

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-serviced by shops, transport and community services,
- (h) to ensure development considers and supports active and public transport,**
- (i) to provide for employment and a variety of businesses that service residents of the municipality and surrounding areas,
- (j) to 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)~~ **(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 **city** 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.

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

(a) a dual occupancy—0.5:1,

(b) multi dwelling housing—0.6:1.

Rationale

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

Proposal

4.5 Calculation of floor space ratio and site area

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

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

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

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

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

Rationale

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

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** conserv**ation 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 and** 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. • Not in a HCA.	
13	<p>Use of certain land at 8 Passy Avenue, Hunters Hill</p> <p>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.</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 HCA. 	Retain as existing.
14	<p>Use of certain land at 10 and 12 Salter Street, Huntleys Cove</p> <p>1) This clause applies to land at 10 and 12 Salter Street, Huntleys Cove, being Lot 1, DP 823988 and known as “The Priory”.</p> <p>2) Development for the purposes of community facilities, function centres and restaurants or cafes is permitted with development consent.</p>	<ul style="list-style-type: none"> Land zoned R2 Low Density Residential. 	Retain as existing.
15	<p>Use of certain land at 11 Gladstone Avenue, Woolwich</p> <p>1) This clause applies to land at 11 Gladstone Avenue, Woolwich, being Lots 1–5, Section E, DP 1015 and Lot 1, DP 795282.</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 HCA. 	Retain as existing.
16	<p>Use of certain land at 2C Margaret Street, Woolwich</p> <p>1) This clause applies to land at 2C Margaret Street, Woolwich, being Lots 2 and 4, DP 880264.</p> <p>2) Development for the purpose of residential accommodation is permitted with development consent.</p>	<ul style="list-style-type: none"> Lots 2 & 4 DP 880264 Currently zoned IN4 Working Waterfront. 	Retain as existing.
17	<p>Use of certain land at 103 Woolwich Road, Woolwich</p> <p>1) This clause applies to land at 103 Woolwich Road, Woolwich, being Lot 5, DP 3110.</p>	<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

Adress 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>	

4 Werambie Street, Woolwich	
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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 Laisley 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.