destruction process and occurs within systems only for the following reasons:

- records identified as having a temporary value that can be immediately destroyed
- records identified of a confidential personal nature where there is no requirement to keep them
- records contained in business systems that are duplicated in the EDRMS
- records that were created in error but not distributed
- records contained in business systems that are of short- term value and are not captured in the EDRMS, and where their retention periods have lapsed
- records contained in the EDRMS where retention periods have lapsed and are triggered for disposal action.

The purging of digital records is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains in the system along with the evidential metadata containing details of the destruction process.

Purging can only be conducted by Records Coordinator, Records Manager, IT Business Partner or Manager Digital and Customer Information and can be completed without a destruction authorisation form.

8.7 Destruction of State Records Under the Provisions of Normal Administrative Practice

Records can also be disposed of in accordance with section 22 of the State Records Act, Normal Administrative Practice (NAP). The provisions of NAP provide for limited legal disposal of State records without specific reference or authorisation.

The inclusion of NAP provisions in the Act is intended to enable public offices to carry out a number of everyday, common sense procedures and practices.

NAP applies to records irrespective of format including electronic records. Where NAP guidelines indicate that a record may be destroyed, then the record can be destroyed without reference to a disposal authority, these do not need to go through any formal appraisal and disposal process.

These records are ephemeral, facilitative or duplicate in nature (and are not of continuing value to the organisation) may not need to be placed within recordkeeping systems and may be required for only a few hours or days. The destruction of these types of records is acceptable as a part of normal administrative practice for a public office.

Council representatives should seek guidance from the Digital and Customer Information department prior to undertaking any records disposal.

A destruction authorisation form is not required for NAP.

8.8 Destruction of State Records from Council Business Systems

Disposal of records and metadata can also include the retention, transfer, deletion or destruction of records in or from recordkeeping systems or business systems, this usually occurs during migrations or the transmission of records between recordkeeping and business systems.

Council's business systems contain records, and as a result all retention and disposal activities outlined in this policy apply to these systems. Where there are authorised disposal guidelines developed by the Digital and Customer Information department for business system processes and records, all disposal activities must be carried out in accordance with these guidelines.

8.9 Disposal of State Records Through Migration Projects

Migration involves a set of organised tasks designed to periodically transfer records from one hardware or software configuration to another, or from one generation of technology to another during new systems implementation, while maintaining the records' authenticity, integrity, reliability and useability.

The General Retention and Disposal Authority for Source Records that have been Migrated, GA48 is used in conjunction with the GA39 to dispose of State records which have been used as the input or source records for migration operations and projects. This authority is required because the process of migrating records yields two versions of the same record. The original record, known as the source record, continues to exist after a new version of it has been created by the migration process.

It applies only to source records where it is the intention that the new migrated copy of the source record will be kept as the official record of business. It also applies equally to metadata of the records. It is important that migration is performed on all aspects of a record – namely for digital records, the record object and the metadata that supports it. Migration also can be performed on metadata only, when the metadata that is used to manage hardcopy records is moved from one system to another.

9. DOCUMENTING THE RETENTION AND DISPOSAL PROCESS

Formal documentation of the retention and disposal processes applied to records is required to ensure accountability and evidence of the process. Formal documentation consists of:

- request forms for the appraisal, storage, retention and /or destruction of Council records
- all decisions concerning the activities in relation to the retention and disposal process including, recommendations, approvals and authorisations
- destruction documentation that identifies consignment lists of the records that have been destroyed, when, how and where they are destroyed and under what disposal authority
- a destruction authority certificate issued for records that are disposed of as a proof of destruction.

Documentation is not required for purging or documents disposed of under NAP.

10. MONITORING, REPORTING AND EVALUATION

Council is required to ensure that compliance in the disposal of records is regularly assessed, reviewed and monitored. Regular monitoring and evaluation of compliance with the retention and disposal process and associated practices is undertaken by the Manager Digital and Customer Information.

Compliance is monitored by:

- ensuring that any amendments or new versions of disposal authorities are implemented
- reviewing appraisal analysis and decisions to determine they are approved and current
- checking to ensure records are retained or destroyed in accordance with authorised retention periods
- ensuring records are linked to correct disposal classes at capture in the EDRMS
- inspecting the documentation and evidence of records destroyed to determine that disposal actions are authorised and meet approved standards.

State Records NSW also monitor compliance and have the authority to conduct an assessment of all recordkeeping processes and Council's Records Management Program.

11. RELATED POLICIES/PROCEDURES

- Records Management Policy and Program
- State Archives Management Plan
- Code of Conduct

12. POLICY AUTHORITY

Council.

13. GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

14. REVIEW

This policy to be reviewed every two (2) years or in accordance with legislative changes.

15. ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx
RESOLUTION NO: x

16. VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
7 November 2022	1.0	9.2 (Executive)	New policy	Jade Reed, Manager Digital and Customer Information
12 October 2023	2.0		Minor amendments	Jade Reed, Manager Digital and Customer Information

ITEM NO	: 4.15
SUBJECT	: STATE ARCHIVES MANAGEMENT POLICY
STRATEGIC OUTCOME	: TECHNOLOGY BASED INITIATIVES ARE USED TO IMPROVE THE CUSTOMER SERVICE EXPERIENCE
ACTION	: IMPLEMENT THE DIGITAL AND CUSTOMER INFORMATION PLAN (DCIP)
REPORTING OFFICER	: JADE REED

Ref:665062

PURPOSE

The purpose of this report is to seek adoption of the State Archives Management Policy.

RECOMMENDATION

1. That the report be received and noted.
2. That the policy is adopted.

BACKGROUND

The *State Records Act 1998* (the Act) is administered by State Records NSW and the Museums of History NSW.

Museums of History is responsible for the following parts of the Act:

- Museums of History NSW entitled to control State records not currently in use (4)
- Recovery of estray and other State records (5)
- Public access to records (6)

REPORT

The effective management of State archives is of significant importance, as it ensures the preservation of our collective history, fostering transparency and accountability. State archives provide valuable insights into our past, shaping our understanding of society, governance, and culture.

In accordance with section 27 and 29 of the Act, Council is required to transfer any State record that is no longer required for official purposes to Museums of History NSW.

From 01 January 2024, Council will be required to develop plans to transfer records required as State archives to the State Archive Collection.

CONCLUSION

Implementation of this policy and Council's Records Management Program will ensure that effective controls are in place, and that State archives are available to better understand our past and help shape our future.

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. State Archives Management Policy [↓](#)

HUNTER'S HILL COUNCIL POLICY REGISTER



POLICY NO.

POLICY TITLE State Archives Management Policy

STATUS Council

SERVICE Access to Information

DOCUMENT ID

1. PURPOSE

The purpose of this policy is to:

- establish a framework that ensures the objectives that guide the identification, management and transfer of State archives are met now and, in the future
- ensure that all State archives are stored securely and protected through measures such as climate control, with the intention that the records are preserved and accessible forever.

2. SCOPE

This policy covers aspects of the management of State archives, including the identification of State archives in Council's records collection, management of State archives, planning for and transferring State archives when they are no longer required by Council for official purposes.

3. DEFINITIONS

Access Direction	<p>A direction made by a public office to open or close a series, group or class of records in the open access period to public access.</p> <p>An open to public access (OPA) direction allows access to anyone. A closed to public access (CPA) direction closes the records for a specified period. A CPA direction does not affect other entitlements of access. Access directions are made according to guidelines issued by the Attorney General.</p> <p>Public offices can also grant early access to records that are less than 20 years old.</p>
Appraisal	<p>Appraisal for managing records is the recurrent process of evaluating business activities to determine which records need to be created and captured as well as how and how long the records need to be kept. It combines an understanding of business activities and their context with:</p> <ul style="list-style-type: none"> • the identification of business needs, regulatory requirements and societal expectations relating to records, and • the assessment of opportunities and risks associated with the creation and management of records.
Council representative	<p>Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.</p>

Business Systems	Council's approved software systems which store, process and provide access to the organisation's business information. All approved systems are supported by policies, procedures and delegated authorities for accessing and processing information.
Destruction	Destruction is defined as the complete and irreversible physical erasure of a record which ensures that the record cannot be reconstituted or reconstructed. Destruction of records should be irreversible. This means that there is no reasonable risk of the information being recovered again or the record being reconstituted.
Disposal	Range of processes associated with implementing records retention, destruction or transfer decisions which are documented in disposition authorities or other instruments. AS ISO 15489.1 2017 Part 1, Clause 3.8
Electronic Document and Records management System (EDRMS)	An automated software application designed to facilitate the creation, management, use, storage and disposal of a range of both physical and digital documents and records. Essentially it manages unstructured records and information. The EDRMS automates business processes such as workflows and approvals and be integrated with other business systems.
Records	Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. <i>State Records Act 1998, section 3</i> Information created, received, and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business. AS ISO 15489.1 2017 Part 1, Clause 3.15
Records Management Program	A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.
State Archive	A state record that is appraised as having a continuing value to the Council and in which the Museums of History NSW has control of under the <i>State Records Act 1998</i> .
State Record	A State record is any record made or received by any person: <ul style="list-style-type: none"> • in the course of exercising official functions in a public office, or • for the purpose of a public office, or • for the use of a public office.

4. INTRODUCTION

The State Archives Management Policy is a crucial part of Council's Records Management Program.

A State archive is a state record that the Museums of History NSW has control of under the *State Records Act 1998* (The Act). State archives are records that have a continuing value, in accordance with State Records Regulation 2015, this includes records that have administrative, business, fiscal, legal, evidential or historic value to the Public office.

Deciding what records should be selected and retained as state archives is critical and a complex decision-making process. The significance of functions and activities, interests of stakeholders and resource implications must all be evaluated as part of the appraisal process to identify the best possible records to retain as State archives.

The functions, activities and records of Council are appraised in the whole of government context to identify records:

- which must be retained as evidence of the authority of government and the rights of individuals,
- which provide an adequate record of the significant decisions and actions of government and impact their implementation, and
- which add the maximum possible value to the State archives as a cultural resource.

State archives are also identified and selected using authorised disposal authorities, for Council it is the General Retention and Disposal Authority: Local Government Records, Authority Number GA39 (GA39).

5. ROLES AND RESPONSIBILITIES

Records retention and disposal is a process undertaken exclusively under delegated authority and forms a fundamental part of Council's Records Management Program.

POSITION	RESPONSIBILITY
General Manager	The General Manager has overall accountability for the Council archives. The General Manager is accountable for ensuring that Council complies with legislation and standards that affect the archives.
Manager Digital and Customer Information	The Manager Digital and Customer Information is responsible for the management of the State archives, including authorisation for access directions on records, transfer of State archives and any distributed management agreements for retaining archives within the Council.
Records Manager and Records Coordinator	The Records Manager and Records Coordinator are responsible for the day to day operations of the archives function, including the care, control and preservation of State records and provision of access to records.
All Council Representatives	All Council Representatives are required to comply with the provisions of this policy.

6. COUNCIL MANAGED STATE ARCHIVES

Council creates and manages a number of records that are identified as State archives. This includes, but is not limited to:

- confirmed minutes, agendas and reports of all Council meetings
- rate books and other registers
- records created before 1980
- subject files relating to Council's purpose and operations
- records relating to approved, refused and lapsed applications for development works on land, buildings or sites that set a precedent or are significant or are heritage listed
- legal documents relating to titles to property, contracts, patents, leases
- architectural maps or plans relating to Council buildings and properties
- artwork.

Council's archives collection consists of State archives and inactive records. Inactive records are transferred to an archive pending appraisal action. State archives are retained until they are no longer required for official purposes, and then arranged for transfer to the Museums of History NSW for inclusion in the State Archives Collection.

Council currently have multiple archive locations. They are:

- Government Records Repository, Kingswood
- Grace Fine Art, Seven Hills
- CA Fairland Hall, Hunters Hill
- Hunter's Hill Council Depot, Hunters Hill

7. COMPLIANCE REQUIREMENTS

Council has an obligation to protect records under the *State Records Act 1998*, this includes responsibility to:

- ensure the safe custody and proper preservation of the state records that it has control of
- ensure that records that are required to be retained as part of the state archives must be properly protected while they remain in Council's custody
- develop State archive transfer plans
- contact Museums of History NSW to discuss transfer options for their permanent preservation
- ensure public access to state records after 20 years (unless a CPA is in place).

All state records must be stored in accordance with the compliance requirements of Standard on the Physical Storage of State Records (standard 13). Storage conditions include:

- location and building construction
- environmental controls
- shelving and packaging
- maintenance
- identification and control
- security.

Physical records deemed as a state archives that cannot be digitised and disposed of, and cannot yet be transferred to Museums of History NSW should be stored in GRR (or equivalent) to ensure adequate storage conditions.

8. DISPOSAL OF STATE ARCHIVES

Records identified as state archives need to be maintained and preserved for the benefit and use of future generations. State archives include both paper and digital form and include the following Council records:

- Council records pre-dating 1920 and are not included within the GA39 formal disposal authority.
- Council records post-dating 1920 which are included within the GA39 formal disposal authority and that are identified to be retained as State archives.

Any paper records identified in the GA39 as state archives from 1980 onwards, that are captured into Council's information management system can be legally disposed of in accordance with the General Retention and Disposal Authority GA45 for original or source records that have been copied.

Paper records created or received prior to 1 January 1980 that are identified in the GA39 as 'Required as State archives' cannot be destroyed, even if they have been digitised.

State records required to be permanently retained as State archives that are only in digital form within an information management system can never be destroyed, these records when no longer required should be transferred to the Museums of History NSW for inclusion in the State Archives Collection.

9. TRANSFER TO MUSEUMS OF HISTORY NSW

Transfer is the process that results in records being taken into the custody of Museums of History NSW to become part of the State Archives Collection.

In accordance with section 32(4) of the Act Council must develop plans to transfer records required as State archives.

Benefits of transferring records to the custody of Museums of History NSW include:

- reduction in Council storage costs

- passes the risks and liabilities associated with managing and protecting records to Museums of History NSW
- passing the responsibility for managing public access to records under the Act to Museums of History NSW
- enabling Council to comply with section 29 of the Act
- ensuring state records are stored securely and protected through measures such as climate control; ensuring that the records are preserved and accessible forever.

All State archives held by Council, once appraised, will be transferred to the Museums of History NSW when it is no longer required for official purposes. If the State archive is still required for official purposes it will be digitised (if practical), with an electronic copy retained in Council's custody and the physical record transferred.

The exception to this is State records that have a distributed management agreement in place. Distributed management of State archives is an alternative to the standard option of transferring records to the custody of the Museums of History NSW.

Under the distributed management model, State records still become State archives when control passes to the Museums of History NSW, however the records will remain in the custody of another party, such as Council storing and managing the State archives by agreement.

All transfers will be completed in accordance with the Museums of History NSW resources and guidelines. This process will be formally documented with a record of transfer kept by Council.

10. MONITORING, REPORTING AND EVALUATION

Council is required to ensure that compliance in the disposal of records is regularly assessed, reviewed and monitored. Regular monitoring and evaluation of compliance with the retention and disposal process and associated practices is undertaken by the Manager Digital and Customer Information.

Compliance is monitored by:

- ensuring that any amendments or new versions of disposal authorities are implemented
- reviewing appraisal analysis and decisions to determine they are approved and current
- checking to ensure records are retained or destroyed in accordance with authorised retention periods
- ensuring records are linked to correct disposal classes at capture in the EDRMS
- inspecting the documentation and evidence of records destroyed to determine that disposal actions are authorised and meet approved standards.

State Records NSW also monitor compliance, and have the authority to conduct an assessment of all recordkeeping processes and Council's Records Management Program.

11. RELATED POLICIES/PROCEDURES

- Hunter's Hill Council Records Management Policy and Program
- Hunter's Hill Council Code of Conduct
- Hunter's Hill Council Access to Information Policy
- Hunter's Hill Council Retention and Disposal Policy

12. POLICY AUTHORITY

Council.

13. GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

14. REVIEW

This policy to be reviewed every two (2) years or in accordance with legislative changes.

15. ADOPTED BY COUNCIL/EXECUTIVE:

DATE: xx
RESOLUTION NO: x

16. VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
07 November 2022	1.0	Executive	New Policy	Jade Reed, Manager Digital and Customer Information
12 October 2023	2.0		Amendments in accordance with legislative changes.	Jade Reed, Manager Digital and Customer Information

ITEM NO	: 4.16
SUBJECT	: COUNCILLOR BRIEFINGS AND WORKSHOPS
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MITCHELL MURPHY

Ref:665104

PURPOSE

The purpose of this report is to provide an update on the most recent Councillor Briefing held 16 October 2023.

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, 16 October 2023:

Topic	Speaker	Notes
Presentation: The Sydney Library of Things	Dr Carol Skyring Co-Founder & President The Sydney Library of Things	Dr Skyring confirmed the entity's interest in establishing a location in Hunters Hill and outlined the history, purpose and operational framework of Sydney Library of Things. Bridget Kennedy (co-founder) was also present.
Presentation: Outdoor dining • Application process • Compliance • Fees and charges	Jad Davis Health and Building Surveyor	Mr Davis provided a comprehensive overview to elected members about the "end-to-end" process (including application framework; compliance; fees and charges) pertaining to outdoor dining in municipality.
Financial Update	Maria Kenny Director of Finance, Procurement and Projects	The Director provided update on External Auditor's assessment of the General-Purpose Financial Statements (2022-23) for Hunter's Hill Council. A summary report/financial statements will be tabled at the 23 October Council meeting.
Presentation: 2022-23 StateCover Report - Council's performance in the areas of Work Health and Safety and workers compensation	Rosanna Guerra Director, People and Culture	The Director provided an overview of the annual StateCover WH&S Report, which highlighted Council has recorded nil workers' comp claims or liabilities for FY 22-23 and also improved its rating in regards to WH&S systems.
Business Papers (information purposes) - Council Meeting 23 October, 2023	General Manager/Directors	General Manager and Directors gave a summary of key agenda items/business papers (for information purposes) that will be considered at the 23 October Council meeting. The Director of Planning advised updates on the LEP/DCP review and Gladesville Masterplan Project status would be included in the business papers for the 23 October meeting.

Councillor Requests	General Manager/Directors	Councillor Requests are matters raised by Elected Members with the General Manager's office for explanation or action, generally about standard operational issues. The GM/Directors provided an overview and responded to questions about the most recent requests. Main discussion points:
General Business	All	<ul style="list-style-type: none"> • Elected members were supportive of Council officers providing a report in due course regarding matters raised in the presentation (see agenda item above) by representatives Sydney Library of Things, i.e. location options; infrastructure requirements. • Cr Prieston informed that initial discussions with Stephen Choularton (Organic Food Markets) about the possibility of a weekly market returning to Hunters Hill were productive.

CONCLUSION

A 'brief' summary of issues discussed at a Councillor Workshop or Briefing be included as a report to Council.

FINANCIAL IMPACT ASSESSMENT

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

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

RISK ASSESSMENT

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

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.17
SUBJECT	: MINUTES OF THE CONSERVATION ADVISORY PANEL HELD ON 20 SEPTEMBER 2023
STRATEGIC OUTCOME	: DEVELOPMENT APPLICATION, REGULATION AND MONITORING SERVICES ARE STREAMLINED
ACTION	: DEVELOPMENT APPLICATIONS (DAS) ARE PROCESSED IN ACCORDANCE WITH SERVICE STANDARDS
REPORTING OFFICER	: STEVE KOUREPIS

Ref:663630

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Conservation Advisory Panel held 20 September 2023.

The purpose of CAP is to consider and advise Council staff on any matter of environmental heritage referred to the advisory committee by staff including building and development proposals and plans or policies referred by Council or the General Manager.

RECOMMENDATION

That the 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 September 2023**COMMENCEMENT**

The meeting opened at 4.08 PM.

PANEL MEMBERS IN ATTENDANCE

Clr Ross Williams	Chairperson, Councillor
Clr Jim Sanderson	Councillor
Ms Bronwyn Doutreband	Community Representative
Ms Helen Temple Berry	Community Representative
Ms Lucy Creagh	Representative of Hunters Hill Trust
Mr Michael Lehany	Heritage Landscape expert
Steve Kourepis	Director Town Planning, Hunters Hill Council
Kathleen Higgins	Heritage Advisor, Hunters Hill Council

APOLOGIES

Mr Robert Moore	Representative, Institute of Architects (NSW)
Mr Michael Lehany	Heritage Landscape expert

DECLARATIONS OF INTEREST

Councillor Sanderson declared an interest in Item 3.1, the interest being in relation to the architect.

CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of Conservation Advisory Panel of previous Meeting held on 16/08/2023 be adopted. Moved by Councillor Sanderson. Seconded by Lucy Creagh.

REPORTS

Councillor Sanderson left the meeting at 4.20 pm

3.1 4.20 PM - 17 NELSON PARADE, HUNTERS HILL (DA2023-0113)

PROCEEDINGS IN BRIEF

Attendees Philippa and Iain Clark, Owners

Comments

- The building lacked fine scale detail elements to enliven the façades.
- A large expanse of glazing is not characteristic of the conservation area and should be reduced to promote better window fenestration. The quality of views

from the Parramatta River are an important consideration in reducing glazing facing the river.

- The double driveway will contribute to driveways dominating the streetscape. It was stated that the driveway should be shared rather than a new driveway be introduced. Preferably to be a single driveway.
- It is important that the deep soil area is maximised and thereby reducing the hard surfaces.
- The lack of suitable landscape elements to promote a more sustainable development was stated.
- Inadequate information about materials, finishes and colours was available. The appropriateness of charred timber as a balustrade was raised. The glass balustrade proposed to the rear is not appropriate. A different balustrade could help to “soften” the building when looking from the river.
- The Panel complimented the applicant on retention of sandstone, the Magnolia and tree ferns is positive.

RECOMMENDATION

That the Panel advise its comments to the Director, Town Planning, for consideration in relation to the development application.

Councillor Sanderson returned to the meeting at 4.50 pm

3.2 5PM - 7-11 RYDE ROAD, HUNTERS HILL (PRE DA)

PROCEEDINGS IN BRIEF

Attendees Michael Trinh – IDA Design Group, Architects
Phat Huynh – IDA Group, Project Architect
Alice Fuller– Weir Phillips, heritage consultant
Henry Renner – Client
Rajeev Ganapathy – Client

- Comments**
- The appropriateness of the demolition of the existing houses was raised. It was noted by the Panel that it first must be demonstrated that the demolition of the existing buildings is acceptable prior to considering new development. Number 11 Ryde Road was considered to be reasonably intact and worthy of retention although the applicant stated little of the original fabric was existing.
 - The Hunters Hill Trust stated that it doesn’t support demolition. A concern was raised that examples of this type of building is being constantly lost in the Municipality.
 - The opportunity for new large spreading canopy trees on the site has not been provided. Tree canopy is a key feature of the conservation area and should be enhanced. It was noted that Hunters Hill is a garden suburb and the site should make a positive contribution to this objective.

- The Eucalypt tree at the front of the property is a fine tree that should be retained. This is clearly a very old tree and identified in the Arbortist's report as a Eucalyptus Globulus (Blue Gum) (Tree 17?). It is significant in the streetscape and is within 11 Ryde Road - right on the south western corner. It is somewhat overwhelmed by the later Ficus near it. The Blue Gum is recommended for removal in the pre-DA because of proposed excavations for the basement and path construction. In the Arborist's report it is identified as stable with sound branching construction. It has borer damage. It is recommended for removal because of the design. Because of the Blue gum's age and stature, it should be retained and treated. The panel feels the design of the development should be modified to decrease impact on these mature trees and increase the long-term retention of deep soil to protect the roots. This tree needs urgent arboreal attention.
- Concern was raised that the courtyard area was included in the landscaping calculation as it is not a deep soil area built rather can only have pots for plants. The basement needs to be "redesigned to allow an appropriate area to sustain a garden".
- All efforts must be made to reduce the extent of basement parking to allow substantial plantings at natural ground level.
- It is important that significant trees be incorporated along the side boundaries.
- The elevations are quite stark, and the articulation and roofscape of the front façade to the street has no precedent. The current streetscape façade should be revisited with options generated that consider the context and rhythm of the buildings in the street more fully.
- Setbacks should be increased particularly at the village end of the front boundary.
- There is a "sheer" presentation to the street – 3 storeys straight up. These elevations are vertical without adequate articulation. Especially the view from the street and the heart of the village.
- The proposal should respond to the rhythm of buildings in the street.
- The mass of the unbroken building stretching along the site should be split to allow views through to the interior of the site.
- There is a conservation concern resulting from the large expanse of glazed walls facing the rear properties and would impact on listed properties.
- The sloping driveway to the basement parking creating a gaping hole at this part of the proposal is not consistent with the conservation area.
- Streetscape studies were recommended.

RECOMMENDATION

That the Panel did not support the current proposal and advises its comments to the Director, Town Planning, for consideration in relation to the preliminary development proposal.

3.3 5.45PM 49 WOOLWICH ROAD, HUNTERS HILL (DA2023-0096)

PROCEEDINGS IN BRIEF

Attendees Li Wang, LIS Architects

- Comments
- The appropriateness of the demolition of the existing houses was raised. It was noted by the Panel that it first must be demonstrated that the demolition of the existing buildings is acceptable prior to considering new development. It is also necessary for the proposal to make an equal or greater contribution to the conservation area than the existing.
 - The Panel believed the site analysis is cursory. This is an issue as it is very important to understand the context in order to have a building that is compatible with the adjacent heritage buildings and local character.
 - If the proposed building was to look like a pair of houses rather than one large house, this would in part be due to the two front doors separated by an emphasized party wall, and the almost symmetrical nature of the front façade (mirror reverse approach).
 - The subdivision of the site is contrary to the retention of the existing subdivision pattern. It was noted that the subject site is located both within The Peninsular Conservation Area as well as the Sunnyside Subdivision Conservation Area.
 - It is considered that the proposal is less sympathetic to the conservation area than the existing house.
 - The proposed quoins, corbelling, eyelid dormers and other architectural details are out of keeping with the character of the area.
 - The extent of deep soil landscape area was considered insufficient. It is important that houses sit in gardens, and that the gardens include trees with spreading canopies.
 - The dormers are visually uncomfortable on the roof and should be deleted
 - The bulk and building heights could be improved by lowering the ceiling heights.
 - Gardens should have mixed plantings rather than a single plant (monoculture).
 - A concern was raised about underground parking, particularly along the main road of Hunters Hill, where streetscape character and garden suburb qualities are being eroded by tunnels down underground levels. Excavation for underground carparking brings a risk of damage to adjoining heritage items. Underground carparking is not supported when at-grade carparking is clearly achievable.
 - The building is overly ornate with features that dominate rather than complement its surrounds and adjoining heritage items.
 - The basement driveway is not acceptable as it is not compatible with the character of the streetscape.
 - It was suggested that design cues be taken from the adjacent buildings without being imitated.
 - The advice of a heritage architect in developing a revised approach and design is strongly recommended.

RECOMMENDATION

That the Panel did not support the current proposal and advises its comments to the Director, Town Planning, for consideration in relation to the development application.

3.4 6.30PM 88 WOOLWICH ROAD, WOOLWICH (DA2023-0086)**PROCEEDINGS IN BRIEF**

Attendees Jacob Awad and Kaleigh White-Bishop, owners

- Comments**
- The appropriateness of the demolition of the existing houses was raised. It was noted by the Panel that it first must be demonstrated that the demolition of the existing buildings is acceptable prior to considering new development. It is also necessary for the proposal to make an equal or greater contribution to the conservation area than the existing.
 - The descending driveway is not supported as it is out of keeping with the character of the streetscape. Parking should be accommodated as close as possible to the natural ground level.
 - The practicality of the stack parking was raised. A single car space could be more easily accommodated, eliminating the need for excavation.
 - The Hunters Hill Trust finds it difficult to support the demolition of the existing house. The Trust is concerned about the cumulative impact of the demolition of historic buildings, especially the more modest smaller houses.
 - The removal of trees from the nature strip for the driveway needs further assessment.
 - The retention and reuse of existing sandstone blocks was recommended.
 - The proposed slender steel columns are not in keeping with the character of the area – they are not substantial. A revised approach is recommended.
 - The extensive area of excavation was raised as not consistent with the conservation area.
 - There seems to be the ability to reduce the bulk and height. It is important that a new building relates to bulk and scale of the locality.
 - The modesty of the design was noted and appreciated.

RECOMMENDATION

That the Panel advise its comments to the Director, Town Planning, for consideration in relation to the development application.

The meeting closed at 7:30 PM.

The next meeting will be held on 18 October 2023.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.18
SUBJECT	: MINUTES OF THE MOVEMENT AND TRANSPORT ADVISORY COMMITTEE HELD ON 26 SEPTEMBER 2023
STRATEGIC OUTCOME	: THE COMMUNITY IS AWARE OF COUNCIL DECISIONS THROUGH A TRANSPARENT AND DEMOCRATIC ENGAGEMENT PROCESS
ACTION	: DELIVER A DIVERSE ENGAGEMENT PROGRAM TO ENHANCE COMMUNITY AWARENESS AND PARTICIPATION
REPORTING OFFICER	: MOHAMAD BADARANI

Ref:665426

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Movement and Transport Advisory Committee held 26 September 2023.

RECOMMENDATION

That the Minutes be received and noted.

MINUTES OF THE MOVEMENT AND TRANSPORT ADVISORY COMMITTEE HELD ON 26 SEPTEMBER 2023.**COMMENCEMENT**

The meeting opened at 4:30pm.

IN ATTENDANCE

Clr Richard Quinn	Chairperson
Clr Elizabeth Krassoi	Councillor
Clr Jim Sanderson	Councillor
Mr Chris Palmer	Member
Ms Pamela Alvarez	Member
Ms Jacque Alway	Member
Mr Ben Ho	Member
Mr Alister Sharp	Member
Mrs Samantha Urquhart	Director, Infrastructure and Environmental Sustainability
Mr Mohamad Badarani	Manager, Assets and Design
Ms Louise Bertoni	Administration Officer

ALSO PRESENT

Mr Michael Palamara	Consulting Traffic Engineer (Item 3.1)
Ms Sarah Jenkins	Administration Officer, Item 3.1 only

APOLOGIES

Marc Lane	Member
Peter Reid	Member
Ms Pauline Kanakis	Member

DECLARATIONS OF INTEREST

Nil.

CONFIRMATION OF MINUTES

- 199/23** RESOLVED on the MOTION of Member Krassoï, seconded Member Alway
That the Minutes of Movement and Transport Advisory Committee of previous Meeting held on 22/08/2023 be adopted.

REPORTS

3.1 CROWN STREET - CONSULTANT - PRESENTATION AND DISCUSSION

PROCEEDINGS IN BRIEF

- Consulting Traffic Engineer Michael Palamara presented Crown Street traffic calming proposal
- The main purpose is to manage speed on Crown Street and prevent further incidents and Michael explained the reasoning behind each of the proposed traffic calming devices.
- There was some discussion on the possibility of a 4 Way stop signs at Kelly and Crown Street.
- The Committee was concerned that the proposal is excessive and is in response to one unusual incident. The bigger gain would be to deal with the 85th percentile scenario.
- Clr Krassoï proposed the pedestrian refuge and a potential pedestrian crossing as a first stage.
- A suggestion for painted netting on the road was raised.

ACTION: That Council staff explore Alt traffic calming measures e.g.

- the painting of netting on the road
- progressing with the pedestrian refuge.

ACTION: Data from the radar speed sensor to be distributed to the Committee.

3.2 REVIEW OF RYDE ROAD AND BORONIA AVE 50KM SIGNS

PROCEEDINGS IN BRIEF

ACTION: Council officers to approach Transport for NSW to investigate traffic slowing options in Boronia Ave.

3.3 REVIEW OF SPEEDS ZONES IN GENERAL

PROCEEDINGS IN BRIEF

- Need an understanding of what the options are for 30 and 40 km/hr speed zones across the entire municipality.

ACTION: Further conversations required about speed zones to be included in the community consultation for the Integrated Transport Strategy and a potential pilot, e.g. Boronia Ave.

3.4 KEEP CLEAR ZONES - MOUNT AND ALEXANDER STREETS WITH LINE MARKING

PROCEEDINGS IN BRIEF

- Chris Palmer shared a concept plan for the intersection (from Agenda of November 2022).

ACTION: Council Officers to explore appropriate improvements and report back to the committee

3.5 RISK REVIEW MEETING OUTCOME

PROCEEDINGS IN BRIEF

- Samantha Urquhart gave a summary report of the meeting
- The Chair commended the Director and staff on a very successful and productive meeting.

ACTION: Nil

3.6 PLANS FOR FURTHER IMPLEMENTATION OF THE BIKE PLAN

PROCEEDINGS IN BRIEF

- Consultant engineer will be required to prepare a detailed design. Design is expected to be complete early next year.
- Second phase will be to apply for additional funds for construction.

ACTION: Nil

3.7 INFORMING THE PUBLIC OF THE MEANING OF THE YELLOW KERB LINES PAINTED AROUND SOME INTERSECTIONS

PROCEEDINGS IN BRIEF

- Information to be included in Council’s newsletters and potentially with in the rates notice.

ACTION: Information to be included in Council’s communications to residents.

The meeting closed at 6.10pm.

I confirm that these Minutes are a true and accurate record of Movement and Transport Advisory Committee Meeting held on 26 September 2023.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 4.19
SUBJECT	: MINUTES OF THE LOCAL AREA TRAFFIC COMMITTEE HELD ON 21 SEPTEMBER 2023
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:665423

PURPOSE

The purpose of this report is to provide Council with the Minutes of the Local Area Traffic Committee held on 21 September 2023.

RECOMMENDATION

That the Minutes be received and noted.

MINUTES OF THE LOCAL AREA TRAFFIC COMMITTEE HELD ON 21 SEPTEMBER 2023**COMMENCEMENT**

The meeting opened at 10:30am.

IN ATTENDANCE

Cr Richard Quinn	Chairperson
Sgt Leonie Abberfield	Ryde Area Command
Mr Ben Cantor	Busways
Ms Vicky Walker	Transport NSW
Chris Zamagias	Busways
Mrs Samantha Urquhart	Director Infrastructure & Environmental Sustainability
Mr Mohamad Badarani	Manager Assets and Design
Mrs Leanne Stathakis	Traffic and Transport Officer
Mrs Mary Zhang	Road Safety Officer

ALSO PRESENT

Louise Bertoni	Executive Administration Officer
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APOLOGIES

No apologies were received.

Ben Collins

State Member Representative

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

001/23 RESOLVED on the MOTION of Chairperson Quinn, seconded Sgt Abberfield
That the Minutes of Hunters Hill Local Area Traffic Committee of previous Meeting held on 22/08/2023 be adopted.

REPORTS

3.1 GLADSTONE AVENUE - PROPOSED 'NO STOPPING' AT THE END OF THE ROAD

PROCEEDINGS IN BRIEF

002/23 RESOLVED on the MOTION of Vicky Walker, seconded Sgt Abberfield

1. That 'No Stopping' by yellow line be installed outside No.1 Gladstone Avenue from the power pole to the driveway of 2a Gladstone Avenue, as shown



3.2 FRANCIS STREET - PROPOSED 'NO STOPPING'

PROCEEDINGS IN BRIEF

003/23 RESOLVED on the MOTION of Sgt Abberfield, seconded Vicky Walker

1. That 'No Stopping' be installed by yellow line marking from the eastern side of the of the driveway of 15 Francis Street to 5m east of the driveway of No. 11 Francis Street as shown below



3.3 GLENVIEW ROAD - PROPOSED PARKING RESTRICTIONS

PROCEEDINGS IN BRIEF

004/23 RESOLVED on the MOTION of Sgt Abberfield, seconded Vicky Walker

1. That 'No Stopping' zone be established on Glenview Road from the statutory 10m 'No Stopping' zone from Woolwich Road to the statutory 10m 'No Stopping' zone on Glenview Crescent, as shown at Figure 1.
2. That the 'No Stopping' will be defined by a yellow line on the west side of Glenview Road, as shown



3.4 NEW YEARS EVE - TRAFFIC MANAGEMENT PLAN

PROCEEDINGS IN BRIEF

Discussion: - Signage min. 1 week before & Communication to residents (Busways concerned with - pickup spots, U-turns, exclusions Zones, Disable parking)

ACTION: Leanne to forward the traffic management plan to TfNSW, VMS and seek guidance. When finalised will be send out to all stakeholders.

005/23 RESOLVED on the MOTION of Sgt Abberfield, seconded Vicky Walker

1. That the report be received and noted.
2. That upon finalisation of the New Year's Eve Plans a further report be tabled with the Traffic Committee.

OTHER BUSINESS

4.1 PRINCE EDWARD STREET - PREVIOUS COUNCIL MOTION

PROCEEDINGS IN BRIEF

ACTION - Information – community consultation

7 Bridges walk – D’Arm St closure – letter box drop 6/10, event 22/10

The meeting closed at 11:30am.

I confirm that these Minutes are a true and accurate record of Hunters Hill Local Area Traffic Committee Meeting held on 21 September 2023.

.....
CHAIRPERSON

ATTACHMENTS

There are no attachments to this report.

7.1 : Response to Councillor Questions, Cr Ross Williams
COUNCILLOR : CR ROSS WILLIAMS

Questions With Notice were submitted in writing by Cr Ross Williams to the General Manager on 18 September.

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

The General Manager has nominated the Director, Infrastructure and Environmental Sustainability to respond to the questions.

QUESTION FROM CR WILLIAMS:

1. SUBJECT: SURVIVAL OF RECENT PLANTINGS

Question or Service Requested:

Council has recently conducted a street tree planting and turfing program. What program is in place to ensure their survival in this hot dry period?

RESPONSE:

As part of Council's annual street tree planting program, Council ensures all trees planted are watered and monitored for a period of 6-8 weeks, this enables the tree to establish. Council also asks residents to assist in the watering of these trees, post the establishment period. Residents generally work well with Council on this.

2. SUBJECT: PRIORITY – CAPITAL WORKS IN MARY AND MARTIN STREETS

Question or Service Requested:

Recent work has been conducted to reconstruct an asphalt foot path in Martin Street. This work was just completed and appears to have been carried out on a section of path that was in relatively good condition.

Similarly, extensive reconstruction of the Kerb and Gutter in Mary Street is being done. This section of appears to be old, but in serviceable condition.

Council recently undertook a Municipality wide assessment of its infrastructure and assets. Could the data from this assessment be made available and how these works were prioritized?

RESPONSE:

Infrastructure Management Group (IMG) were engaged late last year to undertake a condition assessment of our road assets. Condition scores were given between 1 and 5, where 1 is in excellent condition and 5 is very poor.

The capital works program was prioritised based on the condition, utilisation and locality of the asset, eg. The Mary Street kerb and gutter project was prioritised and subsequently delivered due to its overall condition, and its contribution to the adjacent road deterioration as a result of

drainage issues; Martin Street footpath was included due to its overall condition and ongoing flooding of an adjacent property.

IMG have provided extensive information to Council to demonstrate this rationale. The Council Footpath network map and kerb network map are shown at Attachment's 1 and 2 respectively. This map shows the condition of footpath and kerb & gutter sections, which defines Councils capital works program.

ATTACHMENTS

1. Footpath Condiion Map [↓](#)
2. Kerb Condition Map [↓](#)



Hunter's Hill Council

Footpath Network 2022

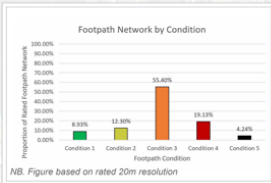
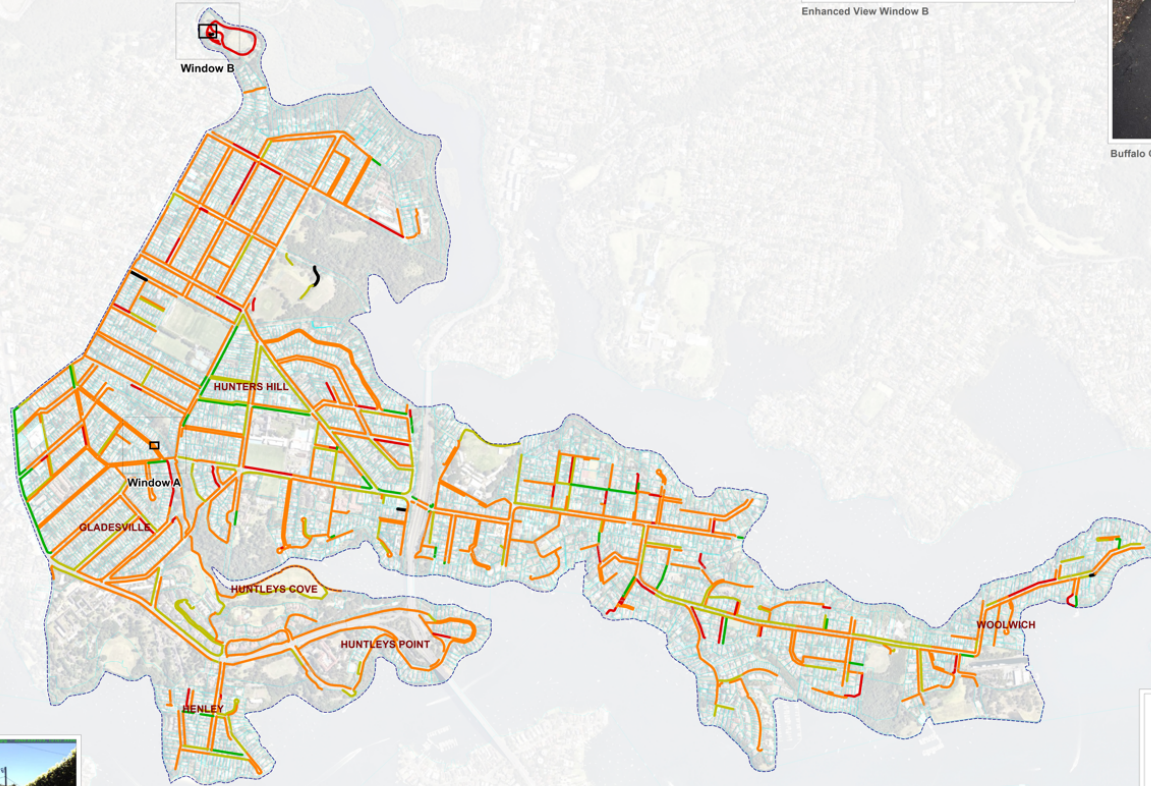
Displayed as Segment Average Condition and Inset with 20m Interval Condition



Enhanced View Window B



Buffalo Creek Reserve, Hunter's Hill: Footpath Cracking



ASSESSMENT OF FOOTPATH NETWORK CONDITION

FOOTPATH CONDITION

1 - Excellent (371)
 2 - Good (511)
 3 - Fair (Optimum Service Level) (2302)
 4 - Poor (Below Service Level) (795)
 5 - Very Poor (Failed) (178)
 No Assessment* (0)

FOOTPATH AVERAGE CONDITION

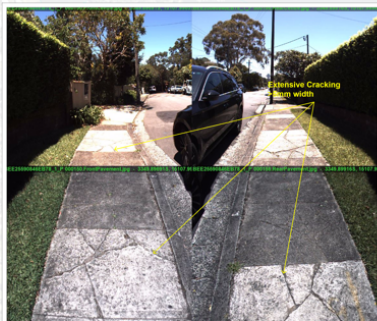
Average of 20m Intervals

1 to 1.6 Excellent (50)
 1.6 to 2.7 Good (132)
 2.7 to 3.8 Fair (Optimum Service Level) (484)
 3.8 to 4.6 Poor (Below Service Level) (53)
 4.6 to 5.1 Very Poor (Failed) (6)
 No Assessment* (7)

*Unassessed due to lack of access
 NB. All ranges are exclusive of upper integer
 Publication Date: 17 March 2023

76.63% Above or Meeting Service Level
 23.37% Below Service Level

NB. Expressed as a percentage of rated footpath length



Makinson Street, Gladesville: Footpath Cracking



Enhanced View Window A

Footpath Condition

By 20m Intervals

- 1 Excellent (371)
- 2 Good (511)
- 3 Fair (Optimum Service Level) (2302)
- 4 Poor (Below Service Level) (795)
- 5 Very Poor (Failed) (178)
- No Assessment* (0)

Footpath Average Condition

Average of 20m Intervals

- 1 to 1.6 Excellent (50)
- 1.6 to 2.7 Good (132)
- 2.7 to 3.8 Fair (Optimum Service Level) (484)
- 3.8 to 4.6 Poor (Below Service Level) (53)
- 4.6 to 5.1 Very Poor (Failed) (6)
- No Assessment* (7)

*Unassessed due to lack of access
 NB. All ranges are exclusive of upper integer
 Publication Date: 17 March 2023



Hunter's Hill Council

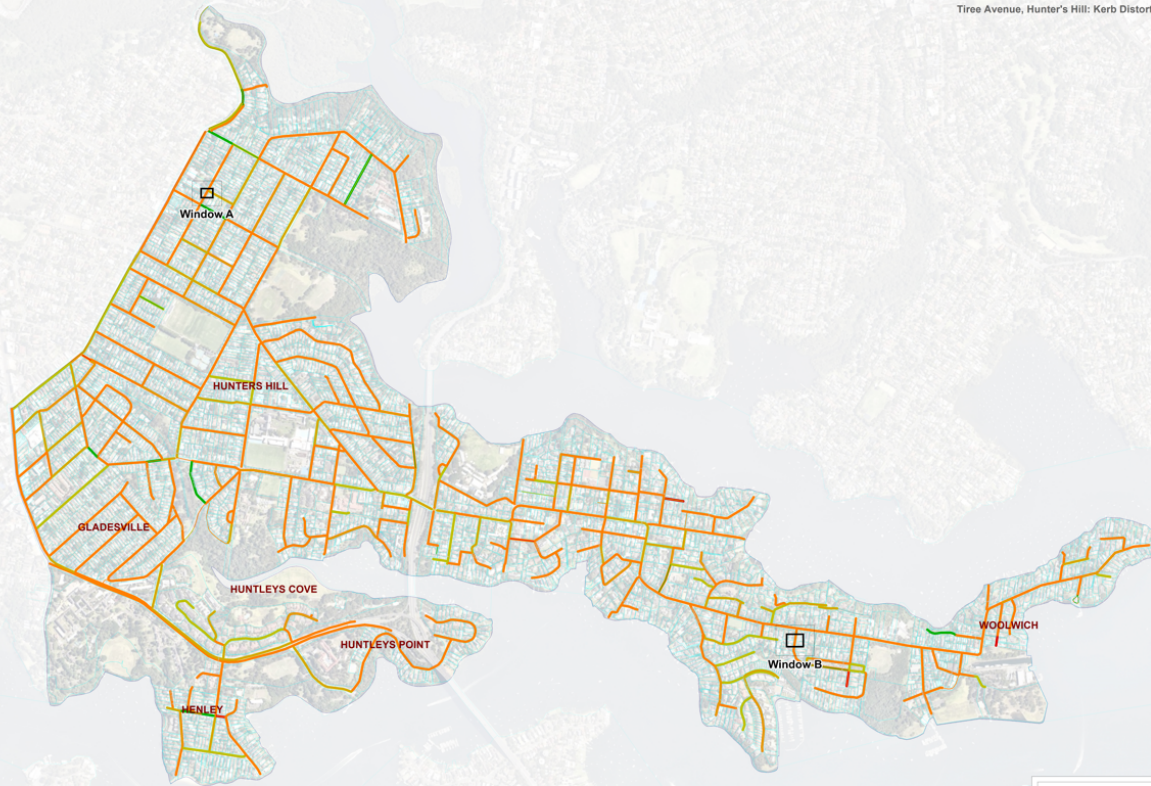
Kerb Network 2022

Displayed as Segment Average Condition and Inset with 20m Interval Condition

KERB CONDITION DEFINITIONS CLIENT COUNCIL ASSESSMENT BY 20m

Assessment requires 20m stretch, with 20m interval segments to be assessed to meet the report.

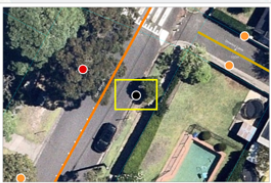
Condition 1: Excellent (1.0 to 1.5) - 1.0% - 1 - Good (1.6 to 2.7) - 84.4% - 2 - Fair (Optimum Service Level) (2.8 to 3.8) - 15.57% - 3 - Poor (Below Service Level) (3.9 to 4.6) - 0.38% - 4 - Very Poor (Failed) (4.7 to 5.1) - 0.35% - 5 - No Assessment* (0)



Tree Avenue, Hunter's Hill: Kerb Distortion and Displacement



Enhanced View Window B



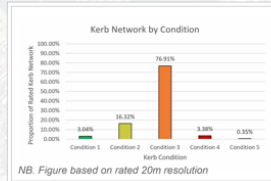
Enhanced View Window A



Earl Street, Hunter's Hill: Kerb Distortion

96.27% Above or Meeting Service Level
3.73% Below Service Level

NB. Expressed as a percentage of approximated length of rated kerb



Kerb Condition by 20m Intervals		Left Kerb Segment Condition Average of 20m Intervals	
1 Excellent	(157)	1 to 1.6 Excellent	(12)
2 Good	(844)	1.6 to 2.7 Good	(76)
3 Fair (Optimum Service Level)	(2576)	2.7 to 3.8 Good to Fair	(331)
4 Poor (Below Service Level)	(175)	3.8 to 4.6 Poor to Very Poor	(2)
5 Very Poor (Failed)	(18)	4.6 to 5.1 Very Poor to Failed	(0)
No Assessment*	(246)	No Assessment*	(0)

Centre Kerb Segment Condition Average of 20m Intervals		Right Kerb Segment Condition Average of 20m Intervals	
1 to 1.6 Excellent	(1)	1 to 1.6 Excellent	(10)
1.6 to 2.7 Good	(2)	1.6 to 2.7 Good	(91)
2.7 to 3.8 Good to Fair	(4)	2.7 to 3.8 Good to Fair	(312)
3.8 to 4.6 Poor to Very Poor	(0)	3.8 to 4.6 Poor to Very Poor	(4)
4.6 to 5.1 Very Poor to Failed	(0)	4.6 to 5.1 Very Poor to Failed	(0)
No Assessment*	(0)	No Assessment*	(0)

*Unassessed due to lack of access
NB. All ranges are exclusive of upper integer
Publication Date: 16 March 2023



**7.2 : RESPONSE TO COUNCILLOR QUESTIONS, CR JIM SANDERSON
COUNCILLOR : CR JIM SANDERSON**

Questions With Notice were submitted in writing by Cr Jim Sanderson to the General Manager on 13 October.

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

The General Manager has nominated the Director of Town Planning to respond to Question 1 and the General Manager has responded to Question 2.

QUESTIONS FROM CR SANDERSON:**1. SUBJECT: MONTEFIORE PLANNING PROPOSAL****Question or Service Requested:**

On 12 September, 2023 Council resolved to not support the Montefiore Planning Proposal.

1. On what date did Council notify Montefiore that it does not support the Planning Proposal?

RESPONSE: Council on 19 September 2023 advised Montefiore of Council's resolution of 12 September 2023, on the Planning Proposal (PP2023-1109).

2. Has Council provided Montefiore (or its advisers) of the reason(s) for Council's resolution not to support the Planning Proposal? If so, what reason(s) has Council given?

RESPONSE: Council only provided Montefiore of Council's resolution of 12 September 2023, on the Planning Proposal (PP2023-1109). The resolution and reasons, not to support the Planning Proposal, were moved by Council, not staff.

It should be noted that the CEO of Montefiore was present in Council Chambers gallery on the night of this decision by elected members.

Paragraph 13 of Council's Resolution states:

That Council invite Montefiore to resubmit an alternative proposal consistent with a residential site zoning.

3. Has Council invited Montefiore to resubmit an alternative proposal consistent with a residential site zoning? If so, when and in what terms was that invitation made? If not, why not?

RESPONSE: Council on 19 September 2023 advised Montefiore of Council's resolution of 12 September 2023, on the Planning Proposal (PP2023-1109), This is a matter for Montefiore to consider, whether they resubmit an alternative proposal.

According to the Department of Planning and Environment Local Environmental Plan Making Guideline (August 2023) the Proponent may seek a rezoning review request within 42 days of Council notifying the Proponent that it does not support the planning proposal request.

4. Has Council discussed a possible rezoning review request with Montefiore? If so, what was the substance and effect of those discussions?

RESPONSE: No.

5. Has Council provided Montefiore (or its advisers) with any indication of whether Council intends to support or oppose any future planning review request by Montefiore? If so, what was the substance and effect of what Council advised that it intended to do?

RESPONSE: No.

In the event that Montefiore seeks a rezoning review request, Council is obliged to provide its response within 21 calendar days and comments and additional information on the planning proposal.

6. Does Council intend to include all of the following information in the package, which will be made available to the independent planning panel:
 - a. The version of the Montefiore Planning Proposal considered by Council on 12 September 2023?
 - b. The Submissions made and tabled at the Local Planning Panel meeting on 22 June 2023?
 - c. The Local Planning Panel resolutions and recommendations made on 22 June 2023?
 - d. The correspondence from Ms Armstrong and Mr Willcock dated 4 August 2023 and subsequent legal advice received by Council concerning the proposed rezoning of the Montefiore site to SP2 Infrastructure?
 - e. Any and all written submissions received by Council concerning the Montefiore Planning Proposal?
 - f. Any and all technical assessments prepared or received by Council concerning the Montefiore Planning Proposal?
 - g. The Report by the Director of Town Planning in the Council paper for the extraordinary meeting held on 12 September 2023?
 - h. The Submissions made and tabled at the Council meeting on 12 September 2023?

RESPONSE: At this stage Montefiore have not sought rezoning review on the Planning Proposal (PP2023-1109), and these actions are superfluous under the circumstances.

To respond to activity that has not taken place/a scenario which does not currently exist (in this case a request for a rezoning review), this may be considered similar to assessing or providing recommendations in relation to a development application that has not been lodged. Perhaps the proponent would make a proposal or provide associated information to ensure appropriate consideration by council prior to taking an action.

Council will follow the Departments, Local Environmental Plan Making Guidelines, with any proposal submitted.

7. In each case where Council intends to withhold information, for what reason(s) is Council choosing to withhold the information?

RESPONSE: It should be noted (as stated above) this scenario does not exist at this time. Respectfully, officers take issue and reject the comment: *Council intends to withhold information.*

2. SUBJECT: LOCAL PLANNING PANEL APPOINTMENT

Question or Service Requested:

On 7 December 2022 the then Minister for Planning, the Hon Anthony Roberts, gave a Ministerial Direction under section 9.1 of the Environmental Planning and Assessment Act 1979 (NSW), in relation to appointment of new members to Local Planning Panels ('LPPs'). Among other things this Direction, applying to Councils that have constituted an LPP, required the establishment of 'a pool comprising at least 15 independent expert members and alternate members'. As far as I am aware, most Councils have not been able to comply with this aspect of the Direction, simply because insufficient expressions of interest have been received from approved independent experts.

Council has written to the Department of Planning and/or the Minister for Planning in relation to this matter and received some replies.

To allow better understanding of this issue, can copies of all correspondence since 7 December 2022 in relation to the appointment of LPP Members, between Council (including the Mayor, General Manager and other Council Officers) and the Department of Planning or the Minister be included in a reply to this Question with Notice?

RESPONSE:

Cr Sanderson, I have reviewed your Question with Notice regarding the appointment of Local Planning Panel members and, in my view, the question is not valid.

In accordance with Council's Code of Meeting Practice, for a Question with Notice to be valid it must:

- be about the performance or operations of Council (clause 3.14 of the Code).

Consideration was also given 3.20 of the Code as the information that you have requested is not open access information and potentially contains personal information. If you would like access to this information you are required to submit a formal application in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).

In accordance with clause 10.3 of the Code, Cr Sanderson I request that you withdraw the question.

ATTACHMENTS

There were no attachments to this report.

COUNCIL IN COMMITTEE OF THE WHOLE

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Committee of the Whole to consider confidential matters, if those matters involve:

- a) personnel matters concerning particular individuals; or
- b) the personal hardship of any resident or ratepayer; or
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- d) commercial information of a confidential nature that would, if disclosed;
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the council, or
 - iii. reveal a trade secret, or
- e) information that would, if disclosed, prejudice the maintenance of law; or
- f) matters affecting the security of the council, councillors, council staff or council property; or
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- h) an item of Aboriginal significance on community land,

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider the following confidential matters.

RECOMMENDATION

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