

Ordinary Meeting
LATE ITEMS
27 March 2023 at 6.00pm



ORDER OF BUSINESS

- Attendance, Apologies,
Declarations of Interests
- 1 Confirmation of Minutes
 - 2 Business Arising
 - 3 Reports
 - 4 Other Business

Charter of Respectful Behaviour

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

HUNTER'S HILL COUNCIL
ORDINARY MEETING OF COUNCIL
27 March 2023

LATE ITEMS

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ITEM NO	: 4.17
SUBJECT	: REPORT ON STATUS OF THE LEP AND DCP REVIEW
STRATEGIC OUTCOME	: MAINTAIN THE CHARACTER AND AMENITY OF HUNTERS HILL
ACTION	: PREPARE AND REVIEW STRATEGIC LAND USE STRATEGIES, POLICIES AND PLANS, SUCH AS THE LEP AND DCP
REPORTING OFFICER	: KIERAN METCALFE

Ref:630647

PURPOSE

The purpose of this report is to update Council on the status of Hunters Hill Local Environmental Plan 2012 (HHLEP) and Hunters Hill Consolidated Development Control Plan 2013 (DCP) Review and the timeline for submission of the draft LEP and planning proposal to the NSW Department of Planning and Environment (DPE), in response to Council's Notice of Motion to the Council Meeting of 19 April 2022.

It is proposed to report back to Council each month on the review status until completed.

RECOMMENDATION

1. That the report be received and noted.

BACKGROUND

On 21 March 2022 Council considered a Notice of Motion regarding the LEP and DCP review:

1. *Summarises changes that are being considered to the existing Local Environment Plan LEP and Development Control Plan (DCP) in the current review.*
2. *Advises whether any Actions in Council's Local Strategic Planning Statement give rise to opportunities to improve the LEP and DCP, in terms of protecting and restoring the tree canopy and biodiversity corridors and if not whether such improvements to the LEP and DCP can be achieved by other means;*
3. *Sets out the stages of the LEP and DCP making processes and the timeline required by the Department of Planning and Environment (DPE)*
4. *Advises whether the timeline for the LEP and DCP Making Processes has been extended because of the three month delay in holding the Local Government elections and whether Council has grounds to request an extension to the timeline;*
5. *Reports on progress in preparation of Council's new LEP and DCP and whether Council has grounds to request an extension to the timeline.*
6. *Advises whether additional resources are required to deliver a new LEP and DCP that will continue to protect our cultural, built and natural heritage.*

REPORT

During March, the Hunters Hill Local Environmental Plan (LEP) 2012 and Hunters Hill Development Control Plan (DCP) 2013 review activities have focused on community and stakeholder consultation. The purpose of this consultation has been to provide an overview of the objectives of the review process and to seek initial stakeholder feedback.

This consultation included meetings with:

- The Hunters Hill Conservation Advisory Panel
- The Hunters Hill Trust
- Mr John Cole (former Council legal advisor)
- Mr Russell Young
- Local architects

Consultation with the broader community was also undertaken through a community meeting which was held on the evening of 15 March at the Hunters Hill Town Hall.

Key items raised through the above consultation included:

- Concern regarding the NSW Governments employment zones reform, including concern regarding the translation of B1 zones to E1 zones with regard to certain sites within the Municipality and the consultation process associated with this reform.
- The importance of maintaining the heritage values and character of the Municipality and mechanisms that may improve and strengthen the LEP and DCPs ability to achieve this.
- Examples of successful features within other LEPs and DCPs within Greater Sydney.
- The importance of defining 'who we are' as a community.
- The need for additional Council resourcing to better provide Council services related to heritage conservation.
- Reference to key resources which may assist in the LEP and DCP review.
- The importance of protecting the natural environment of the Municipality.
- Concern regarding the impact of some development on the topography of the Municipality.
- Concern that the Local Strategic Planning Statement (LSPS) aims and goals are that of the Property Strategy and Community Infrastructure Plan, which are embedded in the LSPS and not holistically desired.

- The importance of considering sustainability in the review.
- The importance of considering traffic impacts and parking demand associated with any change in land use, including any change associated with the Gladesville Town Centre.
- Options to provide greater functionality in the administration of the LEP and DCP.
- The importance of providing fit for purpose information as part of consultation, without the need to go into extensive detail.
- The importance of the landscaped area provisions of the LEP and DCP, and the need to ensure these provisions are clear and functional.
- The need for heritage contributory items to be mapped and for street scapes and special character to be identified.
- The importance of retirement living in Hunters Hill.
- The importance of meaningful heritage safeguards.
- Concern regarding clearing of trees and vegetation.
- The importance of ensuring the bulk and scale of development is appropriate in consideration of surrounding land use features.
- The need to ensure the LEP and DCP are contemporary and consider new and emerging technologies.

Feedback provided by stakeholders during March will be collated, reviewed and is intended to be reported to Council for consideration prior to further progression of the LEP and DCP review process.

Indicative timeframes for the delivery of an administrative review of the LEP and DCP are provided below.

LEP Timeframe

Task	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Pre lodgement process (including scoping report and initial consultation)	█	█	█	█									
Planning Proposal Development					█	█	█	█					
Gateway Determination								█					
Post Gateway									█				
Public Exhibition and Assessment										█	█	█	█
Finalisation													█

DCP Timeframe

Task	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov
Document research, initial consultation and drafting	■	■	■	■								
Follow up consultation and finalisation of draft documentation					■	■	■	■				
Report to Council Seeking Exhibition								■				
Public Exhibition									■			
Review of submissions and Update to DCP										■	■	
Report to Council Seeking Adoption												■

With regard to the translation of B1 zones to E1 zones as noted above, in December 2021, the reform of the employment zones was finalised by the NSW Government with the introduction of 5 new employment zones and 3 supporting zones into the Standard Instrument (Local Environmental Plans) Order 2006.

The NSW Government's Department of Planning and Environment (DPE) exhibited how business and industrial zones in Local Environmental Plans (LEP) across NSW are to be translated to employment zones.

The employment zones were introduced into 134 individual LEPs through six self-repealing SEPPs on 16 December 2022 but will not commence until 26 April 2023. Mapping for the employment zones is being delivered digitally via the NSW Government's planning portal, except where a council has elected to remain with PDF mapping.

The change from Business Zones to Employment Zones comes into effect on 26 April 2023. The changes do not impact on current heritage controls and current limits on height and floor space ratios (FSR), as these limits will continue to be prescribed by the existing LEP.

Hunter's Hill Council elected members were advised of legislative planning reforms, including changes from Business Zones to Employment Zones in April 2021 by the then General Manager, Lisa Miscamble. This communique was also published on Council's website as part of the Councillor Weekly Bulletin on 1 April 2021.

Council made the required submission via the Planning Portal to the Department of Planning on 31 January 2022 in response to the review of the Draft Final Instrument provided by the Department of Planning.

Hunter's Hill Council along with other NSROC councils, including; Ryde City Council, Lane Cove Council, Mosman Council and North Sydney Council did not conduct community consultation prior to lodging submissions with the State Government.

FINANCIAL IMPACT ASSESSMENT

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

ATTACHMENTS

There were no attachments to this report.

ITEM NO	: 4.18
SUBJECT	: FIGTREE PARK
STRATEGIC OUTCOME	: PARKS, SPORTSFIELDS AND PLAYGROUNDS SUPPORT INCLUSIVE AND ACCESSIBLE PLAY.
ACTION	: MANAGE AND MAINTAIN PARKS AND RESERVES
REPORTING OFFICER	: MITCHELL MURPHY

Ref:630858

PURPOSE

The purpose of this report is to provide Council with two options for consideration in relation to the upgrade of Figtree Park.

RECOMMENDATION

1. That Council receive and note the report.
2. That Council endorse either:

Option 1:

That Council withdraws the project from the Public Spaces Legacy Program and write to the Department of Planning, Industry & Environment (DPIE) advising them of Council's decision.

Option 2:

That Council proceeds with the project based on a revised design (as attached) that does not require the removal of any prescribed vegetation.

BACKGROUND

Hunter's Hill Council was advised on 06 May 2021 that we were successful in receiving \$4.75m under the NSW Public Spaces Legacy Program for the upgrade to Figtree Park.

At the Council meeting of 17 May 2021, Council unanimously voted for the funding agreement to be executed. The funding agreement was consequently signed by the Mayor of the day, Councillor Ross Williams on 17 June 2021.

Council then actively commenced community consultation in August 2021 to develop a concept plan for the upgrade to Figtree Park under the NSW Public Spaces Legacy Program. Engagement consisted of; formation of a Citizen Advisory Panel, online survey, online information sessions, social media, eNews and newsletters.

Following the compilation of community feedback, the project scope was finalised to include three key objectives. The key objectives were recommendations by the Citizen Advisory Panel and supported by Council and included:

- Maintaining the character of Hunters Hill and Figtree Park by improving the presentation and use of the area through public domain improvements.
- Reinstatement of a playground, water-sensitive design, use of sustainable and locally-sourced materials.
- Improved parkland and garden settings and ensuring the space is accessible and inclusive.

At Council Meeting held 21 March 2022 item 042/22

RESOLVED on the MOTION of Councillor Williams, seconded Deputy Mayor Krassoi:

1. That Council endorse the Concept Plan for Figtree Park as presented by Scott Carver and endorse the next steps noted in the report. CARRIED UNANIMOUSLY.

Additionally, at Council Meeting held 15 August 2022 item 162/22

RESOLVED on the MOTION of Councillor Williams, seconded Councillor Sanderson:

1. That Council support the General Manager's review of the Figtree Park DA for tree removal to allow for consideration of the community's response during the exhibition period opposing the extent of the proposed removal.
2. That the revised DA be brought back to a meeting of Council for endorsement prior to lodgment for determination. (NOTE: This was approved by resolution at the Council Meeting 21 November 2022).
3. That means of retention of the fountain and other issues raised at the meeting 4510 be considered as part of the review process.

Following a review of the original proposed concept plans for Figtree Park, which previously included an extensive new amenities facility, playground and removal of 37 trees, the project scope was significantly adjusted. Changes included a reduction in the size of the amenities facility and playground, in addition to a significant reduction in the number of trees to be removed.

The amended DA plans were independently assessed by TreeIQ, the Figtree Park Project Consultant Arborist. The final report was finalised and formed part of the DA submission to the Local Planning Panel (LPP). On 19 December 2022 the LPP assessed and refused this DA.

Council then sought a review of the LPP decision of 19 December 2022 by providing reasons/responses. There were 21 objections to the review. On 17 March 2023 the LPP once again assessed and refused the DA.

REPORT

Council has sought advice in relation to three options:

Option 1: Council withdraws the project from the Public Spaces Legacy Program.

Under this option:

- i. Council would write to the Department of Planning, Industry & Environment (DPIE) advising them of Council's decision.
- ii. Council would return unspent grant funds to the State Government, in accordance with the Funding Agreement.
- iii. No works would be done to Figtree Park, and Council would need to re-assess if the property at 48 Gladesville Road would be demolished at some future stage.

Option 2: Council proceed with the project based on a revised design that does not require the removal of any prescribed vegetation.

In relation to this option:

- i. The DPIE have confirmed that the revised design still meets the objectives of the Public Spaces Legacy Program, and that the project may proceed on the basis of the revised design.
- ii. Council has received planning advice confirming that the works in the revised design are either:
 - a. Development which may be carried out by a council without consent on a public reserve under the control of council, pursuant to Section 2.73(3) of the Infrastructure SEPP; or
 - b. Exempt Development, pursuant to Section 2.74 of the Infrastructure SEPP; or
 - c. Vegetation that is not prescribed by the Hunters Hill DCP 2013, and a consent or permit is not required for removal.
- iii. Based on the advice above, no further Development Applications are required for the works as per the revised design.
- iv. The principal changes in the revised design are changes to some pathway locations to ensure the protection of trees/root zones, and a re-routing of some underground services. The revised design will still provide the community with an amenities building, a playground, and vastly improve drainage, amenity, and accessibility.
- v. As the design changes are not considered significant in the context of the overall project scope, there is not a need to re-commence the tender process.
- vi. If Council chooses this option, it is envisaged that a recommendation for the award of the contract will be brought to council at the April 2023 meeting for consideration.

Option 3: Request that the unspent funding be allocated to an alternate Hunter's Hill Council project.

The DPIE have advised that consideration will only be given to grant funding reallocation to an alternate project if it is 'shovel ready' with consent/approvals in place, and able to demonstrate that the completion milestones are achievable. As Council does not have another project which meets these requirements, this is not an option.

CONCLUSION

Community consultation conducted in 2021 identified key objectives for improvements to Figtree Park which included: public access from Gladesville Road, Ryde Road, Matthew Street and Short Street, improved accessibility and the installation of a playground and amenities.

A revised design proposing enhancements to Figtree Park has been formulated that will result in increased public use and accessibility, improved drainage and amenities. DPIE have confirmed that the revised design is compatible with the objectives of the Public Spaces Legacy Program.

No further Development Applications are required should Council resolve to proceed with Option 2 as all works as per the revised design will be carried out without consent under Clause 2.73(3) of the Transport and Infrastructure SEPP.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report. Funding for the Figtree Park Project has been made available through the NSW Government Public Spaces Legacy Program.

ENVIRONMENTAL IMPACT ASSESSMENT

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

SOCIAL IMPACT ASSESSMENT

Activation of Figtree Park will promote active living, health and well-being, and provide facilities to meet the needs of all generations.

RISK ASSESSMENT

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

ATTACHMENTS

1. Revised Figtree Park Drawing 1 [↓](#)
2. Revised Figtree Park Drawing 2 [↓](#)



[Status]	FOR TENDER	
[Nom. Architect]	Esther Dickens RLA/RUD 1053	
[File]		
[Print Date]	23/03/2023 5:26:18 PM	
History		
[Rev#]	[Description]	[Date]
Q	FOR INFORMATION	23.03.2023

NOTE: SIGNAGE IS A PROVISIONAL SUM ITEM. SUBJECT TO TO FUTURE DEVELOPMENT. SIGNS SHOWN ON PLAN. ANNOTATIONS AND REFERENCES ARE INDICATIVE ONLY. FOR CONTEXT AROUND QUALITY, LOCATION AND SCOPE OF THE INDENTED FUTURE DEVELOPMENT.

- CURRENT SCOPE OF SIGNS UNDER DEVELOPMENT INCLUDES:
- PARK NAME/SIGNS (2)
 - GENERAL WAYFINDING SIGNAGE.
 - LILLY'S MEMORIAL.
 - PLAQUE FOR ROTARY.
 - PLAQUE RE NSW GOVT.
 - PLAQUE ON PARK HISTORY

LEGEND:

- LOT BOUNDARIES
- SITE BOUNDARY/EXTENT OF WORKS

- LA-101 - PLANTING ON GRADE
- LA-104 - LAWN / TURF
- EXISTING TREE - RETAINED & PROTECTED
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE
- PROPOSED TREE

FENCE TYPES

- FENCE TYPE 1
- FENCE TYPE 2

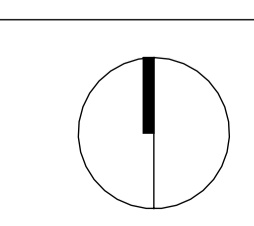
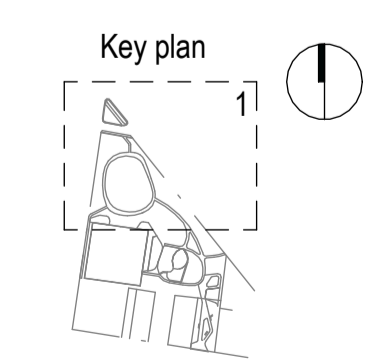
PAVING TYPES

- PV-201: 600 x 300 x 40mm EXPOLIATED STONE - LIGHT GREY
- PV-411 RESIN BOUND STONE PEBBLES
- PV-401 SOFTFALL RUBBER
- EXISTING CONCRETE PAVING
- AM-101 - METAL EDGING
- CO-092 IN-SITU CONCRETE KERB TO GARDEN EDGE

- ST-1XX SEAT ITEM
- ST-2XX SEAT ITEM
- FX-121 GARBAGE BIN

XXX EXISTING LEVEL (SPOT ELEVATION)

NOTE: INDICATIVE LEVELS ONLY. REFER TO CIVIL DRAWINGS.



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