

## **HUNTERS HILL COUNCIL**

### **PLANNING PROPOSAL**

Local Environmental Plan Review

April 2024

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## Executive Summary

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

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

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

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

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

## Part 1 – Background, Objectives and Intended Outcomes

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

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

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

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

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

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

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

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

## Part 2 – Explanation of Provisions

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

### 1.1 Clause 1.2 Aims

#### Proposal

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

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

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

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

## **Rationale**

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

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

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

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

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

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

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

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

## 1.2 Part 2 Permitted or prohibited development - Land use table

### Proposal

#### Zone R2 Low Density residential

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

#### Zone R2 Low Density residential

##### 1 Objectives of zone

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

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

## **2 Permitted without consent**

Home occupations; Roads.

## **3 Permitted with consent**

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

## **4 Prohibited**

Any development not specified in item 2 or 3.

### **Rationale**

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

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

### **Proposal**

**Amend objectives of R3 Medium Density zone as follows:**

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

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

### ***R3 Medium Density Development***

#### ***1 Objectives of zone***

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



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

**2 Permitted without consent** Home occupations; Roads

**3 Permitted with consent**

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

**4 Prohibited**

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

#### **Rationale**

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

#### **Proposal**

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

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

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

#### ***RE1 Public Recreation***

##### ***1 Objectives of zone***

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

##### ***2 Permitted without consent***

*Environmental facilities; Environmental protection works; Roads*

##### ***3 Permitted with consent***

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

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

### **Rationale**

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

### **Proposal**

Amend E1 Local Centre provisions as follows:

#### ***E1 Local Centre***

##### **1 Objectives of zone**

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

### **Rationale**

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

### **Proposal**

Amend MU1 Mixed Use provisions as follows:

#### **Zone MU1 Mixed Use**

##### **1 Objectives of zone**

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

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

#### **Rationale**

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

### **1.3 Part 4 Principal development standards**

#### **Proposal**

##### **4.1 Minimum subdivision size**

**Make the following amendments to Clause 4.1:**

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

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

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

**Add to Clause 4.1:**

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

#### **Rationale**

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

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

#### **Proposal**

##### **4.3 Height of buildings**

**Make the following amendments to Clause 4.3 (a):**

The objectives of this clause are as follows-

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

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

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

#### 4.3A Height of buildings (additional provisions)

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

(a) to provide for view sharing,

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

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

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

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

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

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

(5) In this clause—

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

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

#### Rationale

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

#### Proposal

##### 4.4 Floor space ratio

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

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

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

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

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

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

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

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

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

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

#### **Rationale**

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

#### **Proposal**

#### **4.5 Calculation of floor space ratio and site area**

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

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

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

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

#### **Rationale**

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

### **1.4 Part 5 Miscellaneous provisions**

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

#### **Proposal**

**Amend controls relating to miscellaneous permissible uses:**

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

### **Rationale**

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

### **Proposal**

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

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

### **Rationale**

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

### **Proposal**

#### **Clause 5.10 Heritage conservation**

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

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

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

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

## **1.5 Part 6 Additional local provisions**

#### **Clause 6.3 Stormwater management**

### **Proposal**

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

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

## **Stormwater Management and Water Sensitive Urban Design**

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

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

### **Rationale**

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

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

### **Clause 6.4 Terrestrial biodiversity**

#### **Proposal**

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

### **Rationale**

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

### **Clause 6.5 Riparian land and adjoining waterways**

#### **Proposal**

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

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

### **Waterways and Riparian Land**

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

**(a) to protect or improve—**

**i. water quality within waterways, and**

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

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

**iv. ecological processes within waterways and riparian lands, and**

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

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

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

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



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

(a) Identified in the NSW Government Hydroline dataset

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

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

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

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

i. the water quality in any waterway,

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

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

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

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

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

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

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

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

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

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

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

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

### **Rationale**

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

## Clause 6.6 Limited development on the foreshore

### Proposal

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

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

### **Foreshore area development**

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

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

### **Rationale**

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

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

#### **Proposal**

Amend Clause 6.7 as follows:

- (1) The objectives of this clause are as follows—
- (a) to identify river front areas that have particular scenic value when viewed from waterways and adjacent foreshore areas,
    - (a1) to recognise and protect this natural and visual environment,
    - (a2) to reinforce the dominance of landscape over built form,
  - (b) to ensure that development in these areas minimises visual impacts by appropriate siting and design of buildings together with the conservation of existing trees vegetation and rocky outcrops,

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

**Note—**

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

**Rationale**

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

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

**Proposal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Rationale**

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

## Proposal

Include new Clause 6.11 – see below:

### **6.11 Development in local centres and mixed use areas**

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

## Rationale

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

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

## **1.6 Schedule 1 Additional permitted uses**

### Proposal

Amend schedule as outlined within the table below:

**Table 1 – Proposed Schedule 1 Amendments**

Item number	Existing	Comment	Recommendation
1	<p><b>Use of certain land at 21c Farnell Street, Boronia Park</b></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><b>Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville</b></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 30m<sup>2</sup>, 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 specific provision for size is not considered necessary.</p>	<p>Remove land from Schedule 1</p>
3	<p><b>Use of certain land at 17 and 19 Massey Street, Gladesville</b></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 30m<sup>2</sup>, is permitted with development consent</p>	<ul style="list-style-type: none"> <li>As above in No. 2</li> </ul>	<p>Remove land from Schedule 1</p>
4	<p><b>Use of certain land at 20a Alexandra Street, Hunters Hill</b></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"> <li>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.</li> </ul>	<p>Retain as existing.</p>

Item number	Existing	Comment	Recommendation
		<ul style="list-style-type: none"> <li>Land exists within a Heritage Conservation Area (HCA).</li> </ul>	
5	<p><b>Use of certain land at 32 Alexandra Street, Hunters Hill</b></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"> <li>Land is zoned R2 Low Density Residential.</li> <li>Not suitable to zone commercial given its location in a R2 Low Density Residential zone</li> </ul>	Retain as existing.
6	<p><b>6. Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill</b></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"> <li>Montefiore seniors living.</li> <li>2 Gaza St, Lot 61/DP 16119 and 116 High St, Lot 62/DP16119 are missing – bought by Montefiore since the LEP was gazetted</li> <li>Seniors housing permitted in the R2 Residential zone under the Housing SEPP</li> <li>Land not in a HCA.</li> </ul>	<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>
7	<p><b>Use of certain land at 49–51 Barons Crescent, Hunters Hill</b></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"> <li>Part of Montefiore.</li> <li>Seniors housing permitted in the R2 Residential zone under the Housing SEPP</li> </ul>	<p>Not in a HCA.</p> <p>Remove from Schedule 1.</p>
8	<p><b>Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill</b></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"> <li>Lot 1, DP 302331 is known as 1A De Milhau Rd in planning portal.</li> <li>Seniors housing permitted in the R2 Residential zone under the Housing SEPP</li> <li>Not in a HCA.</li> </ul>	<p>Not in a HCA.</p> <p>Remove from Schedule 1.</p>



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

Item number	Existing	Comment	Recommendation
	<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>		
15	<p><b>Use of certain land at 11 Gladstone Avenue, Woolwich</b></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"> <li>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.</li> <li>Land exists within a HCA.</li> </ul>	Retain as existing.
16	<p><b>Use of certain land at 2C Margaret Street, Woolwich</b></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"> <li>Lots 2 &amp; 4 DP 880264</li> <li>Currently zoned IN4 Working Waterfront.</li> </ul>	Retain as existing.
17	<p><b>Use of certain land at 103 Woolwich Road, Woolwich</b></p> <p>1) This clause applies to land at 103 Woolwich Road, Woolwich, being Lot 5, DP 3110.</p> <p>2) Development for the purposes of restaurants or cafes and shop top housing is permitted with development consent.</p>	<ul style="list-style-type: none"> <li>Currently zoned R2.</li> </ul>	Retain as existing.

## 1.7 Schedule 2 Exempt development

### Proposal

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

#### **Outdoor dining**

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

## 1.8 Schedule 5 Environmental Heritage - Part 1 Heritage Items

### Proposal

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

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

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

### Sandstone wall heritage listings

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

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

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

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

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

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

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

It is proposed that the listings be amended as follows:

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



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

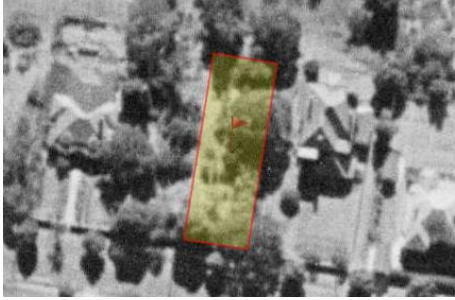



**Table 2** - Stone walls that are currently shown on the LEP Heritage Map but which warrant removal

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

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

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

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



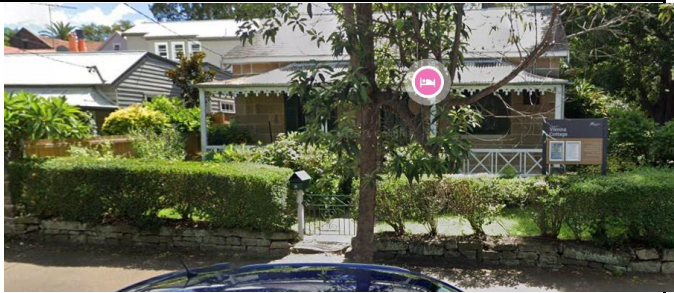

<p>50 Woolwich Road, Hunters Hill</p>	<p>A substantial and attractive stone wall is located on the street frontage. There are listed stone walls at nos. 48, 52 and 54. All the walls appear to relate to an earlier property that encompassed the three present day properties.</p> 	
<p>25 Wybalena Road, Hunters 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
<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</p> <p>(Vienna Cottage)</p>	
<p>7 Woolwich Road, Hunters Hill</p> <p>(pillars and stone wall of "Clifton")</p>	
<p>23 Wybalena Road, Hunters Hill</p>	<p>Stone walls along the western and southern boundaries.</p>

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

**Table 5 – Proposed inclusion of War Memorial Listings**

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

### 1.9 Schedule 5 Environmental Heritage - Part 2 Heritage Conservation Areas

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

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



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

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

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

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

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

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

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

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

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

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

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

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

- C450 – Figtree subdivision, DP 988

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

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

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

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

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

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

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

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

#### 3 Stanley Road Amalgamation

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

## Part 3 – Justification

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

### Section A – Need for the Planning Proposal

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

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

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

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

### Section B – Relationship to Strategic Planning Framework

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

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

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

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

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

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

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

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

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

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

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

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

**Table 7: Assessment against Section 9.1 Ministerial Directions**

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

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

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

No	Direction	Objective	Applicable	Consistency	Comment
		Glenfield and Macarthur is consistent with the plans for these precincts.			
1.10	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.	No	N/A	The LGA is located outside of the Western Sydney Aerotropolis area.
1.11	Implementation of Bayside West Precincts 2036 Plan	The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia, and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	No	N/A	The LGA is located outside of the Bayside West Precincts.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	The LGA is located outside of the Cooks Cove Precinct area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).	No	N/A	The LGA is located outside of the St Leonards and Crows Nest 2036 Plan area.
1.14	Implementation of Greater Macarthur 2040	The objective of this direction is to ensure that development within the Greater Macarthur	No	N/A	The LGA is located outside of the Greater Macarthur growth area.



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

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

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

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

No	Direction	Objective	Applicable	Consistency	Comment
		(b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan.			
Design and Place					
N/A					
Biodiversity and Conservation					
3.1	Conservation Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	Yes	The PP seeks to facilitate the protection and enhancement of environmentally sensitive areas and will not reduce the conservation standards that apply to land within the LGA.
3.2	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.	Yes	No (minor inconsistency)	The PP contains provisions that facilitate the conservation of areas of heritage significance. As such, the PP is inconsistent with the terms of this direction. However, it is considered that the proposed inconsistency is minor, as the PP seeks to amend anomalies and errors identified in relation to heritage listings and to reflect specialist advice provided to Council in relation to heritage listings.
3.3	Sydney Drinking Water Catchment	The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment.	No	N/A	The LGA is located outside of the areas identified in the Ministerial Direction.
3.4	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and	No	N/A	The LGA is not located within the Far North Coast.

No	Direction	Objective	Applicable	Consistency	Comment
		overlays to land on the NSW Far North Coast.			
3.5	Recreational Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	No	N/A	The PP does not seek to enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	No	N/A	The PP does not apply to land that is identified as avoided land or a strategic conservation area.
3.7	Public Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: (a) preserving: <ul style="list-style-type: none"> <li>i. biodiversity and habitat corridors,</li> <li>ii. links between public bushland and other nearby bushland,</li> <li>iii. bushland as a natural stabiliser of the soil surface,</li> <li>iv. existing hydrological landforms, processes, and functions, including natural drainage lines,</li> </ul>	Yes	Yes	The PP would seek to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland in accordance with this direction. This would be achieved through strengthening conservation provisions within the LEP applying to the LGA, as outlined within this PP.

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

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



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

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

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

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

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

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

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

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



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

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

## Section C – Environmental, Social and Economic Impact

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

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

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

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

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

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

## Section D – State and Commonwealth Interests

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

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

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

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

## Part 4 Mapping

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

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

## Part 5 Community Consultation

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

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

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

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

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

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

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

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

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

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

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

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

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

## Part 6 Project Timeline

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

**Table 8 - Project Timeline**

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

## Summary and Conclusion

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

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

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

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

This matter was also reported to the Hunters Hill LPP meeting of 28 March 2024. As a result of its consideration of this matter, the LPP Resolved: *The LPP advises Council that it supports the attached Planning Proposal being referred to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.*

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

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

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

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

# Hunters Hill Municipality - Character Study

## Recommendations

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

### Controls - Discussion and Recommendations

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

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

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

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

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

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

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

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



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

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

Planning controls are necessarily limited and apply to specific areas and site types but to retain the overall character of the area it is necessary to align as many controls as possible to ensure that where new work or changes occur that this is undertaken within the context of the character of the area. This of course does not mean looking to replicate historic forms or the retention of everything that had been built. The history of the area is one of consistent and regular change, addition, 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

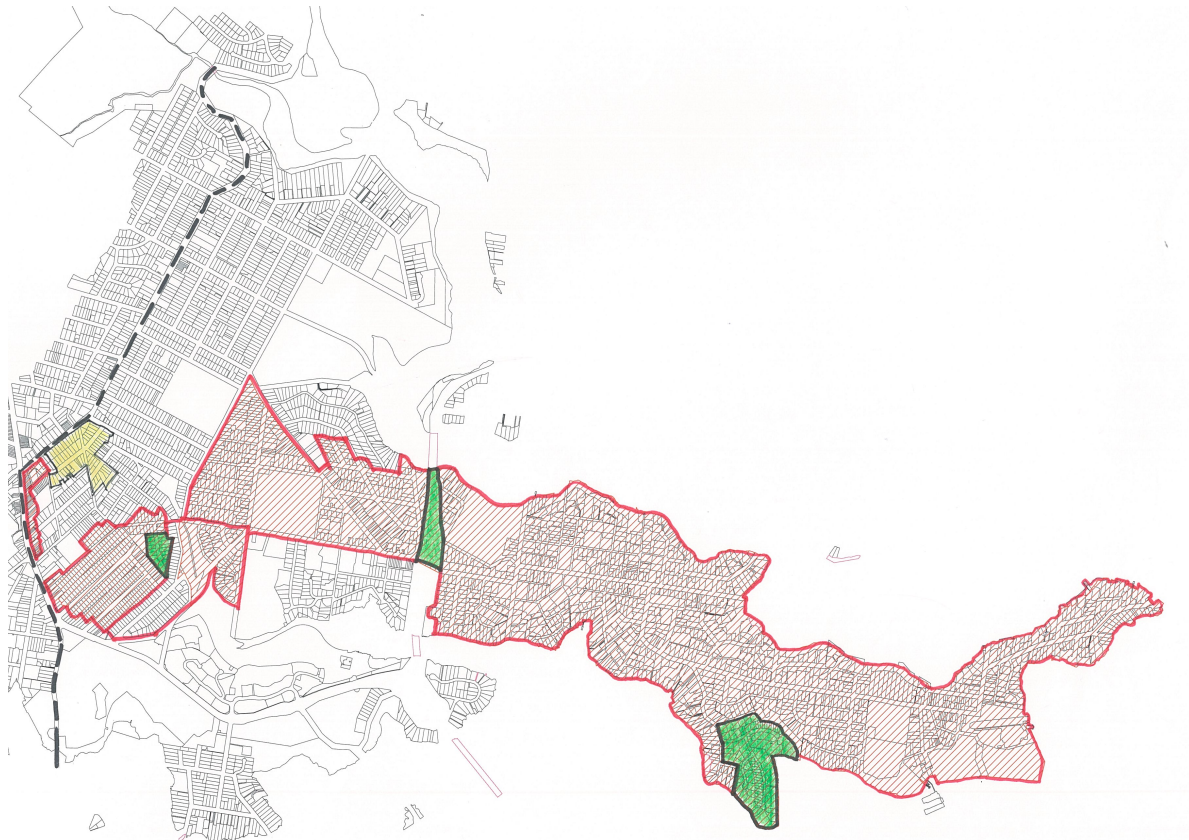


Figure 1: Municipality Map showing HCAs (outlined in red), the three areas recommended to be removed from the existing HCAs (coloured green) and the proposed new HCA off Pittwater Road (coloured yellow).

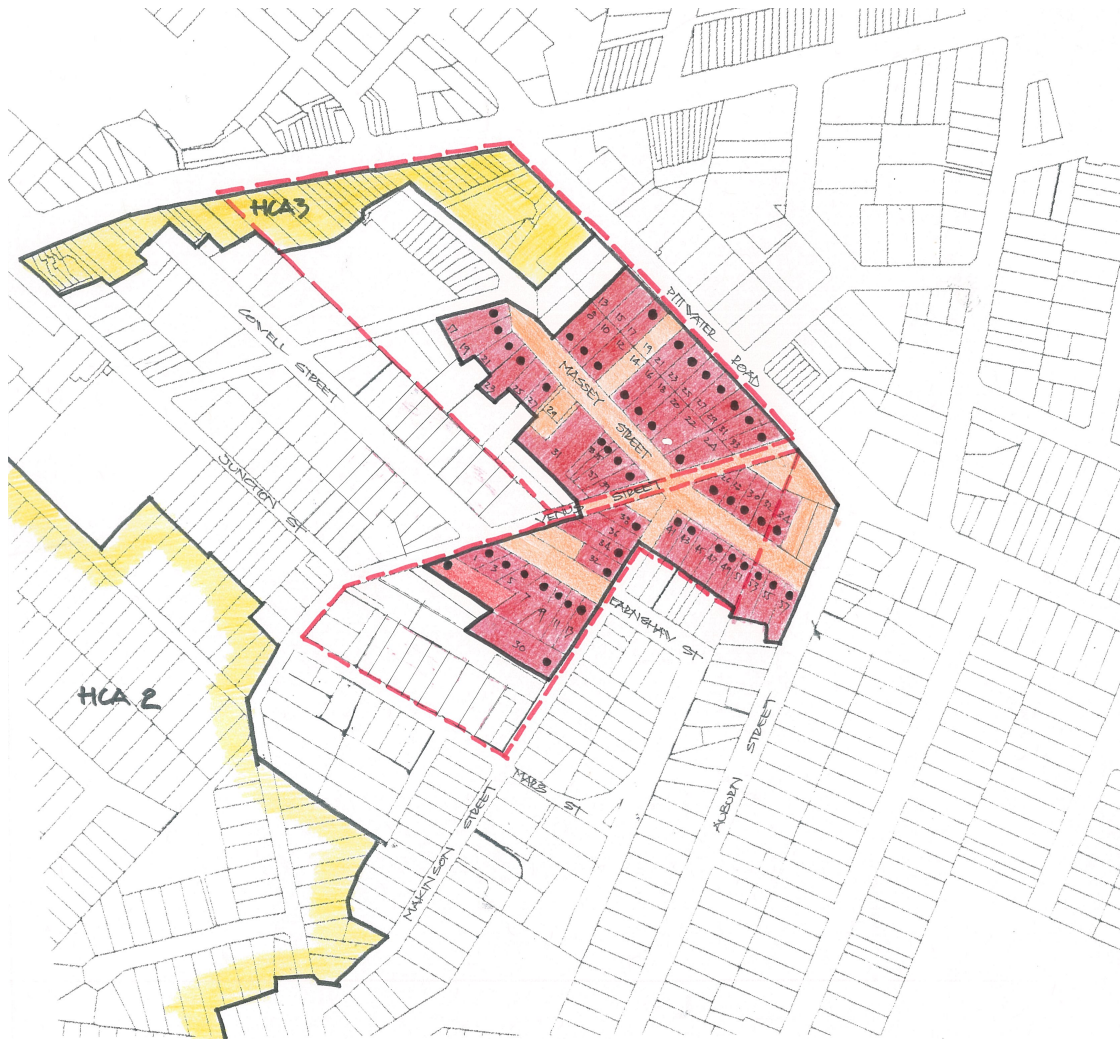


Figure 2: Detail of the proposed HCA fronting Pittwater Road centred around Massey Street. The lots coloured red are assessed as contributory, those with a black dot were previously identified as contributory in earlier studies. Within the proposed HCA there are a total of 66 lots comprising:

- 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.